



**GOVERNMENT OF THE
PUNJAB
Estacode
[Edition 2019]**

**Regulations Wing,
Services and General Administration
Department**

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NOTIFICATION

The 4th June, 1974

No. PAP/Legis-2(5)/74/62 – The Punjab Civil Servants Bill, 1974 having been passed by the Provincial Assembly of the Punjab on the twenty-ninth day of May, 1974 and assented to by the Governor of the Punjab on the 4th day of June, 1974, is hereby published as an Act of the Provincial Legislature of the Punjab.

THE PUNJAB CIVIL SERVANTS ACT, 1974

Punjab Act No. VIII of 1974

(First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary), dated the 4th June, 1974).

To regulate the appointment to, and the terms and conditions of service in respect of the services of the Province of the Punjab.

Preamble

WHEREAS it is expedient to regulate by law, the appointment to, and the terms and conditions of the services of the Province of the Punjab, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. Short title, application and commencement

- (1) This Act may be called the Punjab Civil Servants Act, 1974.
- (2) It applies to all civil servants wherever they may be.
- (3) It shall come into force at once.

CHAPTER - I
PRELIMINARY

2. Definitions

- (1) In this Act, unless there is anything repugnant in the subject or context,-
- (a) “ad hoc appointment” means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
 - (b) “civil servant” means a person who is a member of a civil service of the province or who holds a civil post in connection with the affairs of the Province, but does not include—
 - (i) a person who is on deputation to the province from the Federation or any other province or authority;
 - (ii) a person who is employed on contract, or on work-charged basis, or who is paid from contingencies; or
 - (iii) a person who is a 'worker' or 'workman' as defined in the Factories Act, 1934 (XXV of 1934) or the Workmen's Compensation Act, 1923 (VIII of 1923);
 - (c) "Government" means the Government of the Punjab;
 - (d) "initial recruitment" means appointment made otherwise than by promotion or transfer;
 - (e) "pay" means the amount drawn monthly by a civil servant as pay, and includes technical pay, special pay, personal pay and any other emoluments declared as pay by the prescribed authority;
 - (f) "permanent post" means a post sanctioned without limit of time;
 - (g) "prescribed" means prescribed by rules;
 - (g-a) “proforma promotion” means predating of promotion of civil servant or retired civil servant with effect from the date of regular promotion of his junior, for the purpose of fixation of pay and payment of arrears as may be prescribed;
 - (g-b) “promotion” means appointment of a civil servant to a higher post in the service or cadre to which he belongs;

•Sub-sections (g-a) and (g-b) added vide notification No. No. PAP/Legis-2(18)/2005/721 dated 15th April 2005.

- (h) "province" means the Province of the Punjab;
 - (i) "rules" means the rules made or deemed to have been made under this Act;
 - (j) "selection authority" means the Punjab Public Service Commission, departmental selection board, departmental selection committee or other authority or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made; and
 - (k) "temporary post" means a post other than a permanent post.
- (2) For the purpose of this Act, an appointment whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

CHAPTER - II

TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

3. Terms and conditions

The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.

4. Appointments

Appointments to a civil service of the province or to civil post in connection with the affairs of the Province, shall be made in the prescribed manner by the Governor or by a person authorized by him in that behalf.

5. Probation

(1) An initial appointment to a service or post referred to in Section 4, not being an ad hoc appointment, shall be on such probation and for such period of probation as may be prescribed.

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

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

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

6. Confirmation

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

(2) A civil servant promoted to a post ~~*(or grade)~~ on probation shall, on satisfactory completion of his probation, be confirmed in such post ~~*(or grade)~~ as may be prescribed.

*Deleted by the Punjab Civil Servants (Amendment) Ordinance, 1984, circulated vide Notification No. Legis: 3 (2)/84 dated 22.07.1984.

(3) A civil servant promoted to a post ~~*(or grade)~~ on regular basis shall be confirmed after rendering satisfactory service for such period as may be prescribed.

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

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

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

7. Seniority

(1) Seniority on initial appointment to a service, cadre, ~~*(grade)~~ or post shall be determined in the prescribed manner.

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

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

(3) For proper administration of ^{**}(service or cadre) the appointing authority shall from time to time cause a seniority list of the members of such (service or cadre) to be prepared.

(4) Subject to the provisions of sub-section (3), the seniority of a civil servant in relation to other civil servants belonging to the same ^{**}(service or cadre), whether serving in the same department or office or not, shall be determined in such manner as maybe prescribed.

#8. Promotion

(1) A civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he belongs in a manner as may be prescribed; provided that he possesses the prescribed qualifications.

(2) Promotion including proforma promotion shall not be claimed by any civil servant as of right.

*Deleted by the Punjab Civil Servants (Amendment) Ordinance, 1984, circulated vide Notification No. Legis: 3 (2)/84 dated 22.07.1984.

@Substituted vide Notification No. Legis:3(2)/84 dated 22.07.1984.

**Substituted for the words "service, cadre or grade" by the Punjab Civil Servants (Amendment) Ordinance, 1984.

Section 8 substituted vide notification No. PAP/Legis-2(18)/2005/721 dated 15.04.2005.

(3) Promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of the higher post, and shall in no case be granted from the date of availability of post reserved for promotion.

(4) A civil servant shall not be entitled to promotion from an earlier date except in the case of proforma promotion.

(5) A retired civil servant shall not be eligible for grant of promotion; provided that he may be considered for grant of proforma promotion as may be prescribed.

(6) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as follows:-

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

¹(7) Notwithstanding anything contained in this section, if a civil servant dies or superannuates after the selection authority recommends his promotion to a higher post and before he assumes the charge of the higher post, the competent authority may approve promotion of such a civil servant with effect from the day immediately before the day of his death or superannuation.

♣8-A. Omitted.

9. **Posting and transfers**

Every civil servant shall be liable to serve anywhere within or outside the province in any post under the Government of the Punjab or the Federal Government or any provincial Government or a local authority or a corporation or a body set up or established by any such Government:

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

10. **Termination of service**

- (1) The service of a civil servant may be terminated without notice –
 - (i) during the initial or extended period of his probation:

¹ In section 8, after sub-section (6), sub-section (7) added vide Notification No. PAP-Legis 2(106)/2011/724 dated 30.07.2012.

♣Section 8-A omitted vide Notification No. PAP-Legis-2(41)/2006/869 dated 17.10.2006.

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

- (ii) If the appointment is made on ad hoc basis liable to termination on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) In the event of a post being abolished or number of posts in a cadre or *(service) being reduced the services of the most junior person in such cadre or *(service) shall be terminated.

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

11. **Reversion to a lower @post**

A civil servant appointed to a higher post or ** (before the commencement of the Punjab Civil Servants (Amendment) Ordinance, 1984 to a higher grade) on ad hoc or officiating basis, shall be liable to reversion to his lower post # (or ~~grade~~) without notice.

@@11-A. **Certain persons to be liable to removal or reversion**

Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from the first day of January, 1972 to the 5th day of July, 1977, may be removed from service or reverted to his lower post ##(,) without notice, by the Governor of the Punjab or a person authorized by him in this behalf on such date as the Governor of the Punjab or, as the case may be, the person so authorized may, in the public interest, direct.

*Substituted for the word "grade" by the Punjab Civil Servants (Amendment) Ordinance, 1984.

@Substituted for the words "grade or service" by the Punjab Civil Servants (Amendment) Ordinance, 1984.

**Inserted by the Punjab Civil Servants (Amendment) Ordinance, 1984.

#Deleted by the Punjab Civil Servants (Amendment) Ordinance, 1984.

@@Section 11-A was added by the Punjab Civil Servants (Amendment) Ordinance, 1978.

##Coma inserted and the words "or grade, as the case may be" were deleted by the Punjab Civil Servants (Amendment) Ordinance, 1984.

***12. Retirement from service**

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

Explanation: In this section "competent authority" means the appointing authority prescribed in rule 6 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

13. Employment after retirement

(1) A retired civil servant shall not be re-employed under the Government unless such re-employment is necessary in the public interest and is made, except where the appointing authority is the Governor, with the prior approval of the authority next above the appointing authority.

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

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

14. Conduct

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

15. Efficiency and discipline

A civil servant shall be liable to such disciplinary action and penalties and in accordance with such procedure as may be prescribed.

♣Substituted by the Punjab Civil Servants (Amendment) Ordinance, 2001 vide Notification No. Legis.13-LVII/2000 dated 8th August 2001.

16. Pay

A civil servant appointed to a post ~~@(or grade)~~ shall be entitled, in accordance with the rules, to the pay sanctioned for such post ~~@(or grade)~~:

Provided that, when the appointment is made on a ^{**}(current charge or acting charge basis in the manner prescribed) or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has been dismissed or removed from service or reduced in rank, he shall, in the event of the order of dismissal, removal from service or reduction in rank being set aside, be entitled to such arrears of pay as the authority setting aside the order may determine.

17. Leave

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

18. Pension and gratuity

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

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

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

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

[@]Omitted by the Punjab Civil Servants (Amendment) Ordinance, 1984, (Punjab Ordinance No. II of 1984), circulated vide Notification No. Legis:3(2)/84 dated 22.07.1984.

^{**}Substituted for the words "current charge basis" by Punjab Civil Servants (Amendment) Ordinance, 1983.

19. Provident Fund

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

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

20. Benevolent Fund and Group Insurance

All civil servants and their families shall be entitled to the benefits admissible under the *(West Pakistan) Government Servants Benevolent Fund Ordinance, 1960 and the *(West Pakistan) Government Employees Welfare Fund Ordinance, 1969 and the rules made thereunder.

21. Right of appeal or representation

(1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is allowed to a civil servant by any rules applicable to him, such appeal or application shall, except as may otherwise be prescribed, be made within sixty days of the communication to him of such order.

(2) Where no provision for appeal or review exists in the rules in respect of any order, a civil servant aggrieved by any such order may, except where such order is made by the Governor, within sixty 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~~).

*Now 'Punjab'. See Punjab Laws (Adaptation) Order, 1974.

@Omitted by the Punjab Civil Servants (Amendment) Ordinance, 1984 (Punjab Ordinance No. II of 1984) circulated vide Notification No. Legis: 3(2)/84 dated 22.07.1984.

CHAPTER-III
MISCELLANEOUS

22. Saving

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

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

#22A. Indemnity.— No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done in his official capacity which is in good faith done or intended to be done under this Act or the rules, instructions or directions made or issued thereunder.

##22B. Jurisdiction barred.— Save as provided under this Act and the Punjab Service Tribunals Act, 1974 (IX of 1974), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the Governor or any officer authorized by him shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance of any power conferred by, or under, this Act or the rules made thereunder.

***22C. Appointment of Federal civil servants.** — (1) Notwithstanding anything contained in this Act, the Government may, by notification, appoint a person to a civil service of the Province or to a post in connection with the affairs of the Province who immediately before the commencement of the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) was holding a post in connection with the affairs of the Federation and whose services have been transferred to the province in the wake of the said amendment Act 2010.

(2) The Government shall, in the prescribed manner, determine the terms and conditions of service of the civil servants appointed under subsection (1) including cadre and seniority.

Added by the Punjab Civil Servants (Amendment) Ordinance, 2002 (XXVII of 2002). Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution

Ibid

* Added vide notification No. SOR-III(S&GAD)1-22/2012(A) dated 08.09.2014.

CHAPTER-IV

RULES

23. (1) The Governor, or any person authorized in this behalf may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

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

24. **Repeal of Punjab Ordinance No. II of 1974**

The Punjab Civil Servants Ordinance, 1974 (Punjab Ordinance No. II of 1974), is hereby repealed.

Note: The powers to make rules under Sub Section (1) of Section 23 were delegated to the Chief Minister vide Notification No. SOR.III(S&GAD)1-14/75 dated 20.12.1993:

"In exercise of the powers conferred on him by sub-section (1) of Section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to authorize the Chief Minister, Punjab to make rules under the Act."

**GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT**

NOTIFICATION

The 24th August 1974

No. SOR-III-1-5/74 – In exercise of the powers conferred by Section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules, namely:-

**THE PUNJAB CIVIL SERVANTS
(APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 1974**

PART I – GENERAL

1. (1) These rules may be called the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.
- (2) They shall come into force at once.
- (3) They shall apply to all civil servants.

Definitions –

2. (1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:
- (a) “All-Pakistan Unified Grades” has the same meaning as in All Pakistan Services (Change in Nomenclature) Rules, 1973;
- (b) “Appointing Authority” in relation to a post means the person authorized under rule 6 to make appointment to the post;
- (c) “Autonomous or Semi-autonomous Organization” means an organization set up under a law by the Government as a unit separate from the formal departmental organization;
- (d) “Board” means a Selection Board and includes a Provincial Selection Board;
- (e) “Commission” means the Punjab Public Service Commission;
- (f) ***“Committee”** means a Departmental Promotion Committee or a Selection Committee;
- (g) “Department” has the same meaning as in the Punjab Government Rules of Business, 1974;
- (h) “Functional Unit” means a group of posts or a part of such group sanctioned as a separate unit in or under a Department;

*Substituted vide Notification No. SOR.III(S&GAD) 2-122/89 dated 20.12.1989.

- (i) “Grade” has the same meaning as in the Punjab Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1974; and
 - (j) “Post” means a post in connection with the affairs of the Province.
- (2) Words and expressions used but not defined shall bear the same meanings as they bear in the Punjab Civil Servants Act, 1974.
3. (1) Appointment to posts shall be made by promotion, transfer or initial recruitment, as may be prescribed by the Government in relation to the posts in a grade from time to time:

@Provided that where as a result of retrenchment in, or re-organization of a Government Department/office or an Autonomous or Semi-Autonomous Organization set up by the Government, certain posts or cadres are abolished and Government decides, by a special order, to absorb persons rendered surplus in consequence thereof, such persons may be absorbed against such posts in such manner and on such terms and conditions as may be determined by the Government;

^Provided further that absorption shall be made on the recommendation of:

- a) the Commission, for all posts in and above BS-16 and such other posts in BS-11 to 15, initial recruitment to which is notified by the Government to be made on the recommendation of the Commission; and
- b) the Committee constituted by the Chief Minister or an officer authorized by him in that behalf, for all other posts.

Provided further that for purposes of seniority, persons absorbed as above shall be treated as having been appointed by initial recruitment with effect from the date they take over charge in the absorbing functional unit/cadre.

²Provided further that where no equivalent post is available, he may be offered a lower post in such manner and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post, the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected.

(2) Appointments by promotion or transfer shall be made in accordance with Part-II and by initial recruitment in accordance with Part-III of these rules.

(3) The appointment shall be made from among such persons possessing such qualifications and fulfilling such other conditions as may be prescribed by the Government from time to time.

@ Added vide No. SOR.III-2-21/87 dated 17.02.1988.

^ Proviso substituted vide Notification No. SOR-III(S&GAD)-2-32/88 dated 24.07.2007.

²Added vide Notification No. SOR.III.2-32/88 dated 19.09.2001.

•4. (1) The Government may constitute such Selection Boards and Selection/Promotion Committees to make selection for appointment by initial recruitment, promotion or transfer for posts, as may be specified by the Government from time to time.

(2) The composition, functions and responsibilities for such Boards and Committees and the procedure to be observed by such Boards and Committees shall be determined by the Government.

(3) The Government in relation to various posts for which a Committee and a Board have concurrent jurisdiction, shall, by general or special order, specify the post for which selection shall be made by a Committee or Board.

5. Where an appointing authority other than the Chief Minister does not accept the recommendation of a committee or a board, it shall record reasons thereof and obtain orders of next higher authority and act accordingly.

*6. Notwithstanding anything to the contrary contained in any service rules, the authorities competent to make appointment to various posts shall be as follows:

Posts	Appointing Authorities
(i) BS-19 and above	Chief Minister
(ii) BS-18	A) Chief Minister for posts included in Schedule-IV to the Punjab Government Rules of Business, 1974. B) For other posts: (a) Chief Secretary for a post of Deputy Secretary, District Officer and an equivalent post of the Provincial Management Service; (b) Administrative Secretary for a post in a Department; (c) Chairman of the Commission for a post in the Commission; and (d) ^Δ Chairman of the Technical Education and Vocational Training Authority for an employee of the Government transferred to the Technical Education and Vocational Training Authority.
(iii) BS-16 & 17	(a) Administrative Secretary for posts in the Department concerned; (b) Advocate General for posts in his office; (c) Chairman of the Commission for posts in the Commission; (d) Inspector General of Police for the posts of

•Substituted vide Notification No. SOR.III(S&GAD) 2-15/87(II) dated 14.05.2004.

*Rule 6 amended vide Notification No.SOR-III(S&GAD)1-15/2003-P dated 09.09.2010.

^ΔThe words “Chief Operating Officer” substituted with the word “Chairman” vide Notification No. SOR-III(S&GAD)1-15/2003(P) dated 17.10.2011.

- Deputy Superintendents of Police;
- (e) ^ΔChairman of the Technical Education and Vocational Training Authority for Government employees transferred to the Technical Education and Vocational Training Authority; and
 - (f) Any other authority, prescribed as appointing authority, for posts in BS-16, in the relevant service/recruitment rules.

(iv) BS-1 to 16

Respective authorities exercising such powers immediately before the commencement of these rules or such authorities as may hereafter be empowered.

7. (1) A person appointed to a post in a grade against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise; provided that the appointing authority may extend the period of probation by a further period not exceeding two years in all.

Explanation– Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) No person shall be confirmed in a post unless he has successfully completed such training and passed such departmental examination as may be prescribed.

(3) If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

(4) Subject to the provisions of sub-rule (2) above, if no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

*Provided that in case of grant of extraordinary leave during the period of probation of two years, the name of the person will be removed from the seniority list and placed on a static list with no claim to promotion, seniority or confirmation for the period he remained on EOL.

(5) A probationer, who has satisfactorily completed his period of probation against a substantive vacancy, shall be confirmed with effect from the date of his continuous appointment in such a vacancy:

^ΔThe words “Chief Operating Officer” substituted with the word “Chairman” vide Notification No. SOR-III(S&GAD)1-15/2003(P) dated 17.10.2011.

*Proviso added, after Rule 7(4) vide Notification No. SOR.III-2-52/99 dated 20.11. 2001.

Provided that where the period of his probation has been extended under the provisions of sub rule (1) of this rule, the date of confirmation shall, subject to the other provisions of this rule, be the date on which the period of a probation was last extended.

•7-A. Lien.– Notwithstanding anything in any other rules, a confirmed civil servant shall acquire lien against the substantive post held by him when he is relieved as a consequence of his selection against some other post, cadre or service in the service of Pakistan, and he shall retain his lien in the relieving department until he is confirmed in the said other post, cadre or service or for a maximum period of three years whichever is earlier and the said period of lien shall in no case be extended.

8. The seniority inter se of persons appointed to posts in the same grade in a functional unit shall be determined:

(1) *(a) In the case of persons appointed by initial recruitment, in accordance with the order of merit, assigned by the selection authority:

Provided that the persons, selected for appointment to the grade in an earlier selection shall rank senior to the persons selected in a later selection;

Provided further that for the purpose of determination of inter se seniority of persons selected through the Combined Competitive Examination, marks obtained by the persons in the Combined Competitive Examination, evaluation marks obtained by the persons in training and marks obtained in the final passing out examination conducted by the Commission shall have weightage as may be prescribed.

(b) In the case of persons appointed otherwise, with reference to the dates of their continuous appointment in the grade; provided that if the date of continuous appointment in the case of two or more persons appointed to the grade is the same, the older if not junior to the younger in the next below grade, shall rank senior to the younger person.

Explanation I– If a person junior in a lower grade is promoted to a higher grade on ad hoc basis, in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in the higher grade.

Explanation II– If a person junior in a lower grade is promoted to higher grade by superseding his senior and subsequently the latter is also promoted, the promoted first shall rank senior to the one promoted subsequently.

Explanation III– Subject to the provisions of rule 14 of these rules, a junior appointed to a higher grade shall be deemed to have superseded his senior only if both the junior and the senior were considered for the higher grade and the junior was appointed in preference to the senior.

•Added vide Notification No. SOR-III(S&GAD)1-25/2002 dated 03.01.2011.

*Sub-rule (1), paragraph (a) substituted vide Notification No. SOR-III(S&GAD)1-12/2000(P) dated 17.05.2012.

(2) The seniority of the persons appointed by initial recruitment to the grade vis-à-vis those appointed otherwise shall be determined with reference to the date of continuous appointment to the grade; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment; provided further that inter se seniority of person belonging to the same category will not be altered.

Explanation– In case a group of persons is selected for initial appointment at one time, the earliest date on which any one out of the group joined the service will be deemed to be the date of appointment of all persons in the group. Similarly in case a group of persons is appointed otherwise at one time in the same office order the earliest date on which any one out of the group joined the service will be deemed to be the date of appointment of all persons in the group. And the persons in each group will be placed with reference to the continuous date of appointment as a group in order of their inter se seniority.

(3) Notwithstanding the provisions of this rule, the seniority lists already prepared in accordance with the rules applicable immediately before the commencement of these rules shall be construed as seniority lists for the respective new grades in respect of persons already in service and amendments therein shall continue to be made in accordance with those rules to settle inter se seniority disputes among them.

*Provided further that in case of extraordinary leave without pay beyond 05 years, the name of the person to whom such leave is granted will be removed from the seniority list and placed on a separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period and his name will be brought back on the seniority list only after he resumes duty on return and his seniority shall be determined after deducting the period he remained on EOL beyond 5 years. If approved for promotion he will not regain his seniority.

*Proviso added, after Rule 8(3) vide Notification No. SOR.III-2-52/99 dated 20.11.2001.

PART-II
APPOINTMENT BY PROMOTION,
TRANSFER OR DEPUTATION

9. ~~*(1)~~ Appointments by promotions or transfer to posts in various grades shall be made on the recommendations of the appropriate Committee or Board.

~~*(2)~~ Omitted

10. Only such persons as possess the qualifications and meet the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Selection Authority.

***10-A. Appointment on acting charge basis –**

(1) Appointment on acting-charge basis may be made in the manner hereinafter prescribed.

♥(2) The appointing authority may fill a post reserved for departmental promotion by appointing on acting-charge basis, the most senior civil servant of the cadre or service concerned, who possesses at least three fourth of the prescribed length of service or the experience for the post or both, as the case may be, and is otherwise eligible for promotion except for the prescribed length of service and the experience.

(3) Where the appointing authority is satisfied on report of the selecting authority that no suitable officer is available to fill a post in a grade 17 and above reserved under the rules to be filled by initial recruitment and it is expedient not to allow the post to remain unfilled, it may appoint to that post on acting-charge basis the most senior officer eligible for promotion to that post.

(4) No appointment on acting charge basis shall be made against a post which is likely to remain vacant for period of less than six months.

(5) No appointment on acting charge basis shall be made without the recommendations of the Departmental Promotion Committee or the Provincial Selection Board as the case may be, but such appointment shall not be deemed to have been made on regular basis for any purpose nor shall confer any right for regular appointment.

@10-B. Appointment on current charge basis –

(1) Where a post is likely to remain vacant for a period of less than ♦one year and the appointing authority does not consider it expedient to make an

♦Sub-rule (2) omitted and in sub-rule 1 brackets and figure “(1)” also omitted vide Notification No. SOR-III(S&GAD)-1-25/2002 dated 15.05.2006.

*Added vide Notification No. SOR.III-1-14/75 dated 26.02.1983.

♥Substituted vide Notification No. SOR-III(S&GAD) 1-25/2002 dated 26.05.2007.

@Substituted vide Notification No. SOR.I(S&GAD)16-32/94 dated 04.09.1994. (Previous version of the rule available at page 23).

appointment on ad hoc basis, it may appoint the senior most civil servant, who in the opinion of the appointing authority, is eligible and suitable for promotion under the relevant rules, on current charge basis.

(2) An appointment made on current charge basis shall come to an end on appointment of a person on regular basis or on the expiry of ♦one year, whichever is earlier.

**11. Appointment by transfer may be made if transfer is prescribed in the relevant service rules as a method of appointment to such post:

(i) from one functional unit to another functional unit if the person holds an appointment on regular basis in the same basic scale and rank as that of the post to which appointment by transfer is proposed to be made provided he possesses the qualifications prescribed for initial recruitment to such posts; or

(ii) from amongst persons holding appointments in Federal Government and other provinces of Pakistan if the person fulfills conditions of appointment to the post to which he is transferred and satisfies such other conditions as may be laid down by the Government in this respect:

Provided that persons holding posts in All Pakistan Unified Grades may be appointed by transfer to a certain number of posts as may be determined from time to time.

12. Until the rules laying down the qualifications and other conditions for the purposes of promotion are made, no person shall be promoted to a post in higher grade on regular basis unless he has passed such test as may be specified by the appointing authority to be conducted by the selection authority:

Provided that the Government may dispense with the requirement of passing the test in relation to such posts as may be specified.

13. **Appointment by promotion on officiating basis**

(i) Where a post falls vacant as a result of deputation, *posting outside cadre, leave, suspension or appointment on acting-charge basis of the #(regular) incumbent or is reserved under the rules to be filled by transfer, if none is available for transfer, the appointing authority may make appointment by promotion against such post on officiating basis:

♦The words “six months” substituted with the words “one year” in sub-rule (1) and (2) vide Notification No. SOR.III-2-58/97 dated 09.09.1999.

♦The words “six months” substituted with the words “one year” in sub-rule (1) and (2) vide Notification No. SOR-III-2-58/97 dated 09.09.1999.

**Substituted vide Notification No. SOR-III-1-14/75 dated 17.10.1993. (Previous version of the rule is available at page 23).

*Substituted vide Notification No. SOR-III(S&GAD)1-14/75 (P) dated 26.10.1992.

Deleted vide Notification No. SOR-III-1-14/75 dated 23rd July 1990.

♣ Provided that a post reserved for regular promotion, on deferment of a civil servant due to any reason, may be filled by promotion on officiating basis.

(ii) No person shall be promoted on officiating basis unless he possesses the qualifications and experience prescribed for the post and his promotion as such is approved by the chairman of the appropriate selection authority.

(iii) An officiating promotion shall not confer any right of promotion on regular basis but shall be liable to be terminated as soon as a person becomes available for promotion on regular basis.

(iv) Officiating promotion shall be made on the same terms and conditions as to pay as are prescribed for regular appointment by promotion.

*14. All persons holding posts in the same functional unit who possess the minimum qualifications and experience prescribed for a higher post reserved for departmental promotion, shall be eligible to compete for promotion in the manner and subject to the conditions as may be prescribed.

**14-A. Out of turn promotion.

Omitted.

♣15. **Deputation.**— (1) A person in the service of an autonomous or semi-autonomous organization or Federal Government, or other Provinces, or Gilgit-Baltistan, or Azad Jammu & Kashmir, who possesses minimum educational qualification, experience or comparable length of service prescribed for the post, shall be eligible for appointment, on deputation, to the said post for a period not exceeding three years at a time, on such terms and conditions as the Government, in consultation with the lending Government or organization, may determine.

(2) Subject to any other rule or order of the Government, a civil servant, who fulfills the conditions and is considered suitable, may be sent on deputation, for a period not exceeding three years, to an autonomous or semi-autonomous organization or Federal Government, or other Provinces, or Gilgit-Baltistan or Azad Jammu & Kashmir, on such terms and conditions, as the appointing authority, in consultation with the borrowing Government or organization, may determine.

(3) The borrowing Government or organization shall make pension contribution in respect of a civil servant for the period he remains on deputation.

(4) A civil servant on deputation shall be treated to have been repatriated on the completion of the period of deputation, initial or extended, and

♣ Proviso added vide Notification No. SOR-III(S&GAD)1-25/2002 dated 22.03.2007.

* Substituted vide Notification No. SOR-III-1-14/75 dated 28.07.1987. (Previous version of the rule is available at page 24).

** Rule 14-A, omitted vide Notification No. SOR-III(S&GAD) 1-25/2002 dated 02.11.2007.

♣ Rule 15 substituted vide Notification No. SOR-III(S&GAD)1-25/2002 dated 13.05.2011. (Previous version of the rule is available at page 24).

such a civil servant shall immediately report back for duty to his parent department, and any delay on his part shall be construed as 'willful absence from duty'.

(5) A civil servant who fulfills the conditions and is considered suitable may, on the recommendations of the Special Selection Board for Deputation Abroad, be sent on deputation abroad.

(6) The maximum period of deputation abroad of a civil servant shall ordinarily be three years but it may, on the request of the civil servant or his employer and in sole discretion of the Government, be extended up to two years.

(7) A civil servant on deputation with an international organization at an office of the organization in Pakistan shall be deemed to be on deputation abroad for the purposes of sub-rule (6).

PART-III

INITIAL APPOINTMENT

♦16. Initial recruitment to the posts in Grade 16 and above and such other posts in BS-11 to BS-15 as are notified by the Government, except those which, under the Punjab Public Service Commission (Functions) Rules, 1978, do not fall within the purview of the Commission or which are specified to be filled without reference to the Commission, shall be made on the basis of the examination or test conducted by the Commission.

17. Initial appointment to all posts in grades 1 and above except those filled under rule 16, shall be made on the basis of examination or test to be held by the appropriate committee or the board, as the case may be, after advertisement of the vacancies in newspapers, or in the manner to be determined by the Government.

@@ 17.A. Notwithstanding anything contained in any rule to the contrary, whenever a civil servant dies while in service or is declared invalidated/incapacitated for further service, one of his unemployed children **or his widow/wife may be employed by the Appointing Authority against a post to be filled under rules 16 and 17 for which he/she possesses the prescribed qualification and experience and such child **or the widow/wife may be given 10 additional marks in the aggregate by the Public Service Commission or by the appropriate Selection Board or Committee provided he/she otherwise qualifies in the test/examination and/or interview for posts in BS-6 and above.

•Provided further that only one child or widow or wife of an employee who dies during service or is declared invalidated or incapacitated for further service, if otherwise eligible for the post, shall be appointed to a post in BS-1 to BS-11 in the department where the Government servant was serving at the time of the death or the declaration, without observance of the procedural requirements prescribed for such appointment.

#18. (1) A candidate for initial appointment to a post must possess the prescribed educational qualifications and experience and also, except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post:

Provided that experience, where prescribed, would include equivalent experience, to be determined by the Government in a profession or in the service of an autonomous or semi-autonomous organization or a private organization.

♦Substituted vide Notification No. SOR.III-1-14/75 dated 20.05.2001. (Previous version of the rule is available at page 25).

@@ Substituted vide Notification No. SOR.III-2-42/92 dated 28.08.1993. (Previous version of the rule is available at page 25).

**The words “or his widow/wife”, “or widow/wife” and “the widow/wife” added respectively, vide Notification No. SOR-III-2-42/92(P-II) dated 12.04.2003.

• Substituted vide Notification No. SOR-III(S&GAD)2-02/2012 dated 24.09.2017

#Rule 18 was renumbered as 18(1) and sub-rule (2) was added vide Notification No. SOR.III-1-14/75 dated 01.04.1976.

(2) (i) Where recruitment is to be made on the basis of a written examination, age shall be reckoned as on the first of January of the year in which the examination is proposed to be held; and

(ii) in other cases, as on the last date fixed for submission of applications for appointment.

*19. (1) No person shall be appointed to a post unless he is a citizen of Pakistan, provided that this restriction may be relaxed by Government in suitable cases.

(2) No person, who has married a foreign national, shall be appointed to a post:

Provided that the Government, in its sole discretion and for reasons to be recorded, may relax this restriction in case of a person who has married a citizen of a country recognized for the purpose by the Federal Government.

@20. Vacancies in various posts shall be filled in accordance with merit on all Punjab basis from amongst the persons domiciled in the Punjab; but, the Government may, by notification in the official gazette, reserve posts for persons belonging to any class or area to secure their adequate representation in the service of Pakistan.”

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

#21.A (1) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the Principal Academic Officer of the academic institution last attended and also certificates of character from two responsible persons not being his relatives who are well acquainted with his character and antecedents.

(2) Notwithstanding anything in sub rule (1) an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed to the satisfaction of the appointing authority.

♥(3) Alteration in the date of birth.

The date of birth once recorded at the time of joining Government service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible.

*Rule 19 renumbered as 19(1) and sub rule (2) added vide Notification No. SOR.III-1-14/75 dated 01.04.1976, which was substituted vide Notification No. SOR-III(S&GAD)1-13/2011, dated 09.06.2011. (Previous version of the rule is available at page 26).

@ Rule 20 substituted vide Notification No.SORIII(S&GAD)1-28/2018 dated 25.05.2018.

#Added vide Notification No. SOR.III-1-14/75 dated 01.04.1976.

♥ Added vide Notification No. SOR.III-1-14/75 dated 15.11.2000. (*Also reflected in Punjab Financial Rules (Rule 7.3).*)

* (4) The appointing authority shall complete the process of appointment within one hundred and ninety days from the date of issue of recommendations by the Punjab Public Service Commission and no request for extension in the joining time as specified in the offer of appointment shall be entertained.

(5) If a person to whom offer of appointment has been issued fails to join his post within the period specified in the said offer of appointment, his selection shall automatically stand cancelled.

#21.B. **Change of Name.**- (1) At any time during service, the Chief Minister, in case of an Administrative Secretary, and the Administrative Secretary in all other cases may accept the change of the name of a civil servant on the basis of the change effected in the academic records and the computerized national identity card issued under the National Database and Registration Authority Ordinance 2000 (*VIII of 2000*) of such a civil servant:

Provided that the change of the name of a female civil servant as a result of her marriage or divorce, may be accepted only on the basis of the change effected in the computerized national identity card.

(2) A change of name in terms of sub-rule (1) shall be duly notified.

*After sub-rule (3), sub-rules (4) and (5) added vide Notification No. SOR-III(S&GAD)-1-25/2002 dated 22.10.2006.

#Added vide Notification No. SOR.III-1-7/2011 dated 21.03.2011.

PART-IV

AD HOC APPOINTMENTS

22. (1) When a post is required to be filled, the appointing authority shall forward a requisition to the selection authority immediately after decision is taken to fill the post.

(2) After forwarding a requisition to the selection authority, the appointing authority may, if it considers necessary in the public interest, fill the post on ad hoc basis for a period not exceeding *one year pending nomination of a candidate by the selection authority:

Provided:

- (1) the vacancy is advertised properly in the newspapers;
- (2) the appointment is made of a person duly qualified in accordance with the provisions of the rules and orders applicable to the post;
- (3) the selection is made on the basis of merit determined by objective criteria;
- (4) the appointment order certifies that a requisition has been sent to the selection authority; and
- (5) the appointment is made subject to revocation at any time by the competent authority;

Provided further that ad hoc appointment shall not confer any right on the persons so appointed in the matter of regular appointment to the same post nor the service will count towards seniority in the grade.

@(3) Deleted

*Substituted for the words "six months" vide Notification No. SOR.III-1-39/78 dated 14.06.1982.

@ Deleted vide Notification No. SOR.III-1-14/75 dated 11.03.1975. (Previous version of the rule is available at page 26).

PART-V
RELAXATIONS

23. *The Chief Minister may, for special reasons to be recorded in writing, relax any of the rules in any individual case of hardship, to the extent prescribed by him.

*Substituted vide Notification No. SOR.III-1-14/75 dated 20.12.1993. (Previous version of the rule is available at page 26).

ANCILLARY INSTRUCTIONS

FRAMING OF SERVICE/RECRUITMENT RULES

No. SOR-III(S&GAD) 6-14/2009

Dated the 12th November, 2009

NOTIFICATION

The Chief Minister, Punjab has been pleased to re-constitute the Service Rules Committee (SRC) in the Regulations Wing, S&GAD, with immediate effect, as under:

- | | | |
|-------|---|----------------------|
| (i) | Secretary (Regulations)
S&GA Department | Chairman |
| (ii) | Secretary Punjab Public Service
Commission (PPSC) | Member |
| (iii) | Deputy Secretary (Regulation)
Law & P.A. Department | Member |
| (iv) | Deputy Secretary (PC)
Finance Department | Member |
| (v) | Representative of the
Administrative Department | Member |
| (vi) | Under Secretary/Section Officer
(Regulations-III) S&GA Department | Secretary/
Member |
| (vii) | Committee may co-opt a technical expert
working in any Government Department
or a representative of the concerned University. | Member |

2. This supersedes the Regulations Wing, S&GAD's letter bearing No. SOR-III-2-6/91 dated 24.02.1992.

No.SORII(S&GAD)2-54/76

Dated the 25th September,
1980

SUBJECT:PROMOTION TO HIGHER POSTS FROM VARIOUS FEEDING SUB-CADRES ON THE BASIS OF SENIORITY RESERVED FOR EACH SUB-CADRE

I am directed to address you on the subject noted above and to say that some service rules provide for reservation of certain over all percentage of higher posts for promotion from amongst members of more than one lower cadres which are placed in different pay scales. In such cases, it becomes difficult to determine the rotation in which promotion posts should be allocated to various feeding cadres. Where the number of vacancies is limited, prior accommodation of cadres with higher pay scales results in virtual denial of promotion prospects to other cadres.

Similarly rotation on the basis of date of continuous officiation in the combined seniority lists may also have the tendency to tilt in favour of members of a particular cadre.

2. In order to ensure that the members of all the feeding cadres get their due share in promotion, it has been decided that where the sources of induction by promotion are more than one, all departments should get specific ratio prescribed in the existing service rules in proportion to the strength of each feeding cadre so as to enable all feeding cadres to get their due share in promotion to higher posts. The combined seniority lists should be prepared on the basis of continuous officiation in the respective feeding cadre but promotion should be allowed according to the prescribed share or ratio of each feeding cadre.

3. It has further been decided that till necessary amendments are carried out in service rules of individual cadres, the above principle should be adopted for purposes of promotion wherever a post is required to be filled from amongst persons belonging to more than one cadre. However, if some ratio has already been fixed in the service rules for promotion to higher posts from amongst more than one feeding cadres, promotion should continue to be made according to that ratio until an amendment on the basis of the above principle is made in those rules. As regards the requisite amendment in the service rules, the Administrative Departments are requested to take up the matter with the Service Rules Committee through the Regulations Wing of SGA&I Department in accordance with instructions laid down in this Department's circular letter No.SOR-III-1-2/76 dated 22.11.1979.

No. SOR.III-1-2/76
Dated the 29th December 1981

Subject: PROCEDURE FOR SUBMISSION OF CASES TO SERVICE RULES COMMITTEE

I am directed to say that the procedure for submission of cases to the Service Rules Committee in respect of framing of service rules and amendments thereto circulated vide this department's letter of even number, dated the 22nd November, 1979 is not being followed by most of the departments with the result that unnecessary delay occurs in the finalization of their proposals. The manner and procedure for sending proposals for framing of service rules for posts which have no rules and making amendments in the existing rules is reiterated below for strict observance:

- 1) All proposals for framing of new service rules and amendments in the existing rules should be accompanied by a working paper (ten copies) explaining the background and justification for the proposal particularly where existing rules are required to be amended. As already emphasized in this department circular of even number dated 7th October, 1981 it is requested that while sending proposals for framing of new service rules and making amendments in the existing rules the qualifications proposed for appointment to the posts should suit the requirements of the job. Change in existing ratios of requirement between direct appointees and promotees should also not be disturbed unless absolutely necessary in the public interest.

- 2) In addition to above the following documents (ten copies each) may also be sent to this Department:
 - (i) For new service rules:
 - (a) A schedule at *Annexure-I duly completed.
 - (b) A list of duties of the post in the pro forma at **Annexure-II
 - (c) Piecemeal proposals for framing of service rules shall not be entertained. The administrative departments are requested to furnish a certificate that service rules for all posts in the functional unit have been framed and no post is left out.
 - (d) Organizational chart of the department/office in which the post/posts are located indicating the number of sanctioned posts at each level in the organization.
 - ii) For amendments in the existing service rules—
 - (a) A comparative statement showing the existing provisions of the relevant service rules and the proposed amendments @(Annexure-III)
 - (b) A copy of the existing service rules.
 - (c) A list of duties of the post in the pro-forma at Annexure-II.
 - (d) Organizational Chart of the department/office in which the post is located indicating the number of posts at all levels in the organization.

2. In order to make firm commitments on behalf of the administrative departments sponsoring proposals for framing of service/recruitment rules or making amendments thereto, the administrative secretary or the head of attached department concerned should attend the meeting of Service Rules Committee. In case of their inability to attend the meeting a representative of administrative department, not below the rank of a Deputy Secretary, fully conversant with the proposals, should attend the meeting and should be in a position to make firm commitment on behalf of the administrative secretary concerned. It may kindly be impressed upon the representatives of administrative departments who attend the meetings that discussions of the committee should be kept strictly confidential till finalization of recommendations of the committee. It may also be ensured that the proposals are thoroughly examined from all angles before these are sent for submission to the Service Rules Committee.

3. The Service Rules Committee has decided that the proposals received from departments for framing of new service rules or amendments in the existing rules, if deferred for want of relevant information required by the Committee, or absence of the representative of administrative department concerned from the meeting without

* See page No.32.

** See page No.33.

@ See page No.33.

prior intimation, shall be removed from the agenda of the Committee till receipt of a further reference from the administrative department concerned. Draft Notification (in triplicate) based on the recommendations of the Committee should be forwarded to Regulations Wing of S&GAD within a week of the receipt of the minutes of the Service Rules Committee so that the rules can be notified without unnecessary delay.

4. The existing service rules, which were notified prior to the coming into force of Punjab Civil Servants Act, 1974, should be brought in conformity with the requirements of the said Act, in a consolidated form on the prescribed schedule including therein all the existing as well as new posts in all grades falling in a functional unit.

Annexure-I

**SCHEDULE
(For new posts)**

Name of Deptt.	Functional unit	Name of post with grade	Appointing Authority	Minimum qualification for appointment		Method of recruitment	Age for initial recruitment		Examination, training and other conditions required for confirmation
				Initial recruitment	Promotion		Min.	Max.	
1	2	3	4	5	6	7	8	9	10

Annexure-II

JOB DESCRIPTION

1. Title/description of the post with grade.
2. Duties of the post.
3. Number of posts in the Grade and Functional Unit.
4. Number of posts in the next below tier in the functional unit.
5. Number of posts in the next above tier in the functional unit.

Annexure-III

SCHEDULE

(For existing posts)

Name of the post with Department _____

Qualification for appointment				Age for initial recruitment						
By initial recruitment or transfer		Promotion		Minimum		Maximum		Method of recruitment		Reasons for amendment
Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	

No. SOR.III-1-2/76
Dated the 13th September 1982

Subject: PROCEDURE FOR SUBMISSION OF CASES TO SERVICE RULES COMMITTEE

I am directed to say that the Service Rules Committee has decided that in future proposals for framing of Service Rules or amendments therein should be accompanied by, besides other documents, working papers signed by the Administrative Secretary concerned. Proposal received without all the necessary documents will not be considered by the Committee.

No. SOR.III-2-6/91

Dated the 3rd February 1991

Subject: SUBMISSION AND REPRESENTATION OF PROPOSALS REGARDING FRAMING OF/AMENDMENT IN SERVICE RULES BY ADMINISTRATIVE DEPARTMENTS FOR CONSIDERATION OF SERVICE RULES COMMITTEE

I am directed to refer to the above subject and to state that it has been noticed that Administrative Departments forward proposals for framing of or amendment in service rules without bringing the same to the notice of the Minister Incharge. Approval for such proposals by the Minister Incharge is necessary. Administrative Departments, therefore, should forward all proposals for framing of or amendment in service rules after getting approval of the Minister Incharge.

2. The Chairman of the Service Rules Committee/ACS Punjab has also taken notice of the fact that officers representing the Departments are not well prepared. I am directed to request that only officers fully conversant with the proposal and position of existing rules, who can make commitment on behalf of administrative department, should be deputed to attend the meeting.

3. These instructions may kindly be noted for compliance.

No. SOR.III-2-11/74
Dated the 21st September 1982

Subject: FRAMING OF SERVICE RULES FOR THE WORK CHARGED ESTABLISHMENT SINCE REGULARIZED

In 1972 Government had decided that the contingencies paid staff engaged by Government should be converted into regular establishment over a period of two years from the financial year 1972-73. Most of the work-charged establishment has, therefore, been regularized, but there are still several categories who, do not fall within the definition of civil servant as given in the Punjab Civil Servants Act, 1974. Section 2 of the Act defines a civil servant as a person who is a member of a civil service of the province or who holds office in connection with the affairs of the province but does not include a person who is a "worker" or "workman" as defined in the Factories Act, 1934 or the Workmen's Compensation Act, 1923. Service Rules for such employees cannot, therefore, be framed under the Punjab Civil Servants Act, 1974. For obvious reasons, they cannot at the same time be left without determination of terms and conditions of their appointments to service. Government has, therefore, decided that the terms and conditions of service should be prescribed even in respect of its employees who are not civil servants in the form of administrative instructions indicating the qualifications, experience, method of recruitment and age limits which should be expected of the applicants for appointment to such posts. Guidance may be had in this regard from the provisions of West Pakistan Industrial and Commercial (Standing Orders) Ordinance, 1968 as well as of Industrial Relations Ordinance, 1969.

2. All Administrative Departments are accordingly requested to kindly prescribe the terms and conditions of appointment and service of all non-civil servants employees under their administrative control. The matter should be given

Top Priority and copies of instructions issued in this regard be supplied to this Department within a fortnight.

No. SOR.I-9-5/74
Dated the 8th April 1974

Subject: QUALIFICATIONS, ETC., FOR POSTS AS ARE NOT COVERED
BY THE EXISTING SERVICE/RECRUITMENT RULES

I am directed to say that despite the clarification conveyed in para 2 of this Department's letter No. SORI(S&GAD-16-2/71 (Policy), dated the 18th August, 1971, some Administrative Departments have advertised the posts or placed requisitions with the Punjab Public Service Commission for the posts which are not covered by any of the existing Service/Recruitment Rules and have specified the qualifications by themselves. This has resulted in anomalies. As already explained, a proposal for framing of Service/Recruitment Rules or an amendment in any of the existing Rules, remains a proposal unless it has gone through the entire process and has been formally promulgated by the orders of the Chief Minister. Normally, therefore, no post which is not covered by any of the Service/Recruitment Rules should be advertised nor a request in respect of such a post be placed with the Punjab Public Service Commission. Where this may not be possible, in cases of extreme urgency, the Administrative Departments are requested to obtain clearance from this Department with regard to qualifications for a post not covered by any of the existing rules, whether it is to be advertised by the Administrative Department itself or a requisition for it is to be placed with Public Service Commission.

2. I am to request that observance of these instructions may kindly be ensured in future.

No. SOR.I(S&GAD)-16-77/77
Dated the 31st December 1977

Subject: PLACING OF REQUISITION WITH THE PUBLIC SERVICE
COMMISSION

I am directed to invite your attention to the *ban imposed by the Finance Department on filling vacancies in view of financial stringency and to say that the Public Service Commission has pointed out that the Departments continue to place requisitions for filling vacancies without obtaining clearance from the Finance Department. Similarly, requisitions are placed with the Commission for filling posts which are not covered by any Service Rules. Such requests obviously result in embarrassing situations for the Commission and also create unnecessary frustration among the selected candidates who find that their appointments are not possible either due to Finance Departments ban on filling vacancies or on account of absence of Service Rules. It is requested that requests for recruitment should not be made to the Commission unless exemption has been obtained from the Finance Department and concurrence of S&GAD has been sought to fill the posts in the absence of

*Ban imposed by Finance Department was subsequently removed hence obtaining exemption from Finance Department is no longer required.

Service Rules, as provided in S&GAD's letter No. SORI (S&GAD)9-5/74, Dated 8th April, 1974. The Public Service Commission will not entertain any requisitions for selection of candidates against vacancies in the absence of clearance certificates from the aforesaid Departments.

No. SOXII(S&GAD)5-10/62
Dated the 6th March 1963

In exercise of the powers conferred by sub-clause (b) of clause (2) of Article 178 of the Constitution of the Islamic Republic of Pakistan, the Governor of West Pakistan is pleased to authorize the High Court of West Pakistan to make rules prescribing the terms and conditions of service of the ministerial establishment of the Courts subordinate to the High Court of West Pakistan and of the process — servers in those courts, subject to the condition that the rules shall require the previous approval of the Governor.

No. SOR.III-2-56/89
Dated the 16th August 1989

Subject: EQUIVALENCE OF QUALIFICATIONS

I am directed to say that in recruitment rules for various posts relevant qualifications for appointment stand specified. In some of these rules along with specific qualifications the words or “equivalent qualifications” also appear. At times the Public Service Commission does not have adequate information about equivalence of qualifications possessed by the candidates who apply for such jobs advertised by the Commission and it becomes difficult for the Commission to determine eligibility or otherwise of the candidates.

2. In order to cope with such situations, it has been decided that in cases specific qualifications stand laid down in the recruitment rules, the Punjab Public Service Commission should not entertain equivalent qualifications unless it is specifically mentioned as such in the rules but if it is so mentioned in the rules, the Administrative Department should specify such qualifications through a notification so that the Punjab Public Service Commission is not misled.

3. All Administrative Departments are requested to kindly do the needful at once under intimation to all concerned.

No. SOR.III(S&GAD)2-3/2004
Dated the 8th November 2004

NOTIFICATION

In exercise of the powers conferred upon him under Section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to order as under:

- 1) In the service/recruitment rules of various categories of posts of all Administrative Departments framed under the section *ibid*, after the prescribed qualification, the following shall be added:

“or any other equivalent qualification as may be determined by the Government”

- 2) A Qualification Equivalence Determination Committee (QEDC) is constituted for each Administrative Department with the following composition:

- | | | |
|-------|---|-------------|
| (i) | Administrative Secretary | Chairperson |
| (ii) | Secretary, PPSC | Member |
| (iii) | Representative of the Regulations Wing, S&GAD, not below the rank of a Deputy Secretary | Member |
| (iv) | Representative of the Education Department not below the rank of a Deputy Secretary | Member |
| (v) | Representative of the relevant field or fields from the concerned University to be nominated by Secretary Education | Member |

- 3) The QEDC is authorized under the section *ibid* to consider and approve cases for determination of equivalent qualification for a specific post/category of posts on a reference made either by the Administrative Department itself or the Punjab Public Service Commission.
-

RELAXATION OF RULES

No. SOR.I(S&GAD)-9-1/73 (A)

Dated the 1st October 1973

Subject: RELAXATION OF THE CONDITION OF MINIMUM AGE LIMIT

I am directed to refer to this Department's circular letter No. SOIV (S&GAD) 9-12/64 (Policy), dated the 20th May, 1969, enjoining that no person should be appointed in Government service who does not fulfill the conditions about the minimum age limit without first obtaining the approval of this Department, and to say that the question of appointment of persons below the age of 18 years in service has been further considered in consultation with the Law Department. Entry into service and terms and conditions thereof are basically contractual in nature and a contract with a minor is void ab initio. It will, therefore, not be possible to hold a minor accountable for his acts. In view of this legal position, it has been decided that minors should in no case be taken in service and their cases for relaxation of the condition of minimum age limit will not be considered.

2. Minimum age limit in different Service Rules is prescribed keeping in view the required maturity of the person for a particular job and relaxation cases cannot be entertained except in very special circumstances. Exceptional cases for relaxation of lower age limit in the case of persons who are above 18 years but below the minimum age prescribed in the relevant rules should, therefore, continue to be referred to the Service, General Administration and Information Department.

No. SORI(S&GAD) 9-454/87

Dated the 16th March 1988

Subject: EX-POST FACTO RELAXATION OF THE SERVICE RULES

It has come to the notice of the Chief Minister Punjab that the appointing authorities make appointments of persons who do not fulfill the conditions of appointment such as age without obtaining the requisite relaxation of rules from the competent authority before making such appointments. The competent authorities including the Chief Minister are, therefore, asked to allow ex-post facto relaxation of rules. Such course of action which amounts to violation of rules is being adopted by the departments as a matter of routine and the competent authorities are presented with fait accompli. It has, therefore, been decided that all proposals involving violation of law and irregularities may be proceeded against under the Efficiency and Discipline Rules. Consequently no proposal for post-facto relaxation of rules shall be entertained by this Department in future.

RELAXATION OF UPPER AGE LIMIT RULES

NOTIFICATION

The 10th January 1962

No. SOXII(S&GAD)2-34/61-In pursuance of the Presidential Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of *~~(the West Pakistan)~~ the Punjab is pleased to make the following rules, namely:

1. (1) The rules may be called *~~(the West Pakistan)~~ The **Punjab Delegation of Powers (Relaxation of Age) Rules, 1961.**

(2) They shall apply in respect of all the services and posts under the Government of *~~(West Pakistan)~~ the Punjab, except such services and posts as may be specified by Government by notification in the official gazette.

(3) They shall come into force at once.

2. Notwithstanding anything to the contrary contained in any service or recruitment rules in force in *~~(West Pakistan)~~ the Punjab or in any part thereof, the authorities and officers specified in column 2 of the Schedule annexed to these rules may, for reasons to be recorded, relax up to ** (the extent mentioned in column 4) the maximum age limit prescribed for recruitment to any post or service specified against such authority or officer in column 3 of the Schedule.

3. The powers conferred under these rules shall be in addition to and not in derogation or powers to relax age qualifications delegated or conferred under any other rules or orders for the time being in force in *~~(West Pakistan)~~ the Punjab.

*The words "The West Pakistan" were substituted by the words "The Punjab" vide Notification No.SORI(S&GAD)-9-36/81 dated 3rd August 1988.

*The words "The West Pakistan" were substituted by the words "The Punjab" vide Notification No.SORI(S&GAD)-9-36/81 dated 3rd August 1988.

** Amended, vide Notification No.SORI(S&GAD)9-36/81 dated 10th November 1981.

*The words "The West Pakistan" were substituted by the words "The Punjab" vide Notification No.SORI(S&GAD)-9-36/81 dated 3rd August 1988.

***SCHEDULE**

Sr. No.	Authorities competent to relax maximum age prescribed for recruitment	Services and posts in respect of which relaxation is permissible.	Limit up to which age can be relaxed
1	2	3	4
1.	Administrative Secretary	All the services and posts meant for initial recruitment	Up to 5 years across the board, to appear as part of advertisement
2.	** Deputy Commissioner	All the services and posts meant for initial recruitment falling under the domain of District Government	Up to 5 years across the board, to appear as part of advertisement

Note: The authorities specified in column 2 above shall relax the prescribed upper age limit upto 3 years across the board for female candidates, over and above any age relaxation mentioned in column 4 and it shall appear as part of advertisement.

=====

No. SORI(S&GAD) 9-36/81
Dated the 27th July 1999

Subject: RELAXATION IN UPPER-AGE LIMIT

I am directed to refer to the subject noted above and to state that consequent upon the amendment in the schedule appended to the Punjab Delegation of Powers (Relaxation of Age) Rules, 1961, vide S&GAD Notification of even No. dated 21st June, 1999, the general relaxation in the upper age limit by 5 years in respect of the vacancies in BS-1 to 15, under the administrative control of the Punjab Government and autonomous bodies, excluding the Police Department, vide this department's circular letter No. SORI(S&GAD)9-3/92 dated 9th May, 1994 is hereby withdrawn.

=====

No. SORI(S&GAD) 9-36/81
Dated the 11th September 1999

Subject: THE PUNJAB DELEGATION OF POWERS (RELAXATION OF AGE) RULES, 1961 AS AMENDED UP TO 21.06.1999

I am directed to refer to the subject noted above and to state that according to the entry at Sr. No. (ii) of the schedule appended to the Punjab Delegation of Powers (Relaxation of Age) Rules, 1961, as amended up to 21.06.1999, the Administrative Secretaries, are empowered to grant relaxation up to 8 years in upper

*Schedule substituted vide Notification No. SORI(S&GAD) 9-36/81 dated 21.05.2012.

** The words 'District Coordination Officer' substituted with 'Deputy Commissioner' vide notification No.SOR-I(S&GAD)9-36/81 dated 14.04.2017

age limit in cases where a “highly qualified” candidate applies for a particular post to be specified by them, within their respective Departments.

2. A question has arisen as to how the qualifications, higher than those prescribed in the service rules for a particular post, should be co-related with the acceptability of request for the grant of relaxation of upper age limit in terms of the above said rules.

3. The matter has been examined in the Regulation Wing of the S&GAD and it has been decided as under:

- a) Posts may be identified by the Administrative Secretaries for which job related higher qualification is considered expedient for efficient disposal of the business assigned to the holder of the post.
- b) These should normally not include the posts of clerical/ministerial and official nature in BS-1 to BS-16.
- c) Only those posts be identified as might be highly technical/professional and would need to be manned by holders of competitive professional qualifications.

4. As regards classification of higher qualification for the purpose of recruitment to the aforesaid posts, it may be clarified that:

- a. Only job-oriented higher qualification as would add excellent to the profession would be considered for the purpose of relaxation in upper age limit.
- b. The criterion of job-oriented higher qualifications may be left to the discretion of the administrative secretary concerned. These could be M. Phil, LLM, LLD, PhD or FRCS/FCPS, etc. in relation to the posts in the relevant fields.
- c. Up to a maximum of 8 years, prescribed in the schedule, as aforesaid, the number of years which should normally be spent in pursuing those studies, subject to satisfaction of the competent authority, may be subtracted from the age of the candidate to determine his age limit for the post applied for.

These qualifications should be instrumental in improving performance on the job leading to excellence. Mere higher academic qualification prescribed under recruitment/service rules of the post shall not entitle a candidate to relaxation of age under this category. The difference between a highly qualified person and a person holding higher qualification need to be appreciated.

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

NOTIFICATION

The 1st April 1976

No.SOR-III-9-1/72-In exercise of the powers conferred by section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules to relax the upper age limit prescribed for recruitment to various posts namely:

1. a) These rules may be called the **Punjab Civil Servants Recruitment (Relaxation of Upper Age Limit) Rules, 1976.**
- b) These rules shall apply to the recruitment of all posts.
- c) They shall come into force at once.

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

- i) "Schedule Castes" means the castes, races or tribes or parts of groups within castes, races or tribes declared to be schedule castes under any law in force in the Punjab or so declared by Government for the purposes of various services/Recruitment Rules and;
- ii) "Under-developed Area" means the Baluch Area of D.G. Khan District and such other areas as Government may declare to be under-developed areas for the purposes of various services/Recruitment Rules.
- *iii) "Disabled person" means a person who, on account of injury, disease or congenital deformity, is handicapped for under taking any gainful profession or employment in order to earn his livelihood, and includes a person who is blind, deaf, physically handicapped or mentally retarded:

Provided that only such disabled persons should be eligible to be considered for job reserved for disabled persons, who are duly registered with the Employment Exchange of the area and have been declared to be disabled and fit for work of a particular job by the Provincial Council as defined in Section 5 of Disabled Persons (Employment and Rehabilitation) Ordinance, 1981.

3. Notwithstanding anything to the contrary contained in any rules applicable to any post or service:

- ♦i) Omitted.
- **ii) In the case of a person whose services under Government have been terminated for want of vacancy the period of service already rendered

* Added vide Notification No. SORI(S&GAD)-9-252/88 dated 25.03.1989.

♦ Omitted vide Notification No.SORI(S&GAD)9-36/81 dated 04.11.2006.

** Amended vide Notification No.SORIII-9-1/72 dated 30.04.1979.

by him shall for the purposes of upper age limit under any rule, be excluded from his age; and

- *iii) In the case of Ex-Defence Forces officers/personnel, the entire period of service rendered by them in the Defence Forces, subject to a maximum of 10 years, shall, for the purposes of upper age limit for appointment under any rule, be excluded from their age.
- ♦iv) Omitted.
- v) In the case of a candidate already working as a Government servant, the period of his continuous service as such shall for the purpose of upper age limit prescribed under any service rules, of the post for which he is a candidate, be excluded from his age.

#Provided the upper-age limit shall not exceed 35 years for recruitment to any post to be filled in on the recommendations of the Punjab Public Service Commission ##on the basis of the combined competitive examination.

•Omitted

- @vi) In case of a disabled person as defined in rule 2 (iii) above the maximum upper age limit prescribed in the Service/Recruitment Rules, for appointment to a post, shall be raised by 10 years.
- ♥vii) In case of employees of Afghan Refugees Organization, who are bona fide residents of Punjab, for the period of their service already rendered by them in the Organization or for the period of ten years whichever is less shall for the purpose of upper age limit under any rule be excluded from the age.
- ♦viii) In case of children, ♠of his widow/wife of deceased/invalidated/incapacitated Government servants who apply for Government service under rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, the maximum upper age limit prescribed in the Service/Recruitment Rules for appointment to post, shall be raised by 5 years.

*Substituted vide Notification No.SOR-I-9-1/2000 (P-I), dated 11.09.2004.

♦ Omitted vide Notification No.SORI(S&GAD)9-36/81 dated 04.11.2006.

#Added vide Notification No.SOR-III-2-87/90 (I) dated 24.09.1992.

##Added vide Notification No.SOR-III-2-53/92 (P) dated 08.03.1993.

•Proviso omitted vide Notification No. SOR-I (S&GAD)-9-10/2003 dated 04.08.2008.

@ Added vide Notification No.SORI(S&GAD)9-252/88 dated 25.03.1989.

♥ Added vide Notification No. SORI(S&GAD)9-36/81 dated 13.05.1993.

♦ Added vide Notification No. SORI(S&GAD)9-1/2000 dated 01.08.2000.

♠ Added vide Notification No. SORI(S&GAD)9-1/2000 (P-I) dated 16.10.2006.

- **1x) The Appointing Authority may grant relaxation in upper age, upto a maximum period of ten years to the children or widow/wife of a Civil Servant, who dies while in service or is declared invalidated/incapacitated for further service.

4. The Punjab Services Recruitment (Relaxation of Upper age Limit for candidates belonging to Schedule Castes and Under-developed Areas), Rules, 1973, are hereby repealed.

No. SOR.I (S&GAD) 9-3/92
Dated the 9th May 1994

Subject: RELAXATION IN UPPER-AGE LIMIT

I am directed to state that Governor of the Punjab is pleased to grant general relaxation in the upper-age limit by five years in respect of all the candidates for vacancies in BS-1 to BS-15 under the administrative control of the Punjab Government and Autonomous bodies excluding the Police Department.

2. The above position may kindly be brought to the notice of all concerned for information and necessary action.

No. SOR.I(S&GAD) 9-252/88
Dated the 20th October 1998

Subject: 10 YEARS AGE RELAXATION FOR THE DISABLED PERSONS

I am directed to invite your kind attention to rule 3(vi) of the Punjab Civil Servants Recruitment (Relaxation of Upper Age Limit) Rules, 1976, amended vide Notification No. SORI(S&GAD) 9-252/88 dated 25.03.1989 which provides as under:

“In case of a disabled person as defined in rules 2(iii) of the rules ibid, the maximum upper age limit prescribed in the Service/Recruitment Rules, for appointment to a post, shall be raised by 10 years”.

2. I am to request you to ensure strict implementation of the provision of disabled persons (Employment & Rehabilitation) Ordinance, 1981 and highlight the above mentioned provisions of Relaxation of Upper Age Limit in employment of disabled persons in the advertisements for recruitment.

No. SORI(S&GAD) 9-36/81
Dated the 27th July 1999

Subject: RELAXATION IN UPPER-AGE LIMIT

I am directed to refer to the subject noted above and to state that consequent upon the amendment in the schedule appended to the Punjab Delegation of Powers (Relaxation of Age) Rules, 1961, vide S&GAD notification of even number dated

** Added vide Notification No. SORI(S&GAD)9-1/2000 (P-I) dated 16.10.2006.

21st June, 1999, the general relaxation in the upper age limit by five years in respect of the vacancies in BS-1 to 15, under the administrative control of the Punjab Government and autonomous bodies, excluding the Police Department, vide this department's circular letter No. SORI(S&GAD) 9-3/92 dated 9th May, 1994 is hereby withdrawn.

No. SORI(S&GAD) 9-6/2003
Dated the 13th May 2003

Subject: RECRUITMENT POLICY – GRANT OF GENERAL RELAXATION
IN UPPER-AGE LIMIT

I am directed to invite your kind attention to the latest recruitment policy of the Punjab Government circulated vide this Department's circular letter No. SOR-III-2-15/2003 dated 5th May, 2003 and to state that the Governor of the Punjab has been pleased to grant general relaxation in upper age limit by five years in respect of all the posts falling in BS-1 to BS-17 under the administrative control of the Punjab Government and its autonomous/semi-autonomous bodies/institutions subject to the following conditions:

- i) This relaxation would be a one time dispensation which will be valid up to 31.12.2004 for all kind of recruitments. During this time, the powers of the Administrative Secretaries delegated vide schedule appended to the Punjab Delegation of Powers (Relaxation of Age) Rules, 1961 as amended vide S&GAD notification No. SORI(S&GAD) 9-36/81 dated 21.06.1999, shall be held in abeyance.
- ii) The above concession in upper age limit shall, however, not be applicable in case of Police Department, as already decided by the Cabinet in 1990.
- iii) The above general relaxation has been granted across the board and shall appear as a part of advertisement in order to obviate the necessity of individual approaching the various authorities for granting age relaxation.
- iv) The above general relaxation shall not be applicable to contract appointments. The Departments concerned may undertake necessary course of action in this respect as per provisions of Recruitment Policy.

No. SORIV(S&GAD) 10-1/2003
Dated the 14th July 2005

Subject: EXTENSION IN THE PERIOD OF APPLICATION OF GENERAL
RELAXATION IN UPPER-AGE LIMIT FOR INITIAL RECRUITMENT
IN BS-1 TO 17

Kindly refer to the Recruitment Policy – 2004 circulated vide letter of even number dated 17.09.2004, vide which five years general relaxation in upper age limit for recruitment against posts in BS-1-17 was granted and the said relaxation was valid up to 30.06.2005.

2. It is informed that the Chief Minister has now been pleased to grant extension in the period of application of five year relaxation in upper age limit across the board, for initial appointment against all categories of posts in BS-1 to 17 (except Police Force) as under:
- i. This relaxation would be valid up to 30.06.2005 or till finalization of recruitment process under Phase-II, whichever is earlier. During this time, the application of Punjab Delegation of Powers (Relaxation of Age) Rules, 1961 shall be held in abeyance.
 - ii. This concession in upper age limit shall however, not be granted in the case of recruitment in Police Force.
 - iii. In all cases, age relaxation shall be given across the board and shall appear as apart of the advertisement and shall not be allowed in individual cases. This will obviate the necessity of individuals approaching various authorities for getting age relaxation.
 - iv. Where the upper age limit for a post to be filled on contract basis has been enhanced by the department (as against the age limit prescribed in the service rules) no relaxation in the upper age limit shall be allowed.
 - v. Where contract appointments are made in accordance with the existing service rules and the age limit prescribed thereunder, 5 years relaxation in upper age limit shall be granted across the board, as explained at serial no. (iii) above.

3. In addition to the above, it is once again reiterated that Chief Minister has been pleased to impose ban on recruitment and recruitment against posts can only be made after obtaining relaxation of ban on a summary to be submitted through Regulations Wing, S&GAD. It is further pointed out that all recruitments shall be made on contract basis as per provisions of Contract Appointment Policy of the Government, unless regular appointment has been allowed against specific category of posts by the Chief Minister, on a summary/case moved by the Department concerned, through the Regulations Wing, S&GAD.

No. SORI (S&GAD) 9-36/81
Dated the 8th August, 2016

Subject: AGE RELAXATION

I am directed to refer to the subject noted above and to state the competent authority has observed that requests are received from different corners for granting age relaxation beyond the age relaxation provided by the government.

2. The minimum and maximum age limit is provided in the service rules prescribed for the post. The concession of age limit as envisaged in the Punjab Civil Servants Recruitment (Relaxation of Upper Age Limit) Rules, 1976 is admissible to the specified categories of candidates like civil servants, ex-defence personnel, disabled persons, children of the deceased / incapacitated government employees etc., to the extent prescribed therein. The prescribed period for various categories is excluded from the total age of the candidate for the purpose of recruitment. Such concession in upper age limit is automatic for which no specific / separate orders are required to be issued.

3. Under the Punjab Delegation of powers (Relaxation of Age) Rules, 1961, the Administrative Secretaries and DCOs have been authorized to grant relaxation in upper age limit up to five (05) years for male candidates and up to eight (08) years for female candidates across the board, to appear as part of advertisement, beyond which no relaxation is admissible in terms of notification dated 21.05.2012.
4. The above instructions may be brought to the notice of all concerned.

SELECTION BOARDS/COMMITTEES

No. SOR.III(S&GAD)2-15/87(I)

Dated the 14th May 2004

NOTIFICATION

In pursuance of the provisions of Rule 4 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 and in supersession of all previous notifications in this regard, the Governor of the Punjab is pleased to constitute the following Boards/Committees for making selection/promotion to various posts:

I. PROVINCIAL SELECTION BOARD-I (PSB-I)

a) COMPOSITION

The Provincial Selection Board-I shall consist of:

i)	Chief Secretary.	Chairman
ii)	Additional Chief Secretary.	Member
iii)	Senior Member Board of Revenue.	Member
iv)	Chairman Planning & Development Board.	Member
v)	Member Punjab Public Service Commission.	Member
vi)	Secretary Home.	Member
vii)	Secretary Finance.	Member
**viii)	Secretary Regulations, S&GAD.	Member
ix)	Secretary of the Department to which the post relates.	Member
x)	Additional Inspector General of Police (Special Branch).	Member
@xi)	Secretary MPDD.	Member
xii)	Secretary (Services), Services & General Administration Department.	Member/ Secretary

#b) RESPONSIBILITIES/PURVIEW

The Provincial Selection Board-I shall make recommendations for appointment by promotion to all posts in BS-19 and above, except the posts in BS-19 in the Health and Education Departments and the Technical Education and Vocational Training Authority with respect to employees of the Government who are transferred to the Technical Education and Vocational Training Authority under the Punjab Technical Education and Vocational Training Authority Ordinance, 1998.

c) QUORUM

Presence of at least seven members shall be necessary to validate the proceedings of the Provincial Selection Board-I.

**Secretary Regulations, S&GAD, added as a Member PSB-I vide Notification No. SOR.III(S&GAD)2-15/87 (I) dated 26.07.2004.

@ Added vide Notification No. SOR.III-2-15/87(P-I) dated 21.01.2009.

#Substituted vide Notification No. SOR.III(S&GAD)2-15/87 dated 22.03.2008.

d) **DECISION**

The decision of the meeting shall be by majority vote and in case of equality of votes, the Chairman shall have the casting vote.

e) **MINUTES**

Minutes of the meeting shall be recorded by the Secretary Services and approved by the Chief Secretary/Chairman of the Board.

II. PROVINCIAL SELECTION BOARD-II (PSB-II)

a) **COMPOSITION**

The Provincial Selection Board-II shall consist of:

(i)	Additional Chief Secretary	Chairman
(ii)	Secretary Finance	Member
(iii)	Secretary Regulations, Services & General Administration Department	Member
(iv)	Secretary of the Administrative Department concerned	Member
@(v)	Member Punjab Public Service Commission	Member
@(vi)	Secretary MPDD	Member
(vii)	Secretary (Services), Services & General Administration Department	Member/ Secretary

#b) **RESPONSIBILITIES/PURVIEW**

Provincial Selection Board-II shall make recommendations for:

- (i) Appointment by promotion to all posts in BS-19 in the Health and Education Departments and the Technical Education & Vocational Training Authority with respect to the employees of the Government who are transferred to the Technical Education & Vocational Training Authority under the Punjab Technical Education & Vocational Training Authority Ordinance, 1998;
- (ii) Appointment by promotion to posts of Deputy Secretaries and District Officers and equivalent posts of the Provincial Management Service;
- (iii) Appointment by promotion to any other posts, that may be assigned to the Provincial Selection Board-II by the Provincial Selection Board-I; and
- (iv) Grant of move-over from BS-19 to BS-20.

c) **QUORUM**

Presence of at least four members shall be necessary to validate the proceedings of Provincial Selection Board-II.

@@ Added vide Notification SOR.III(S&GAD)2-15/87 (I) dated 08.06.2006.

@ Added vide Notification No. SOR.III-2-15/87(P-I) dated 21.01.2009.

#Substituted vide Notification No. SOR.III(S&GAD)2-15/87 dated 22.03.2008.

d) **DECISION**

The decision of the meeting shall be by majority vote and in case of equality of votes, the Chairman shall have the casting vote.

e) **MINUTES**

Minutes of the meeting shall be recorded by the Secretary Services and approved by the Additional Chief Secretary/Chairman of the Board.

III. DEPARTMENTAL PROMOTION COMMITTEE (DPC)

a) **COMPOSITION**

The Departmental Promotion Committee shall consist of:

- | | | |
|------|--|----------|
| i) | Secretary or Addl. Secretary of the Department. | Chairman |
| ii) | Representative of Regulations Wing of Services & General Administration Department. (not below the rank of Section Officer). | Member |
| iii) | Deputy Secretary (Admin) of the Department. | Member |
| iv) | Head of the Attached Department or office, in case of posts in the Attached Department or a subordinate office. | Member |

b) **RESPONSIBILITIES/PURVIEW**

The Departmental Promotion Committee shall make recommendations for:

- (1) Appointment by promotion to posts in BS-16, 17 and 18, in or under a department, except:
 - i) The posts included in Schedule-IV of the Punjab Government Rules of Business, 1974.
 - ii) Specific posts for which any other Committee is constituted by the Government, separately.
- (2) Move-over to BS-16, 17, 18 and 19.

c) **QUORUM**

Presence of all members of the Committee shall be necessary to validate the proceedings of Departmental Promotion Committee.

d) **DECISION**

The decision of the meeting shall be by majority vote and in case of equality of votes, the Chairman shall have the casting vote.

e) **MINUTES**

Minutes of the meeting shall be recorded by the Deputy Secretary (Admin) of the Department concerned and signed/approved by all the members and Chairman of the Committee.

##IV. DEPARTMENTAL PROMOTION COMMITTEE FOR TECHNICAL EDUCATION & VOCATIONAL TRAINING AUTHORITY (TEVTA)

a) COMPOSITION

- | | | |
|------|---|----------|
| i) | △Chairman, TEVTA. | Chairman |
| ii) | Head of the concerned Wing of TEVTA. | Member |
| iii) | Manager HRM. | Member |
| iv) | Representative of the Industries Department not below the rank of Deputy Secretary. | Member |
| v) | Representative of the S&GAD not below the rank of Deputy Secretary. | Member |

b) RESPONSIBILITIES/PURVIEW

The Committee shall make recommendations for:

- i) Appointment by promotion to the posts in BS-16, 17 and 18, in respect of the Government employees transferred to TEVTA under the provisions of TEVTA Ordinance.
- ii) Move-over to Government employees transferred to TEVTA, in BS-16, 17, 18 and 19.

c) QUORUM

Presence of at least four members, including representatives of Regulations Wing of Services & General Administration Department and Industries Department, shall be necessary to validate the proceedings of the Committee.

d) DECISION

The decision of the meeting shall be by majority vote and in case of equality of votes, the Chairman shall have the casting vote.

e) MINUTES

Minutes of the meeting shall be recorded by the head of the relevant wing of TEVTA and shall be signed/approved by all the members and Chairman of the Committee

◆V. Deleted.

VI. ♣ DEPARTMENTAL PROMOTION COMMITTEE AT PROVINCIAL LEVEL FOR POSTS IN BS-1 TO 16

##Substituted vide Notification No. SOR-III(S&GAD)1-15/2003(P) dated 20.10.2010.

△The words “Chief Operating Officer” substituted with the word “Chairman” vide Notification No. SOR-III(S&GAD)1-15/2003(P) dated 17.10.2011.

◆The existing provisions at Sr. No. V regarding constitution of DPC for promotion of DSPs deleted vide Notification No. SOR-III(S&GAD)2-15/87 dated 22.11.2004.

a) **COMPOSITION**

The Committee shall consist of:

- | | | |
|------|--|----------|
| i) | Appointing Authority. | Chairman |
| ii) | Two officers of the Department to be nominated by the Administrative Deptt. with the approval of Minister In-charge. | Member |
| iii) | A woman officer to be nominated by Administrative Head | Member |

b) **RESPONSIBILITIES/PURVIEW**

Departmental Promotion Committee shall make recommendations for appointment for promotion to respective posts in BS-1-16:

c) **QUORUM**

Presence of all the members shall be necessary to validate the proceedings.

d) **DECISION**

The decision of the meeting shall be by majority vote and in case of equality of votes, the Chairman shall have the casting vote.

e) **MINUTES**

Minutes of the meeting shall be recorded by the Department/Office concerned and approved/signed by all members of the Committee.

VII. ♦ DEPARTMENTAL PROMOTION COMMITTEE AT DIVISIONAL/DISTRICT LEVEL FOR POSTS IN BS-1 TO 16

a) **COMPOSITION**

The Committee shall consist of:

- | | | |
|------|---|----------------------|
| i) | Appointing Authority concerned. | Chairman |
| ii) | Additional Deputy Commissioner (Gen) | Member |
| iii) | One member to be nominated by the Administrative Department concerned with the approval of Minister Incharge. | Member |
| iv) | Officer Incharge concerned. | Member/
Secretary |

b) **RESPONSIBILITIES/PURVIEW**

* DPC at Provincial level is reconstituted vide notification No.SOR.III(S&GAD)2-15/87(PI) dated 19.01.2018.

♦ DPC at Divisional / District level is reconstituted vide notification No.SOR.III(S&GAD)2-15/87(PI) dated 19.01.2018.

Departmental Promotion Committee shall make recommendations for appointment for promotion to respective posts in BS-1-16

c) **QUORUM**

Presence of all the members shall be necessary to validate the proceedings of the Committee

d) **DECISION**

The decision of the meeting shall be by majority vote and in case of equality of votes, the Chairman shall have the casting vote.

e) **MINUTES**

Minutes of the meeting shall be recorded by the Secretary and shall be signed/approved by all the members and Chairman of the Committee.

=====

No. SOR.III (S&GAD)1-27/2008

Dated the 11th January, 2009

NOTIFICATION

In pursuance of the provisions of Rule 4 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 and in continuation of this Department's Notification No. SOR-III(S&GAD)2-15/87 (II), dated 14.05.2004, the Governor of the Punjab is pleased to constitute the following Selection/Promotion Committee for making recruitment/promotion of subordinate staff in the newly established offices of the Divisional Commissioners:-

**DEPARTMENTAL SELECTION/PROMOTION COMMITTEE
AT COMMISSIONER'S OFFICE**

(a) **COMPOSITION**

(i)	Commissioner.	Chairman
(ii)	Additional Commissioner.	Member
(iii)	Director (Dev & Finance).	Member
(iv)	Assistant Commissioner (G).	Member/ Secretary

(b) **RESPONSIBILITIES/PURVIEW**

The Departmental Selection/Promotion Committee shall make recommendations for:

- (i) Appointment by initial recruitment to all posts in BS-1 to 16 in or under the Commissioner's office; and
- (ii) Appointment by promotion for respective posts in BS-2 to 16.

(c) **QUORUM**

Presence of all the members shall be necessary to validate the proceedings of the Committee.

(d) **DECISION**

The decision of the Committee shall be by majority vote and in case of equality of vote the Chairman shall have the deciding vote.

(e) **MINUTES**

Minutes of the meeting shall be recorded by the Secretary of the Committee and shall be signed/approved by all the members and Chairman of the Committee.

The above Notification was superseded with the following Notification bearing No.SOR-III(S&GAD)1-9/2011 Dated 20th July, 2011

No.SOR-III(S&GAD)1-9/2011
Dated 20th July, 2011

NOTIFICATION

In pursuance of the provisions of Rule 4 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, and in continuation to this Department's notification No.SOR.III(S&GAD)2-15/87(I), dated 14.05.2004, the Governor of the Punjab is pleased to constitute the following Selection/Promotion Committee for making selection/promotion against various posts under the Commissioner/Collector of the District/Assistant Commissioner:

(I) **DEPARTMENTAL SELECTION/PROMOTION COMMITTEE AT DIVISIONAL LEVEL**

(i) **COMPOSITION**

- | | | |
|-------|--|----------------------|
| (i) | Commissioner concerned. | Chairman |
| (ii) | Additional Commissioner (Revenue). | Member |
| (iii) | One Officer in BS-18 or above to be nominated by the Administrative Department. with the approval of the Minister In-charge. | Member |
| (iv) | Additional Commissioner (Coordination). | Member/
Secretary |

(ii) **RESPONSIBILITIES/PURVIEW**

The Departmental Selection/Promotion Committee at Divisional level shall make recommendations for:

- (i) Appointment by initial recruitment to all the posts in BS-1 to 15 under the Commissioner concerned except the posts in BS-11 to BS-15 which fall within the purview of the Punjab Public Service Commission.
- (ii) Appointment by promotion to the respective posts in BS-2 to 16.

(iii) **QUORUM**

Presence of all the members shall be necessary to validate the proceedings of the Committee.

(iv) DECISION

The decision of the meeting shall be by majority vote and in case of equality of votes, the chairman shall have the casting vote.

(v) MINUTES

Minutes of the meeting shall be recorded by the Secretary and shall be signed/approved by all the members and Chairman of the Committee.

(II) DEPARTMENTAL SELECTION/PROMOTION COMMITTEE AT DISTRICT LEVEL

(i) COMPOSITION

- | | | |
|-------|--|----------------------|
| (i) | Collector of the District concerned. | Chairman |
| (ii) | Appointing Authority concerned
(If other than the Collector
of the District concerned). | Member |
| (iii) | One officer in BS-17/18
to be nominated
by the Administrative Department
with the approval of the
Minister Incharge. | Member |
| (iv) | Assistant Commissioner
(Revenue) office of
the Commissioner concerned. | Member |
| (v) | Additional Collector
of the District concerned | Member/
Secretary |

(ii) RESPONSIBILITIES/PURVIEW

The Departmental Selection/Promotion Committee at District level shall make recommendations for:-

- (i) Appointment by initial recruitment to all the posts in BS-1 to 14 under the Collector of the District/ Assistant Commissioner concerned except the

posts in the BS-11 to BS-14 which fall within the purview of the Punjab Public Service Commission.

- (ii) Appointment by promotion to respective posts in BS-2 to 14.

(iii) QUORUM

Presence of all the members shall be necessary to validate proceedings of the Committee.

(iv) **DECISION**

The decision of the meeting shall be by majority vote and in case of equality of votes, the chairman shall have the casting vote.

(v) **MINUTES**

Minutes of the meeting shall be recorded by the Secretary of the Committee and shall be signed/approved by all the members and Chairman of the Committee.

2. This supersedes the Notification bearing No.SOR-III(S&GAD)1-27/2008, dated 11.01.2009.

No. SOR.III(S&GAD)2-15/87
Dated the 22nd November 2004

NOTIFICATION

In pursuance of the provisions of Article 165 of Police Order 2002 read with Rule 4 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 the Governor of the Punjab is pleased to constitute the following Departmental Promotion Committee/Promotion Board for promotion of Police Officers of the Provincial Police:

I) **DEPARTMENTAL PROMOTION COMMITTEE FOR PROMOTION TO THE POST OF DEPUTY SUPERINTENDENT OF POLICE (BS-17)**

a) **COMPOSITION**

The Committee shall consist of:

- | | | |
|------|--|----------------------|
| i) | Additional Inspector General of Police, Punjab. | Chairman |
| ii) | Deputy Inspector General of Police, (Headquarters), Punjab. | Member |
| iii) | Deputy Inspector General of Police, (Estt.), Punjab. | Member/
Secretary |
| iv) | A representative of the Home Department, not below the rank of Deputy Secretary. | Member |
| v) | A representative of the Regulations Wing, S&GA Department, not below the rank of Deputy Secretary. | Member |

b) **RESPONSIBILITIES/PURVIEW**

The Committee shall make recommendations for appointment by promotion to the posts of Deputy Superintendent of Police (BS-17).

c) **QUORUM**

Presence of at least four members including the representative of Home Department and Regulation Wing of S&GAD, shall be necessary to validate the proceedings of the Committee.

d) **DECISION**

The decision of the meeting shall be by majority vote and in case of equality of votes, the Chairman shall have the casting vote.

e) **MINUTES**

Minutes of the meeting shall be recorded by the Deputy Inspector General of Police (Establishment) and shall be approved/signed by all the members and Chairman of the Committee.

f) **APPROVAL**

The recommendations of the Committee shall be submitted to the appointing authority i.e., Inspector General of Police/Provincial Police Officer, for approval.

g) **ISSUANCE OF NOTIFICATION**

After approval, the notification shall be issued by the office of Inspector General of Police/Provincial Police Officer.

II) **DEPARTMENTAL PROMOTION BOARD FOR PROMOTION TO THE POST OF SUPERINTENDENT OF POLICE (BS-18)**

a) **COMPOSITION**

The Board shall consist of:

- | | | |
|-------|--|-------------|
| i) | Inspector General of Police, Punjab. | Chairman |
| ii) | Additional Inspector General of Police, Punjab. | Member |
| iii) | Additional Inspector General of Police, (Special Branch), Punjab. | Member |
| iv) | Deputy Inspector General of Police, (Establishment), Punjab. | Member |
| v) | Deputy Inspector General of Police, (Headquarters), Punjab. | Member/Secy |
| vi) | A representative of the Home Department, not below the rank of Addl. Secretary. | Member |
| vii) | A representative of Regulations Wing, S&GAD, not below the rank of Addl. Secretary. | Member |
| viii) | A representative of the Services Wing, S&GAD not below the rank of Deputy Secretary. | Member |

b) **RESPONSIBILITIES/PURVIEW**

The Board shall make recommendations for appointment by promotion to the posts of Superintendent of Police (BS-18).

c) **QUORUM**

Presence of at least six members including the representative of Services and Regulation Wing of S&GAD shall be necessary to validate the proceedings of the Board.

d) **DECISION**

The decision of the meeting shall be by majority vote and in case of equality of votes, the Chairman shall have the casting vote.

e) **MINUTES**

Minutes of the meeting shall be recorded by the Deputy Inspector General of Police (Headquarters) and shall be approved/signed by all the members and Chairman of the Committee.

f) **APPROVAL**

The recommendations of the Committee shall be submitted to the appointing authority i.e., Chief Minister through the Services Wing of S&GAD.

g) **ISSUANCE OF NOTIFICATION**

After approval, the promotion notification shall be issued by the Services Wing of S&GAD.

2. The Governor of Punjab is further pleased to amend/modify this department's notification No. SOR.III(S&GAD)2-15/87(I) dated 14th May, 2004 as under:

i) The existing provision under Sr. No. 1 (b) (ii) i.e. Responsibilities/Purview of PSB-I is substituted as under:

“Appointment by promotion to posts in BS-18, included in Schedule-IV of the Punjab Government Rules of Business, 1974, except Superintendent of Police.”

ii) The existing provision at Sr. No. V regarding constitution of Departmental Promotion Committee for promotion of Deputy Superintendent of Police is deleted.

No.HP-II/2-31/2017
Home Department
Dated Lahore, the 24th July, 2017

NOTIFICATION

Competent authority has been pleased to constitute following Departmental Promotion Board for the post of Deputy Director (BS-18) in Punjab Police Department:

i.	Inspector General of Police, Punjab	Chairman
ii.	Additional Inspector General of Police, Establishment, Punjab	Member
iii.	Additional Inspector General of Police, Special Branch, Punjab	Member
iv.	Deputy Inspector General of Police, Establishment-II, Punjab	Member
v.	Deputy Inspector General of Police, Headquarters, Punjab	Member
vi.	A representative of Home Department, not below the rank of Additional Secretary	Member
vii.	A representative of Regulations Wing, S&GAD, not below the rank of Additional Secretary	Member
viii.	A representative of Services Wing, S&GAD, not below the rank of Additional Secretary.	Member

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APPOINTMENTS

No. SOR-III-2-28/90

Dated 25th May 1993

In exercise of the powers conferred on him under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*) and in supersession of the notification bearing even number dated 20.10.1992, the Governor of the Punjab is pleased to direct that notwithstanding the method of recruitment to the post of Junior Clerk prescribed in the respective service/recruitment rules of various departments in Punjab, twenty percent posts of Junior Clerks shall be filled in by promotion from amongst the employees of all categories from BS-1 to BS-4 employed in the respective office/department/functional unit, who are otherwise eligible for appointment to the post. If none is available for promotion then by initial recruitment.

No. SOR.III-1-22/90
Dated the 1st September 1993

In exercise of the powers conferred on him by Section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in any other rules, 20% of vacancies in the cadre of Jr. Clerk, Driver, Naib Qasid, Mali, Farrash, Water Carrier and Chowkidar in all Government Departments shall stand reserved for the children of such Government servants in BS-1-5, who are either still serving in the respective Department/Cadre or had retired from the said Department/Cadre in BS-1-5. The eligibility criteria for selection for the reserved posts would be as follows:

<u>Nomenclature of Post</u>	<u>Criteria for Selection</u>
Junior Clerk (BS-5)	All the posts of Junior Clerks falling in this quota will be filled strictly on merit as per Recruitment Policy in vogue.
Driver (BS-4)	Only those candidates who possess valid driving license shall be eligible for the post of Driver. All eligible candidates shall be administered a driving test by the respective Departmental Selection Committees. Those performing better would be selected.
Naib Qasid/Mali/ Farrash/Water Carrier/Chowkidar (BS-1)	The length of service of the parent whose son is a candidate shall be sole criteria for determining the inter se merit of the applications.

If none is available for appointment against the reserved quota, these posts shall be filled up through direct recruitment on the basis of open merit.

Subject: RESERVATION OF 20% OF THE VACANCIES FOR THE CHILDREN OF GOVERNMENT SERVANTS WORKING/RETIRED IN BS-1 TO 5

I am directed to refer to this department's Notification of even number dated 01.09.1993, according to which 20% of the vacancies in the cadre of Junior Clerk, Driver, Naib Qasid, Mali, Water Carrier and Chowkidar in all Government departments shall stand reserved for the children of such Government Servants in BS-1-5, who are either still serving in all the respective departments/cadre or had retired from the said departments/cadre in BS-1-5.

2. The above quota stood also reserved for employees' children working in BS-1-5 in the respective Departments vide letter No. SOR.III-2-1/94 dated 30.07.1996. The other category of retired employees in BS-1-5 who were also beneficiary of the notification mentioned at para 1 above was inadvertently omitted from circular letter dated 30.07.1996. There is confusion about the interpretation of notification/instructions issued in this behalf. A number of Government Departments have approached the Regulations Wing, Services & General Administration Department, for necessary clarification, i.e., whether 20% vacancies in BS-1-5 have been reserved for children of Government Servants, who are still serving in the respective departments or it also includes those officials who had since retired from service. It is clarified that children of Government employees who are either serving in respective departments/cadre or had retired from the said department shall be equally eligible for the 20% of the vacancies reserved for the children of Government servants in BS-1 to 5.

3. I am, therefore, to request that this clarification may kindly be brought to the notice of all concerned for information, necessary action and strict compliance, accordingly.

No. SOR-IV(S&GAD)9-1/2003
Dated the 17th January 2004

Subject: RESERVATION OF 20% OF THE VACANCIES FOR THE CHILDREN OF GOVERNMENT SERVANTS SERVING/RETIRED IN BS-1 TO 5

I am directed to say that under S&GAD Department's circular letter No. SOR.III/1-22/90 dated 01.09.1993, 20% of vacancies in BS-1 to 5 have been reserved for the children of such Government servants in BS-1 to 5 who are either serving in the respective Department or had retired from the said Department, subject to the fulfillment of other conditions.

2. A question has arisen whether 20% quota is applicable to one or more son/daughter of the employees in BS-1 to 5. This issue has been examined in the Regulations Wing and it is clarified as under:

- i) Only one child of a Government servant can avail the benefit of employment under 20% quotas reserved in BS-1 to 5 for the children of Government employees in BS-1 to 5.

- ii) For this purpose an affidavit may be obtained from the concerned employee that none of his children has previously been appointed under the said quota.

3. It is requested that the above clarification may be brought to the notice of all appointing authorities for strict compliance.

=====

No. SOR-IV(S&GAD)9-5/2008
Dated the 28th October 2008

Subject: RESERVATION OF 20% OF THE VACANCIES OF SPECIFIC CATEGORIES FOR THE CHILDREN OF GOVERNMENT SERVANTS WORKING/RETIRED IN BS-1 TO 5

I am directed to invite your attention towards para 12 of Recruitment Policy –2004 which states that posts against 20% quota fixed for the children of serving/retired Government employees in BS-1 to 5 as prescribed vide notification dated 01.09.1993 (against specific categories of posts) are to be filled in only at the time of making general recruitment through advertisement. It has been noted with concern that some of the departments, while making recruitment, do not publicize the vacancies against this quota.

2. I have, therefore, been directed to request you to kindly ensure that posts against this quota are filled after proper advertisement.

=====

No. SOR-III(S&GAD)2-74/2008
Dated the 21st August 2009

NOTIFICATION

In exercise of the powers conferred upon him by Section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), in partial modification of Notification No. SOR.III-1-22/90 dated 01.09.1993, the Governor of the Punjab is pleased to direct that 20% vacancies in the cadre of Junior Clerk, Patwari, Driver, Naib Qasid, Mali, Frash, Water Carrier and Chowkidar in all Government Departments shall stand reserved for the children of such Government servants in BS-1-5 and Junior Clerks/Patwaris (previously in BS-5 now upgraded to BS-7), who are either serving in the respective department/cadre or have retired. The eligibility criteria for selection to the reserved posts shall be as follows:

Nomenclature of post	Criteria for selection
Junior Clerk (BS-7)	All the posts of Junior Clerks falling in this quota shall be filled strictly on merit as per recruitment policy in vogue.
Patwari (BS-7)	All the posts of Patwaris falling in the quota shall be filled strictly on merit as per recruitment policy in vogue.
Driver (BS-4)	Only those candidates who possess valid driving license shall be eligible for the post of Driver. Respective Departmental Selection Committees shall conduct

	driving tests of all eligible candidates.
Naib Qasid/Mali/Frash/Water Carrier/Chowkidar (BS-1)	The length of service of the parent whose son is a candidate shall be the sole criteria for determining inter se merit of the candidates.

Provided that:

- i) Only one child of a Government servant can avail the benefit of employment under 20% reserved quota for the children of above mentioned categories of Government employees in BS-1-5 including Junior Clerks/Patwaris (BS-7). For this purpose, an affidavit shall be obtained from the concerned employees that none of his children has previously been appointed under the said quota;
- ii) The vacancies shall be filled through the respective Departmental Recruitment Committees at the time of general recruitment;
- iii) The District cadre posts will be filled from amongst the candidates having the domicile of that district; and
- iv) If none is available for appointment against the reserved quota, the post shall be filled through direct recruitment on open merit.

No. SOR-III(S&GAD)2-74/2008
Dated the 5th November 2011

NOTIFICATION

In exercise of the powers conferred upon him by Section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), and in supersession of Notification No. SOR.III-2-74/2008 dated 21.08.2009, Governor of the Punjab is pleased to direct that 20% vacancies in the cadre of Junior Clerk, Patwari, Driver, Beldar, Naib Qasid, Mali, Frash, Water Carrier and Chowkidar in all Government Departments shall stand reserved for the children of such Government servants in BS-1-5 and Junior Clerks (BS-7) and Patwaris (BS-9), who are either serving in the respective department/cadre or have retired. The eligibility criteria for selection to the reserved posts shall be as follows:

Nomenclature of post	Criteria for selection
Patwari (BS-9)	All the posts of Patwaris falling in the quota shall be filled strictly on merit as per recruitment policy in vogue.
Junior Clerk (BS-7)	All the posts of Junior Clerks falling in this quota shall be filled strictly on merit as per recruitment policy in vogue.
Driver (BS-4)	Only those candidates who possess valid driving license shall be eligible for the post of Driver. Respective Departmental Selection Committees shall conduct driving tests of all eligible candidates.

Beldar (BS-1)	The basic criteria for recruitment to the post of Beldar shall be- a) height 5'.6" or above; b) chest 33" or above; c) test of Kassi work; d) racing test; and e) swimming test.
Naib Qasid/Mali/Frash/Water Carrier/Chowkidar (BS-1)	The length of service of the parent whose son is a candidate shall be the sole criteria for determining inter se merit of the candidates.

Provided that:

- i) only one child of a Government servant can avail the benefit of employment under the said quota for the children of Government employees in BS-1-5 including Junior Clerks (BS-7)/Patwaris (BS-9): for the purpose, an affidavit shall be obtained from the concerned employees that none of his children has previously been appointed under the said quota;
- ii) the vacancies shall be filled through the respective Departmental Recruitment Committees at the time of general recruitment;
- iii) the District cadre posts will be filled from amongst the candidates having the domicile of that district; and
- iv) if none is available for appointment against the reserved quota, the post shall be filled through direct recruitment on open merit.

No. SOR.III-2-42/92
Dated the 18th February 1997

Subject: BENEFIT OF GIVING JOB TO ONE CHILD OF A GOVERNMENT SERVANT WHO DIES WHILE IN SERVICE OR IS DECLARED INVALIDATED/INCAPACITATED FOR FURTHER SERVICE

I am directed to refer to say that under the provision to Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, whenever a Government servant dies while in service or is declared invalidated/incapacitated for further service, one of his unemployed children shall be provided a job against posts in BS-1 to 5 in the department in which the deceased Government servant was serving, without observance of formalities prescribed under rules/procedure provided such child is otherwise eligible for the post.

2. A question has arisen whether this benefit under the statutory provision of rules can be availed of in case a ban on recruitment has been imposed by Government. The case was examined in consultation with the Law and Parliamentary Affairs Department who have advised that ban on recruitment is not applicable against statutory provision of rules referred to above, nor the right of the child of a deceased Government servant under Rule 17-A of the rules *ibid* should be abridged by such order.

3. I am to request that this clarification may be brought to the notice of all appointing authorities under your administrative control for strict compliance.

No. SOR-III(S&GAD) 2-42/92(P-I)
Dated the 26th March 2004

Subject: AMENDMENT IN THE PUNJAB CIVIL SERVANTS
(APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 1974

I am directed to refer to letter No. Estt.II/1-18/98-PPSC/383, dated 22.12.2003 received from Punjab Public Service Commission, on the subject noted above in which advice regarding grant of ten additional marks under Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 was sought.

2. The issue has been examined in detail in consultation with Punjab Public Service Commission, Finance Department and Law and Parliamentary Affairs Department, and the following guidelines are hereby issued with respect to grant of additional marks under rule 17-A of the rules *ibid*:

- i) The spirit of Rule 17-A is to provide relief to the family of a deceased or invalidated or incapacitated civil servant by providing employment to the widow/wife or one child of the said civil servant provided that he/she is otherwise eligible for the post applied for.
- ii) Rule 17-A provides that “such child may be given 10 additional marks in the aggregate by the Punjab Public Service Commission or the relevant board or committee”. From the wording of the rule it is clear that it is not necessary to award full ten marks in each case. Only such marks should be awarded, (subject to a maximum of 10 marks), which are necessary to cover the shortfall in the aggregate to make such candidate eligible for appointment.
- iii) A person who may have applied under Rule 17-A, but who qualifies purely on merit, should not be awarded any additional marks and his selection should be made on merit and not under rule 17-A.
- iv) The purpose of awarding additional marks is only to facilitate the selection of the child or widow or wife of the deceased/invalidated person to alleviate the financial problems of the family. This concession is not meant for granting undeserved seniority on the merit list. Therefore, as mentioned above, bare minimum marks should be awarded only to the extent it is necessary to facilitate their selection. As such, persons awarded extra marks and selected under Rule 17-A shall always be placed at the bottom of the merit list.

3. I am further directed to request that the above guidelines may kindly be brought into the notice of all concerned for compliance.

No. SOR-III(S&GAD)3-4/2004
Dated the 12th January 2005

Subject: APPOINTMENT UNDER RULE 17-A OF THE PUNJAB CIVIL
SERVANTS (APPOINTMENT & CONDITIONS OF SERVICE)
RULES, 1974 – DATE OF EFFECTIVENESS OF THE RULE

I am directed to refer to the subject noted above and to state that a question has arisen as to whether or not the benefit of Rule 17-A is extendable to the child/wife/widow of a civil servant who died in service or was declared invalidated before the introduction of Rule 17-A of Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974.

2. After due consultation with Law & Parliamentary Affairs Department, it is clarified that the benefit of Rule 17-A is extendable to a child/wife/widow of a civil servant who died in service or was declared invalidated/incapacitated even before the promulgation of Rule 17-A in 1993, as there is nothing in the said rule to suggest that it would apply only where the parents/husband of a candidate died after coming into force of this rule. Rule 17-A has created a right in favour of a child/widow/wife of a deceased/incapacitated civil servant, irrespective of the date of death/incapacitation of the civil servant while in service.

3. It is further clarified that in order to avail the benefit under the rule *ibid*, the child/widow/wife of the deceased/incapacitated civil servant must otherwise be eligible for appointment against a specific post i.e., he/she must have the requisite qualification, experience, age limit, etc., as prescribed for the post.

No. SOR-IV(S&GAD)10-1/2003,
Dated the 20th July 2005

Subject: GENERAL INSTRUCTIONS REGARDING APPLICATION OF BAN ON RECRUITMENT UNDER RULE 17-A OF THE PCS (A&CS), 1974, AND VARIOUS QUOTAS

Kindly refer to the subject cited above.

2. A question has arisen as to whether ban on recruitment is applicable to appointment under Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, and various quotas as mentioned in Recruitment Policy – 2004. The issue has been examined in the Regulations Wing, S&GAD, and it is observed that under rule 17-A, relief to the family of a deceased or invalidated/incapacitated civil servant by providing employment to the widow/wife or one child of the said civil servant for which he/she possesses the prescribed qualification and experience, has been provided. Under the rule *ibid*, this special dispensation has the following two categories requiring different application *vis-à-vis* application of ban on recruitment.

i) **For posts in BS-1 to 5**

Rule 17-A of the rules *ibid* provides that one child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service, shall be provided a job against posts in BS 1 to 5 in the department in which the deceased Government servant was working without observance of formalities prescribed under the rules/procedure provided such child is otherwise eligible for the post.

Since in such cases appointment in BS 1 to 5 is mandatory and is to be made without observance of formalities prescribed under the rules, therefore, ban on recruitment shall not be applicable in such cases.

ii) **For posts in BS-6 and above**

In case of appointments against posts in BS-6 and above, the rule *ibid* provides that one of the unemployed child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service, who possesses the prescribed qualification and experience may be given 10 additional marks in the aggregate by Punjab Public Service Commission or by the appropriate selection board or committee provided he/she otherwise qualifies in the test/examination and/or interview. This means that the additional marks can only be granted while general recruitment in the relevant posts is being made.

As such, appointment under Rule 17-A in this category can only be made when general recruitment is made and general recruitment can be made when there is no ban on recruitment. As such, ban on recruitment shall be applicable in case of appointment in BS-6 and above unless the ban is relaxed for general recruitment against any category of posts.

3. The following quotas have been provided in the Recruitment Policy – 2004:

- i) 2% quota for disabled persons as per notification No. SOR.III-2-86/97 dated 28.01.1999, and in keeping with instructions issued vide No. SOR.IV (S&GAD)7-1/2003, dated 15.04.2004.
- ii) 5% quota for women as prescribed vide notification No.SOR-III-1-35/93, dated 17.04.2002.
- iii) 20% quota of posts in BS-1 to 5 for the children of serving/retired Government employees in BS-1 to 5, as prescribed vide notification No. SOR-III.1-22/90 dated 01.09.1993. This quota has been prescribed only for the cadres of Junior Clerk, Driver, Naib Qasid, Mali, Frash, Water Carrier and Chowkidar in all Government departments for the children of Government servants in BS-1 to 5.

The posts reserved for above quotas are to be filled only at the time of making general recruitment through advertisement, under the Recruitment Policy as and when ban on recruitment is lifted. As such, ban on recruitment is applicable on appointments against the above categories of posts.

4. All the Administrative Departments/Appointing Authorities are advised to follow the above instructions while making recruitments under Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 or under various quotas, as mentioned in para 3 above.

NO.SOR-III(S&GAD)2-10/2006
Dated Lahore the 20th August 2007

Subject: APPOINTMENT UNDER RULE 17-A OF THE PUNJAB CIVIL SERVANTS (APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 1974

I am directed to invite your kind attention to Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, which reads as under:

“17.A. Notwithstanding anything contained in any rule to the contrary, whenever a civil servant dies while in service or is declared invalidated/incapacitated for further service, one of his unemployed children or his widow/wife may be employed by the Appointing Authority against a post to be filled under Rules 16 and 17 for which he/she possesses the prescribed qualification and experience and such child or the widow/wife may be given 10 additional marks in the aggregate by the Public Service Commission or by the appropriate Selection Board or Committee provided he/she otherwise qualifies the test/examination and/or interview for posts in BS-6 and above.

Provided further that one child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service shall be provided a job against posts in BS-1 to 5 and the posts of Junior Clerks (BS-7) in the department in which the deceased Government servant was working, without observance of formalities prescribed under the rules/procedure. Provided such child or the widow/wife is otherwise eligible for the post.”

2. A question has arisen that if both the husband and wife are in Government service and die during service, whether or not the benefit of provision of job under Rule 17-A ibid can be availed by two children of the deceased civil servants.
3. It is hereby clarified that if both the husband and wife are in Government service and both die during service, the benefit of provision of employment under Rule 17-A of the rule ibid may be extended to one unemployed child of the deceased husband and one unemployed child of the deceased wife.
4. The above clarification may be brought to the notice of all concerned for their information and compliance.

NO.SOR-III(S&GAD)2-10/2007
Dated Lahore the 22nd October 2007

Subject: APPOINTMENT UNDER RULE 17-A OF THE PUNJAB CIVIL SERVANTS (APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 1974–CLARIFICATION REGARDING PROVISION OF JOB TO WIFE/CHILDREN IN CASE DECEASED EMPLOYEE HAD TWO OR MORE WIVES

I am directed to invite your kind attention to Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, which reads as under:

“17.A. Notwithstanding anything contained in any rule to the contrary, whenever a civil servant dies while in service or is declared invalidated/incapacitated for further service, one of his unemployed children or his widow/wife may be employed by the Appointing Authority against a post to be filled under rules 16 and 17 for which he/she possesses the prescribed qualification and experience and such child or the widow/wife may be given 10 additional marks in the aggregate by the Public Service Commission or by the appropriate Selection Board or Committee provided he/she otherwise qualifies the test/examination and/or interview for posts in BS-6 and above.

Provided further that one child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service shall be provided a job against posts in BS-1 to 5 and the posts of Junior Clerks (BS-7) in the department in which the deceased Government servant was working, without observance of formalities prescribed under the rules/procedure. Provided such child or the widow/wife is otherwise eligible for the post.”

2. A question has arisen that where a deceased civil servant had more than one wife and the family does not agree on the point as to which of the two wives or their children are to be considered for appointment under the said rule.
3. The matter has been examined and it is clarified that:
 - (i) In case there are two wives of a deceased civil servant, the first wife or her children (1st family) are entitled to get employment under Rule 17-A. If no one from the first wife and her children (1st family) applies for the job, the right of appointment shall be available to the second wife or her children (second family).
 - (ii) The concerned Appointing Authority shall satisfy himself about the number of families, family members and eligibility of the applicant for the post.
4. The above clarification may be brought to the notice of all concerned for their information and strict compliance please.

No. SOR-III(S&GAD)2-10/2006
Dated 26th January 2008

Subject: AMENDMENT IN RULE 17-A OF THE PUNJAB CIVIL SERVANTS (APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 1974 – CLARIFICATION REGARDING APPOINTMENT ON CONTRACT BASIS

Consequent upon upgradation of the posts of Junior Clerk from BS-5 to 7, Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 was amended vide Notification No. SOR-III (S&GAD)2-10/2006 dated 05.01.2008 to include the post of Junior Clerk (BS-7) in the rules ibid which reads as under:

“17-A. Notwithstanding anything contained in any rule to the contrary, whenever a civil servant dies while in service or is declared invalidated/incapacitated for further service, one of his unemployed children or his widow/wife may be employed by the Appointing Authority against a post to be filled under rules 16 and 17 for which he/she possesses the prescribed qualification and experience and such child or the widow/wife may be given 10 additional marks in the aggregate by the Public Service Commission or by the appropriate Selection Board or Committee provided he/she otherwise qualifies the test/examination and/or interview for posts in BS-6 and above.

Provided further that one child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service shall be provided a job against posts in BS-1 to 5 and the posts of Junior Clerks (BS-7) in the department in which the deceased Government servant was working, without observance of formalities prescribed under the rules/procedure. Provided such child or the widow/wife is otherwise eligible for the post.”

2. It is also brought to the notice of all concerned that the Government has generally shifted from regular to contract mode of recruitment in view of the changing management practices and to achieve the goals of good governance in public sector departments/organizations. It is also clarified that the provisions of Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 were made applicable in respect of recruitment to be made under the Contract Appointment Policy. Attention is invited to amendment made in the Contract Appointment Policy vide circular letter No. DS (O&M)5-3/2004/Contract(MF) dated 05.08.2006, which, inter alia, provides as under:

“(ii) The provision of rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 and the relevant instructions/guidelines issued in this behalf from time to time shall be applicable mutatis mutandis for employment of one of the unemployed children, wife/widow of a civil servant who dies while in service or is declared invalidated/incapacitated, under the policy.

Explanation: The nature of employment so provided shall be dependent on the mode of recruitment viz. contract or regular, as may be decided by the Government in respect of a particular post.”

3. It is, therefore, reiterated that job against the posts in BS-1 to 5 and Junior Clerk (BS-7) can be provided to a child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service on contract basis under the Contract Appointment Policy.

4. All concerned are, therefore, requested to implement the above instructions in letter and spirit.

No. SOR-III(S&GAD)2-10/2007-P

Dated 6th July 2010

Subject: CLARIFICATION REGARDING BENEFITS ADMISSIBLE UNDER RULE 17-A OF THE PUNJAB CIVIL SERVANTS (APPOINTMENT & CONDITIONS OF SERVICE), RULES, 1974

Kindly refer to the subject noted above.

2. In case of civil servant who dies while in service or is declared invalidated/incapacitated for further service, one of his unemployed children or widow/wife are facilitated in securing employment under Rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 as under:

- (i) Given 10 additional marks in the aggregate by the Punjab Public Service Commission or by the appropriate Selection Board or Committee provided he/she otherwise qualifies in the test/examination and/or interview for posts in BS-6 and above.
- (ii) Provided a job against posts in BS-1 to 5 and the posts of Junior Clerks (BS-7) in the department in which the deceased Government servant was working, without observance of formalities prescribed under the rules/procedure. Provided such child or the widow/wife is otherwise eligible for the post.

3. Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, reads as under:

“17.A. Notwithstanding anything contained in any rule to the contrary, whenever a civil servant dies while in service or is declared invalidated/incapacitated for further service, one of his unemployed children or his widow/wife may be employed by the Appointing Authority against a post to be filled under rules 16 and 17 for which he/she possesses the prescribed qualification and experience and such child or the widow/wife may be given 10 additional marks in the aggregate by the Public Service Commission or by the appropriate Selection Board or Committee provided he/she otherwise qualifies in the test/examination and/or interview for posts in BS-6 and above.

Provided further that one child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service shall be provided a job against posts in BS-1 to 5 and the posts of Junior Clerks (BS-7) in the department in which the deceased Government servant was working, without observance of formalities prescribed under the rules/procedure. Provided such child or the widow/wife is otherwise eligible for the post.”

4. The question regarding admissibility of benefits under rule 17-A to the married children of the deceased/incapacitated/invalidated civil servants has been under active consideration of the Government of the Punjab. In this behalf, it is clarified that the benefit of grant of 10 additional marks or provision of job in terms of Rule 17-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 shall be available irrespective of the fact whether the child is married or not.
5. The above instructions may be implemented in letter and spirit.

No. SOR.IV(S&GAD) 1-3/84
Dated the 4th November 2002

Subject: STREAMLINING OF PROCEDURE AND SYSTEM FOR SELECTION OF CANDIDATES THROUGH PUNJAB PUBLIC SERVICE COMMISSION

I am directed to invite a reference to this department's circular letter of even number dated 30.07.1984 and 23.07.1997, on the subject noted above and to state that it has been observed with concern that the Punjab Public Service Commission receives requisitions for various posts, other than those which are to be filled in on the basis of Combined Competitive Examination/Competition Examination from the Administrative Departments in piecemeal against the specified schedule i.e. 1st July to 31st December each year. This causes delay in the recruitment process besides creating difficulties in planning the program of tests/interviews according to the fixed schedule.

2. The schedule for placing the requisitions with the Commission as laid down in this Department's letter referred to above is reproduced below:

- a) Requisitions for competitive examinations should be sent by 1st September of each year so as to enable the Commission to invite applications by December and hold examination in February;
- b) All Administrative Departments should forward their requisitions for filling vacant posts other than those filled through competitive examination from 1st July to 31st December each year so that the Commission may process them in a planned programme;
- c) The Administrative Departments may, in exceptional circumstances, forward their requisitions between 1st January to 1st May after obtaining approval of the Chief Secretary/ Additional Chief Secretary;
- d) No requisition should be sent to Commission during the period from 1st May to 1st July so that this period is utilized by the Commission to clear the backlog and plan for the future.

3. The time schedule for placing requisitions for such posts with the Punjab Public Service Commission is also envisaged in Regulation No. 4 of the Punjab Public Service Commission Regulations 1992. The text of the aforesaid Regulation was circulated to all concerned in Punjab Estacode, Volume II, 1996 for information and guidance.

4. You are, therefore, requested kindly to observe the timeframe as laid down in the PPSC Regulations, 1992, read with policy of the Government, in letter and spirit. It may also be ensured that the requisitions are placed with the Commission in a consolidated manner well in time for speedy selection.

No. SOR.IV(S&GAD) 1-3/84
Dated the 26th March 2004

Subject: STREAMLINING OF PROCEDURE AND SYSTEM FOR SELECTION OF CANDIDATES THROUGH PUNJAB PUBLIC SERVICE COMMISSION

I am directed to refer to this department's circular letter of even No. dated 23.07.1997 and 04.11.2002 on the subject noted above and to state that the Chairman, Punjab Public Service Commission has pointed out certain causes leading to delays in the selection process in the Commission, as highlighted below:

- i) Requisitions received from the Departments are incomplete and back reference made by the Commission to the Department take a lot of time which results in inordinate delays;
- ii) The requisitions placed with the Commission by the Departments do not indicate whether prior approval of the Finance Department has been obtained where the posts are to be filled in on regular basis;
- iii) The requisition placed also do not indicate whether the relaxation required under Section 4 of the Punjab Public Commission (Functions) Rules for contract appointment has been obtained;

2. The Commission has further observed that it is the primary function of the requisitioning Department to ensure that the requisition is complete in all respects including the relaxation of rules accorded by the competent authority.

3. The Punjab Public Service Commission has decided that in future the Commission, on receiving of requisitions, will process the cases on the assumption that the requisite permission/authority required under law/rules has been duly secured. The responsibility of ensuring that this is so, will be with the requisitioning Department and the Commission instead of involving itself with a second scrutiny will proceed with the advertisement and other consequential steps for selection.

4. I am, therefore, directed to convey the desire of the Chief Minister to consider the above observations of the Chairman, PPSC, Lahore carefully and ensure that no lapse on the part of requisitioning Department occurs while sending the requisitions to the Punjab Public Service Commission so as to avoid delay in the selection process as well as other complication which may arise after the completion of selection process.

No. SOR.IV(S&GAD)1-5/2017
Dated the 23rd November, 2017

Subject: STREAMLINING OF PROCEDURE AND SYSTEM FOR SELECTION OF CANDIDATES THROUGH PUNJAB PUBLIC SERVICE COMMISSION

I am directed to refer to this department's circular letters bearing No. SOR.IV(S&GAD)1-3/1984 dated 30.07.1984, 23.07.1997, 04.11.2002 and 26.03.2004 on the subject noted above.

2. It has been noted with concern that the Punjab Public Service Commission receives requisitions for various posts, in piecemeal from the Administrative Departments against the specified schedule i.e. 1st July to 31st December each year. This causes delay in the recruitment process besides creating difficulties in planning the programme of tests / interviews as per fixed schedules.

3. The schedule for placing the requisitions with the Commission as laid down in this Department's letters referred to above, is reproduced below:

- a) Requisitions for competitive examinations should be sent by 1st September of each year so as to enable the Commission to invite applications by December and hold examination in February.
- b) All Administrative Departments should forward their requisitions for filling vacant posts other than those filled through competitive examinations from 1st July to 31st December each year so that the commission may process them in a planned programme.
- c) The Administrative Departments, may, in exceptional circumstances, forward their requisitions between 1st January to 1st May after obtaining approval of the Chief Secretary / Additional Chief Secretary.
- d) No requisition should be sent to the Commission during the period from 1st May to 1st July so that this period is utilized by the Commission to clear the backlog and plan for the future.
- e) Vacancies that are likely to accrue be lumped together into single requisition. Departments concerned are aware of the number of posts that are likely to fall vacant as a result of retirements, promotions to next higher grade and new posts that are likely to be created because of expansion.
- f) Requisitions for anticipated vacancies should be consolidated and sent as one requisition per year. Each requisition takes time to process whether the number of posts is large or small.

4. The time schedule for placing requisitions for such posts with the Punjab Public Service Commission has been stipulated in Regulations No.4 of the Punjab Public Service Commission Regulations 2000.

5. I am therefore, directed to request that the timeframe as laid down in the PPSC Regulations 2000 read with policy of the Government, be observed in letter and spirit. It may also be ensured that the requisitions are placed with the Commission in a consolidated manner well in time for speedy selection of candidates.

No.SOR.IV(S&GAD)1-5/2017
Dated the 19th January, 2018

Subject: STREAMLINING OF PROCEDURE AND SYSTEM FOR SELECTION OF CANDIDATES THROUGH PUNJAB PUBLIC SERVICE COMMISSION

In continuation of this department's circular letter bearing No. SOR.IV(S&GAD)1-5/2017 dated 23.11.2017 on the subject noted above.

2. The revised schedule for placing the requisitions with the Commission as laid down in Punjab Public Service Commission Regulations, 2016 is reproduced below:

- a) Requisitions for competitive examinations shall be sent by 1st September of each calendar year so as to enable the Commission to hold the examination within the same year.
- b) All Administrative Departments shall forward their requisitions for filling up vacant posts other than those filled through competitive examinations from 1st July to 31st December each year so that the commission may process them in a planned programme.
- c) The Administrative Departments, may, in emergent cases, forward their requisitions between 1st January to 30th June after obtaining approval of the Chief Secretary / Additional Chief Secretary. The time schedule for placing requisitions for such posts with the Punjab Public Service Commission has been stipulated in Regulations No.4 of the Punjab Public Service Commission Regulations 2000.

3. I am therefore, directed to request that the timeframe as laid down in the PPSC Regulations 2016 read with policy of the Government, be observed in letter and spirit. It may also be ensured that the requisitions are placed with the Commission in a consolidated manner well in time for speedy selection of candidates.

No. SOR-III (S&GAD) 1-25/2002
Dated the 30th November 2006

Subject: EXTENSION IN JOINING TIME ON FRESH APPOINTMENT

I am directed to refer to this department's notification of even number dated 22.10.2006, whereby the following sub-rules have been added to Rule 21-A, after sub-rule (3), of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974:

- “(4) The appointing authority shall complete the process of appointment within one hundred and ninety days from the date of issue of recommendations by the Punjab Public Service Commission and no request for extension in the joining time as specified in the offer of appointment shall be entertained.
- (5) If a person, to whom offer of appointment has been issued, fails to join his post within the period specified in the said offer of appointment, his selection shall automatically stand cancelled.”

2. The above amendments in the rules have been made because of the reason that often the appointing authorities have been found unable to finalize the process of appointment within a period of six months and resultantly the option of asking for a substitute from the Commission under Regulation No. 69 of the Punjab Public Service Commission Regulations, 2000 is exhausted, as for recommending substitutes, the merit list prepared by the Punjab Public Service Commission remains valid for six months from the date of issue of recommendations. There was no time limit on the respective appointing authorities to finalize the process of appointment of selectees of the Punjab Public Service Commission. Moreover, the recommendees kept on seeking unnecessary extension in joining time on one pretext or the other, which not only delayed the appointment process but also defeated the very purpose of recruitment.

3. I am, therefore, further directed to request you kindly to ensure that the process of appointment is completed within a period not exceeding 190 days positively from the date of issue of recommendations of the Commission and no request for extension in joining time as specified in the offer of appointment should be entertained. The provisions of sub-rules (4) & (5) of Rule 21-A of the PCS (A&CS) Rules, 1974 may suitably be made the part of the offer of appointment, so as to adhere to the new provisions of Rule 21-A *ibid* in letter and spirit.

No. SOR.III-2-32/88
Dated the 17th July 1988

Subject: ABSORPTION OF SURPLUS STAFF

I am directed to say that absorption of the staff rendered surplus as a result of retrenchment in or reorganization of a Government department/office or autonomous or semi-autonomous organizations set up by the Government is now a recognized mode of recruitment as per sub-rule (1) of rule 3 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 as amended *vide* this

department's Notification No. SOR.III-2-21/87 dated 17th February 1988. This mode cannot, however, be resorted to unless the conditions laid down in the rule are fulfilled.

2. Absorption of the surplus staff through the S&GAD would be in the nature of transfer from the S&GAD because the staff in the surplus pool is on the strength of this Department. However, placement of staff in the surplus pool of S&GAD cannot be decided at the level of concerned administrative department alone. It needs approval of the Chief Minister through S&GAD. Absorption is a special dispensation in the existing legal framework which has to be made in a standard uniform manner in order to ensure that conditions of absorption and service in the absorbing departments/offices are also uniform.

3. I am to request that in future a decision involving placement of staff rendered surplus due to any re-organization of a department or abolition of posts in the surplus pool of S&GAD should be taken with the concurrence of this department and it may please be ensured that absorption of surplus staff is arranged only in accordance with the manner laid down in rule referred to at para 1 above.

No. SOR.III-2-21/87
Dated the 28th September 1988

ORDER

Having been authorized by the Chief Minister, in pursuance of proviso below sub-rule (1) of Rule 3 of the Punjab Civil Servants (Appointment and conditions of Service) Rules, 1974, following committee is hereby constituted for purposes of making recommendations for absorption of surplus persons to posts in BS-15 and below:

@ 1.	Additional Chief Secretary, S&GAD	Chairman
2.	Dy. Secretary (Reg.) S&GAD	Member
3.	Dy. Secretary (SR), F.D.	Member
4.	Deputy Secretary (Personnel), S&GAD	Member
5.	Deputy Secretary (Welfare), S&GAD	Member/ Secretary

No. SOR-III(S&GAD)1-35/93
Dated the 17th April 2002

NOTIFICATION

In exercise of the powers conferred on him by Section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in the method of recruitment prescribed in all the service/recruitment rules, 5% of the total number of posts will be reserved for women, where both male/female are eligible for such recruitment.

2. The reservation of vacancies referred to above will not apply to:

@Revised vide Order No.SOR.III.2-21/87 dated 30.04.1997.

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

No. SOR-IV(S&GAD)15-1/2012

Dated the 21st May, 2012

Notification

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), and in supersession of Notification No.SOR-III (S&GAD)1-35/93, dated 17.04.2002, the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in the method of recruitment prescribed in all the service or recruitment rules but subject to paras 2 and 3 of this notification, 15% of the total number of posts shall be reserved for women, where posts are to be filled through recruitment without any reference to gender.

2. The reservation of vacancies referred to above shall not apply to the:
 - (a) vacancies reserved for recruitment on the basis of competitive examinations to be conducted by Punjab Public Service Commission;
 - (b) recruitment made by promotion or transfer in accordance with the relevant rules;
 - (c) short term vacancies likely to last for less than six months; and
 - (d) isolated posts in which vacancies occur occasionally.
3. In case the vacancies reserved for women cannot be filled on account of non-availability of qualified women applicants, the said vacancies shall be treated as non-reserved and filled on merit.

No. SOR.I(S&GAD)16-4/85

Dated the 14th March 1985

Subject: DISABLED PERSONS (EMPLOYMENT & REHABILITATION)
ORDINANCE, 1981

I am directed to refer to notification No. SOR-III-1-3/39/79 dated 28th December 1983 amending various sets of Service/Recruitment Rules to provide the allocation of 1% of the total number of posts in various Departments to disabled persons in compliance with the Disabled Persons (Employment & Rehabilitation) Ordinance

1981. It is clarified that this does not affect the right of the disabled persons to compete on merit for vacancies other than the reserved vacancies. A disabled person in terms of the Disabled Person (Employment & Rehabilitation) Ordinance 1981, who applies for open merit vacancy and is not selected, shall also be eligible for selection against a reserved vacancy for which he shall have to compete with other disabled candidates, if any.

No. SOR.I(S&GAD)16-4/85
Dated the 31st March 1985

Subject: DISABLED PERSONS (EMPLOYMENT & REHABILITATION)
ORDINANCE, 1981

I am directed to refer to this Department's circular letter No. SORI (S&GAD) 16-4/85 dated 14th March, 1985 on the subject noted above.

2. In order to ensure proper implementation of the provisions of the Disabled Persons (Employment & Rehabilitation) Ordinance 1981 and rules made thereunder, the following instructions are issued for guidance of all concerned:

- i) Vacancies reserved for disabled persons will be filled through the normal process of selection.
- ii) All disabled persons possessing requisite qualifications and experience would be eligible to compete for posts in Grade-16 and above where selection is made by the Punjab Public Service Commission and in Grade-15 and below where selection is made by the Department concerned.
- iii) The disabled persons appearing in open competition for non-reserved vacancies will be selected purely on the basis of merit.
- iv) The disabled persons desirous of getting appointment against the reserved vacancies will first get themselves registered with the Employment Exchange of the area as disabled persons under section 12 of the aforesaid ordinance.
- v) Those disabled persons who are registered with the employment exchanges of the area as disabled persons will appear before the District Assessment Board constituted by the Social Welfare Department under Section 12(2) of the Ordinance to obtain a disability assessment certificate.
- vi) Only those persons shall be eligible to be considered for jobs reserved for disabled persons who are duly registered with the employment exchange of the area and have been declared by the Assessment Board to be disabled and fit for work.
- vii) The disabled persons desirous of getting employment shall attach registration and assessment certificate with their applications.
- viii) The selection of disabled persons for posts against 1% quota will only be made from amongst the disabled persons duly registered as such.
- ix) Recruitment of able-bodied persons will not be made against posts reserved for the disabled persons.
- x) Every department, while placing requisition with Public Service Commission/Employment Exchange for recruitment, will indicate specifically the number of posts which are available for the disabled. The selection authority would ensure that 1% quota reserved for the

disabled persons is adhered to while inviting applications/recommending candidates for posts in BS-16 and above including posts to be filled up through competitive examination.

No. SOR.III-2-86/97
Dated the 28th January 1999

In exercise of the powers conferred on him by Section 23 of the Punjab Civil Servant Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to make the following amendment namely:

AMENDMENT

In the S&GAD's Notification No. SOR-III-1-39/79 dated 28.12.1983 for the words "One percent" appearing in the first line of "Note", the words "Two percent" shall be substituted.

No. SORI(S&GAD)9-252/88
Dated the 23rd February 1999

Subject: 12TH MEETING OF THE NATIONAL COUNCIL FOR THE REHABILITATION OF DISABLED PERSONS (NCRDP) ON 18TH APRIL, 1998 – 10 YEARS AGE RELAXATION FOR EMPLOYMENT OF DISABLED PERSONS

In continuation of this Department's letter of even No. dated 20th October 1998 on the above subject, I am directed to enclose herewith a copy of letter No. F.1-5/97-NCRDP dated 01.01.1998 from Social Welfare and Special Education Division (National Council for the Rehabilitation of Disabled Persons), Government of Pakistan, Islamabad for compliance.

2. You are requested to indicate the provisions of the general relaxation of 10 years upper age limit and 2% quota for disabled persons in future advertisement.
3. It may, however, be noted that this upper age limit shall not exceed 35 years for recruitment to any post included in the PCS Combined Competitive Examination as envisaged in Notification No. SOR.III-2-87/90 (I) dated 29th September 1992.

COPY OF LETTER NO. F.1-5/97-NCRDP DATED 01.01.1998

Subject: 12TH MEETING OF THE NATIONAL COUNCIL FOR THE REHABILITATION OF DISABLED PERSONS (NCRDP) ON 18TH APRIL, 1998 – 10 YEARS AGE RELAXATION FOR EMPLOYMENT OF DISABLED PERSONS

The undersigned is directed to say that the Federal and Provincial Governments have allowed 10 years age relaxation in the upper age limit for recruitment of disabled persons. It is requested that all Miniseries/Divisions, Provincial Governments, Federal Public Service Commission and Provincial Public Services Commissions may ensure that this provisions as well as 2% quota are indicated in all advertisements for vacancies in future. It is also requested that copies

of such advertisements may be sent to National Council for the Rehabilitation of Disabled Persons (NCRDP) for information and necessary action.

No. SOR.III-2-86/97
Dated the 26th April 2000

Subject: IMPLEMENTATION OF THE DISABLED QUOTA OF 2% UNDER THE
DISABLED PERSON (EMPLOYMENT AND REHABILITATION)
ORDINANCE, 1981

I am directed to refer to this department's letter No. SOR.I (S&GAD) 16-4/85 dated 31.03.1985, on the subject noted above and to say that in order to ensure proper implementation of the provisions of Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, a detailed procedure has been prescribed and circulated to all concerned. Instances have, however, come to the notice of Government that the procedure regarding recruitment against disabled persons quota of 2% (initially it was 1% and subsequently raised to 2%) is not being observed. For facility of reference, the salient features of the letter under reference are reproduced:

- i) Vacancies reserved for disabled persons will be filled through the normal process of selection.
- ii) All disabled persons possessing requisite qualification and experience would be eligible to compete for posts in Grade-16 and above where selection is made by the Punjab Public Service Commission and in Grade-15 and below where selection is made by the Department concerned.
- iii) The disabled persons appearing in open competition for non-reserved vacancies will be selected purely on the basis of merit.
- iv) The selection of disabled persons for posts against 2% quota will only be made from amongst the disabled persons duly registered as such.
- v) Recruitment of able-bodied persons will not be made against posts reserved for the disabled persons.
- vi) Every department, while placing requisition with Public Service Commission for recruitment, will indicate specifically the number of posts which are available for the disabled persons. The selection authority would ensure that 2% quota reserved for the disabled persons is adhered to while inviting applications and recommending candidates for posts in BS-16 and above, including posts to be filled up through competitive examination.

2. Government has taken a serious view of this lapse. It is, therefore, emphasized that it is the requirement of law that while placing requisition with the Public Service Commission/Selection Authorities concerned, for recruitment to different posts, it will be indicated specifically in the requisitions that the disabled persons quota is being observed as per prescribed share.

3. I am, therefore, directed to reiterate that it is the responsibility of all the appointing authorities to strictly observe the provisions of law in the letter and spirit.

No.SOR-IV(S&GAD) 7-1/2003
Dated the 15th April 2004

Subject: INSTRUCTIONS REGARDING RECRUITMENT OF DISABLED
PERSONS AGAINST 2% QUOTA — IMPLEMENTATION OF CHIEF
MINISTER'S ANNOUNCEMENT MADE ON THE INTERNATIONAL
DAY FOR DISABLED

Kindly refer to the instructions issued from time to time on the subject noted above vide this Department's circular letters No.SOR-I(S&GAD)16-4/85,

dated 14.03.1985, 31.03.1985, SOR-III(S&GAD)2-86/98 dated 26.04.2000 and Notification No.SOR-III-2-86/98 dated 28.01.1999.

2. According to the provisions of Disabled Persons (Employment & Rehabilitation) Ordinance, 1981, 2% quota of the posts has been reserved for disabled persons. It has been observed with concern that the Departments are not giving due importance to this important provision of law, despite numerous instructions on the issue, with the result that disabled persons remain deprived of their legal rights. The Chief Minister, Punjab, during a function organized by the Special Education Department to celebrate National Day for Disabled on 03.12.2003 has taken a serious view of that and has been pleased to desire that employment of disabled persons must be ensured against 2% quota reserved for them under the Disabled Persons (Employment & Rehabilitation) Ordinance, 1981.

3. I am, therefore, directed to request that the following instructions on the subject may strictly be complied with for making recruitments against the disabled quota:

- i. All Administrative Departments shall carry out a comprehensive exercise regarding the existing number and percentage of disabled employees working in various cadres in the departments, subordinate offices, district Governments and autonomous bodies, etc.
- ii. After carrying out the above exercise, the Administrative Department shall calculate 2% quota for the disabled, only against the posts reserved for initial recruitment as recruitment against this quota can only be made against the posts reserved for initial recruitment.
- iii. It is for the department concerned to decide the category of posts to be earmarked for the purpose, depending on the nature of work of the post and whether such work can be performed by a disabled person. As such, it is not necessary to apply this quota to each category of posts and the quota is to be determined on the basis of total number of vacancies meant for initial recruitment in the department.
- iv. Vacancies reserved for disabled persons will be filled on merit through the normal process of selection i.e., after proper advertisement of posts and the candidates must fulfill the criteria of qualification, etc., as provided in the service rules for the post.
- v. Intimation of vacancies advertised under 2% disabled quota must be provided to all the relevant District Employment Exchanges in order to enable them to assist the disabled persons registered with them to apply for suitable jobs.
- vi. The disabled persons desirous of getting appointment against the reserved vacancies will first get themselves registered with the Employment Exchange of the area as disabled persons, under Section 12 of the Ordinance *ibid*.
- vii. Those disabled persons who are registered with the Employment Exchange of the area, as disabled persons, will appear before the District Assessment Board constituted by the Social Welfare Department under Section 12(2) of the Ordinance *ibid*, to obtain a disability assessment certificate.
- viii. Only those disabled persons shall be eligible to be considered for the jobs reserved for disabled persons who are duly registered

with the Employment Exchange of the area and have been declared by the Assessment Board to be disabled but fit for the jobs applied for.

- ix. The disabled persons desirous of getting employment shall attach registration and assessment certificates with their applications.
- x. All disabled persons possessing the prescribed qualifications and experience, as provided in the service rules and the registration and assessment certificates, would be eligible to compete, among themselves, for posts reserved for disabled quota and their selection shall be made on merit by the relevant Selection Committees or PPSC, as the case may be.
- xi. Recruitment of able-bodied persons will not be made against posts reserved for the disabled persons. The selection of disabled persons for the posts against 2% quota will only be made from amongst the disabled persons duly registered as such.
- xii. Disabled persons appearing and qualifying in open competition for non-reserved vacancies, will be selected purely on merit and not against the posts reserved for disabled quota.
- xiii. Every department, while placing requisition with the Punjab Public Service Commission for recruitment or while advertising the posts, specifically indicate the number of posts which are available for the disabled. The Selection Committee/Authority shall ensure that 2% quota reserved for the disabled persons is adhered to while inviting applications/recommending candidates for various posts including posts to be filled up through competitive examination.
- xiv. According to Rule 3 (iv) of the Punjab Civil Servants (Relaxation of Upper age Limit) Rules, 1976, the maximum upper age limit prescribed in the Service/Recruitment Rules for appointment to a post shall be raised by 10 years, for disabled persons, to be appointed against quota for the disabled.
- xv. The Directorate of Labour Welfare and Directorate of Social Welfare at the provincial level and EDO (Community Development) along with D.O. (Labour Welfare), DO (Social Welfare) and Managers, District Employment Exchanges, at the district level, shall remain vigilant and coordinate with all Government and private establishments, to ensure that the 2% quota of jobs reserved for disabled persons under the law is strictly being adhered to by all concerned.

4. It is requested that all Administrative Departments, subordinate offices, autonomous bodies, district offices, etc., must follow the above instructions in letter and spirit and ensure that the Chief Minister's directions regarding employment of disabled persons against 2% quota are strictly implemented.

No.SOR-IV(S&GAD)10-1/2003
Dated the 20th December 2006

Subject: INSTRUCTIONS REGARDING RECRUITMENT OF
DISABLED PERSONS AGAINST TWO PERCENT (2%)
QUOTA OMBUDSMAN PUNJAB ANNUAL REPORT 2005

I am directed to refer to the subject noted above and to state that the Provincial Ombudsman, in his Annual Report 2005, has, inter alia, pointed out that under Section 10 of the Disabled Persons (Employment and Rehabilitation) Ordinance, 1981, an establishment/department has to employ disabled persons at the rate of not less than two percent of their total establishment. The S&GAD, in consultation with Law & P.A. Department, had clarified in 1989 that it is for the concerned organization to decide the categories of posts to be earmarked for the purpose and that it is not necessary to apply this quota to each category of posts. Further detailed instructions were issued by the S&GAD vide No. SOR-III-2-86/97 dated 24.06.2000 and No. SOR-IV (S&GAD) 7-4/2003 dated 15.04.2004. All the administrative departments were required to calculate two percent quota against posts reserved for initial recruitment and then to identify categories of posts to be earmarked for recruitment of the disabled. The Ombudsman has further observed that from the complaints received in this office, it has been noted that instead of specifying the number of category of posts reserved for recruitment of disabled persons, a vague statement is made in the advertisement that two percent posts are reserved for the disabled. Whereas, in fact, two percent of the advertised posts may not even come to one post. Resultantly, the object of making the reservation remained unfulfilled.

2. Under the circumstances, I am directed to request all the Administrative Departments/Attached Departments/Autonomous Bodies/Semi-Autonomous Bodies, of Government of the Punjab, to ensure implementation of the instructions circulated on the subject from time to time. This Department may be furnished the requisite details of the posts reserved and 2% quota for disabled persons on the enclosed proforma at an early date.

No.SOR-III(S&GAD)1-35/93
Dated the 23rd October, 2009

NOTIFICATION

In exercise of the powers conferred on him by section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in the method of recruitment prescribed in all the services/recruitment rules, 5% of the total number of posts will be reserved for Minorities (Non-Muslims) as defined in the Article 260(3)(b) of the Constitution of Islamic Republic of Pakistan, 1973.

2. The reservations of vacancies referred to above will not apply to:
- (i) vacancies reserved for recruitment on the basis of competitive examination to be conducted by the Punjab Public Service Commission;
 - (ii) recruitment made by promotion or transfer in accordance with the relevant rules;
 - (iii) short term vacancies likely to last for less than six months;
 - (iv) isolated posts in which vacancies occur only occasionally; and
 - (v) vacancies reserved for Minorities for which qualified candidates are not available. These vacancies shall be treated as unreserved and filled on merit.

No.SOR-III(S&GAD)1-35/93

Dated, the 27th March, 2010

NOTIFICATION

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), and in supersession of Notification No.SOR-III(S&GAD)1-35/1993, dated 23.10.2009, the Governor of the Punjab is pleased to direct that notwithstanding anything contained in the method of recruitment prescribed in all the services/recruitment rules, 5% quota shall be reserved for Minorities (Non-Muslims) as defined in the Article 260(3)(b) of the Constitution of the Islamic Republic of Pakistan, 1973 against the total number of posts advertised in future, including the posts to be filled on the basis of competitive examination to be conducted by the Punjab Public Service Commission. However, all the conditions prescribed under the respective service rules shall continue to apply.

- #2. The reservation of vacancies referred to above shall not apply to:
- (i) Appointment made by promotion or transfer in accordance with the relevant rules;
 - (ii) Short term vacancies likely to last for less than six months;
 - and
 - (iii) Isolated posts in which vacancies occur only occasionally.
- *3. The vacancies reserved for minorities (non-Muslims) for which qualified candidates are not available shall be carried forward and filled through appointment of persons belonging to minorities (non-Muslims)

No. SOX.II-2-145/59
Dated the 9th March 1960

Subject: CHANGE IN NAME

A question has arisen as to what procedure should be adopted before Government servant is allowed to change his name. It has been decided that the Government servant desiring to change his name should notify that fact in two leading newspapers of the province and send copies of these notices to the head of his department. The authorities competent to accept the change of name should be the Heads of the Attached Departments in their respective jurisdictions. In case of Class I officers, Government in the administrative department would be the competent authority.

2. On receipt of the copies of the proper notices, the competent authority should recognize the change in the name and make the necessary alteration in the gradation and civil lists and other official documents. Intimation should also be sent to the respective audit authorities in the case of gazetted Government servants for making a similar alteration in the history of service and other documents maintained by him.

Para 2 of letter No. SOR-III(S&GAD)1-35/93 dated 27.03.2010 is substituted vide notification No. SOR-IV(S&GAD)16-1/2013 dated 09.02.2015.

* Para 3 is inserted in letter No. SOR-III(S&GAD)1-35/93 dated 27.03.2010 vide notification No. SOR-IV(S&GAD)16-1/2013 dated 09.02.2015

No. SOXII(S&GAD)2-59/62
Dated the 7th September 1962

Subject: CHANGE IN NAME

I am directed to refer to Government of West Pakistan, Services and General Administration Department's circular No. SOX.II-2-145/59 dated the 9th March, 1960 and to say that Government has decided that in the case of female Government servants who have to change their names as a result of marriage or divorce, it would not be necessary to notify the facts in two newspapers as laid down in the instructions contained in the circular letter referred to above. All that is necessary in such cases is that the female Government servants should apply to their heads of department who will obtain the order of the heads of attached department concerned. After the change in name has been finally agreed to, all relevant records should be corrected with meticulous care in order to avoid confusion later.

No. SOXII-2-59/62
Dated the 5th June 1963

Subject: CHANGE IN NAME BY GOVERNMENT SERVANTS

I am directed to refer to this department circular letter No. S.O.XII-2-145/59, dated the 9th March, 1960, on the subject noted above and to say that Government has decided that the regional heads of departments will also be competent to accept the change of name by an official serving under them in accordance with the procedure prescribed in the circular referred to above.

No. SOR.II(S&GAD)6-4/75
Dated 4th September, 1975

Subject: ALTERATIONS IN THE RECORDED DATE OF BIRTH
OF GOVERNMENT SERVANTS

I am directed to refer to the circular letter No. 20076(H)Gaz., dated 4th August, 1928, in which it was laid down that a declaration of age made by a Government servant at the time of or for the purpose of entry into Government service shall be deemed to be conclusive unless he applied for the correction of his date of birth within two years of the date of entry into service. It was further laid down that Government servants, who were then in service, could, if necessary, apply for correction of recorded date of birth within one year of the issue of that communication.

2. This policy was further reconsidered by the Government in the year 1954, and vide its circular letter No. 4375-54/Gaz, dated 30th September, 1954, the then Punjab Government held the view that it was incumbent upon a Government servant to ascertain his correct date of birth and to produce proper proof in support thereof at the time when first entry to that effect was made in the Government record and that no subsequent alteration should be permitted to be made therein. It was, therefore, decided that

applications from Government servants for change in the recorded date of birth should not at all be entertained in future and that they should be rejected straightway.

3. It has, however, come to the notice of Government that above policy is not being followed strictly by certain departments and applications are being entertained for the correction of the recorded date of birth, in some cases, even, at a time when the officials are due to superannuate. This is not only in violation of the above policy of the Government but also results in delaying their pension cases.

4. I am, therefore, to request you to ensure that the above instructions are strictly followed and case/cases of exceptional nature only may be sent to this department, with full justification, for obtaining the orders of the Chief Minister for the relaxation of the rules in their behalf. I am to request further that these instructions may kindly be brought to the notice of all concerned for strict compliance.

No. SOR.IV(S&GAD)6-7/84
Dated 13th November, 1984

Subject: ALTERATION IN THE RECORDED DATE OF BIRTH
OF GOVERNMENT SERVANTS

I am directed to refer to this department's circular letter No. SOR.II (S&GAD) 6-4/75 dated 04.09.1975, on the above subject.

2. Para 1 of Annexure-B of Rule 7.3 of Punjab Financial Rules, Vol. I, envisages that in regard to date of birth a declaration made at the time of, or for the purpose of entry into Government service, shall be deemed to be conclusive unless he applies for correction of his age as recorded within two years from the date of his entry into Government service. Government, however, reserves the right to make a correction in the recorded age of a Government servant at any time against the interest of that Government servant when it is satisfied that the age recorded in his service book or in the history of services of a gazetted Government servant is incorrect and has been so recorded with the subject that the Government servant may derive some unfair advantage therefrom. It is incumbent on a Government servant to ascertain his date of birth and to produce proper proof in support thereof at the time of his first entry into Government service. No request for correction/alteration in the recorded date of birth should be entertained at all if made after two years of date of entry into service.

3. It has been observed that the provisions of rules and instructions issued from time to time are not being followed with the result that cases for change in the recorded date of birth of officials/officers are referred to Government even after their superannuation. According to note 2 of rule 7.3 of Punjab Financial Rules Vol. I, correction in the date of birth recorded in the service record of a Government servant cannot be made without the sanction of Government in case of officers in BS-16 and above and of the head of department or the commissioner of a division in the case of ministerial and subordinate employees. Against every such correction a note has to be made of the number and the date of the order authorizing it and a copy of the order has to be placed on record.

4. It has been observed that the Audit Department refuses to admit change in the date of birth of retired Government servants even if that is disadvantageous to them. In order to avoid hardship to the employees who have already retired and in whose record

the date of birth is found to have been changed, it is clarified that the date of birth originally recorded should be admitted as the real date of birth irrespective of any evidence to the contrary. In cases where the original date is not legible, sanction of Government in S&GAD must be obtained after fixing responsibility for mutilation of the original entry and furnishing full justification for acceptance of the change. The officers incharge of offices and departments who have custody of service record of the employees working under them must examine service books/rolls of all employees under their charge and ensure that change in question, if any, is taken care of well before the retirement of the concerned employees and necessary action is taken against the persons responsible for tampering with official record. The above officers shall, henceforth, be held personally responsible for unauthorized change of entries in such record.

5. The above instructions should be brought to the notice of all concerned.

No. SOR.IV(S&GAD)6-7/84

Dated 1st April, 1985

Subject: ALTERATION IN THE RECORDED DATE OF BIRTH
OF GOVERNMENT SERVANTS

I am directed to refer to instructions issued from time to time on the above subject and to say that it has been observed that in a large number of cases of former work charged employees, brought into regular establishment in 1972 and 1973 as a matter of general policy, the question of change in their date of birth is raised after their retirement resulting in delay in finalization of their pension cases. Although service record of such temporary employment was not required, to be maintained service books were prepared in a large number of cases but particulars, such as age, were recorded therein without any proper verification. Such verification became necessary at the time of conversion of work charged employment into regular establishment. Formal methods of verification of age on the basis of medical opinion or documentary evidence in the nature of school leaving certificate or military discharge certificate, etc., indicated dates of birth different from the earlier dates recorded in a casual manner. Since change in date of birth of Government servants is not allowed after two years of entry into service the audit offices ask for sanction for such change before authorizing payment of pensionary benefits. Since this unnecessarily delays settlement of the pensionary claims, it has been decided in consultation with the Finance Department, that in future sanction of Government to change in date of birth of former work charged Government servants, if made, should be presumed to have been granted. The pension cases of such retired employees should not be held up on account of change in the date of birth. The date recorded after conversion of their work charged employment into regular establishment should be admitted as the correct date of birth. It is requested that all Audit Officers under your administrative control may be instructed accordingly.

No. SOR.IV(S&GAD)6-7/84

Dated 11th December, 1985

Subject: ALTERATION IN THE RECORDED DATE OF BIRTH
OF GOVERNMENT SERVANTS

I am directed to refer to this Department's letter of even No. dated 13th November, 1984 and to say that instructions were issued that where the original date of birth recorded in the Service Book of a Government Servant is not legible, sanction of

Government in S&GA Department must be obtained after fixing responsibility for mutilation of the original entry and furnishing full justification for acceptance of change. It was further desired that officer incharge of an office or department who have custody of service record of employees working under them must examine service books/service rolls of all employees under their charge and ensure that the change, if any, is taken care of well before retirement of the persons concerned and necessary action is taken against the persons responsible for tampering with official record.

2. It has been observed that the number of such cases referred to this Department is on the increase and it is always claimed that responsibility for the change cannot be fixed. In order to avoid belated references, it has been decided that all Heads of offices who have the custody of service books/service rolls must record a certificate in the first week of January every year in every service book to the effect that they have personally examined the service book/service roll and have found these in order. Such certificates should be pasted in the service books/service rolls from the last page onwards. Any Head of Office not complying with these instructions should be reported against for the failure by his successor to the next higher authority for appropriate action.

3. The above instructions should be brought to the notice of all concerned.

No. SOR.II(S&GAD)8-57/71
Dated the 21st October 1971

Subject: POLICY REGARDING POSTING OF OFFICERS TO THEIR HOME DISTRICTS

I am directed to refer to the late Government of West Pakistan circular letter No. SOXII(S&GAD)-8-6/64, dated 19th April, 1966, on the subject noted above, and to say that by now all the displaced persons must have settled permanently at one place or another Government have, therefore, decided to withdraw with immediate effect the concession regarding the change of domicile allowed to them by the aforesaid circular letter. From now onwards the domicile of a Government servant, as declared by him at the time of entry into Government service, or accepted by Government under the circular referred to above, should be treated as final throughout his service career and no subsequent change in his domicile should be recognized for the purpose of terms and conditions of service including his allocation and liability to transfer.

2. As a citizen of Pakistan, a Government servant may change his domicile according to the law and rules made thereunder, but such a change will not be reflected in his service record. There will be only one exception to this general rule which has already been provided in para 7 of Appendix-4 to the Civil Services Rules (Punjab), Volume-I, Part-II, which is reproduced below:

“After marriage a woman acquires the domicile of her husband if she had not the same domicile before, and her domicile during the marriage follows, the domicile of her husband:

Provided that, if the husband and wife are separated by the order of a competent court, or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.”

No. SOR.II(S&GAD)8-54/73
Dated the 15th June 1973

Subject: CHANGE OF DOMICILE BY CANDIDATES APPLYING FOR ENTRY INTO GOVERNMENT SERVICE

I am directed to refer to this Department's Circular letter No. SOR-II (S&GAD) 8-57/71 dated the 21st October, 1971, in which a firm policy was laid down that the domicile declared by a person at the time of entry into service will be treated as final throughout his service career and no subsequent change would be recognized or reflected in his service record. These instructions apply to serving Government servants, but there is no restriction on candidates, applying for different jobs, that the domicile declared while applying on an earlier opportunity will not be allowed to be changed. Instances have come to the notice of Government that certain candidates applied for a vacancy allocated to a particular zone and produced domicile certificate from that zone. They were not selected. Subsequently, a vacancy allocated to the other zone was advertised and the same persons again offered themselves as candidates from that zone on the strength of a domicile certificate from one of the districts in the zone.

2. Government is of the view that if this practice is allowed on the part of candidates it would tend to defeat the very object of zonal allocation of vacancies. The aim of allocating vacancies to a particular zone is to ensure that bona fide residents of that zone get adequate representation in Government service. It has therefore, been decided that the domicile declared by a candidate while applying for one job will be considered final and he will not be allowed to produce a different domicile certificate for another job.

3. The same principle would apply in the case of candidates who have obtained the benefit of domicile in case of admissions to educational/professional institutions. If a particular domicile was declared for the purpose it would be treated as final when the candidate seeks employment in Government service.

No. SOR.IV(S&GAD)8-57/71

Dated the 14th July 1982

Subject: CHANGE OF DOMICILE AFTER ENTRY INTO GOVERNMENT SERVICE

I am directed to refer to this Department's Circular letter No. SOR-II (S&GAD)8-57/71, dated the 21st October, 1971 and No. SOR-II(S&GAD)8-54/73 dated 15th June, 1973 and to reiterate that the domicile of a Government servant as declared by him and accepted by Government at the time of his entry into Government service should be treated as final throughout his service career and no subsequent change in his domicile should be recognized for the purpose of terms and conditions of service, including his liability to transfer. However, in view of the recent changes in the administrative setup leading to creation of new Administrative Divisions and Districts, it has been decided that change in the service record of Government servants as regards domicile may be allowed subject to the following conditions. These instructions may kindly be brought to the notice of all Government servants under your administrative control:

- 1) the concession would be available only to those Government servants who hail from, and have declared domicile of, any of the Districts, whose boundaries have undergone change on account of setting up of new Districts.

- 2) the concession is available only for a period of four months from the date of this letter, within which the affected Government servants can obtain and produce new domicile certificates duly issued by the District Magistrate concerned, in accordance with the relevant rules for purposes of seeking change in their record of service as regards domicile. Any request for change in domicile beyond this time limit would not be entertained.

No. SOR.IV(S&GAD)8-57/71

Dated the 23rd September 1985

Subject: CHANGE OF DOMICILE AFTER ENTRY INTO GOVERNMENT SERVICE

I am directed to refer to this department's circular of even number dated 14.07.1982 on the subject noted above.

2. According to existing policy the domicile of a Government servant as declared by him and accepted by Government at the time of his entry into Government service shall be treated as final throughout his career and no subsequent change in it is recognized for the purpose of terms and conditions of service including his liability to transfer. In the letter under reference, change in service record of Government servants as regards domicile was allowed on account of changes in the administrative setup leading to creation of new civil divisions and districts in 1982 subject to condition that the above concession was extended only to those Government servants who hailed from and had declared domicile of any of the districts whose boundaries had undergone change on account of setting up of new districts and who applied within four months of the issue of policy letter dated 14.07.1982. The affected Government servants were allowed to obtain and produce new domicile certificates duly issued by the District Magistrate concerned in accordance with the relevant rules for purposes of seeking change in their record of service as regards domicile.

3. The new districts of Khanewal and Chakwal have since been set up and these have started functioning with effect from 01.07.1985. The Government servants who hail from and have declared their domicile of any of the above districts are also allowed to avail of the concession for change of their domicile within four months from the issue of this letter. Any request for change in domicile after this time limit would not be entertained.

4. In future, however, as and when new divisions or districts are created, the concession for change in domicile will be available to the affected Government servants during four months from the date of functioning of the new districts.

5. The above instructions may kindly be brought to the notice of all Government servants under your administrative control.

No. SOR.IV(S&GAD)8-57/71

Dated the 20th December 1994

Subject: CHANGE OF DOMICILE AFTER ENTRY INTO GOVERNMENT SERVICE

I am directed to refer to this department's circular letter of even number dated 23.09.1985 on the subject noted above.

2. According to the existing policy the domicile of a Government servant as declared by him and accepted by Government at the time of his entry into Government service shall be treated as final throughout his service career. In the letter under reference, change in service record of Government servants as regards domicile was allowed on account of territorial re-arrangements as a result of the creation of new Civil Divisions and Districts within four months of the issue of policy letter under reference.

3. The time limit prescribed for change in domicile affected those Government servants who did not apply within the prescribed time and their service record could not be updated as per factual position on ground. It has, therefore, been decided to waive off the condition of four months prescribed in the policy letter under reference. The affected Government servants should produce their domicile certificates duly issued by the District Magistrate concerned in accordance with the relevant rules immediately so that necessary changes may be made in their service record.

No. SOR.III-2-53/77
Dated the 28th March 1978

Subject: VERIFICATION OF CHARACTER & ANTECEDENTS OF CANDIDATES ON FIRST APPOINTMENT UNDER PUNJAB GOVT

Reference this Department's circular No. E&A(S&GAD) 13(12)/60 dated 15.08.1960, forwarding herewith Attestation Form for verification of character & antecedents of candidates for employment under the Provincial Government.

2. According to sub-rule (2) of Rule 21-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, an appointment by initial recruitment shall be subject to the verification of character & antecedents of the candidate of the person appointed to the satisfaction of the appointing authority.

3. It has been observed that in a large number of cases the antecedents & character of fresh employees against various posts in the province are not verified from police before their appointments. The matter has been re-examined and it is considered necessary that antecedents & character of the candidates to be appointed should be verified before their appointments. Legally it can be difficult to throw out a person after appointment on an adverse report as bona fides of such a report could be challenged. In order, therefore, to provide a safeguard against undesirable persons having access to official secrets, it has been decided to get the character & antecedents of the candidates verified before their induction into office.

4. As regards the Agencies whose verification should be accepted it has been decided that such cases should be referred to District Police and Special Branch of the Provincial Police simultaneously on the prescribed form already supplied with this Department's circular referred to above. There is no necessity of such a verification

from F.I.A. because that will put unnecessary restraint on the employers & delay the process of appointment.

No. SOR.IV(S&GAD)-5-16/84
Dated the 18th April 1984

Subject: MEDICAL CERTIFICATE OF FITNESS ON FIRST ENTRY INTO
GOVERNMENT SERVICE

I am directed to say that rules 3.2 to 3.6 of the Civil Service Rules (Punjab), Vol. I, Part-I require production of medical certificate of fitness on first entry into Government service. A question has arisen as to whether a Government servant who was medically found fit on his first appointment should again furnish medical certificate of fitness on his appointment to another post within or outside his parent department. According to note 3, below rule 3.2 of the rules *ibid*, a temporary Government servant who has already produced medical certificate in one office, should not, if transferred to another office without break in his service, be required to produce fresh certificate. All appointing authorities are, therefore, advised not to insist on the production of medical certificate of fitness on subsequent appointments in cases where a Government servant has already produced medical certificate on his first entry into Government service provided that there is no break in his service.

No. SOR.III-2-87/88
Dated the 25th July 1989

Subject: VERIFICATION OF CHARACTER & ANTECEDENTS OF CANDIDATES ON
FIRST APPOINTMENT UNDER THE PUNJAB GOVERNMENT

In continuation of this department's circular letter No. SOR.III-2-53/77 dated 28.03.1978, I am directed to state that under the existing procedure of finally selected candidates on their first appointment in the Punjab Government are referred to the district police and Special Branch of the Provincial Police simultaneously on the prescribed form already supplied with this department's circular referred to above. It has now been decided with the approval of the Chief Minister that the District Police/Special Branch of the Provincial Police should be instructed to return the documents duly verified within 30 days positively. Suitable instructions may be issued to all concerned under intimation to this department.

No. SOR.III-2-87/88
Dated the 7th August 1989

Subject: MEDICAL EXAMINATION OF THE CANDIDATES SELECTED
FOR APPOINTMENT AGAINST PROVINCIAL POSTS

I am directed to refer to your letter No. E&A (Health) 2-56/88, dated 26.01.1989, on the above subject and to say that it has been decided that the procedure for medical examination required under Rule 21 and 21-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, shall be as under:

“The authority for medical examination of the candidate selected for appointment against Government posts, may be decentralized and Medical Superintendents of District Headquarters hospitals may be authorized to conduct this examination. Finally selected candidates may be directed to appear before such authorized medical officers and obtain certificate of fitness before reporting for appointment. The Medical Superintendents of District Headquarters hospitals may further be directed to fix first Monday of every month for such medical examination.”

2. I am to request that necessary instructions in this behalf may kindly be issued to all concerned under intimation to this department immediately.

No. SOR.III-2-3/94
Dated the 12th February 1994

Subject: PRODUCTION OF MEDICAL CERTIFICATE ON FIRST
APPOINTMENT OF A CIVIL SERVANT

I am directed to refer to the above subject and to state that instances have come to the notice of the Government in which candidates/persons on their first entry in Government service have been allowed to join duty without production of Medical Fitness certificate duly issued by the competent authority. Such civil servants are allowed to obtain the requisite certificate at a later stage on expiry of considerable period of time.

2. In this connection, attention is invited to Rule 21 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 which provides that a candidate for appointment must be in good mental and bodily health and free from any physical defect likely to interfere in the discharge of his duties.

3. I am to emphasize that the practice of joining the candidates without medical fitness certificate being inconsistent with the rules and instructions referred to above may be discouraged and in no case a candidate be allowed to join his assignment without the requisite medical certificate.

No. SOR.III.2-47/99
Dated the 3rd August 1999

Subject: VERIFICATION OF CHARACTER AND ANTECEDENTS

I am directed to draw your attention to Rule 21(2) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, which lays down that appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidates to the satisfaction of the appointing authority.

2. Federal Government has reported that a person convicted in a criminal case succeeded in getting appointment in a Government department. It implied that departments do not carefully follow the provisions of Rule 21(2) of the rules ibid while making appointments to various posts. The procedure for getting the

antecedents of candidates verified is laid down in this department's letter No. SOR.III-2-53/77 dated 28.03.1978. Non-observance of the rules and the procedure has resulted in an embarrassing situation for the Government.

3. I am to emphasize that all the administrative departments under the Punjab Government should follow the provisions of Rule 21(2) of the rules ibid and in the instructions referred to above in true letter and spirit.

No. SOR.II(S&GAD)-2-21/71

Dated the 16th June 1971

Subject: PRIOR CONCURRENCE OF FINANCE DEPARTMENT IN RESPECT OF
TERMS AND CONDITIONS TO BE OFFERED TO OFFICERS APPOINTED
ON CONTRACT BASIS IN GOVERNMENT DEPARTMENT

I am directed to say that a case has recently come to the notice of the Governor in which some difference of opinion cropped up between the Finance Department and an Administrative Department over the terms and conditions to be offered to an officer appointed on contract basis. The Governor has been pleased to observe that the whole dispute has arisen because of the fact that at the time of making the original offer, prior consultation with the Finance Department was not made. The Governor has directed that in future before making any such offer, which should be strictly in accordance with the rules, prior concurrence of the Finance Department should be obtained so that there is no confusion later on. I am to request that this directive may kindly be brought to the notice of all concerned for guidance and strict compliance.

No. SOR.III-6-4/94

Dated the 31st August 1994

Subject: STATUS OF LEAVE GRANTED FROM THE DATE OF AVAILING

I am directed to refer to the subject noted above and to say that a question has arisen as to the status of leave from the date of availing. It has been observed that in such cases the officers assumed entire discretion to determine the date of commencement of leave. Some civil servants take weeks or months to avail leave from the date of sanction, and sometimes the leave is never availed. This practice frustrates the whole process of making alternative arrangements during the sanctioned leave.

2. The matter has been considered. It may be emphasized that the option to determine the date of commencement of leave exercised by the applicant is subject to the approval of the leave sanctioning authority. Sanctioning of leave, therefore, includes the sanctioned period of leave including the date of its commencement and expiry. According to Rule 21 of the Revised Leave Rules, 1981, leave commences from the date of availing on which a civil servant hands over the charge of this post and ends on the day proceeding on which he assumes duty. These dates are, therefore, required to be mentioned in the leave sanctioning order explicitly.

3. I am, therefore, to clarify that the above procedure may be followed carefully so that the dates of commencement and ending of the leave are in the knowledge of the leave sanctioning authorities, so as to avoid unpredictable conditions for making alternative arrangements during the period of leave and for arranging the posting of civil servants returning from leave. These instructions may also be brought to the notice of all leave sanctioning authorities for compliance.

No. SOR-IV (S&GAD)10-1/2003

Dated the 22nd July 2005

Subject: POLICY FOR SERVICE ELIGIBILITY IN RESPECT OF PEOPLE WITH HBsAg & HCV POSITIVE

Kindly refer to the subject cited above.

2. Rule 21 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 requires that a candidate for appointment in Government service must be in good mental and bodily health free from any physical defect likely to interfere with the discharge of his duty. Recently, a question has arisen as to whether or not a person suffering from Hepatitis B or C is medically fit. An experts committee was constituted in the Health Department to propose the policy for fitness of the candidates for Government service suffering from Hepatitis B/C. The committee has made the following recommendations:

Type	Cases		
1.	HbsAg Anti HCV LFTs PCR Abd. USG	Positive Positive Normal Negative Normal	Fit for Entry into Service
2.	HbsAg Anti HCV LFTs PCR Abd. USG	Positive Positive Abnormal Negative Normal	Fit for Entry into Service
3.	HbsAg Anti HCV LFTs PCR Abd. USG	Negatives Negatives Abnormal Negative Normal	Fit for Entry into Service
4.	HbsAg Anti HCV LFTs PCR Abd. USG	Positive Positive Normal Positive Normal	Should be deferred and treatment be advised and come back when patient is sero-negative (6-12 months)
5.	HbsAg Anti HCV LFTs PCR Abd. USG	Positive Positive Abnormal Positive Normal	Should be deferred and treatment be advised and come back when patient is sero-negative (6-12 months)
6.	HbsAg	Positive	

	Anti HCV LFTs PCR Abd. USG	Positive Abnormal Positive Abnormal	UNFIT
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3. All departments are accordingly requested to ensure that a person at the time of entry into Government service is not suffering from the type of Hepatitis B/C, the carrier of which has been declared medically unfit in keeping with the above instructions. For implementation of the decision, the medical examiners are required to also give their recommendations about fitness or otherwise of the candidate in respect of the said disease on the medical fitness certificate.

No. SOR-III(S&GAD)2-8/2009

Dated 2nd August 2010

NOTIFICATION

In supersession of this department's Notification bearing No. SOR-III (S&GAD)2-8/2009 dated 26.01.2010 and pursuant to the provisions of rule 16 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 read with rule 3 of the Punjab Public Service Commission (Functions) Rules, 1978, the Governor of the Punjab is pleased to direct that the initial recruitment to posts in BS-11 to BS-15 in respect of the following departments and the departments attached to them, shall be made on the recommendations of Punjab Public Service Commission:

- a) Services & General Administration Department
- b) Revenue Department
- c) Finance Department
- d) Police Department

2. The Governor of the Punjab is further pleased to direct that initial recruitment to the following posts in BS-11 to BS-15 in the Departments/Attached Departments mentioned hereunder shall also be made on the recommendations of Punjab Public Service Commission:

Sr. No.	Name of Posts	Departments/Attached Departments
1.	Assistant Superintendent, Jail	Inspector General of Prisons, Punjab
2.	Assistant Food Controller	Food Department
3.	Food Grain Inspector	Food Department
4.	Excise & Taxation Inspector	Excise & Taxation Department
5.	Sub-Engineer	Irrigation & Power, Communication & Works, HUD&PHE Department
6.	Inspector Cooperative Societies	Cooperatives Department
7.	Ziladar	Irrigation & Power Department

No.SORIII(S&GAD)2-41/2009

Dated the 1st May 2016

NOTIFICATION

In supersession of this department's Notification bearing No. SOR-III (S&GAD)2-8/2009 dated 26.01.2010 and under the provisions of Rule-16 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 read with Rule-3 of the Punjab Public Service Commission (Functions) Rules, 1978, the Governor of the Punjab is pleased to direct that the initial recruitment to posts in BS-11 to BS-15 of the following departments / attached department shall be made on the recommendations of the Punjab Public Service Commission:-

- 1) Services & General Administration
- 2) Revenue
- 3) Finance
- 4) Police

2. The Governor of the Punjab is further pleased to direct that initial recruitment to the following posts in BS-11 to BS-15 in the departments / attached departments mentioned here under shall also be made on the recommendation of Punjab Public Service Commission:-

1)	Assistant Superintendent, Jail	Prison
2)	Assistant Food Controller	Food
3)	Excise & Taxation Inspector	Excise & Taxation
4)	Sub-Engineer	Irrigation & Power
5)	Sub-Engineer	Communication & Works
6)	Sub-Engineer	HUD&PHE
7)	Inspector Cooperative Societies	Cooperatives
8)	Sub-Inspector Cooperative Societies	Cooperatives
9)	Ziladar	Irrigation & Power

NOTIFICATION

In partial modification to this department's Notification bearing even number dated 20.05.2016 and under the provisions of Rule-16 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 read with Rule-3 of the Punjab Public Service Commission (Functions) Rules, 1978, the Governor of the Punjab is pleased to direct that the initial recruitment to posts in BS-11 to BS-15 of the following departments/attached departments shall be made on the recommendations of Punjab Public Service Commission:

Services & General Administration;
Revenue Department;
Finance Department
Inspector General of Police, Punjab

2. The Governor of Punjab is further pleased to direct that initial recruitment against the following posts in BS-11 to BS-15 in the departments/attached departments mentioned hereunder shall also be made on the recommendations of Punjab Public Service Commission:

Sr. No.	Name of the Post	Department/Attached Department
(i)	Assistant Superintendent Jail	Inspector General of Police, Punjab
(ii)	Assistant Food Controller	Food Department
(iii)	(a) Sub-Engineer (b) Ziladar	Irrigation Department -do-
(iv)	Sub-Engineer	C&W Department
(v)	Sub-Engineer	HUD&PHE Department
(vi)	(a)Inspector Cooperative Societies (b) Sub-Inspector Cooperative Societies	Cooperative Department -do-
(vi)	(a)Transport Sub-Inspector (b)Motor Vehicle Examiner (c)Stenographer	Transport Department -do- -do-

No. SOR-III(S&GAD)2-13/2017

1st March, 2017

**SUBJECT: VERIFICATION OF EDUCATIONAL DEGREES / TESTIMONIALS
AS A MANDATORY CONDITION FOR APPOINTMENT IN
GOVERNMENT SERVICE**

Kind attention of all concerned is invited towards the following provisions of rule / policy on the subject:

(i) Rule 21-A(2) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 is reproduced as under:

“Notwithstanding anything in sub rule (1) an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed to the satisfaction of the appointing authority”.

- (ii) Guidelines given in **Annex-B** of the Contract Appointment Policy, 2004 provides vide para 14 as under:

“If, at any stage, it is discovered that the person appointed on contract had obtained the appointment on the basis of forged/bogus documents or through deceit by any means, the appointment shall be considered to be void ab initio and he shall be liable to refund all amounts received from the Government as a consequence of appointment in addition to such other action as may be taken against him under the law.

- (iii) Sub paras (x) and (xi) of para 13 of Recruitment Policy 2004 is reproduced as under:

“(x) All the candidates shall be required to produce National Identity Card, domicile certificate and transcripts of qualifications, in original, at the time of interview.

(xi) The Selection Committees shall ensure that the certificates/degrees of candidates are genuine and have been obtained from recognized institutions.”

3. The verification of educational degrees / testimonials is a mandatory requirement in terms of Rule 21-A(2) of the rules *ibid* and provisions of Contract Appointment Policy, 2004 and Recruitment Policy 2004 quoted above which is brought into kind notice of all concerned for meticulous compliance to eliminate any chance of recruitment on bogus / forged documents.

4. The above instructions may be brought to kind notice of all concerned for compliance in letter and spirit.

AD HOC APPOINTMENT

No. SOR.I(S&GAD)16-14/64 (Policy)

Dated the 21st February 1970

Subject: COUNTING OF THE AD HOC APPOINTMENT TOWARDS MINIMUM EXPERIENCE PRESCRIBED FOR A POST

I am directed to refer to para 3(x) of this Department's letter No. SOIV(S&GAD)-16-14/64 (Policy) dated 1st October, 1969, regarding ad hoc appointments, in which the existing instructions about ad hoc experience were summarized. Some references have been received whether this amounts to modification of the earlier policy laid down in this Department's letter No. SOXII-(S&GAD)-2-38/66, dated 30th March, 1967, on the subject noted above. It is explained that the intention is not to revise the policy. As already laid down, the ad hoc appointment period will count as experience for the purpose of fulfilling the requirements of the Service Rules. Ad hoc experience in a junior post of a person subsequently selected by the Commission should be taken into consideration when determining his eligibility for a senior post or the same post. This would, however, be subject to the provision that his seniors in the service are not ruled out as ineligible on the ground of shortage of experience. I am to request that these instructions may be noted for future guidance.

No. SOR.I(S&GAD)16-6/80-Part-II

Dated the 14th October 1981

Subject: REQUESTS FOR THE GRANT OF EXTENSIONS IN AD HOC APPOINTMENTS

The proposals for extensions in ad hoc appointments are referred to this Department for Governor's approval in relaxation of rule 22 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 long after the expiry of the terms of ad hoc appointments. Even at that stage the references received in this connection are not always complete which necessitate repeated back references delaying the matter still further. The Governor has taken a serious notice of this state of affairs and has directed that such cases must be initiated well before the expiry of the initial or extended period of ad hoc appointment. The main points on which information must be supplied to this department for submission of such cases to the Governor (now Chief Minister) are indicated below for guidance:

- i) Nomenclature of service/recruitment Rules;
- ii) Date of submission of requisition to the Commission;
- iii) The last date for receipt of applications by the Commission/other Selection authority.
- iv) Date of making ad hoc appointment.
- v) Date of expiry of initial period of 6 months ad hoc appointment;
- vi) If the ad hoc appointment has to be continued for more than one year whether approval of the Commission has been obtained under proviso (a) to rule 4 (ii) of the Punjab Public Service Commission (Functions) Rules, 1978 for extension of ad hoc appointment beyond 6 months.

2. It is requested that the foregoing information should invariably be provided while referring such cases to this Department.

No. SOR.I(S&GAD)16-25/82
Dated the 5th March 1983

Subject: EXTENSION OF AD HOC APPOINTMENTS

I am directed to refer to this Department circular No. SORI(S&GAD)16-6/80-Part-II dated 14th October, 1981 and to say that the proposals for extension in ad hoc appointments are referred to this Department for Governor's approval in relaxation of rule 22 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 long after the expiry of the term of ad hoc appointment. The Governor has taken a serious notice of it and directed that all Departments must send such cases for extension of ad hoc appointments at least two months earlier than the expiry date, so that all necessary formalities can be completed in time and salaries of the ad hoc appointees are not held up.

2. It is requested that the above mentioned instructions may be brought to the notice of all concerned for strict compliance.

No. SOR.I(S&GAD)1-4/85
Dated the 25th August 1985

Subject: EXTENSION OF AD HOC APPOINTMENTS

Please refer to para 1 (II) of D.O. of even number, dated 07.07.1985 regarding extension in ad hoc appointments. The Chairman, Punjab Public Service Commission, has pointed out that while processing the cases for such extension, the Administrative Departments commit the following irregularities:

- a) Under the rules, the Administrative Departments are competent to make ad hoc appointments for only one year. However, requests for further extension in ad hoc appointments are generally received by the Commission long after the initial period of one year has expired. Retention of ad hoc officers beyond one year without approval of the Commission in such cases cannot be presumed.
- b) Requests for further extension of ad hoc appointment beyond one year are sometimes received after the Commission has already nominated candidates for regular appointment against the vacancies occupied by ad hoc appointees. The law does not allow the Commission to extend ad hoc appointments after it has recommended candidates for regular appointment against the same vacancies. Under Rule 4 (ii) (a) of PPSC (Functions) Rules, 1978, the Commission's approval for extension in ad hoc appointment is subject to the condition that "the Commission had failed to nominate a candidate." The Commission can, therefore, approve extension in ad hoc appointment only up to the date on which it has nominated a candidate for regular appointment against the same vacancy.

- c) Extension cases are sometimes received incomplete without the requisite data in the proforma prescribed by the Commission for this purpose. The Commission is unable to process extension cases properly without this data. This results in further correspondence with the Departments and delays the case unnecessarily. Therefore, the Administrative Departments must send extension cases along with the prescribed proforma. Further, the entries in the proforma must be carefully checked and the proforma must be carefully checked and the proforma must be signed by the Appointing Authority or someone duly authorized in this behalf.

2. You are requested to please ensure that the requirements of law and the procedure laid down by the Commission is strictly observed in future. It may be pointed out that ad hoc appointments automatically terminate after the permission period and the appointing authorities become personally liable to pay salary to the ad hoc appointees continued beyond the authorized period.

No. SOR.II(S&GAD)3-23/96
Dated the 10th September 1996

Subject:REGULARIZATION OF AD HOC APPOINTMENT – EFFECT ON SENIORITY POSITION ETC.

I am directed to refer to the subject noted above and to say that instances have come to the notice that in some Departments, the services of an official are regularized w.e.f. the date of his ad hoc appointment in response to the Chief Minister's directive etc. The Directive of the Chief Minister is implemented inadvertently without bringing to his notice the implications, adverse effects on other employees and the position of judicial verdicts of the Honourable Courts on the subject. The Honourable Supreme Court of Pakistan in their judgments PLD 1991 SC-226 & PLD SC 35, have held that ad hoc appointment cannot be regularized to the detriment of the other civil servants. Seniority being a vested right, cannot be altered except as provided in the rules. Therefore, it cannot be fixed in relaxation of relevant rules because it amounts to giving undue benefit of seniority to the juniors.

2. Accordingly, it has been decided that the Competent Authorities should refrain from granting undue benefit of seniority by regularizing the ad hoc appointment of an official from the date of his ad hoc appointment. If it is intended to regularize the ad hoc appointment of an official it should invariably be made after advertising the post and following prescribed procedure of recruitment in the light of principle of law enunciated by the Honourable Supreme Court of Pakistan referred to above.

3. I am, therefore, to request you that the above instructions may kindly be brought to the notice of all concerned for strict compliance.

No. SOR.I(S&GAD)16-12/85
Dated the 3rd June 1997

Subject:UNAUTHORIZED EXTENSION OF AD HOC APPOINTMENTS

I am directed to invite attention of all concerned to this Department's D.O. letter No. SORIV(S&GAD)1-4/85 and to say that extension in ad hoc appointments beyond one year to the incumbents of posts within the purview of Punjab Public Service Commission are being made by Government Departments without approval of the Punjab Public Service Commission in violation of the above instructions.

2. The Punjab Public Service Commission has brought to the notice of the Government that certain departments do not forward such cases to the Commission rather circumvent the provisions through break in the period of ad hoc appointment to continue the same endlessly.

The text of instructions issued on 25.08.1985 is reproduced below for strict compliance:

- a) Under the rules, the Administrative Departments are competent to make ad hoc appointments for one year only. However, requests for further extension in ad hoc appointment are generally received by the Commission long after the initial period of one year has expired. Retention of ad hoc officers beyond one year without approval of the Commission is illegal. Approval of the Commission in such cases cannot be presumed.
- b) Requests for further extension of ad hoc appointments beyond one year are sometimes received after the Commission has already nominated candidates for regular appointments against the vacancies occupied by ad hoc appointees. The law does not allow the Commission to extend ad hoc appointments after it has recommended candidates for regular appointments against the same vacancies. Under Rule 4 (ii)(a) of PPSC (Functions) Rules, 1978, the Commission's approval for extension in ad hoc appointment is subject to the condition that the Commission had failed to nominate a candidate. The Commission can, therefore, approve extension in ad hoc appointment only up to the date on which it has nominated a candidate for regular appointment against the same vacancy.
- c) Extension cases are sometimes received incomplete without the requisite data in the proforma prescribed by the Commission for this purpose. The Commission is unable to process extension cases properly without this data. This results in further correspondence with the Departments and delays the case unnecessarily. Therefore, the Administrative Departments must send extension cases along with the prescribed proforma. Further, the entries in the proforma must be carefully checked and the proforma must be signed by the Appointing Authority or someone duly authorized in this behalf.

3. Attention is also invited to this Department's circular letter No. SORI(S&GAD)16-1/85 dated 9th February, 1991 under which a Model Offer of ad hoc appointment along with an affidavit was enclosed. It is requested to kindly ensure that no ad hoc appointment is allowed to continue beyond the period prescribed in Rule 22 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974.

4. It is, therefore, requested to please ensure that the requirements of law and the procedure laid down in the instructions issued by this department from time to time are strictly observed in future.

No. SOR-III-2-1/94(P)
Dated the 27th August 1997

Subject:AD HOC APPOINTMENTS TO POSTS IN BS-1 TO BS-15

I am directed to refer to this Department's circular letter of even No. dated 29th December, 1994 regarding ad hoc appointments.

2. The matter has been examined under the relevant provisions of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974. The provisions of Rule 22 of the Rules *ibid*, make it incumbent on the appointing authority to send a requisition to the Punjab Public Service Commission before making ad hoc appointments to posts in BS-16 and above falling within the purview of the Commission. This implies that there is no provision for ad hoc appointments against the posts in BS-1 to BS-15, because the Appointing Authority for such posts is also the Chairman of the Departmental Selection Committee. It does not appear logical that the Appointing Authority, which is also Chairman of Departmental Selection Committee, should send a requisition to himself for making ad hoc appointments to posts in BS-1 to BS-15. The process of making ad hoc appointments is normally resorted to when completion of procedural formalities for regular appointments is likely to delay the matter. There is a difference in recruitment procedure for ad hoc and regular appointments to posts in BS-16 and above. There is no such difference for posts in BS-1 to BS-15. The Departmental Selection Committee can meet any time, convenient to it, for making selection on regular basis even at a short notice. Thus, there is no question or need for making ad hoc appointments to posts in BS-15 and below.

3. I am, therefore, to request you that in future regular appointments should only be made through the respective Departmental Selection Committees after observing the procedure and the provisions of service/recruitment rules.

4. I am to request you further that these instructions may be brought to the notice of all Appointing Authorities under your administrative control for guidance/compliance.

No. SORI(S&GAD) 16-2/97
Dated the 12th May 1998

Subject: REGULARIZATION OF SERVICE OF STAFF WORKING ON
CONTRACT/AD HOC BASIS

I am directed to refer to the subject cited above and to state that the Chief Minister was pleased to constitute a committee to examine the existing procedure regarding regularization of services of ad hoc/contract employees and to remove irritants, if any, keeping in view the principle of law annunciated by the Supreme Court of Pakistan in Human Rights case No. 104 of 1992, *vide* their order dated 19.01.1993 that no appointment on regular basis should be made without properly advertising the vacancies and converting ad hoc appointments into regular appointments and also the spirit of Article 25 of the Constitution of Pakistan.

2. The committee, after due deliberations, made the following recommendations:

- i) Any deviation from the existing legal framework, to regularize the service of ad hoc/contract employee by denying the right to compete for Government jobs to other eligible candidates will not only be violative of the Constitution but also defeat the concepts of fair play and equity.
 - ii) All posts held by ad hoc/contract employees should be advertised and filled on regular basis through the Punjab Public Service Commission under the extent of law/rules. Ad hoc/Contract appointees may compete with others on equal footing.
 - iii) All departments should forecast number of vacancies likely to become available in the next 12 to 18 months and place a requisition with the PPSC in time. This will minimize the need for making ad hoc appointments.
3. The above recommendations of the Committee were approved by the Chief Minister.
4. You are, therefore, requested kindly to bring the contents of the above instructions to the notice of all concerned for information and compliance.

PROMOTION

No. SO(S)18-98/94
Dated the 5th January 1988

Subject: INSTRUCTIONS FOR PREPARATION OF WORKING PAPER & OTHER DOCUMENTS RELATING TO PROMOTION OF OFFICERS IN BPS-18 & ABOVE AND MOVE OVER TO BPS-19 AND ABOVE FOR PLACING BEFORE THE PROVINCIAL SELECTION BOARD

I am directed to refer to subject noted above and to say that despite instructions issued from time to time (as detailed in letters indicated in the *footnote) the Administrative Departments continue to forward incomplete working papers to the S&GAD for consideration by the Provincial Selection Board with the result that most of the working papers have to be referred back to the Department time and again for the removal of deficiencies. The promotion/move-over cases are thus delayed causing dissatisfaction among the affected officers.

2. I am, therefore, once again to request you to kindly enquire that in future the working papers and related documents, being forwarded to the S&GAD for consideration by the Provincial Selection Board are prepared strictly in accordance with the standing instructions in the matter.

3. I am further to request that the cases forwarded after 31st March must contain the ACRs for the last calendar year duly reflected in the synopsis of ACRs of the officers concerned.

4. It may also be mentioned that only those working papers will be included in the agenda of the meeting of the Provincial Selection Board, which are received in the S&GAD before the issuance of notice of the meeting.

5. I am, therefore, to request you to kindly ensure that the working paper and other documents being forwarded to the S&GAD for consideration by the Provincial Selection Board are prepared strictly in accordance with the guidelines issued from time to time on the subject.

6. Complete set of the instructions is enclosed for ready reference.

Annexure-A

(Name of the Department in block letters)

WORKING PAPERS

Subject: _____

Nomenclature of the proposals in block letters

* (i) No. SO(S)18-98/84 dated 12.11.1984. (ii) No. SO(S)18-98/84 dated 24.12.1984. (iii) No. SO(S)18-98/84 dated 03.09.1985. (iv) No. SO(S) 18-98/84 dated 11.11.1985. (v) No. SO(S)18-1/86 dated 08.01.1986. (vi) No. SO(S) 18-1/86 dated 29.01.1986. (vii) No. SO(S) 18-98/84 dated 07.04.1986. (viii) No. SO(S) 18-98/84 dated 30.03.1987.

1. Brief history and justification as to how and when the post has fallen vacant/created.
2. Rules applicable (relevant portion of the rules to be reproduced).
3. Panel of Government servants proposed to be considered for promotions strictly according to the notified seniority list (not according to the tentative seniority list).
It should indicate definite recommendations for promotion or otherwise in respect of each officer proposed in the panel with reasons.
4. **CERTIFICATES**
 - i) There is no seniority dispute of the officers proposed for consideration for promotion. Authenticated gradation/seniority list has been appended.
 - ii) [The proposal has the approval of the minister/adviser \(in case there is no minister/adviser, the secretary of the department is to give the approval\).](#)
 - iii) That 10% of the vacancies have been kept vacant for ex-servicemen as required by the standing instructions contained in S&GAD letter No. SI.2-61/78 dated 15.11.1982.
5. It should be signed by the Administrative Secretary.

Note: Gradation/Seniority list should be authenticated by the Administrative Secretary.

Annexure-I

PARTICULARS OF THE OFFICERS ACCORDING TO THE SENIORITY, WHOSE CASES ARE TO BE CONSIDERED BY THE PROVINCIAL SELECTION BOARD

Sr. No.	Name(s) of the officer(s) and present posting with date(s)	Qualification	Cadre/BPS and date of promotion to present scale	Length of service in each grade: <u>17</u> <u>18</u> <u>19</u>	Whether any enquiry is pending – details should be separately given in Annex-II	Eligibility	Recommendation of the Deptt./ Minister
1	2	3	4	5	6	7	8

Note: Proforma should be signed by an officer not below the rank of Deputy Secretary.

Annexure-II

DETAILS AND UP-TO-DATE POSITION OF INQUIRIES

Name of the officer with designation	Gist of the charges	Date of approval of authority for initiating action	Present position of inquiry	Approximate time required for completion of inquiry
1	2	3	4	5

Note: Proforma should be signed by an officer not below the rank of Deputy Secretary.

Annexure-III
**DETAILS OF PUNISHMENT AWARDED AND
RETIREMENT/REINSTATEMENT**

Name of the officer with designation	Date and details of the penalty imposed	Charges on which the inquiry was conducted	Charges which were ultimately proved	Date & summary of reasons for retirement of officers. (copy of the order to be attached)	Date and summary of reasons for reinstatement and authority which ordered reinstatement (copy of the order to be attached in addition)
1	2	3	4	5	6

Note: Proforma should be signed by an officer not below the rank of Deputy Secretary.

Annexure-IV
C.R. DOSSIER/SYNOPSIS

According to rules the officers whose cases are placed before the Provincial Selection Board are generally incomplete. In some cases reports for the last three to four years are not on record. The character rolls of the officers should be complete and up to date. Proper justification/reasons must be furnished for missing reports both in C.R. dossier and the synopsis (instructions on this subject issued by the S&GAD may be heeded).

SYNOPSIS

The synopses of Character Roles of the officers prepared by the A.D. are lop-sided. It does not indicate whether the adverse remarks were communicated and if so whether they were represented against and expunged. The correctness of the synopsis of Character Rolls are not certified. It is, therefore, requested to ensure that:

- 1) Character Rolls of the officers concerned are complete. Proper justification must be furnished if reports for the past years are missing.
- 2) In the column 'adverse remarks', it should be clearly indicated;
 - i) Whether the adverse remarks were communicated.
 - ii) Date of communication of adverse remarks.
 - iii) Whether adverse remarks were represented against.
 - iv) Final result of representation against adverse remarks.
The above information should be furnished immediately below the adverse remarks and underlined.
 - v) Name and designation of officers recording the good/adverse remarks should be clearly mentioned.
 - vi) Correctness of synopsis should be certified by an officer not below the rank of Deputy Secretary.
 - vii) Ten cyclostyled copies of synopsis, etc., should be prepared and furnished to this Department.

- viii) If the adverse remarks have been expunged, these should not at all be projected in the synopsis of the C.R. Dossier of the officer.

The specimens for preparation of synopsis of the C.R. Dossiers of the officers and certificate about adverse remarks and no adverse remarks are given below:

SYNOPSIS OF THE CHARACTER ROLL DOSSIER OF

Mr. _____

(for whole of the service)

Date of birth _____

Educational
Qualification _____

Date of entry
into Government
service _____

Year Period of ACR	Post held	Assessment for integrity	General assessmen t	Good remarks	Adverse remarks	Assessment for fitness for promotion
1	2	3	4	5	6	7

- Note: 1) Indicate page of the C.R. Dossier in column 5 & 6 for each remarks.
2) Name and designation of the reporting officer and the countersigning officer should be clearly mentioned.
3) It should be signed by an officer not below the rank of Deputy Secretary of the Department.

SPECIMEN NO. I

Name: _____

Designation: _____

Certified that the following adverse remarks are recorded in the enclosed synopsis of ACRs.

Year	Adverse remarks (Page No.)	Communicated or not. Result of communication (Page No.)
1	2	3

Signature
Deputy Secretary concerned
of the Administrative Department
or officer of equal status.

SPECIMEN NO. II

Name: _____

Designation: _____

Certified that there are no adverse remarks in the enclosed synopsis of the ACRs.

Signature
Deputy Secretary concerned
of the Administrative Department
or officer of equal status.

No.SOR-III-2-21/91
Dated the 11th March 1993

Subject:SUCCESSFUL COMPLETION OF IN-SERVICE TRAINING FOR
PROMOTION OF ENGINEERS FROM BS-17 AND ABOVE UP TO BS-20

I am directed to refer to the subject cited above and to say that the Chief Minister has been pleased to approve that successful participation in a regular training course conducted by the Government Engineering Academy, Punjab, will be a pre-condition for promotion of engineers from BS-17 and above up to BS-20 working in the departments of Irrigation and Power, Communication and Works, HP&EP, LG&RD, Agriculture, I&MD and Labour & Manpower.

2. The course will provide training in management and administration and professional skills to the engineers. The decision of linking of training with promotion is in line with the policy of Government of the Punjab to re-equip civil servants with the latest concepts/techniques of civil administration and professional skills at all levels.

3. The pre-condition of linkage of training with the promotion will take effect from 01.07.1994.

No .SOR-II(S&GAD)2-145/2001
Dated the 22nd December 2001

Subject: SUCCESSFUL COMPLETION OF IN-SERVICE TRAINING FOR
PROMOTION OF ENGINEERS FROM BS-17 & ABOVE UP TO BS-20

I am directed to invite your attention to Regulations Wing of S&GAD letter No. SOR-III(S&GAD)2-21/91, dated 11.03.1993 on the subject noted above wherein it was indicated that the successful participation in a regular training course conducted by the Government Engineering Academy, Punjab would be a pre-condition for promotion of Engineers from BS-17 and above up to BS-20.

2. However, it has been observed that while submitting working papers/proposals for promotion of Engineers to higher grades, the departments ignore this aspect. Needless to say that this provision stands approved and conveyed by the competent authority and cannot be ignored by the PSB and the DPC while determining fitness/suitability.

3. In view of the above, I am directed to request that the proposal of your Departments to be placed before the Departmental Promotion Committee should clearly

indicate whether the officer concerned belonging to Engineering cadre has successfully completed the requisite training from the Engineering Academy Punjab or not.

No. SOR.II(S&GAD)2-17/2002

Dated the 4th June 2004

Subject: MANDATORY TRAINING COURSES FOR PROMOTION

The Governor of the Punjab is pleased to approve that the following training courses shall be mandatory for promotion of officers to the next higher rank:

- (i) National Management Course at Pakistan Administrative Staff College for officers of ex-PCS, ex-PSS and PMS for their promotion from BS-20 to BS-21.
- (ii) Advance Course in Public Sector Management at National Institute of Public Administration for officers of ex-PCS, ex-PSS and PMS for their promotion from BS-19 to BS-20.
- (iii) 10 weeks Common Training Course at Management and Professional Development Department for officers of ex-PCS, ex-PSS and PMS for their promotion from BS-18 to BS-19.
- (iv) 8 weeks Common Training Course at Management and Professional Development Department for officers of ex-PCS, ex-PSS and PMS for their promotion from BS-17 to BS-18.
- (v) 6 weeks Common Training Course at Management and Professional Development Department for Ministerial Staff (BS-16) and Tehsildars (BS-16) for their promotion to BS-17 posts of Provincial Management Service (PMS).
- (vi) 6 weeks Training Course in Revenue Administration at Management & Professional Development Department for Niab Tehsildars and Ministerial Staff for their promotion as Tehsildars.

2. Nominations for all the above mentioned training courses shall be made by the relevant departments strictly in accordance with seniority.

3. Course modules shall be prepared by the Management and Professional Development Department in consultation with the S&GAD and Board of Revenue by 31.08.2004.

4. S&GAD's Services and Administration Wings and Board of Revenue will start preparing lists of officers for undergoing training which will be forwarded to the Management and Professional Development Department by 31.10.2004.

5. Management and Professional Development Department shall start the said training courses by 01.01.2005. A training calendar will also be prepared and circulated well in advance.

6. Condition of successful completion of relevant training courses for promotion to next higher scale shall be mandatory. However, it will be enforced with effect from 01.07.2005 for Sr. No. (iii) to (v) above.

No. SOR.II(S&GAD)2-17/2002

Dated the 13th May 2005

Subject: MANDATORY TRAINING COURSES FOR PROMOTION –
EXEMPTION FROM TRAINING

In continuation of this department's notification No. SOR-II(S&GAD)2-17/2002, dated 4th June 2004, regarding mandatory training courses for promotion, it is clarified that:

- a) All those who have attained the age of 56 years before 13.05.2005 and all those who had completed the mandatory period for serving in a training institution before 13.05.2005 shall be exempted from the training courses prescribed in the above mentioned notification.
- b) Any individual who attained or attains the age of 56 years on or after 13.05.2005 shall not be exempted. Similarly, any individual who completed or completes the mandatory period of serving in a training institution on or after 13.05.2005 shall not be exempted.

2. Above instructions/clarifications may kindly be brought to the notice of all concerned for their information and necessary action.

No.SOR-II(S&GAD)2-17/2002

Dated the 27th July 2009

Subject: MANDATORY TRAINING COURSES FOR PROMOTION—
EXEMPTION FROM TRAINING

In partial modification of this department's circular letter No.SOR-II (S&GAD)2-17/2002, dated 13.05.2005 Chief Minister Punjab has been pleased to exempt the Officers of PMS (ex-PCS and ex-PSS) of BS-19 and BS-20 who have attained the age of 58 years or above on 19.06.2009 from the following Mandatory Training Courses for their promotion to BS-20 and BS-21, respectively:

- (i) National Management Course (NMC) at Pakistan Administrative Staff College.
- (ii) Advance course in Public Sector Management (now Senior Management Course) (SMC) at National Institute of Public Administration.

No.SOR-III(S&GAD)1-10/2007

Dated the 15th March 2010

NOTIFICATION

In exercise of the powers conferred on him under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in the respective service/recruitment rules/notification/orders prescribing mandatory training for promotion against various posts in different Departments of Government of the Punjab, the officers who have attained the age of 58 years shall stand exempted from the mandatory requirement of training for promotion w.e.f. the date of issuance of this notification.

No. SOR.III-6-18/84
Dated the 22nd August 1985

Subject: MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION
COMMITTEES

I am directed to invite your attention to this Department's Notification No. SOR-III-6-16/80 dated the 18th June 1980, on the above subject and to say that it has been observed that the minutes of the meetings are issued without authentication by the representative of the S&GA Department attending meetings of the Departmental Promotion Committee. The minutes sometimes do not reflect the views of S&GA Department. It has been decided that in future the decisions of Departmental Promotion Committee contained in un-authenticated minutes shall not be considered to have the concurrence of this Department. A copy of the authenticated minutes should also be supplied to S&GA Department before issuance of orders on the basis of these minutes. I am to request that the above procedure should be strictly observed in future.

2. Kindly acknowledge receipt of the letter.

No. SOR.II(S&GAD)9-1/91(P)
Dated the 22nd April 1999

Subject: HOLDING OF DEPARTMENTAL PROMOTION COMMITTEE MEETINGS

I am directed to say that it has been observed with concern that in most of the cases, examination of cases carried out and recommendations made by the Departmental Promotion Committees have been found lacking in assessment and appraisal. In one of the meetings of the DPC of a department, an officer was deferred for promotion on the ground that his whereabouts were not traceable and, after only one year, his case for promotion was recommended without bringing on record any justification as to where was the officer during the period he was not traced out? The Department replied that in fact his record was not available. When questioned as to what action was taken against the officers/officials who misplaced his record and how the record was recovered, the Department could not give any cogent reasons/reply.

2. Chief Secretary Punjab has taken a serious notice of such lapses on the part of the Departmental Promotion Committees. He has directed that the Departmental Promotion Committees, while examining the cases of promotions, move-overs, proforma promotions, etc., should carefully and minutely look into all relevant facts and details of the cases. Reasons should be explained in the minutes with regard to delayed processing of the cases, deferments and supersessions, etc. The Chief Secretary expects visible improvements in the performance of the DPCs. The performance of the DPCs will of course, depend upon the flawless working papers meant to be prepared by the departments concerned. The working papers, deficient in necessary details, will affect performance of the DPCs.

3. The above instructions may please be brought to the notice of all concerned for meticulous compliance.

Subject: HOLDING OF DEPARTMENTAL PROMOTION COMMITTEE
MEETINGS

I am directed to say that it has been observed that Departments fix meetings of Departmental Promotion Committees at a very short notice. The working papers are not attached with the meeting notice and provided to Regulations Wing at the eleventh hour. This situation causes embarrassment for this Department, as the cases cannot be examined in detail. Furthermore, the officers of this Department remain engaged in unscheduled Departmental Promotion Committee meetings, which adversely affect the routine work of the Regulations Wing, S&GAD.

2. It is, therefore, informed that following instructions for holding Departmental Promotion Committee meetings may be observed in letter and spirit:

- i) The meeting notice should be addressed to Secretary (Regulations) and not to the Section Officer, Deputy Secretary or Additional Secretary.
- ii) The meeting notice along with working paper should be sent to the Regulations Wing at least 10 days before the meeting.
- iii) The working paper should be prepared keeping in view this Department's circular letter No. SOS-18-98/94, dated 5th January, 1988. Incomplete/deficient working paper shall not be discussed and the Representative of Regulations Wing shall not attend such meeting.
- iv) Agenda items to be discussed in the meeting should be clearly spelt out in the notice.
- v) Promotion cases should not be placed before the Departmental Promotion Committee as ex-agenda items, at the last moment.

No.SOR.II(S&GAD)9-1/91(P)

Dated the 27th February 2009

Subject: HOLDING OF DEPARTMENTAL PROMOTION COMMITTEE
MEETINGS

I am directed to refer to this department's letter of even number dated 16.04.2003 on the subject noted above.

2. It has been observed that Departments fix meetings of Departmental Promotion Committees at a very short notice. The working papers are not attached with the meeting notice and provided to Regulations Wing, S&GAD at the eleventh hour. This situation causes embarrassment for this Department as the cases cannot be examined in detail. Furthermore, the officers of this Department remain engaged in unscheduled Departmental Promotion Committee meetings which adversely affects the routine work of the Regulations Wing, S&GAD.

3. It is, therefore, informed that following instructions for holding Departmental Promotion Committee meetings may be observed in letter and spirit:

- i) The meeting notice should be addressed to Secretary (Regulations) and not to the Section Officer, Deputy Secretary or Additional Secretary.

- ii) The meeting notice along with working paper duly signed by the Deputy Secretary concerned, should be sent to the Regulations Wing at least 10 days before the meeting.
- iii) The working paper should be prepared keeping in view this Department's circular letter No. SOS-18-98/94, dated 05.01.1988, incomplete/deficient working paper shall not be discussed and Representative of Regulations Wing, shall not attend such meeting.
- iv) Agenda items to be discussed in the meeting should be clearly spelt out in the notice.
- v) Promotion cases should not be placed before the Departmental Promotion Committee as ex-agenda items, at the last moment.

4. It is, therefore, again requested that these instructions may kindly be brought to the notice of all concerned for strict compliance.

No. SOR.I(S&GAD)-16-2/69 (Policy)
Dated the 8th June 1971

Subject: PROMOTIONS

I am directed to refer to para 3 (iv) (c) of this Department's circular letter No. SOIV(S&GAD)-16-14/64 (Policy), dated the 1st October, 1969, which provides that the selection of an officer for promotion to a higher post should be based strictly on the service record. An impression appears to have widely gained ground that only the last three years record is relevant for determining an officer's fitness for promotion and not much weight is to be attached to the reports earned by him in the previous years. Government would like to clarify that the impression is not correct. The assessment of an officer should be based on his entire service record and not only on a portion of it. It is, however, in the discretion of the assessing authority to give greater weight to the more recent reports, but the older reports should not be completely ignored and should be taken into consideration for an overall evaluation of the service record.

No. SOR.I(S&GAD)-5-2/75
Dated the 11th February 1975

Subject: IMPLEMENTATION OF ADMINISTRATIVE REFORMS
CLARIFICATION OF THE CONCEPT OF PROMOTION

I am directed to say that a number of Civil Servants have submitted representations demanding promotion to higher grades in a manner not permissible under the law. The correct position is, therefore, clarified below for the information and guidance of all concerned:

- 1) Promotion was and continues to be a 'method of recruitment' as would appear from sub-section (2) of Section 2 of the Punjab Civil Servants Act, 1974, reproduced below:
 - “2) For the purpose of this Act, an appointment whether by promotion or otherwise, shall be deemed to have been

made on regular basis if it is made in the prescribed manner.”

Since promotion is a method of recruitment, it has never been treated as a right. Also the method of recruitment (as would appear from the text of sub-section (2) quoted above read with definition of “prescribed” in sub-section (1)(g) of Section 2 *ibid*) has to be prescribed by rules. Thus no appointment by promotion or otherwise can be made under the Act unless the method of recruitment and other conditions of appointment are first prescribed by the rules (rules here include old or new rules framed or continued under Section 23 of the Act *ibid*).

- 2) All old service rules prescribed conditions (i) of appointment to posts and (ii) of service of persons appointed thereto. Same position continues under the new system because no one can be appointed to Civil service without a post. The Act *ibid* and rules framed thereunder deal primarily with conditions of appointment to posts (either isolated or as part of grade, cadres or services) and secondarily with conditions of service of persons appointed thereto. The new functional units being created in place of old cadres on the basis of job descriptions will also comprise posts in various grades. Methods of recruitment and qualifications etc. will be prescribed separately for posts in each grade in a functional unit. There is, therefore, no scope for appointment by promotion to a grade without posts either under the old rules or the new rules already notified or being framed for various functional units as said above.
- 3) No appointment by the method of promotion or otherwise can be made to a National Scale of Pay (even if called a grade) for the simple reason that appointment has to be made against a post as otherwise there will be no valid agreement. It is by virtue of appointment to a post that person concerned is completed and such person becomes entitled to the terms and conditions of service. There is no such thing as “promotion to a Scale or Grade”. Such phraseology suggests as if promotion connotes raise in pay and status only. This is not correct. As said above, promotion is method of recruitment to a post and raise in pay and status is an incidence of appointment by this method to a higher post.
- 4) A person can be appointed to a grade provided there are distinct posts in a grade and there is a vacancy. The word ‘grade’ is used (instead of post) when it is not convenient to name a post in the grade or when the grade consists of posts (of equal level) with different nomenclatures as for examples in the case of former CSP or PCS. In no case, however, can a person be appointed to an empty grade i.e. a mere scale of pay or a grade without specified posts of the same level. If this principle is violated, a phenomena like “personnel inflation” will occur i.e. there will be appointees to a grade without posts. It is to avoid such a situation that the definition of grade given in the rules (*vide* Punjab Civil Servants

(Change in Nomenclature of Services and Abolition of Classes) Rules, 1974), does not recognize movement to the next higher scale as promotion unless appointment is made to a post with higher responsibilities.

- 5) A higher post is not the same post with an additional higher National Pay Scale. A higher post is a post with higher responsibilities including those of supervision and control over the lower posts. Equal and similar posts are always placed at the same level of responsibility. Their methods of recruitment and qualifications are also same. Mere attachment of higher scale of pay with the lower posts does not result in their up-gradation unless (i) all the posts in higher and lower grade in that particular functional unit are regarded on the basis of job descriptions, and (ii) posts for the higher scale are specified in the rules with separate qualifications and method of recruitment. If higher and lower posts are treated to be merged without regard to levels of responsibility and similarity of job descriptions, there will remain no scope for separate qualifications, methods of appointment or reversion to lower posts with consequent complex, legal and administrative repercussions.

2. You are requested to make appointments by the method of promotion in accordance with the position clarified above. This may also kindly be brought to the notice of all concerned for information and guidance.

No. SOR.III-6-3/74
Dated the 5th October 1975

Subject: REQUIREMENT OF PASSING TEST FOR REGULAR PROMOTION
UNDER THE PUNJAB CIVIL SERVANTS (APPOINTMENT &
CONDITIONS OF SERVICE) RULES, 1974

In pursuance of decision contained in para 1 (I) of SGA&I Department's circular No. SOR-III-6-3/73 dated 2nd April 1975 promotion to any post below Grade 16 is not subject to any test.

2. Most of the Departments have since applied for relaxation of rule 12 of Punjab Civil Servants (Appointment And Conditions of Service) Rules, 1974, to dispense with the requirement of passing test for promotion to certain posts in Grade 16 and 17 on the grounds that:

- i) The officials concerned are of advanced age;
- ii) The officials concerned have put in more than 20/25 years of service;
- iii) The officials of advanced age with more than 20/25 years of service have already appeared in various tests during their service and have also undergone the prescribed training at various stages;
- iv) Promotions are being made to posts in Grade 18 and above through duly constituted Selection Boards and no tests are prescribed. In view of general exemption from pre-promotion tests in respect of

all posts below Grade 16, only promotion to certain posts in Grade 16 & 17 were subject to pre-promotion tests.

3. Keeping in view the representations of various departments and other related aspects, it has been decided to grant general exemption from pre-promotion test in relation to all posts in Grade 16 and above. Promotions to posts below Grade 16 are already exempted from these tests.
4. The suitability of candidates for promotion to the above mentioned posts/grades shall be determined on the basis of seniority cum fitness with particular reference to fitness for higher responsibilities.
5. It is requested that the above mentioned decision of Government may be brought to the notice of all concerned under your administrative control.

No. SOR.III-1-10/71
Dated the 16th February 1976

Subject: REQUIREMENT OF PASSING TEST FOR REGULAR PROMOTION UNDER THE PUNJAB CIVIL SERVANTS (APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 1974

Please refer to SGA&I Department circular No. SOR-III-6-3/73, dated 2nd April, 1975 and circular No. SOR-III-6-3/73 dated 5th October 1975 on the subject noted above.

2. The decision in the aforesaid circulars seems to have been interpreted to mean that all tests prescribed in the Service Rules have been dispensed with. This is not correct.
3. The test mentioned in Rule 12 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, is an additional selection test to be held in the manner and with the legal consequence detailed in Rule 14 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.
4. Although the circulars mentioned in para 1 above grant exemption from tests prescribed under Rule 12 and Rule 14 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, this exemption is without prejudice to the provisions of other Rules which prescribed other test or examinations such as departmental examinations during probation, proficiency tests, qualifying tests etc. These examinations/tests are still required to be conducted in accordance with existing rules/instructions and are not in any way affected by exemption granted vide circulars mentioned in para 1 above.

No. SOR.I(S&GAD)-16-70/77
Dated the 17th May 1982

Subject: OFFICIATING ARRANGEMENTS AGAINST POSTS PENDING REGULAR APPOINTMENT

I am directed to refer to this Department's circular letter of even number dated 23.07.1979 on the subject noted above and to state that it has been observed that stop-gap arrangements are still being made by posting members of next below

cadres against higher posts in their own pay and scale. Once such postings are made the concerned officials represent for grant of pay of the post and such requests are passed on by the Administrative Departments to the Finance Department for concurrence. Since such arrangements are not envisaged by law, the Administrative Departments and appointing authorities under their administration should keep the following instructions in mind before any stop-gap arrangement is made. The appointing authorities shall be held personally responsible for posting of any person against a higher post in disregard to these instructions:

- i) appointment to higher post in own pay and grade has no meaning in law;
- ii) appointment to higher posts even as a stop-gap arrangement should be made with the approval of the Appointing Authority i.e. Administrative Secretary for posts in grade 17 and Chief Secretary for posts in grade 18 and Governor for posts in grade 19 and above;
- iii) in case where appointment to higher posts is not possible for one reason or the other the senior-most eligible officer should be given additional charge of the higher post instead of appointing him to the said higher post.

No. SOR.IV (S&GAD)1-14/75
Dated the 28th April 1985

Subject: APPOINTMENT BY PROMOTION ON OFFICIATING BASIS

I am to refer to S&GAD Notification No. SOR.IV(S&GAD)1-14/75 dated 12th March, 1985 amending Rule 13 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, copy of which has been sent to all departments under endorsement of even number dated 14th March, 1985. According to the amended Rule 13 (ii) *ibid*, no person shall be promoted on officiating basis unless he possesses the qualifications and experience prescribed for the post and his promotion as such is approved by the chairman of appropriate selection authority. Under rule 9 (1) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, appointments by promotions or transfer to posts in various grades shall be made on the recommendations of the appropriate committee or board. Officiating promotion has all the attributes of regular promotion, except that it is for a specified period and is temporary in nature. It is, therefore, clarified that all promotions on officiating basis should be made on the recommendations of the appropriate selection authority.

No. SOR.I(S&GAD) 16-70/77
Dated the 17th August 1988

Subject:OFFICIATING ARRANGEMENTS AGAINST POSTS PENDING
REGULAR APPOINTMENT

I am directed to refer to this department's circular letter No. SORI(S&GAD)16-70/77, dated 17.05.1982 on the subject noted above and to say that it has been pointed out that Junior Officers are being posted against higher posts

in their own pay and grade and this is followed by requests from the respective administrative departments to Finance Department for allowing pay of the post.

2. Appointment to higher posts in own pay and grade has no meaning in law. Detailed instructions on the subject have already been issued vide this department's letter referred to above. It has, however, been observed that some appointing authorities are not adhering to these instructions. Since this course of action is violative of law and rules, it is requested that the instructions on the subject may be brought to the notice of all concerned for strict compliance. Violation of the instructions should be taken seriously and appropriate steps should be taken to arrest the tendency of deviations from law, rules and instructions.

No. SORI(S&GAD) 16-70/77-1

Dated the 1st May 2000

Subject:OFFICIATING ARRANGEMENTS AGAINST POSTS PENDING
REGULAR APPOINTMENT

I am directed to refer to this department's letter of even number dated 17.05.1982, wherein the following instructions were issued:

- i) appointment to higher post in own pay and grade has no meaning in law;
- ii) appointment to higher posts even as a stop-gap arrangement should be made with the approval of the Appointing Authority i.e. Administrative Secretary for posts in grade 17 and Chief Secretary for posts in grade 18 and Governor for posts in grade 19 and above;
- iii) in case where appointment to higher posts is not possible for one reason or the other the senior-most eligible officer should be given additional charge of the higher post instead of appointing him to the said higher post.

2. The Accountant-General Punjab has intimated that instances have come to the notice that Administrative Secretaries/Appointing Authorities are making appointments against the higher posts in own pay and grade and are not adhering to the instructions circulated vide this department's circular letter referred to above. This course of action is violative of the provisions of Section 16 of the Punjab Civil Servant Act, 1974 and the instructions referred to above.

3. In view of the above, I am directed to draw you attention to the said instructions on the subject wherein it has been clearly stated that appointment to a higher post in own pay and grade has no meaning in law, therefore, this practice should be discontinued. A post, as soon as becomes available, should be filled up in accordance with the method prescribed under the relevant service/recruitment rules. In case it may not be possible to do so for one reason or other, stop-gap appointments should be made only in accordance with the procedure laid down for the respective category of the vacancy under the relevant provisions of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 i.e. rules 10-A, 10-B and 13 of the Rules *ibid*.

4. These instruction may kindly be brought to the notice of all concerned for strict compliance.

No. SOR.II(S&GAD)4-18/96
Dated the 26th May 2003

Subject: PROMOTION ON OFFICIATING BASIS

I am directed to refer to the subject cited above and to state that under the provisions of rule 13 of Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, officiating promotion is made where posts fall vacant as a result of deputation, posting outside cadre, leave, suspension or appointment on acting charge basis of the incumbent or is reserved under the rules to be filled by transfer. If none is available for transfer then by officiating promotion. It has, however, been observed by the Regulations Wing of S&GAD that a number of SNE vacancies are being filled on the basis of officiating promotion which is in violation of rule 13 of the rule *ibid*. The Administrative Departments are, therefore, advised as under:

- i) No officiating promotion may be made against SNE vacancies. Promotions should be made on regular basis against the posts keeping in view the quota reserved for promotion in the relevant service rules.
- ii) In case where promotions on officiating basis against SNE posts have already been made, such cases may be reviewed and only those employees may be considered for promotion on regular basis where promotion quota in the relevant service rules exists. The rest of the employees who have been promoted on officiating basis against the posts of initial recruitment may be demoted forthwith.
- iii) In future, SNE vacancies may be included in the number of posts of the relevant cadre in the first instance and thereafter the same may be filled in through initial recruitment or promotion on regular basis, as the case may be, strictly in accordance with the prescribed service rules.

No. SOR.IV(S&GAD)1-14/75(P)
Dated the 21st May 1984

Subject: APPOINTMENT ON ACTING CHARGE/CURRENT CHARGE BASIS

I am directed to refer to this department's Notification No. SOR.III-1-14/75 dated 26.02.1983, endorsed to you vide even number dated 1st March 1983, on the subject noted above.

2. A question has arisen as to whether a civil servant on his appointment on Acting Charge/Current Charge basis can be presumed to have assumed full duties and responsibilities of the post to which he is appointed and can exercise all statutory, financial and administrative powers vested in the regular incumbent of the post. The provisions of Section 16 of the Punjab Civil Servant Act, 1974 envisage payment of full salary of the post to which he is appointed, except in case of 'Acting' or 'Current' charge arrangements for which a separate manner of payment of emoluments has been prescribed by the Finance Department. When a person is allowed full benefits of a post, he is expected to perform all duties and responsibilities of the same. Exercise of statutory,

administrative or financial power is in fact the most important responsibility and a person holding a post should be bound to undertake this responsibility.

3. In view of the above position, it has been decided in consultation with Law and Finance departments that a civil servant on his appointment to a post on acting charge or current charge basis shall assume full duties and responsibilities of the post and can exercise all statutory, administrative and financial powers vested in a regular or permanent incumbent of that post.

No. SOR.III-2-58/97
Dated the 3rd November 1997

Subject: APPOINTMENT ON ACTING CHARGE/CURRENT CHARGE BASIS

I am directed to say that according to the provisions of Rule 10-B of Punjab Civil Servants (Appointment & Conditions) of Service Rules, 1974, where a post is likely to remain vacant for a period of less than six months and the appointment on ad hoc basis, it may appoint the senior most civil servant, who in the opinion of the appointing authority, is eligible and suitable for promotion under the relevant rules, on current charge basis. An appointment made on current charge basis shall come to an end on appointment of a person on regular basis or on the expiry of six months, whichever is earlier. Such appointments are made for a short term purely as a stop-gap arrangement and at times when the administrative department cannot leave the posts unfilled.

2. The Supreme Court of Pakistan in civil appeals No. 179-187/95, 923/94 and 188 to 190/95 has observed that continuance of acting charge or current charge appointments for a number of years is negation of the spirit of instructions and rules. It has, therefore, been desired that where such appointments are made in public interest, should not continue indefinitely and every effort be made to fill the posts through regular appointments, in shortest possible time.

3. I am, therefore, to request you that the observations of the Supreme Court of Pakistan, which have also been circulated/endorsed by the Federal Government, may be brought to the notice of all concerned for strict compliance.

No. SOR.III-2-58/97
Dated the 24th July 1999

Subject: APPOINTMENT ON ACTING CHARGE/CURRENT CHARGE BASIS

I am directed to refer to this department's circular letter of even number dated 03.11.1997 on the subject noted above wherein attention was invited to the observations made by the Supreme Court of Pakistan in civil appeals No. 179-187/95, 923/94 and 188 to 190/95 that continuance of Acting Charge or Current Charge appointments for a number of years is negation of the spirit of rules. It was, therefore, desired that where such appointments are made in public interest, these

should not continue indefinitely and every effort be made to fill in such posts through regular appointment in shortest possible time.

2. Accountant General, Punjab, has reported that the above instructions are not being followed by the appointing authorities while making appointments on current charge basis. The current charge appointments are being made against the same posts after a gap of One or Two days, which is against the provision of rule 10-B *ibid* and need to be regularized with the approval of the competent authority.

No. SOR.I(S&GAD)4-9/2002
Dated the 15th April 2002

Subject: APPOINTMENT ON CURRENT CHARGE BASIS

I am directed to invite your attention to the instructions issued on the subject cited above, vide this Department's circular letter No. SOR.III.2-58/97 dated 03.11.1997 and 24.07.1999, in which it was clarified that where a post is likely to remain vacant for a period of less than six months and the appointing authority does not consider it expedient to make an appointment on ad hoc basis, it may appoint the senior most civil servant, who in the opinion of the appointing authority, is eligible and suitable for promotion under the relevant rules on current charge basis. An appointment made on current charge basis shall come to an end on appointment of a person on regular basis or on the expiry of six months whichever is earlier. Such appointments are made for a short term purely as a stop-gap arrangement and at times when the administrative department cannot leave the posts un-filled.

2. The Supreme Court of Pakistan in Civil Appeals No. 179-187/95, 923/94 and 188 to 190/95 observed that continuance of acting charge or current charge appointments for a number of years amount to negation of the spirit of the rules and instructions issued thereunder.

3. The Accountant General, Punjab has reported that the provisions of Rule 10-B of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 and the instructions issued thereunder are not being followed by the appointing authorities while making appointments on current charge basis. The current charge appointments are being made against the same posts after a gap of one day or two days, which is against the provision of Rule 10-B of the rules *ibid*. Such appointments on current charge basis beyond the period of six months (now one year) need to be regularized with the prior approval of the competent authority i.e. Governor Punjab in relaxation of the said rules.

4. It has been observed that the appointing authorities are also making appointment on current charge basis against the posts, which are not covered by the service/recruitment rules. The criteria for appointment against these posts on current charge basis has to be got approved from the S&GAD on the analogy of the qualifications prescribed for similar posts. In such cases the concurrence of S&GAD (Regulations Wing) does not appear to have been obtained.

5. All such appointments made in violation of the provisions of rule 10-B of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and

extensions thereof so granted by the appointing authorities are thus irregular and cannot be subscribed by the Regulation Wing for their regularization.

6. I have, therefore, been directed to emphasize once again that while making appointments on current charge basis, the appointing authorities should adhere to the provision of Rule 10-B of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and other instructions issued thereunder strictly so as to avoid any inconvenience likely to be faced by the Administrative Departments as a result of violation of rule 10-B of the rules *ibid*.

NO.SOR-II(S&GAD)3-18/2006

Dated the 19th August 2006

Subject: APPOINTMENTS ON ACTING CHARGE BASIS

I am directed to refer to the subject noted above and to state that an appointment on acting charge basis can be made under Rule 10-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974. Sub-rule (2) of rule 10-A *ibid* provides that:

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

2. It has been observed that the appointments made on acting charge basis are continued for an indefinite long period instead of promoting the incumbents on regular basis after completion of their requisite length of service which entails certain financial as well as administrative complications.

3. In view of the above, it is requested that the competent authorities should ensure that the cases of officers/officials promoted on acting charge basis are processed for promotion on regular basis immediately after completion of the requisite length of service in order to avoid complications and unwarranted litigation.

4. These instructions may kindly be brought to the notice of all concerned for strict compliance.

S.OXII(S&GAD)3-2/66

Dated 7th October 1968

Subject: ORDER FOR REVERSION – EFFECT OF GRANT OF LEAVE TO AN OFFICIAL BEFORE JOINING THE LOWER POST

I am directed to say that instances have come to the notice of Government where Government servants officiating in higher posts, who are under orders of reversion to lower posts and where Government servants under orders of suspension, with a view to avoid implementation of the orders of reversion/suspension have proceeded on leave without formally handing over the charge of the post from which they are to be reverted/suspended. This practice is not only highly undesirable but also not permitted by the service rules, which specially provide that leave cannot be claimed as of right, and that a Government servant who absents himself from his

duty without permission of the competent authority is liable to have his absence treated as absence from duty without leave. In order to put a stop to such undesirable practice, Government is pleased to direct that in future any Government servant in respect of whom an order of reversion or suspension has been passed, and who, after the date of issue of such order, proceeds on leave of whatever nature, whether with or without permission, shall be deemed to have been reverted or suspended, as the case may be, from the date of service of the order or the date on which the order is notified in the official gazette, whichever is earlier. In such cases, a gazette notification should also issue about the non-gazetted officials. Government desires that a clause to this effect should invariably be added to every order of reversion/suspension.

2. This department's circular letter No. SOXII(S&GAD)3-2/66, dated 8th February, 1966, is hereby withdrawn.

3. This shall please be brought to the notice of all concerned.

No. SOIV(S&GAD)-1-75/67(Policy)
Dated the 7th January 1969

Subject: PROMOTION OF AN OFFICER TO A HIGHER POST DURING THE
PENDENCY OF INVESTIGATION REGARDING ALLEGED
CORRUPTION AND DISCIPLINARY PROCEEDINGS

I am directed to state that the instructions contained in this Department's Circular letter No. SOXII(S&GAD)-5-16/62, dated the 7th September, 1962 and No. SOIV(S&GAD)-1-75/67(Policy), dated the 18th January, 1968 are further elaborated.

2. The nature of allegations against a Government Servant may be taken into consideration for deciding suitability for promotion to the higher rank, if the case against him has reached the following stages:

- a) A case has been registered by the Police or Anti-Corruption Establishment against a Government servant relating to corruption or some other criminal offence.
- b) The Anti-Corruption Council, having the jurisdiction in each case, has passed an order that a departmental enquiry should be instituted.
- c) If the Appointing Authority has passed an order under rule 6(ii) of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, that formal enquiry should be hold and has decided that the allegations, established would call for a major penalty.

3. If the authority is of the view that the allegations, if established, would call for a minor penalty, then such an enquiry may be ignored for the purpose of withholding of promotion of a person, who is otherwise suitable for it.

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

**Subject: PROMOTION OF AN OFFICER TO A HIGHER POST DURING THE
PENDENCY OF INVESTIGATION REGARDING ALLEGED
CORRUPTION AND DISCIPLINARY PROCEEDINGS**

In a case submitted to the Governor of West Pakistan for promotion of officers facing enquiries, the Governor has been pleased to direct that the Policy laid down in the S&GAD Circular letter No. SOIV(S&GAD)-1-75/67(Policy), dated 7th January, 1969 should be treated as the guidelines along which the promotion cases of officers facing enquiries should be examined by the Administrative Departments in future. It has also been noticed by the Governor that in a number of cases the enquiries have been delayed for nearly five years. The Agencies concerned may be directed to finish the enquiries within three months. Necessary orders may be taken either to drop the enquiries or to register cases within a month on receipt of reports.

2. I am, therefore, to request that the directions of the Governor should please be brought to the notice of all concerned for strict compliance.

No. SOR.III-1-14/75(P)
Dated the 5th October 1987

Subject: PROMOTION FROM LOWER TO HIGHER POSTS

I am directed to refer to the above mentioned subject and to point out that Section 8 of the Punjab Civil Servants Act, 1974 reads as under:

“A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rules for departmental promotion in the service or cadre to which he belongs.”

Section 4 of the Punjab Civil Servants Act, 1974 provides that:

“Appointments to a civil service of the province or to a civil post in connection with the affairs of the Province, shall be made in the prescribed manner by the Governor or any person authorized by him in that behalf.”

2. Rule 14 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, as amended vide Notification No. SOR.III-1-14/75, dated 28th July 1987, reads as under:

“All persons holding posts in the same functional unit who possess the minimum qualifications and experience prescribed for a higher post reserved for departmental promotion, shall be eligible to compete for promotion in the manner and subject to the conditions as may be prescribed.”

3. Service/Recruitment rules framed prior to enforcement of Punjab Civil Servants Act, 1974, are valid subject to consistency with the Punjab Civil Servants Act, 1974. As laid down in the provisions quoted above, promotions from lower to higher posts can, therefore, be made only of persons holding posts in the same

functional unit. Any promotion not fulfilling the above requirement would, therefore, be violative of Rule 14 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and would not be legally sustainable.

4. Attention is invited to para 4 of circular letter No. SOR.III-1-2/76, dated 29th December, 1981 wherein it was stressed that the existing service rules which were notified prior to coming into force of Punjab Civil Servants Act, 1974 should be brought in conformity with the requirement of the said Act in a consolidated form on the prescribed schedule including therein all the existing as well as new posts in all grades falling in a functional unit.

5. I am, therefore, to remind that it may kindly be ensured that service/recruitment rules in respect of all posts are revised to be in conformity with rule 14 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 and no promotions are made on the basis of rules notified prior to promulgation of Punjab Civil Servants Act, 1974 which are inconsistent with the existing law.

No. SOR.IV(S&GAD)14-14/87
Dated the 5th October 1987

Subject: PROMOTION FROM LOWER TO HIGHER POSTS

I am directed to say that a question has arisen as to when a civil servant not found fit for promotion and superseded due to indifferent record of service, should be reconsidered for promotion by the respective selection authority.

2. Reference in this respect is invited to Section 8 of the Punjab Civil Servants Act, 1974 which provides that a civil servant possessing such minimum qualification, as may be prescribed, shall be eligible for promotion to a higher post for the time being reserved under the rules for departmental promotion in the service or cadre to which he belongs.

3. Rule 10 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 provides that such persons as possess qualifications and meet the conditions laid down for promotion shall be considered by the Selection Authority. A civil servant is, therefore, entitled to be considered for promotion on the basis of seniority every time that selection is made for promotion. However, for administrative convenience and practical reasons a civil servant who has been superseded by his junior may be reconsidered after he has earned another ACR because reconsideration before that on the basis of same record would be meaningless.

No. SORI(S&GAD)16-70/77
Dated the 6th November 1995

Copy of letter No. 14(8)/92-R.I, dated 24th September, 1995 of Joint Secretary, Government of the Pakistan, Cabinet Secretariat, Establishment Division, Islamabad.

UNAUTHORIZED APPOINTMENT TO HIGHER POSTS

I am directed to refer to Establishment Division's instructions/clarifications issued from time to time, the last being O.M. No. 14 (I)/92-R.I dated 11.01.1993, advising, among others, the Provincial Governments not to make appointments of officers to higher posts without their formal promotion or containing the prior

approval of the competent (i.e. appointment) authority. Despite this, instances have come to the notice of the Establishment Division where the concerned Provincial Governments have posted DMG/PSP/Sectt. Group officers against higher posts without observing the laid down formalities.

Apart from that all such appointments are irregular, such an act amounts to granting 'shoulder promotion' to officers who have yet to be formally promoted. Since such promotions are generally based on expediency, it is not common that junior officers are appointed to higher posts despite the availability of senior officers. This further leads to demoralization among the senior officers and also adversely affects the discipline in service ranks.

The above position was further highlighted in the meeting held in the Establishment Division on 07.08.1995, which was also attended by the Provincial Government's representatives in order to emphasize the negative aspects of 'shoulder promotion', besides the irregularity aspects, especially in view of the increasing trend among the Provincial Governments to resort to the posting of junior officers against higher posts.

In order to ensure proper compliance of these instructions, the Auditor-General of Pakistan is also being requested to direct the Accountants General of the respective provinces not to issue Last Pay Certificate in cases of 'shoulder promotion' notifications unless the Establishment Division's prior clearance has been obtained.

The Provincial Governments are once again advised that instructions contained in this Division's above referred O.M. may be strictly observed while considering appointments to higher posts and to avoid making 'shoulder promotions'. It must also be ensured that in the case of Police Officers, they are not allowed to wear higher ranks unless their promotions are duly notified by the Establishment Division.

No. SI.16-12/1996
Dated the 21st May 1996

Copy of letter No. PF. (406)/E.5 (DMG) dated 25th April, 1996 from
Section Officer (E.5) (DMG) Government of Pakistan, Cabinet Secretariat
(Establishment Division), Islamabad.

Subject: APPOINTMENT OF OFFICERS AGAINST HIGHER POSTS

I am directed to say that the Provincial Governments have resorted to the practice of appointing junior officers to higher posts in their own pay and scale. Reference is invited to the posting of Mr. Nadir H. Memon (DMG, BS-18) as Project Director (BS-19). Then this involves posting of officers in autonomous/semi-autonomous organizations under the Provincial Government the approval of the Finance Division is required in respect of terms and conditions of deputation on which such appointments are made. In a number of cases referred to the Finance Division for this purpose, that Division has objected to the practice of appointing junior officers against higher posts. It has thus become difficult to get the approval of the Finance Division in these cases.

2. In view of the above the Provincial Governments are advised to appoint APUG officers against the posts corresponding to their pay scales in future.

No. SOR-II(S&GAD) 2-127/2001

Dated the 2nd April 2003

Subject: PROMOTION OF CIVIL SERVANT TO HIGHER POST DURING LPR

I am directed to refer to the subject noted above and to inform that an issue has been raised whether a civil servant who has proceeded on LPR can be promoted to higher post or otherwise.

2. It is clarified that a civil servant remains a civil servant till his date of retirement for all intents and purposes and, therefore, he can be considered for promotion. However, during LPR, promotion cannot be actualized on notional basis. For assumption of charge, the civil servant will have to be recalled for duty under Rule 22 of the Revised Leave Rules, 1981 to actualize his promotion. It is further clarified that actualization of promotion would not affect his date of retirement if he is availing LPR in case of premature retirement on 25 years qualifying service.

NO.SOR-II(S&GAD)2-65/2005

Dated the 7th June 2005

Subject: PROMOTION/PROFORMA PROMOTION TO HIGHER POSTS – DATE OF EFFECT OF PROMOTION – AMENDMENT IN PUNJAB CIVIL SERVANTS ACT, 1974

I am directed to refer to the subject noted above and to state that according to the prevailing policy of the Government of the Punjab, promotion is granted to serving civil servants with immediate effect and not from the date of occurrence of vacancy. Promotion is not granted to a retired civil servant as he does not remain a civil servant after retirement, though proforma promotion may be granted to retired civil servant from the date of promotion of his junior, provided that the retired civil servant was promoted to the rank during his service.

2. To further strengthen the provisions of the policy regarding the date of effect of promotion, the Government of Punjab has now made the following amendments in Punjab Civil Servants Act, 1974, through notification No. PAP-Legis-2(18)/2005/721 dated 15.04.2005. The salient features of the amendment are as under:

- i. In section 2 of the Act, definitions of promotion and proforma promotion have been added as under:
 - (g-a) “proforma promotion” means predating of promotion of civil servant or retired civil servant with effect from the date of regular promotion of his junior, for the purpose of fixation of pay and payment of arrears as may be prescribed;
 - (g-b) “promotion” means appointment of a civil servant to a higher post in the service or cadre to which he belongs;

ii. Existing section 8 has been substituted as under:

8. Promotion –

- (1) A civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he belongs in a manner as may be prescribed; provided that he possesses the prescribed qualifications.
- (2) Promotion including proforma promotion shall not be claimed by any civil servant as of right.
- (3) Promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of the higher post, and shall in no case be granted from the date of availability of post reserved for promotion.
- (4) A civil servant shall not be entitled to promotion from an earlier date except in the case of proforma promotion.
- (5) A retired civil servant shall not be eligible for grant of promotion; provided that he may be considered for grant of proforma promotion as may be prescribed.
- (6) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as follows:
 - (a) in the case of a selection post, on the basis of selection on merit; and
 - (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

3. It is requested that while processing and deciding the cases of promotion and proforma promotion of civil servants and retired civil servants, guidance should be sought from the provisions of the above amendment in the Punjab Civil Servants Act, 1974, as well as the Punjab Government's Proforma Promotion Policy issued vide circular No. SOR-II(S&GAD) 2-59/78, dated 19.04.2003.

NO. SOR-II(S&GAD)4-71/2007

Dated the 21st May 2008

Subject: COUNTING OF SERVICE RENDERED AGAINST HIGHER POST UNDER SECTION 9 OF THE CIVIL SERVANTS ACT, 1974

I am directed to state that every civil servant is liable to serve anywhere within or outside the Province against any post under section 9 of the Punjab Civil Servants Act, 1974, which reads as under:-

“9. Posting and transfers: Every civil servant shall be liable to serve anywhere within or outside the province in any post under the Government of the Punjab or the Federal Government or any provincial Government or a Local authority or a corporation or a body set up or established by any such Government:

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

2. A point has been raised as to how the service rendered by a civil servant posted against a higher post under section 9 of the Punjab Civil Servants Act, 1974 would be counted for the purpose of promotion to higher post of the said civil servant.
3. The matter has been examined in the Regulations Wing, S&GAD. It has been observed that according to section 4 of the Punjab Civil Servants Act, 1974, all appointments are required to be made in the prescribed manner, i.e., on the recommendations of the appropriate Departmental Promotion/Selection Committee(s) or Board(s), as the case may be and with the approval of the designated appointing authorities followed by a notification promoting such civil servant to a higher post.
4. Section 9 of the Punjab Civil Servants Act, 1974 is a liability provision i.e., a civil servant is liable to serve against any post, which may be equivalent or higher than the post held by the incumbent. Promotion to a higher post or grant of temporary charge of a higher post are two different entities. Legally, a person is not in a higher grade until his promotion to the higher post is duly notified and charge of the higher post is formally assumed by him.
5. It has, therefore, been decided to clarify that service rendered by a civil servant against a higher post under section 9 of the Punjab Civil Servants Act, 1974 cannot be treated at par with the service rendered by a regularly promoted officer in the higher post for the purpose of promotion to the next higher grade.
6. This may kindly be brought to the notice of all concerned.

No. FD.PC.44-5/2009
Dated the 16th December 2009

Subject: APPOINTMENT OF AN OFFICER OF LOWER GRADE TO A POST
OF HIGHER GRADE AND GRANT OF PAY OF THE HIGHER POST

In pursuance of Finance Division's Office Memorandum No. F.8(4)R-2/97-1204/09 dated 24.02.2009, Government of the Punjab has decided that pay of the higher post will be admissible to civil servants during the period of appointment on higher post subject to the following conditions:

- i) The officer has been appointed on the higher post by the authority competent to make appointment on that post.
- ii) The officer is fully qualified in every respect to be appointed to that higher post.
- iii) The officer discharges all the duties and responsibilities of the higher post independently and severed all connections with his lower post.
- iv) The pay of the higher post will be fixed presumptively w.e.f. the date the officer assumes charge of the higher post and it will include the increments of the pay scale of the higher post for the period of higher post appointment on that post. In such cases premature increment shall not be admissible. However, the officer

will be entitled to the arrears of pay and allowances from the date he assumes the charge of the higher post. This concession shall be admissible w.e.f. 16.12.2009. Any claim of arrears of pay and allowances pertaining to a period prior to this date shall not be entertained.

- v) On relinquishment of charge of the higher post or on transfer or on regular promotion to that higher post, the pay will be re-fixed with reference to original scale of pay of the post, held by the officer and increments carried (if any) on higher post will count for increments in his original scale as per provisions of Rule 4.4.(a)(i) of CSR, Punjab, Vol-I, Part-I.
- vi) The pay of the higher post shall not be counted for the calculation of emoluments towards the pension.
- vii) The pay of the higher post will be given only with the concurrence of Finance Department.

2. All Administrative Departments are advised that only those cases may be referred to Finance Department which are covered under sub-para (i) to (iii) of para-1 above and pay of the concerned officers may be fixed/re-fixed in terms of sub-para (iv) to (vi) of para-1 above after obtaining prior concurrence of the Finance Department.

No. SOR.II(S&GAD) 2-132/2002
Dated the 3rd February 2003

Subject: EFFECT OF FOREGOING OF PROMOTION ON SENIORITY/PROMOTION

I am directed to refer to the subject noted above and to inform that a question has been raised whether a civil servant can forego his promotion or otherwise. The matter was examined and it is clarified that as laid down in Rule 3 (1) of the Punjab Civil Servants (Appointment and Conditions of Service) Rule, 1974 promotion is a mode of appointment, therefore, a civil servant after issuance of promotion notification, can refuse to accept the promotion. However, on such refusal he shall stand superseded and will be treated like any civil servant superseded on other accounts.

2. This issues with the approval of competent authority.

No.SOR-II(S&GAD)4-47/2009
Dated the 28th May 2009

Subject: DETERMINATION OF STATUS OF DEGREES ISSUED BY
AL-KHAIR, PRESTON AND OTHER PRIVATE UNIVERSITIES

The Chief Secretary, Punjab constituted a committee headed by the Additional Chief Secretary in order to prepare guidelines for promotion of the officers/officials working in Government Departments who have acquired degrees

from Al-Khair, Preston and other Private Universities. The matter was considered in a meeting of the committee held on 18.04.2009. A copy of the Minutes of the meeting is enclosed for your kind information and further necessary action.

MINUTES OF MEETING
DETERMINATION OF STATUS OF DEGREES ISSUED BY
AL-KHAIR, PRESTON AND OTHER PRIVATE UNIVERSITIES

A meeting of the committee, constituted on 18.02.2009 by the Chief Secretary, Punjab on the above subject was held on 18.04.2009 in order to consider and decide policy guide lines for promotion of the officers/officials working in Government of the Punjab who have acquired degrees from Al-Khair, Preston and other private universities. The meeting was attended by the following:

1. Mr. Javed Aslam, (In Chair)
Additional Chief Secretary.
2. Mr. Babar Hassan Bharwana,
Secretary,
Irrigations & Power Department.
3. Mr. Muhammad Zafar Iqbal,
Additional Secretary,
HUD&PHE Department.
4. Mr. Shakeel Ahmad,
Additional Secretary,
C&W Department.
5. Ms. Shahida Javed,
Deputy Secretary,
Higher Education Department.
6. Mr. Muhammad Suhail Shahzad,
Deputy Secretary (General),
Irrigations & Power Department.
7. Mr. Mohsin Ahmad,
Director, HEC.
8. Mr. Muhammad Akram Tahir,
UET, Lahore.
9. Mr. Faqir Muhammad Irfan,
Director (Admin.),
Punjab University, Lahore.
10. Prof. Dr. M. Amin
11. Muhammad Ilyas,
Secretary Regulations.

2. The Committee was apprised that at present private universities are operating through their campuses in various districts of Punjab such as Lahore, Gujranwala, Faisalabad, Sargodha, Rawalpindi, Sialkot, Bahawalpur, Multan, Muzaffargarh & Rahimyar Khan. However, on 12th September 2005, the Higher Education Commission on its website, declared these campuses as unlawful through its website being operating beyond their territorial jurisdiction.

3. The Secretary Irrigation and Power Department pointed out that recently the Hon'ble Lahore High Court, Lahore has passed the following orders dated

04.03.2009 on writ petition No.14915/2008 titled M/s. Nadeem Khaliq, Sub Engineer and others V/S Secretary I&P;

“To take into consideration the seniority position of the petitioners as well as similarly placed persons, extend the benefit of current charge of the higher grade to those who are entitled for the same till the arrival of the selectees of the PPSC against the direct quota and fill the post of promotee quota through regular promotion and that too through the process of DPC. This exercise be completed within a period of two months from today.”

4. Additional Chief Secretary, Punjab asked the representative of the Education Department for her opinion on the degrees obtained by the officers/officials from different private universities who are now demanding their promotion on the basis of these degrees. The representative of Education Department categorically mentioned that the Education Department has very clear policy and they had tendered advice to different departments on similar issues. According to her, various universities are operating sub campuses in Punjab without approval of the Education Department, Government of the Punjab and respective public sector universities of the region. The charter of private universities neither allow establishing and operating sub campus of the university outside territorial limit of the said university nor it allows any affiliation to any other institution for conducting academic courses on behalf of private university. The representative emphasized that the private universities have no concurrence of Education Department, Government of the Punjab or respective university of the Government of the Punjab for operating the sub campuses or affiliated campuses under question.

5. The representatives of Punjab University and University of Engineering and Technology Lahore endorsed the views of the Education Department and also added that private universities have not obtained any NOC from their universities to operate sub campuses. The public sector universities offer full time studies for Bachelors Degree in engineering discipline. The students from Government sector are enrolled to these courses on full time basis and for that purpose they need to obtain study leave to attend the classes. No part time classes are available for Bachelors Degrees in Engineering. They also explained that their universities do not issue degrees of their own campuses unless accompanied by transcripts in order to determine the validity of the courses attended by the students.

6. The participants raised concern about the future of such students who have obtained degrees from private universities by attending classes at their sub campuses and the same have been verified by the Higher Education Commission. The Additional Chief Secretary, Punjab invited representative of HEC for his opinion about the issue. The representative presented the following point of view before the committee:

- (i) The involvement of private sector at tertiary level of education was a new concept in Pakistan.
- (ii) Universities/Degree Awarding institutions were given charters with an idea to operate at locations within one city but exploiting the provisions of law, they started affiliating institutions in far and wide areas of the country.

- (iii) There was no law to contain such an operation except for provisions specifying the academic jurisdiction of public sector universities in the region.
- (iv) The Commission sought opinion from Ministry of Law, Justice & Human Rights and response received vide letter No.1165/2001 dated 15.12.2001 clearly declared that any university chartered in a province for operation in other provinces through affiliation or campuses is required to get permission from concerned Provincial Education Department.
- (v) The HEC conducted survey of illegal affiliations by private universities and published lists in its website as well as in national Press.
- (vi) By continuous persuasion from HEC, many universities have mended their business and agreed to cease operations through illegal affiliations and campuses like Sarhad University closed down its all illegal distance education centers in Punjab, Mohiuddin Islamic University de-affiliated many educational institutions, Preston University, Kohat made agreement not to enroll any further students except where permission from concerned Provincial Government is obtained. While Preston University and others have agreed to work within the ambit of legal framework, corrective measures for operation of Al-Khair University are expected shortly.
- (vii) The HEC is the sole regulatory body of higher education in country, authorized to recognize degrees and it is under this mandate that the Commission is making a framework for enforcing Al-Khair University not only to have its own campus in AJ&K but also to restrict its operations within its academic jurisdiction i.e. AJ&K.

7. The Additional Chief Secretary, Punjab observed that the law does not provide any benefit to stakeholders who are ignorant about law. The sub campuses or affiliated campuses of the private universities which are operating without NOC in jurisdiction of a public sector university and without NOC of the Education Department of Government of the Punjab are illegal even according to their own charter. HEC has already published a list of such illegal campuses for awareness of the stakeholders. Therefore, no benefit can be extended to degree holders of private universities who have attended classes in illegal sub-campus.

8. After deliberations, the committee unanimously agreed that the cases of officers/officials who acquired higher qualification from the private universities need to be considered on case to case basis for promotion and other service matters and the Administrative Departments should verify the following conditions from the record that:

- a) The officers/officials have obtained study leave or leave of the kind due from the competent authority to proceed for classes for acquiring higher qualification.
- b) The officers/officials have presented degrees along with transcripts of their studies and role of attendance, issued by the University/recognized Campus of the University.
- c) The campus he/she attended was located within territorial jurisdiction of the private university and it was not a sub campus or

affiliated campus of the private university being operated in jurisdiction of a public sector university without its NOC as well as NOC of the Education Department, Government of the Punjab.

9. The above mentioned decisions shall be circulated to all concerned departments of the Government of the Punjab to streamline mechanism of promotion of officers/officials on the basis of degrees acquired from the private universities.

No. SOR.II(S&GAD)2-49/2010
Dated the 19th March 2010

Subject: PROMOTION

I am directed to refer to this Department's letter No. SOR-I(S&GAD) 16-2/69 (Policy), dated 08.06.1971 on the subject noted above, which provides that promotion to higher posts should be based on total service record.

2. It has been noticed that promotion process is being delayed mainly due to the reason that service record of officials/officers is incomplete. Instructions for writing of PERs provide that the process of completion of PERs of officials/officers should be completed within the month of January each year and every Administrative Department is also required to furnish a certificate to S&GAD in this regard.

3. It may be pointed out that it has been decided in the Administrative Secretaries meeting held on 05.03.2010 that all vacant posts meant for promotion quota be filled by 30.06.2010.

4. In order to assess suitability of an official/officer, total service record is required. It is, however, in the discretion of the assessing authority to give more weightage to the service record/PERs for the last five to seven years. In order to ensure completion of promotion process by 30.06.2010, it has been decided that assessing authorities may assess suitability of an official/officer on the basis of service record for the last five to seven years, if the service record for the past period is not available due to no fault on the part of concerned official/officer and there are valid reasons to ignore the service record for the past service. It shall, however, be a one time dispensation and shall not absolve the respective authorities to ensure completion of service record as early as possible.

No.SO. (C-I) 2-13/2014.
Dated Lahore the 11th February, 2015

SUBJECT: SUBMISSION OF WORKING PAPERS FOR PROMOTION TO PROVINCIAL SELECTION BOARD-I, "NO ENQUIRY CERTIFICATE" FROM ANTI-CORRUPTION ESTABLISHMENT, PUNJAB

I am directed to refer to this Department's letter of even number dated 14.07.2014 on the subject noted above whereby Instructions were issued to all the Administrative Departments to hold inter departmental meetings with Anti-Corruption Establishment to incorporate factual position of the pending FIRs

/enquiries in the Working Papers to be placed before the Provincial Selection Board-I & II.

2. Some Departments misconstrued these instructions and started to approach the Anti-Corruption Establishment for getting information regarding pending FIRs/enquires in respect of the employees of BS-17 and below whose cases are considered for promotion by the DPCs. It has been observed that this practice may delay the promotion process of ministerial staff inordinately. Therefore, a committee comprising Secretary (Services), Secretary (Regulations), S&GAD, Secretary, C&W Department and DG, Anti-Corruption Establishment discussed the matter on 23.12.2014. The Committee forwarded its recommendations to the Chief Minister on 15.01.2015 for approval. The Chief Minister/Competent Authority on 31.01.2015 has been pleased to approve as under:

- i. In future, Anti-Corruption Establishment would provide latest enquiry status in respect of the officers who are considered for promotion by the Provincial Selection Board-I & II.
- ii. All the Administrative Departments may frame a mechanism to ensure that latest enquiry status has been incorporated in the working paper so that no information/enquiry status goes missing while submission of the same before the DPC.
- iii. Regarding the promotion cases of ministerial staff of the Punjab Civil Secretariat as well as of field formation their parent departments should ensure that latest enquiry status has been incorporated in the working paper while submission of the same before the DPC.

3. Therefore, it is requested that the above mentioned instructions approved by the Chief Minister / Competent Authority may be complied with in the true letter and spirit.

No.SO. C-IV (S&GAD)5-4/2008/Misc.
Dated Lahore the 06th October, 2016

SUBJECT: CHECK LIST REGARDING SUBMISSION OF WORKING PAPER OF REGULAR PROMOTION CASES FOR CONSIDERATION OF PSB-I & II.

I am directed to refer to the subject noted above and to intimate that Administrative Departments are submitting incomplete working papers for promotion to the Confidential Wing of S&GAD for consideration of the Provincial Selection Board-I & II. Therefore, it takes a plenty of time to address observations/deficiencies of the working papers, resulting in an inordinate delay in promotions.

2. I am further directed to forward a check list regarding submission of working papers of regular promotions for consideration in PSB-I & II duly approved by the Secretary (Services), Government of the Punjab, S&GAD, with the

request to the Administrative Departments for strict compliance in the preparation and submission of working papers. Moreover, the undersigned may be contacted in case of any query regarding the said check list.

Subject: PROMOTION AGAINST SNE POSTS

Will the Section Officer (R-II), Government of the Punjab, Services & General Administration Department, kindly refer to his letter No.SOR-II (S&GAD)2-134/2016 dated 20th October, 2016 on the subject noted above?.

2. The case has been examined in the Finance Department, and Administrative Department is advised that regular promotion can be made against a clear vacancy due to creation of a new posts as envisaged in Para 3(1) of Promotion Policy, 2010. Promotion Policy does not bifurcate the posts created (whether it is an SNE post or a regular post). Hence, promotion can be made on regular basis against SNE posts.

UO.No.FD(SR-II)/9-161/2016

dated 11th November, 2016

No SO(C-I)2-25/2008
Dated Lahore the 07th January, 2016

Subject: CONSIDERATION OF PROMOTION CASES THROUGH CIRCULATION BY THE PROVINCIAL SELECTION BOARD IN WAKE OF IMMINENT RETIREMENT

I am directed to refer to this Department's letter of even number dated 11.03.2015 on the subject noted above and to state that it has been observed that there is a growing tendency on the part of the Administrative Departments to initiate promotion cases of retiring officers through circulation for consideration by the Provincial Selection Board just two/three days before the date of superannuation. Processing of promotion cases through circulation not only consume a considerable time by temporarily suspending the official work and deputing the staff of the Services Wing of S&GAD to get signatures from all the Members of PSB but also causes inconvenience to the Members who have to scrutinize the cases and sign in urgency after office hours.

2. Meetings of the Provincial Selection Board are being convened regularly on monthly basis to consider the promotion cases. Time and again, all the Administrative Departments have been requested to furnish timely the pending working papers/promotion cases to S&GAD for consideration by the PSB. Despite the clear directions, the Administrative Departments do not process the promotion cases of retiring officers well in time and consequently officers who are otherwise eligible for promotion gone retired in the meantime without getting financial benefits of next higher grade.

3. In order to streamline the promotion cases, I am again directed to say that promotion cases of the officers including near retirement may be forwarded to S&GAD by 10th of every month. Working papers received after cut of date shall not be placed in the PSB meeting to be held in the same month. All the Administrative Departments should ensure that no case of any retiring officer is ignored and case of the retiring officer initiated at the eleventh hour would not be entertained and the administrative department concerned would be held responsible for the lapse

No.SOR-III(S&GAD)2-54/2010
Dated Lahore, the 04th April, 2016

NOTIFICATION

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), Governor of the Punjab is pleased to direct that in the rules made or deemed to have been made under the Act, the following amendments shall be made:

AMENDMENTS

In all the rules made or deemed to have been made under the Act:

- (1) against the post of Superintendent, wherever occurs, for the expression “BS-16” the expression “BS-17” shall be substituted;
- (2) against the post of Assistant or Head Clerk, wherever occurs, for the expression “BS-14,” the expression “BS-16” shall be substituted;
- (3) against the post of Senior Clerk, wherever occurs, for the expression “BS-9,” the expression “BS-14” shall be substituted;
- (4) against the post of Junior Clerk, wherever occurs:
 - (a) for the expression “BS-7,” the expression “BS-11” shall be substituted: and
 - (b) for the existing qualifications in the column “minimum qualification for appointment by initial recruitment”, the following shall be substituted:
 - “(i) Higher Secondary School Certificate (second division) from a recognized Board;
 - (ii) a speed of 25 words per minute of typing on computer in English and
 - (iii) proficient in Microsoft Office or any other compatible office application and he shall demonstrate such proficiency.”

No SO(C-I) 2-1/2015
Dated, 18th July, 2017

Subject: SUBMISSION OF WORKING PAPER FOR PROMOTION TO PROVINCIAL SELECTION BOARD-I & II

Kindly refer to the subject noted above.

2. It has been observed by the Provincial Selection Board-I that working papers are not being prepared by the Administrative Departments according to the guidelines provided in Para 19 of the Promotion Policy, 2010. Para 19 of policy ibid is reproduced below:

“19. **Working Paper for the PSB/DPC.**

The Department shall give following details in the Working Paper:-

- 1) Total number of sanctioned posts.
- 2) Bifurcation of posts falling in promotion and initial recruitment quota, if any, and details of vacancies available for promotion.
- 3) Causes of occurrence of vacancies duly supplemented by documentary evidence.

- 4) Method of promotion as per service rules.
- 5) Panel of Government Servants proposed to be considered for promotion strictly in accordance with the notified seniority list. (not according to the tentative seniority list).
- 6) Detailed service account of each officer/official giving full service particulars as well as synopsis of PERs.
- 7) Details of penalties awarded and gist of charges.
- 8) Details of pending inquiries and gist of charges.
- 9) Result of training/examinations prescribed for the posts.
- 10) Remarks of the previous meetings, if considered earlier.
- 11) Additional information, if any.
- 12) PER grading & Quantification Form must be attached as per Schedule-II.
- 13) Clear recommendations of the Department be added.
- 14) The Working Paper for PSB/DPC should be submitted two weeks before the meeting of the PSB/DPC.
- 15) Pre-PSB meeting may be held 10 days before the meeting of the PSB.”

3. Further, during the scrutiny of working papers/proposals falls under the purview of Provincial Selection Board-I & II, it has been observed that most of the seniority lists of the panelists are not updated and were notified two or three years back. Moreover, retired and promoted officers still exist in the seniority lists, which cause inconvenience and unforeseen legal complications. In this regard, Regulations Wing’s policy circular letter dated 30.11.1971 enunciates as under:

“...each Competent Authority shall prepare and maintain separate lists of seniority of Gazetted and non-Gazetted Government servants under its administrative control and that these lists shall be revised at least once in each calendar year.”

4. The seniority lists of officers whose cases for promotion fall under the purview of Provincial Selection Board-I & II may be up-dated/notified according to the aforesaid laid down procedure.

5. It is requested to adhere to the provisions of para 19 of Promotion Policy, 2010 in letter and spirit. In case of any discrepancy coming to notice, strict disciplinary action shall be taken against the responsible officers/officials in terms of **para 25 (6)** of the Promotion Policy, 2010, which provides as under:

“25(6)Furnishing complete information/details and calculation of score of the officers with accuracy is the responsibility of the concerned Administrative Department. All the Departments must ensure that documents in regard to the proposal for promotion are prepared with utmost care so that the information submitted to the Board/DPC is complete and accurate in all respects. In the event of any discrepancy coming to notice, strict disciplinary action shall be taken against the responsible officer/official”

No. SO(C-I) 2-1/1999
Dated Lahore, the 24th July, 2017

Subject:MEETING OF PROVINCIAL SELECTION BOARD-I, INPUT BY THE SPECIAL BRANCH

I am directed to refer to this Department's letters of even number dated 15.12.2001, 01.09.2004, 15.01.2005 and followed by reminder dated 06.06.2012, 19.11.2012 and 11.02.2014, on the subject noted above whereby all the Departments were requested that names of the officers selected in their "in-house" meeting may be communicated to the Special Branch much in advance of the Board's meeting at least one month under intimation to this Department and rest of the exercise including preparation of working papers can then continue. This will provide reasonable time to the Special Branch to provide appropriate input.

2. It has, however, been observed that the instructions circulated by the S&GA Department as stated above are not being adhered to in letter and spirit.

3. In view of the above, I have further been directed to request that the above said instructions may kindly be followed in true spirit.

No SO(C-I)2-1/2017
Dated Lahore the 04th August, 2017

Subject:SUBMISSION OF WORKING PAPER FOR PROMOTION TO PROVINCIAL SELECTION BOARD-I.

I am directed to refer to the subject noted above and to state that during the previous meeting of the Provincial Selection Board-I, it has been observed by the Board that promotion cases of officers delayed in the Administrative Departments for various reasons. Further, the working papers (including cases of retiring officers/Court case) are received from the Administrative Departments in S&GAD at the eleventh hour, which does not provide sufficient time to scrutinize the proposals.

2. In order to cope with the above situation, the Chief Secretary / Chairman of Provincial Selection Board has desired that the meeting of Provincial Selection Board-I will be convened on last Friday of every month at 02:30 P.M. Further, all the promotion cases/working papers under the purview of Provincial Selection Board-I may be furnished to the Confidential Wing of S&GAD by 15th of the every month, in terms of para 19 (14) of the Promotion Policy, 2010. The working papers received after 15th of the month would not be entertained by the Provincial Selection Board-I in its meeting scheduled for last Friday of the month.

3. In view of the above, I am further directed to request that the aforesaid instructions may be complied with in letter and spirit, in order to timely materialize the promotion proposals.

No SO(C-I)2-1/2017
Dated Lahore the 16th November, 2017

Subject: SUBMISSION OF WORKING PAPER FOR PROMOTION TO PROVINCIAL SELECTION BOARD-I.

I am directed to refer to the subject noted above and to state that during the previous meeting of the Provincial Selection Board-I, it has been observed by the Board that promotion cases of officers in line are ripe but get delayed in the

Administrative Departments for one reason or the others. Further, the working papers (including cases of retiring officers/Court case) are received from the Administrative Departments in S&GAD just three/four days before convening of meeting of Provincial Selection Board-I and S&GAD has no proper time to scrutinize the proposals, which cause misleading information before the Provincial Selection Board-I regarding Inquiry status, Anti-Corruption cases, leave status and other details.

2. In order to cope with the above situation, the Chief Secretary / Chairman of Provincial Selection Board has desired that the meeting of Provincial Selection Board-I will be convened on last Friday of every month at 02:30 P.M. Further, all the promotion cases/working papers under the purview of Provincial Selection Board-I may be furnished to the Confidential Wing of S&GAD as early as possible, in terms of para 19 (14) of the Promotion Policy, 2010.

3. In view of the above, I am further directed to request that the aforesaid instructions may be complied with in letter and spirit, in order to timely materialize the promotion proposals.

No.SORIII(S&GAD)1-28/2018.
Dated Lahore, the 25th May, 2018

NOTIFICATION

Pursuant to the powers conferred under rule 20 of the Punjab Civil servants (Appointment & Conditions of Service) Rules, 1974 read with section 23 of the Punjab Civil Servants Act, 1974 Governor of the Punjab is pleased to direct that:

- (a) the area comprising Bahawalpur Division, Dera Ghazi Khan Division, Multan Divisions and District Bhakkar and District Mianwali of Sargodha Division in the Punjab shall constitute the 'special zone'.
- (b) eighty per cent of the vacancies in BS-16 and above shall be filled in accordance with merit on all Punjab basis from amongst the persons domiciled in the Punjab; and
- (c) twenty per cent of such vacancies shall be reserved for bona fide residents of the special zone:

Provided that if no suitable candidate is available from the special zone, the vacancies may be filled in the manner provided in clause(b).

PROFORMA PROMOTION

No. SOR.II-2-52/73
Dated the 16th October 1973

Subject: GRANT OF PROFORMA PROMOTION

I am directed to address you on the subject noted above and to say that in the past the practice has been that when an official was given promotion from an assumed date, benefit of service was given for fixation of pay while arrears of pay were allowed only for the period during which he actually performed the duties of the higher post. Some officials who were given war service benefit including proforma promotion to higher posts claimed arrears of pay for the entire period through a writ petition in the High Court which was granted. Appeal filed by Government against the decision of the High Court has been dismissed by the Supreme Court. The ruling of the Court is that if an official is wrongfully prevented from performing the duties of the higher posts, he must be given arrears of salary. When an official is notionally promoted from an earlier date, there is an implied admission that he was improperly deprived of his promotion on the due date. The claims for arrears of salary should, therefore, be accepted in such cases.

2. As a result of the decision of the Supreme Court, the following issues have cropped up:

- a) Whether the arrears of pay should be granted only to the persons who obtained a decree from the Court or to all the officials who were granted proforma promotion, whether because of war service benefit or otherwise; and
- b) What should be the future policy of Government regarding grant of proforma promotion.

3. As regards the first issue, Government are of the view that concerned officials should not be forced to start mere formal litigation to get dues. The decision of the Court, in the strict sense, helps only the parties before the Court but since a clear precedent has been created by the Supreme Court in one case, the other officials who were granted proforma promotion in similar circumstances are also sure to succeed with additional cost to the Government. It has, therefore, been considered advisable to admit all such claims as a matter of principle.

4. As regards the second issue, since in view of the Supreme Court's ruling that arrears of salary must be given even for the period of proforma promotion, it will have to be ensured that proforma promotion is given only in cases where it is justified on compulsive grounds as illustrated in the subsequent paragraphs.

Proforma promotion is generally granted in the typical cases mentioned below:

- i) The seniority of two officials is in dispute. The senior official is promoted on due date but subsequently the junior official establishes his claim of seniority by obtaining a favourable decision from Government or the Civil Services Appellate Tribunal;
- ii) The official is under suspension or facing a departmental inquiry on serious charges and, therefore, his promotion is deferred.

Eventually he is exonerated of the charges and he has to be given proforma promotion from the date on which he would otherwise have been promoted.

- iii) An official is considered unfit for promotion because of adverse remarks in his Character Roll. Subsequently, he succeeds in getting the remarks expunged and claims proforma promotion; and
- iv) In very rare cases an official might be ignored for promotion due to clerical error or plain negligence.

5. In the (i), (ii) and (iv) type of cases, proforma promotion would be justified provided it could be held on the basis of service record and performance of the official that he would certainly have been promoted on the due date but for the circumstances that he was incorrectly treated as junior or was facing a departmental inquiry or was overlooked. In such cases his fitness for promotion should not be considered in isolation but in comparison with other officials, who would have been considered along with him. Proforma promotion should be granted only when the grounds constituting merit are certain and the fitness of the official for promotion in comparison with other officials is beyond doubt.

6. As regards expunction of adverse remarks (item-iii), instructions have already been issued, vide this department's circular letter No. SOR.III(S&GAD)-14-2/72 dated 9th June, 1973, that only one representation will lie and the decision taken on it would be absolutely final. The representation has to be submitted not later than one month from the communication of adverse remarks. Proforma promotion should be given only if the supersession of the official was based entirely on the adverse remarks which were later on found to be unmerited and, therefore, expunged. If there were any other factors going against the officials or the adverse remarks were only partially expunged, proforma promotion should not be granted.

7. It may be added that promotion is not a legal right and, therefore, claims for proforma promotion are not enforceable through courts of Law, but once proforma promotion is granted it will not be possible to withhold the arrears of salary. Special care should, therefore, be exercised at the time of ordering proforma promotion.

8. I am to request that these instructions may kindly be brought to the notice of all concerned under your administrative control for strict compliance.

No. SOR.II(S&GAD)2-52/73
Dated the 29th November 1975

Subject: GRANT OF PROFORMA PROMOTION

I am directed to invite a reference to this department's circular letter of even number dated the 16th October, 1973 on the subject noted above and to say that in para 7 thereof it was clarified that proforma promotion cannot be claimed as a legal right enforceable through courts of law, but once proforma promotion is granted the arrears of salary cannot be withheld. The departments were, therefore, asked to exercise special care at the time of ordering proforma promotion.

2. Instances have come to the notice of the Finance Department where proforma promotions have been ordered in disregard of the above clarification. In

certain cases proforma promotions are reported to have been allowed merely because the vacancies were available from an earlier date. After ordering proforma promotion in such cases, Finance Department was approached to fix the pay, etc. of the officials concerned from a date several years before they took over charge of the promotion posts. In this way the Finance Department was confronted with a fait accompli.

In the circumstances, it is requested that —

- a) promotion cases should be examined periodically for obtaining the orders of the competent authority well in time and the Section/Branches dealing with such cases should not be allowed to sit over these cases; and
- b) promotion should invariably be ordered from the date of orders. The authorities concerned should then make up their mind whether the promotion has to be given from an earlier date, strictly on the basis of the conditions laid down in the circular letter of 16th October, 1973. They should then get a post created from the Finance Department before issue of orders. Even if it is not necessary to create a post, prior approval of the Finance Department should be obtained.

3. Instructions contained in this department's circular letter of even number, dated the 17th December, 1974, to the effect that proposals for creation of supernumerary posts should be referred to the Finance Department after proforma promotion has been granted by the competent authority are hereby modified to the extent as in para 3(b) above.

No. SOR.II(S&GAD)2-59/78
Dated the 4th March 1979

Subject: GRANT OF PROFORMA PROMOTION

I am directed to refer to this department circular letters No. SOR.II(S&GAD)2-52/73 dated the 16th October, 1983 and SOR.II(S&GAD)-2-52/73 dated 29th November, 1975 on the subject noted above and to say that as clarified therein, proforma promotion cannot be claimed as of right but once it is granted the arrears of salary cannot be withheld. The typical categories of cases in which proforma promotion could be allowed were also mentioned therein. The departments were simultaneously requested to exercise utmost care at the time of ordering proforma promotion. It was also laid down that promotion cases should be examined periodically for obtaining the orders of the competent authority well in time and that promotion should invariably be ordered from the date of orders.

2. It has now been decided that henceforth requests for proforma promotion should not be considered & promotion should invariably be ordered with immediate effect. Promotion authorities should exercise due care while taking decisions about supersession of persons to avoid hardship in genuine cases.

No. SOR.II(S&GAD)2-59/78
Dated the 11th October 1980

Subject: GRANT OF PROFORMA PROMOTION

I am directed to refer to this department's circular letter of even number dated 4th March, 1979 on the subject noted above and to say that henceforth claims for proforma promotion may be examined on merits by the concerned promotion board/committee and if recommended by the board or committee, the matter may be referred to this department for final approval.

No. SOR.IV(S&GAD)15-3/84
Dated the 7th November 1984

Subject: GRANT OF PROFORMA PROMOTION

I am directed to refer to this department's letter No. SOR.II(S&GAD)2-52/73, dated 29.11.1975 on the subject noted above.

2. A question has arisen whether while considering a Government servant for promotion assessment of his fitness for promotion should be determined on the basis of his ACRs up to the date from which proforma promotion is proposed to be allowed or total record up to the date of consideration of the case should be examined.

3. The matter has been examined and it has been decided that in order to be fair only such record should be considered as would have been available up to the date of proforma promotion because in such case the fact which needs determination is whether the employee was fit for promotion on the given previous date. Subsequent record should not prejudice such assessment. The question of any anomalies arising out of this should not, rather cannot, arise because first of all the concerned Government servant has to be promoted with immediate effect on the basis of total record. If he is not so promoted, the question of proforma promotion would not arise.

No. SOR.II(S&GAD)2-59/78
Dated the 1st March 1990

Subject: GRANT OF PROFORMA PROMOTION

I am directed to refer to the subject noted above and to say that proforma promotion is allowed in order to rectify a mistake and restore established legal right of a Government servant. It always involves payment of arrears of Government servants. It always involves payment of arrears of pay and allowances. The employee granted proforma promotion gets such arrears without actually performing the duties of the higher post. It is apparently for these reasons that proforma promotion has to be restricted only to the cases where a junior person has been regularly promoted to a higher post in preference to the senior who is unduly deprived of promotion on his turn. Extension of this benefit to seniors in case of appointment of juniors on acting or current charge, officiating promotion and other stop-gap arrangement is not permissible because such arrangements are made in exigencies of service and do not affect seniority of the seniors. This position may please be brought to the notice of all concerned with a clear direction that stopgap arrangements should be made if absolutely necessary and only when regular promotion cannot be made.

No. SOR.II(S&GAD)2-59/78
Dated the 26th September 1991

Subject: SUBMISSION OF SUMMARIES TO THE CHIEF MINISTER THROUGH
S&GAD FOR PROFORMA PROMOTION/ RELAXATION OF RULES

I am directed to refer to this department's circular letter No. SOR.I (S&GAD) 16-3-/89, dated 20.07.1991 on the subject noted above and to state that while submitting the summary regarding proforma promotion to the Regulations Wing, the following documents (in duplicate) kindly may invariably be forwarded to this department:

1. Summary (in duplicate).
2. Working paper and minutes of the DPC meeting in which the official concerned and his junior were considered and the senior was not cleared for promotion
3. Regular promotion order of junior official on the post against which proforma promotion is being claimed by senior official.
4. Working paper and minutes of the DPC meeting in which the official concerned was cleared for promotion.
5. Regular promotion orders of the official concerned on the post against which proforma promotion is being claimed by the senior official.
6. Seniority list (duly notified) at the relevant time.
7. Working paper and minutes in which the official was recommended for proforma promotion.
8. Any other relevant documents.

No. SOR.II(S&GAD)2-59/78
Dated the 30th July 1992

Subject: SUBMISSION OF SUMMARIES TO THE CHIEF MINISTER THROUGH
S&GAD FOR PROFORMA PROMOTION/ RELAXATION OF RULES

I am directed to refer to this department's circular letter of even number dated 26.09.1991 on the subject noted above and to say that it has been observed that Administrative Departments do not forward self-contained references along with relevant documents for advance/approval. In this regard, it is requested that the following information/documents should be sent while making reference to the Regulation Wing:

1. Background of the case in detail.
2. Copies of working papers and minutes of all the meetings of the DPC/PSB related to the case.
3. Promotion orders of the respective official as well as his junior.
4. Copies of the relevant orders of the competent authority regarding exoneration/expunction of adverse remarks etc. if any, according to which causes of deferment were removed.
5. Copies of seniority lists issued from time to time, duly notified, clearly showing the seniority position of officials as well as their

seniors and juniors. Tentative seniority lists/extract of seniority list and un-authenticated lists will not be acceptable.

6. Promotion orders of five officials seniors to the respective official and those of five juniors with the clarification that promotion was made in the prescribed manner and in accordance with the seniority position.
7. It may be clarified that the respective junior was promoted in the prescribed manner and was not given undue benefit.

2. The cases received from the Administrative Departments without containing the above information/documents would be returned back and in case the A.D. fails to furnish the requisite information/documents within a period of two months. It shall be presumed that it is not interested to pursue the matter further as such the case shall be filed.

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

No. SOR.II(S&GAD)2-59/78
Dated the 3rd December 1996

Subject: SUBMISSION OF SUMMARIES TO THE CHIEF MINISTER THROUGH
S&GAD FOR PROFORMA PROMOTION/RELAXATION OF RULES

I am directed to refer to this department's circular letter of even number dated 30th July, 1992, on the subject noted above and to say that it has been observed that Administrative Departments while forwarding summary for Chief Minister for obtaining his approval for the grant of proforma promotion do not annex the necessary documents for the examination of the case in proper perspective. The cases of proforma promotion are examined thoroughly by the Regulations Wing before obtaining the approval of the Chief Minister.

2. It is, therefore, requested that the following information/documents should invariably be sent while making reference to the Regulations Wing:

- i) Background of the case in detail.
- ii) Copies of working papers and minutes of all the meetings of the DPC/PSB relating to the case.
- iii) Promotion order of the respective official/officer as well as next junior/juniors.
- iv) Copy of the relevant orders of the competent authority regarding exoneration/expunction of adverse remarks etc. and appropriate orders removing other causes of deferment.
- v) Copies of notified seniority lists issued from time to time, duly notified, clearly showing the seniority positions of officials/officers as well as their seniors and juniors.

- vi) Promotion orders of five officials/officers senior to the respective civil servants and those of five juniors with the clarification that promotion was made in the prescribed manner and in accordance with the seniority position.
- vii) It may be clarified that the respective junior was promoted in the prescribed manner and was not given undue benefit.

3. The cases received from the Administrative Departments without the above information/documents would be returned and in case the Administrative Departments fail to furnish the requisite information/documents within a period of two months it shall be presumed that they are not interested to pursue the matter further and as such the case shall be filed.

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

No. SOR.II(S&GAD)2-59/78
Dated the 1st October 1998

Subject: SUBMISSION OF SUMMARIES TO THE CHIEF MINISTER
THROUGH S&GAD FOR PROFORMA PROMOTION

I am directed to refer to this department's circular letter of even number dated 30.07.1992 on the subject noted above. The letter under reference maintained that grant of proforma promotion to Civil Servants, in accordance with the policy notified by S&GAD required approval of the Chief Minister. After the issue was thoroughly examined and recommended by Regulations Wing of S&GAD. The Chief Minister has been pleased to decentralize the powers to grant proforma promotion by empowering the respective appointing authorities to approve/notify such promotion. The following procedure shall henceforth be observed:

1. Proforma promotion cases of Officers whose promotions under the existing rules (i.e. officers in grade-19 and above and those of BS-18 included in Schedule-IV of the Rules of Business, 1974), may continue to be submitted to Chief Minister for approval after these have been examined and subsequently cleared by the Provincial Selection Board headed by the Chief Secretary.
2. Cases of Officers BS-18 (other than those mentioned in para-1 above) after proper scrutiny by the Departmental Promotion Committee and Regulations Wing of S&GAD, would be finally approved by the Chief Secretary. Proforma promotion will then be notified by the Administrative Secretary concerned.
3. Cases of Officer of BS-17, after clearance by the appropriate Departmental Promotion Committee and the Regulations Wing of S&GAD will be approved and notified by the Administrative Secretary concerned.
4. Cases of officials up to BS-16 on clearance by the Departmental Promotion Committee and scrutiny of the Regulations Wing of

S&GAD will be approved and notified by the Appointing Authority concerned.

RETIREMENT

COPY OF GOVERNMENT OF PAKISTAN, CABINET SECRETARIAT
(ESTABLISHMENT DIVISION) RAWALPINDI, O.M. NO. 8/22/75-CL,
DATED 26.02.1976.

OFFICE MEMORANDUM

Subject: NOTIFYING RETIREMENT OF AN OFFICER ATTAINING THE
AGE OF SUPERANNUATION

It has come to the notice of Establishment Division that in some cases no notification was issued regarding retirement of the officer who retired from service on attaining the age of superannuation, i.e. the age of 58 years. The absence of a notification regarding their retirement led to delay in payment of their pension and other dues. The matter has, therefore, been considered by the Establishment Division and the undersigned is directed to say that while a notification may not be necessary in the case of officers who attain the age of superannuation for retiring them from service, it is necessary to notify the retirement of such officers to all concerned for the recovery of dues from the officers if any, and to facilitate payment of pension and other dues of the officer. The Ministries/ Divisions are, therefore, requested to ensure that retirement of officers working under them are notified well in time even if the officer concerned does not take leave preparatory to retirement. In case the retiring officer is on deputation with the Ministry/Division or with any of their attached Department/Subordinate office and the orders regarding his retirement are to be issued by his parent Ministry/Department, that Ministry/Department may please be informed of the due retirement of the officer so that they may issue notification regarding his retirement.

2. All concerned under the Ministries/Divisions may please be informed accordingly.

No. SORI(S&GAD) 10-8/83
Dated the 17th June 1984

Subject: OVERSTAY IN SERVICE OF SUPERANNUATED OFFICIALS

I am directed to refer to the subject noted above and to say that the Government has noted with serious concern that employees, including lower subordinate staff are allowed to continue in service even beyond the age of their superannuation.

2. There being no concept of extension under the existing law, a retired employee can only be re-employed for a specified period with the approval of the Governor according to policy instruction noted in the *footnote. The cases of officials retained without such approval are referred to S&GAD long after irregularity has been committed, as a result of which the concerned employee becomes liable to surrender the salary drawn by him during the period of unauthorized overstay in service. Post facto approval to treat such period as re-

*No. SORI(S&GAD) 10-1/71 dated 05.11.1974.

employment is sought by the departments in order to save the concerned employee from the recovery of salary drawn during the period of overstay. Since a large number of these cases involve financial hardship to low paid retired employees, the proposals tantamount to virtually presenting the Governor with fait accompli.

3. I am directed to request you to please take serious notice of this practice and ensure that no civil servant is allowed to stay in service beyond the age of superannuation. In order to avoid oversight, it is imperative that besides duplicate service books, a master list/register containing the service particulars is maintained by every appointing authority of all employees in respect of whom he is the appointing authority. It has further been decided that orders of retirement should invariably be issued to take effect from the due date. It would help timely preparation of pension papers if orders to superannuation retirement are issued one year in advance of the actual date with the clarification that they will take effect on the due date which must be mentioned. The appointing authority shall be considered personally responsible for omission in this respect, if any.

4. It is requested that this may be brought to the notice of all concerned for information and strict compliance.

No. SORI(S&GAD) 10.25/89
Dated the 26th October 1989

Subject: OVERSTAY IN SERVICE OF SUPERANNUATED OFFICIALS

I am directed to refer to this department's letter No. SORI (S&GAD) 10-8/83 dated 17th June, 1984 on the above subject and to say that Section 12 of the Punjab Civil Servants Act, 1974 provides that a civil servant shall retire from service on such date after he has completed 10 years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest, directs and if no such direction is given by the competent authority then on completion of sixtieth year of his age.

2. Section 13 of the act provides that a civil servant shall not be re-employed unless such re-employment is necessary in the public interest and is made, except where the appointing authority is Governor, with the prior approval of the authority next above the appointing authority, in order to regulate exercise of discretion, in this behalf, by the authorities competent to approve re-employment, instructions have been issued vide this department's letter No. SORI(S&GAD) 10-1/71, dated 15.11.1974, that all proposals regarding re-employment shall be processed through the Selection Board/Advisory Board for re-employment and final orders of the Chief Minister shall be obtained by this department irrespective of grade/status of the post against which re-employment is to be made. As per instructions contained in this department's letter No. SORI(S&GAD) 10.01.1971, dated 06.10.1980, such proposals should be referred to this department at least six weeks before the date of retirement of the civil servant if it is proposed to retain him in service.

3. Instances have come to the notice of the Government that retired officers/officials continue/or are allowed to continue to perform their official duties beyond superannuation despite the above mentioned statutory provisions. It is, therefore, clarified that a retired official can neither hold a post nor legally perform

duties thereof unless re-employed by a formal order with the approval of the competent authority i.e. Chief Minister.

4. I am to request that it may be ensured that no retired officer/official shall be allowed to perform his official duties after the date of his retirement and the immediate supervisory officer will be held responsible for any violation in this respect. It should be ensured by the respective authorities that the officer/officials, on their retirement, must invariably relinquish or hand over the charge, as the case may be, and no request or proposal for re-employment, not yet finally approved by the competent authority and formally notified, will be an excuse to delay relinquishing or handing over the charge of the post held by such officers/officials.

5. These instructions may kindly be brought to the notice of all concerned for strict compliance.

No. SO(S-VII)COORD/Misc.1/80
Dated the 12th April 1990

Subject: RETIREMENT OF CIVIL SERVANTS UNDER THE PROVISIONS OF
PUNJAB CIVIL SERVANTS ACT, 1974

I am directed to say in supersession of all previous letters, the Second Review Committee has been reconstituted with the following composition to consider representations submitted by officers retired under Section 12 (ii) of the Punjab Civil Servants Act, 1974, by administrative departments:

1)	Chief Secretary, Punjab	Chairman
2)	Sr. Member BOR, Punjab, Lahore	Member
3)	Addl. Chief Secretary, Punjab, Lahore	Member
4)	Home Secretary, Punjab	Member
5)	Secretary (Services), S&GAD	Member/Secretary

No. SORI(S&GAD) 1-74/2006
Dated the 20th December 2006

Subject: OMBUDSMAN PUNJAB ANNUAL REPORT 2005 –
OVERSTAYING IN SERVICE AFTER SUPERANNUATION

I am directed to refer to this department's circular letter No. SORI(S&GAD) 10-8/83 dated 17.06.1984 on the subject and to state that the Provincial Ombudsman in his Annual Report 2005, has, inter alia, pointed out that instances have come to notice where officials in lower scales are not retired on attaining the age of superannuation on the basis of date of birth entered in their service books. Whereas, it is the responsibility of the Head of Office under Rule 5.2 of the Pension Rules to initiate pension case of employees in BS-1 to 15, one year before the date of superannuation. Heads of the Offices should, therefore, have the dates of birth of the employees ascertained and lists of dates of superannuation also prepared so that their pension cases are initiated one year before superannuation. Needless to say

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that overstay of the employee beyond the age of superannuation results in delay in payment of pension because the audit insists that the amount drawn as salary after the date of superannuation should be recovered. Moreover, having actually worked for the period, the concerned officials claim pay.

2. I am, therefore, directed to request all concerned to issue orders of retirement on superannuation well before the date of retirement and strictly follow rule 5.2 of the Pension Rules, in order to avoid the complication referred to above.

RE-EMPLOYMENT

No. SORI(S&GAD)10-1/71
Dated the 6th October 1980

Subject: RE-EMPLOYMENT OF CIVIL SERVANTS AFTER THE AGE OF
SUPERANNUATION

I am directed to refer to this department's letter No. SORI(S&GAD)10-1/71 dated 1st September, 1979 on the subject cited above and to say that proposals for re-employment of retired officers continue to be referred to this department without proper justification at very late stage.

2. The Governor of the Punjab has taken serious notice of this state of affairs and has directed that administrative secretaries and heads of departments must foresee retirements and take steps to plan and train substitutes sufficiently in advance to enable them to take over on the exit of the retiring civil servants. He has been further pleased to direct that in future while submitting proposals for re-employment of civil servants the reasons for not preparing for the relief of the outgoing officers should invariably be stated. Such proposal should be referred to S&GAD at least six weeks before the date of retirement of a civil servant if it is proposed to retain him in service.

No. SORI(S&GAD)10-1/71
Dated the 6th December 1982

Subject: RE-EMPLOYMENT OF GOVERNMENT SERVANTS AFTER THE AGE
OF SUPERANNUATION

I am directed to refer to policy instructions contained in this department's circular letters given in the @footnote on the above subject and to say that the question as to whether a Government servant to whom LPR has been refused should be recommended for re-employment after superannuation on the same post, has been considered and it has been decided that as a policy no re-employment beyond superannuation may be initiated since period of refused LPR provided ample time to find out replacement of the superannuating officer/official. In exceptional cases, however, where such re-employment is inevitable, the administrative department may forward the proposal/recommendation to the S&GAD with specific reasons for the proposal.

2. It is requested that this may be brought to the notice of all concerned for information and strict compliance.

No. SO(B&E-I)Misc.14/2001
Dated the 23rd October 2001

Subject: RE-EMPLOYMENT OF SPECIALISTS IN FINANCE

Please refer to the subject cited above.

2. In order to manage the budgetary and financial affairs of the District Governments, it has been decided to re-employ on contract basis, retired

@No.SORI(S&GAD) 10-1/71 dated 20.06.1972, 05.11.1974, 11.08.1975, 01.10.1976, 22.12.1976, 09.01.1978, 01.09.1979, 08.02.1979, 06.10.1980, 14.09.1981 & SORI(S&GAD) 10-4/78 dated 08.04.1978.

Government servants having expertise in the financial management work pertaining to the District Governments.

3. The District Coordination Officer in the Punjab are authorized to re-employ one officer on contract basis, in BS-17 or BS-18, from the retired officers of Finance Department, the Treasuries and Local Fund Audit Department as well as the Pakistan Audit Department. The re-employment of these retired officers shall enable the capacity building of the offices of EDO (Finance). The contractual re-employment shall be initially for a period of one year as per relevant rules and at the minimum of the pay scale of the last pay drawn by them.

4. The expenditure involved shall be met from the budgetary allocations against one of the following posts available in the District Budget:

- | | | |
|----|---|---------|
| 1. | District Officer (Budget & Finance) | (BS-18) |
| 2. | Deputy District Officer (Budget & Exp.) | (BS-17) |
| 3. | District Officer (Accounts) | (BS-18) |
| 4. | Deputy District Officer (Accounts) | (BS-17) |

5. It is reiterated that only one retired officer shall be employed in each district in the prescribed manner. Copy of the standard form of contract employment is enclosed for guidance.

6. It is further clarified that in the event of none of the posts mentioned in para 4 being vacant, the concerned District Government may repatriate an officer to its parent department, thereby creating the requisite vacancy.

7. However, if the District Governments are of the opinion that there is no need for re-employing an officer, they may continue to work with the officers already assigned to them.

SENIORITY

S&GAD Memo No. SOXII-2-96/59

Dated the 24th December 1959

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

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

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

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

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

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

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

No. SOXII(S&GAD)-2-39/62

Dated the 7th September 1962

Subject: DETERMINATION OF SENIORITY OF OFFICIALS TRANSFERRED
FROM ONE CADRE TO ANOTHER

I am directed to say that Government has decided that the seniority of officials who are transferred from one group cadre to another should be determined in the manner indicated below:

- a) If the transfer from one cadre to another is in the exigencies of public service, the Government servant should be considered to be on deputation from the original group cadre.

- b) In case of persons who want to change their domicile and go to a different group cadre on their own request, the Government servant concerned should get the lowest position in the cadre to which he seeks the transfer.

No SOXII(S&GAD) 3-9/66
Dated the 2nd June 1966

Subject: DETERMINATION OF SENIORITY OF OFFICIALS TRANSFERRED
FROM ONE CADRE TO ANOTHER

I am directed to refer to this department's letter No. SOXII(S&GAD), 2-39/62 dated the 7th September, 1962 on the subject noted above, and to say that an issue has arisen about the scope of application of these instructions. The instructions were intended for those Government servants who are temporarily transferred in stray cases from one region to another in the exigencies of public service. They continue to belong to the parent sub-cadres and are on deputation for a specific period. They have eventually to revert to the parent sub-cadres of the region to which they belong; the second category related to transfers at request.

2. On the other hand, certain transfers were ordered as a result of re-organization. Each department has been split up into a number of regions for the purpose of decentralization. Each region has its own sub-cadres so far as Class-II and other lower classes of services are concerned. As a result of re-organization, persons have been assigned to different regions permanently. They are not liable to revert. In such cases, the instructions issued in the above quoted letter will not be applied. Such persons will get their seniority from the date of continuous officiation in a particular grade and will not be placed at the lowest position in a sub-cadre.

3. The integration of West Pakistan, merger of Karachi and the re-organization of sub-cadres of different services were done not to suit the requirement of individual Government servants but in the public interest which needed radical changes. It was, therefore, essential that the seniority of persons concerned should be saved and the continuity of service should not be broken.

4. Under the circumstances these instructions cannot apply to situations like the integration of West Pakistan, merger of Karachi and the administrative re-organization of different services and departments. I am to request that these instructions may be brought to the notice of all concerned.

No.S.O.XII(S&GAD)-2-79/69
Dated Lahore the 19th Sept., 1969

Subject: **FINALIZATION OF SENIORITY LISTS**

I am directed to refer to this Department's letter No.SOXII(S&GAD)-2-79/69, dated the 19th June, 1969, on the subject noted above, in which you were requested to take immediate steps to finalize seniority lists of various services under your administrative control. You were also requested to furnish fortnightly progress report to this Department regarding the action taken in this connection. The replies received are not complete. The number of categories of posts, class of service and number of grades within a class of service, have not been furnished.

2. Government are seriously concerned at the disputes and uncertainties that have arisen as a result of delays in the finalization of seniority lists. A direction has been given by the Governor that immediate plans should be drawn up to prepare and finalize seniority lists within the shortest possible time. To resolve disputes over seniority, Government have decided that after the lists have been finalized by competent authorities, aggrieved persons should have the right to appeal to a judicial Tribunal to be set up under special Ordinance, While action is being taken to promulgate an Ordinance, all Administrative Departments and other authorities are requested to take immediate steps to implement the plan outlined in paragraphs below.

3. The first stage of the working plan would be confined to fixation of seniority of officers working in Class-I and Class-II services or equivalent posts and grades therein and the work should be completed in the following phases:

- (i) The Administrative Department should publicize the provisional seniority list of the above noted class of Services and category of posts, within a period of two months.
- (ii) Objections should be called from the members of each service within a period of one month from the date of publication of each list, which should be notified in the official gazette, and direct information should be sent to each individual.
- (iii) The objections received by the Administrative Department should be scrutinized and decided within a period of two months. The revised list should be notified in the official gazette and copy furnished to each individual.
- (iv) It has been decided, in principle, to set up a Tribunal to decide disputed cases of seniority. Action is being taken to promulgate a law on the subject and to constitute the Tribunal. The Government servants shall be given a right of appeal within a period of three months from the date of final publication of the lists in the official gazette.

4. I am to request that action should be taken as noted above for the various phases under intimation to Services & General Administration Department.

No SOR-II(S&GAD) 2-36/68
Dated the 8th January 1969

Subject: DETERMINATION OF SENIORITY OF STAFF RENDERED SURPLUS
ON THE EVE OF RE-ORGANIZATION

I am directed to say that the question how the seniority of the staff rendered surplus from various departments of the provincial Government on the eve of re-organization of 1962 and absorbed in different departments should be determined, has been engaging the attention of Government for sometime. It has now been decided that the permanent/temporary officials who were rendered surplus should be treated as direct recruits in the departments in which they are absorbed and their seniority should be determined in accordance with the order of merit assigned by the Public Service Commission, Selection Board or the appointing authority, as the case may be. The previous service rendered by them in the abolished department will count only towards

leave and pension. Government realize that it will cause some hardship if a senior official is assigned a lower order of merit than a person who was junior to him in the original department. In such a case the commission/selection board/appointing authority may ordinarily assign such a position to the senior official in the order of merit as would be in consonance with his seniority in the original department.

No. SOR.II(S&GAD) 3-39/73
Dated the 23rd November 1974

Subject: FIXATION OF SENIORITY OF OFFICIALS REPATRIATED TO PUNJAB FROM OTHER PROVINCES

I am directed to say that in pursuance of decision of the Governor's Conference, a number of Punjab domiciled officials have been repatriated to Punjab from Balochistan. The question of fixation of seniority of such officials in their new cadres, pending consideration for some time past, has now been decided by the Government. Their seniority should be determined and fixed in accordance with the principles stated in paragraph 2 of this letter.

2. The officials repatriated from Balochistan can be divided into following two broad categories:

- i) Those who were initially recruited in Balochistan; and
- ii) Those who were recruited on West Pakistan basis or in the Punjab area but were later on transferred to Balochistan either on account of their general liability to be transferred anywhere or on the formation of regional cadres.

In the case of category (i), the integration formula should be applied, i.e. their seniority should be fixed with reference to the date of continuous officiation in a particular grade. As regards (ii) above, the integration formula will apply subject to the condition that if the officials are reabsorbed in the same cadre and rank in which they were recruited, they shall regain their original position of seniority but if any official was promoted on regular basis during his stay in Balochistan, he shall not be reverted to the lower rank and his seniority shall be fixed in his promotion grade according to the integration formula.

Illustration —

If "A" and "B" were recruited as Assistant Engineers on the recommendation of West Pakistan Public Service Commission and "A" was placed higher in the order of merit and remained in Punjab while "B" was allocated to Balochistan, then if "B" comes back to Punjab as an Assistant Engineer, he should be placed immediately below "A" in the seniority but if he was promoted as XEN by the Balochistan Government on regular basis and "A" still continues to be an Assistant Engineer then the seniority of "B" should be fixed with other XENs in Punjab according to date of continuous officiation in this grade and not with Assistant Engineers. The same will hold true if the position of the two officials is reversed i.e. the Punjab official though junior got promoted while the Balochistan official remained in the same rank.

3. These instructions will not apply in individual cases where the officials concerned had/have been transferred to Punjab from Balochistan and other provinces at their own request. Such officials are treated as fresh recruits for purposes of seniority and shall be governed by orders issued separately in each case.

No. SORII(S&GAD) 4-11/83

Dated the 4th June 1984

Subject:CONDITIONAL ACCEPTANCE OF RESIGNATION

I am directed to invite your attention to this department's memo No. SOXII (S&GAD)2-96/59, dated 24.12.1959 under which instructions were issued regarding determination of seniority of officials who are allowed to withdraw their resignation. It has been noticed that competent authorities sometimes accept resignation conditionally which creates complications afterwards when the civil servant whose resignation is accepted, comes forward with a request to withdraw the resignation on the ground that it had not become final due to non-fulfillment of the condition. There is no concept of conditional acceptance of resignation and even if there was one, it could not be intended to allow the official tendering resignation to leave service without fulfilling the condition of acceptance. He cannot obviously be allowed the double advantage of acceptance of resignation without meeting the condition and later on claiming non-acceptance on grounds of his own lapse. It is clarified that the resignation should in no circumstances be accepted conditionally. The decision should be definite and final about acceptance or rejection of the resignation and the decision must be taken and communicated within the period of notice.

Government of Pakistan
Cabinet Secretariat
(Establishment Division)
No. F.1/22/89-R.4
Dated the 11th June 1989

Subject: COUNTING OF ARMED SERVICE TOWARDS PAY AND SENIORITY

I am directed to refer to your letter No. SOR.II(S&GAD) 4-8/88, dated the 25th May, 1989 on the above subject and to say that the compulsory service in the Armed Forces Ordinance, 1971 was promulgated on 03.12.1971. Section 9-A which was inserted in the Ordinance ibid in 1978 vide Notification No. 24 (1)/78-Pab., dated 28.01.1978, reads as under:

“Section 9-A Concession to medical practitioners released from service with the Armed forces:

Notwithstanding anything contained in any other law for the time being in force, a medical practitioner who, following his release from service with the armed forces after having rendered satisfactory service under this ordinance for a period of not less than two years enters employment of the Federal Government or a provincial Government shall be entitled to count towards his seniority in such employment the period of service rendered by him under this ordinance and to his pay in

such employment being fixed after giving him credit for the service so rendered.”

2. In 1984, vide Notification No. 17 (1)/84-Pub., dated 04.10.1984, the above quoted concession, which was earlier allowed to the Medical Practitioners, only, was also extended to other essential persons. The Essential Personnel (Registration) Ordinance 1948 includes the engineers such as Engineer Civil, Electrical, Mechanical and Wireless etc. in the category of essential personnel.

3. Accordingly, the concession envisaged in Section 9-A of the Ordinance *ibid* is equally admissible to those engineers who enter employment of the Federal Government or a provincial Government after rendering satisfactory service not less than two years in the Armed Forces under the ordinance *ibid*.

No. SORII(S&GAD) 3-20/88
Dated the 9th September 1989

Subject: SENIORITY OF OFFICER APPOINTED ON ACTING CHARGE BASIS

I am directed to refer to the subject noted above and to state that a question has arisen about the principle of determination of seniority of a senior person appointed on acting charge basis due to lack of prescribed length of service under rule 10 (a) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 vis-à-vis his junior who is promoted on regular basis on the ground that he fulfills the condition of having rendered service prescribed for promotion.

2. The matter has been examined and it is clarified that since acting charge appointment is made with the approval of the appropriate Selection Authority, even if such appointment of a senior is followed by regular promotion of the junior, it cannot be termed as supersession of the former in terms of Rule 8 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974. The senior can be considered to have been superseded only if he is considered along with the junior for regular promotion, as distinct from appointment on current, acting or additional charge and the junior is promoted in preference to the senior on the basis of merit. It has, therefore, been decided that the senior persons otherwise fit for regular promotion, appointed to higher post in temporary arrangement on current charge, acting or additional charge on the ground of lack of requisite service or experience in the line, shall on regular promotion be allowed the benefit of same seniority in the higher post as enjoyed by him in the lower post.

No. SOR.II(S&GAD) 2-25/93
Dated the 15th January 1995

Subject: RESTORATION OF SENIORITY AND GRANT OF PROFORMA PROMOTION

I am directed to refer to the subject noted above and to say that instances have come to the notice that the Provincial Selection Board/Departmental Promotion

Committee defer the cases for promotion due to reason that their Character Rolls are incomplete or service record is not available. Subsequently, on the availability of their record, they are promoted with immediate effect. According to the provisions of Section 7(2) of the Punjab Civil Servants Act, 1974, the seniority is assigned from the date of regular appointment. In the light of Explanation III below Rule 8(I)(b) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, the question of loss of seniority only arises if the senior is superseded and the junior is promoted in preference to the senior.

2. The Supreme Court of Pakistan in Civil Appeals Nos. 452 to 457 of 1986 of Government of the Punjab vs Rao Shamsheer Ali Khan and others has clarified that inter se seniority in such cases is determined under section 7 (4) of the Punjab Civil Servants Act, 1974 which lays down that seniority of a civil servant in relation to other civil servants belonging to the same service or cadre shall be determined in a manner as may be prescribed. This manner of determination of seniority has been prescribed as per provisions of Rule 8 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, referred to above.

3. Therefore, it has been decided to clarify for the information of all concerned that seniority of a civil servant, being a vested right, cannot be relegated to a lower position unless he is superseded and his junior is promoted in preference to him in terms of Explanation III below sub rule (I) (b) of Rule 8 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974. It means that a civil servant, who is deferred for promotion and is subsequently promoted, would regain his original seniority automatically. In the light of the decision of the Supreme Court of Pakistan, referred to above in such cases, proforma promotion would not be necessary for restoration of original seniority. However, the cases of proforma promotion for financial benefit would continue to be processed as laid down in this Department's circular letter No. SOR.II (S&GAD)2-52/73 dated 16th October, 1973.

4. You are requested kindly to bring the contents of this letter to the notice of all concerned for information.

No. SORII(S&GAD) 3-7/97
Dated the 30th June 1997

Subject: DELETION OF NAME FROM THE SENIORITY LIST

It has been noticed that some departments/appointing authorities delete the names of the officers/officials from the seniority lists immediately after their selection against higher posts reserved for initial recruitment through the Punjab Public Service Commission/Selection Authority. This practice is against the spirit of rules and causes inconvenience not only to the concerned officers/officials but also to the departments/organizations as it leads to litigation.

2. It is pointed out that seniority of a civil servant is regulated under Section 7 of the Punjab Civil Servants Act, 1974 read with Rule 8 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974. The appointing authorities have been invested with the powers to circulate seniority list from time to time under the law/rules *ibid*. As per Rule 3.15, 3.16 & 3.17 of Civil Services Rules (Punjab) Vol.I Part-I, the name of a civil servant, holding lien against a substantive post can only be struck off from a seniority list if he acquires lien against another post.

3. It is, therefore, requested that appointing authorities may be advised to follow the prescribed procedure as laid down in Rule 3.15, 3.16 & 3.17 of the Civil Services Rules (Punjab) Vol. I, while deleting names of officers who are selected against higher posts by Punjab Public Service Commission/Selection Authorities.

No SO(C-I) 2-1/2015
The 1st September, 2016

Subject: PROVISION OF UPDATED SENIORITY LISTS

I am directed to refer to the subject noted above and to state that during the scrutiny of working papers/proposals of officers whose cases for promotion to next higher grades fall under the purview of Provincial Selection Board-I & II, it is observed that most of the seniority lists of the panelists were notified two or three years back. Moreover, retired and promoted officers still exist in the seniority lists, which cause inconvenience and unforeseen legal complications. Hence, the Authority has taken serious view of the situation.

2. Therefore, I am further directed to request that seniority lists of officers whose cases for promotion fall under the purview of Provincial Selection Board-I & II may kindly be up-dated according to the laid down procedure. Copies of up-dated seniority lists may kindly be furnished to this Department at the earliest. This is pre-requisite for consideration of promotion cases as well as miscellaneous matters dealing with human resource of your respective Department.

No.SORI (S&GAD)2-2/2012
Dated the 26th January, 2012

Subject: ACCEPTANCE OF RESIGNATION

Kindly refer to the subject note above.

2. It has been brought to the notice of the Government that a fake resignation was submitted to the competent authority, which caused inconvenience to the concerned officer. In order to avoid such situations in future no resignation should be processed or accepted without its verification / authentication from the person concerned, unless the resignation is personally submitted.

3. Further necessary action may kindly be taken accordingly. All appointing authorities under your control may also be informed for compliance.

No.SORI (S&GAD)2-2/2012
Dated the 10th October, 2013

Subject: ACCEPTANCE OF RESIGNATION

I am directed to refer to this department's circular letters No.SOXII-2-96/59 dated 24.12.1959, No.SORII (S&GAD)4-11/83 dated 04.06.1984 and NO.SORI(S&GAD)2-2/2012 dated 26.01.2012 on the subject noted above and invite attention to paras 2 and 3 of circular letter No.SOXII-2-96/59 dated 24.12.1959 which read as under:

- i. When a resignation tendered by a Government servant has been accepted and the acceptance has been communicated to him it becomes final. There can be no question of allowing him to withdraw the resignation.
- ii. Where a Government servant who has tendered resignation, withdraws it before it is accepted by the competent authority, he is allowed to withdraw the resignation, he continues in the post held by him without a break and the question of re-fixation of his seniority, etc., does not arise.

2. Instances have come to the notice that the government servants tender resignations and remain absent from duty without awaiting the fate of their resignation. The competent authorities do not take timely action regarding acceptance of resignations, resultantly, after a lapse of considerable time, the concerned government servants approach the competent authorities for withdrawal of their resignation in the light of para 3 of circular letter date 24.12.1959 mentioned above.

3. It has also been observed that the aforementioned instructions dated 24.12.1959 are being misused. Para 2 of these instructions relates to those government servants who submit their resignation and continue to work against their posts. However, in such cases they also cannot claim to withdraw their resignation beyond a reasonable time. These instructions do not attract to those government servants who tender resignation and remain willfully absent from duty without awaiting the fate of their resignations.

4. S&GAD's instructions bearing No. SORI(S&GAD)1-13/2004 dated 16.03.2004 clarify as under:-

“Once disciplinary action is initiated by the competent authority, the same must reach its logical conclusion and resignation tendered by the accused, during the conduct or pendency of disciplinary / enquiry proceedings, should not be accepted. Only after the conclusion of the disciplinary proceedings and issuance of final orders under the relevant laws / rules by the competent authority, necessary action regarding acceptance of resignation of the civil servants may be taken by the relevant appointing authority.”

5. In view of the above, it has been decided that whenever a government servant tenders his resignation, the competent authority must decide about the same within thirty days from the date of submission of resignation and communicate to him the result thereof. When a resignation tendered by a government servant is accepted and acceptance is communicated to him, it attains finality. There shall be no question of allowing him to withdraw the resignation, where after tendering resignation, a person willfully absents from duty without waiting for the decision of the competent authority. Similarly, the resignation will not be accepted during leave or during pending disciplinary actions against a civil servant. In such situation he becomes guilty of misconduct due to absence from duty and will be proceeded against under the relevant law.

6. It may be clarified that only that resignation will be accepted by the Competent Authority:-

- i. Where the employee tendering resignation addresses his application to the authority, competent to accept his resignation.
- ii. The resignation is not tendered as a protest. The officer / official expresses his own sweet to resign from service.
- iii. There is no financial or any disciplinary liability against the official tendering the resignation.
- iv. An official availing leave of any kind within or outside the province will have to come back and then tender his resignation after clearing the accounts.
- v. An official who is on deputation to some other organization or a foreign country should submit his resignation after reporting back to the parent department.

TRANSFERS

No. SOR.II-8-63/73
Dated the 9th January 1975

Subject: **INTER-PROVINCIAL TRANSFERS**

I am directed to say that after the allocation of officials to various provinces on the dissolution of West Pakistan it became necessary to absorb a number of Punjab domiciled persons in the province who were repatriated from Balochistan in accordance with the decision of the Governor's Conference. The process of repatriation has since come to an end but requests for repatriation are still being received. In this behalf it may be pointed out that no request for repatriation can be entertained now unless a person is able to establish his claim as a service right.

2. The Government of Punjab has also allowed inter-provincial transfers on compassionate grounds or otherwise in a few cases subject to the specific condition that the person coming on transfer from the other province shall get seniority from the date of joining the respective cadre in Punjab. The Government has now decided as a matter of policy that no request for transfer to Punjab should be entertained and in exceptional cases where such transfer may have to be made the following procedure and principles shall be followed:

- i) No request for inter-provincial transfer should be entertained direct. It should be routed through the Government of the province where the official is at present serving.
- ii) On receipt of the recommendation it shall first be ascertained by the S&GAD whether a vacancy is available in Punjab in the corresponding cadre and whether it can be filled by the method of transfer.
- iii) If relaxation of rules is not involved and a vacancy is reported to be available, the proposal will be examined on merits and if it is decided to order inter-provincial transfer, the following principles will be followed:
 - a) The appointment in Punjab will be treated as fresh appointment for purposes of seniority. The official concerned will, therefore, get seniority from the date of joining. Prior consent of the official will be obtained in writing;
 - b) The provincial Government whose official is transferred shall share proportionate pensionary liability for service rendered by the official concerned under that Government. Prior agreement in this behalf will be obtained; and
 - c) The pay of the concerned official shall be protected.

3. Cases of seniority, pay and pension of the persons already absorbed in Punjab on transfer (and not on repatriation) from other provinces should be dealt with, if not already done, in accordance with the principles stated above. Cases of persons absorbed on "repatriation" will be decided in accordance with the instructions already issued vide this department's circular letter No. SOR. II(S&GAD)3-39/73, dated 23rd November, 1974.

No. SOR.IV-8-25/78

Dated the 28th May 1979

Subject: **INTER-PROVINCIAL TRANSFERS**

I am directed to refer to this department's letter No. SOR.II (S&GAD) 8-63/73, dated 9th January 1975 and to say that according to para 2(3)(b) thereof prior agreement of the transferring province to bear proportionate pensionary liability is a necessary pre-condition for inter-provincial transfers from other provinces to Punjab. It has now been decided in consultation with the Finance Department that in the event of inter-provincial transfer of a Government servant the liability to share proportionate pension for the period of service rendered by the official concerned under the transferring Government automatically devolves on the transferring Government. Prior agreement of the transferring province is, therefore, not necessary.

No. SOR.IV-8-63/73
Dated the 11th May 1982

Subject: **INTER-PROVINCIAL TRANSFERS OF GOVERNMENT SERVANTS
FROM OTHER PROVINCES TO THE PUNJAB AND VICE VERSA**

I am directed to refer to para 2 of this department's circular letter No. SOR.II (S&GAD) 8-63/73, dated the 9th January 1975 on the subject and to lay down the modified procedure and principles for inter-provincial transfers of Government servants from the Punjab to other province and vice versa as follows:

- 1) As a policy, no request for transfer of a Government servant from other provinces to the Punjab should ordinarily be entertained. However, requests for Government servants for permanent transfer from the Punjab to other provinces may be processed by the administrative department concerned with its counterpart in the other provinces directly without routing through the S&GAD.
- 2) In exceptional cases where the request of a person holding appointment under Federal Government or in another province of Pakistan for appointment by transfer in the Punjab is received, properly channelized and with the recommendations of the Government of the Province where the official is at present serving, the same may be entertained by the administrative department concerned and scrutinized and processed in accordance with the guidelines given below:
 - a) In view of Rule 20 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 only those persons can be appointed by transfer in a post/service under the Punjab Government who are domiciled in this province. For this purpose, the domicile which a person had declared at the time of first entry in Government service shall form the basis because as laid down in the S&GAD letter No. SOR.II (S&GAD) 8-54/73 dated 15th June, 1973 subsequent change of domicile as a means for seeking the inter-provincial transfer is not admissible. However, in case of a female Government servant, who, by virtue of para 7 of appendix 4 to the

Civil Services Rules (Punjab) Vol. I Part-II acquires the domicile of her husband from the date of her marriage and follows the domicile of her husband during the marriage, exception can be made if authentic documentary proof (such as *Nikah-Nama* in case of Muslims or Marriage Certificate in case of others) is furnished.

- b) It should always be ensured that a vacancy is available in the corresponding cadre in the Punjab where the person desirous of transfer can be absorbed/accommodated, without relaxation of rules. Rule 11(ii) of the Punjab Civil Servants (Appointment and conditions of Service) Rules, 1974 provides legal coverage for inter-provincial transfers, the provisions of which should carefully be observed.
- c) No inter-provincial transfer should be allowed to a post which, under the rules, is required to be filled in “by promotion”.
- d) It must always be ensured that the persons holding appointment in Federal Government or other province and desirous of appointment, by transfer in the Punjab:
 - i) Is not facing any departmental enquiry or enquiry by the Anti-Corruption Establishment.
 - ii) Prior consent in writing is obtained that the official concerned will not claim any transfers TA/DA and transfer grant (which it may be mentioned is not ordinarily admissible in a case of transfer on request).
 - iii) Consent in writing of the official is obtained. Where necessary, to accept posting anywhere in the Punjab without insisting for a posting of his own choice.
- e) In a case covered by Rule 11(ii) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 which does not involve relaxation of any other rule, the inter-provincial transfer may be allowed by the Administrative Department itself in consultation with its counterpart in other province, on the following terms and conditions:
 - i) The appointment of the concerned official in the Punjab will be treated as fresh appointment for purposes of seniority and accordingly, he will get seniority from the date of joining in the Punjab;
 - ii) Only pay of the concerned official shall be protected;
 - iii) As the inter-provincial transfer is to be allowed at the request of the official, he will not be entitled to any transfer, TA/DA and transfer grant;
 - iv) The pensionary liability will be shared between the concerned provincial Government and the Punjab Government, in accordance with the

standing "Agreement" as contained in Appendix-4 to the Punjab Financial Rules, Volume-II.

2. No reference in this respect may in future be made to S&GAD. The current cases awaiting finalization will be returned to the administrative departments for further processing in accordance with the restriction/guidelines given above.

No. SOR.IV-8-25/78
Dated the 19th August 1998

Subject: INTER-PROVINCIAL TRANSFERS AND TRANSFER OF FEDERAL GOVERNMENT EMPLOYEES TO PUNJAB AND CLAIMS FOR PROTECTION OF PAY, ETC., IN THE LIGHT OF PROVISION OF RULE 11 OF THE PUNJAB CIVIL SERVANTS (APPOINTMENT AND CONDITION OF SERVICE) RULES, 1974 AS AMENDED VIDE NOTIFICATION NO. SOR.III-1-14/75, DATED 17.10.1993

Kindly refer to the policy letter No. SOR.II-8-63/73, dated 09.01.1975 which lays down the procedure of transfer of officials/officers from other Provinces to Punjab and vice-versa in the light of decisions made in the Governor's Conference as a result of dissolution of One Unit. This procedure was modified dated 11.05.1982 to the extent that the Inter-Provincial Transfer could be allowed if the case is covered under Rule 11 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and further amended by Notification No. SOR.III-1-14/75 dated 17.10.1993.

2. In the light of existing provision of Rules *ibid* inter-provincial transfer is only admissible if, transfer, stands prescribed as a method of appointment in the relevant service rules of the respective posts against which the official is proposed to be transferred. It is thus clear that an official from other Province/Federal Government cannot be appointed by transfer against a post under the Punjab Government if service rules of the post do not contain any provision for appointment by 'Transfer'.

3. Instances have come to the notice that Inter-Provincial Transfers are still being made by the respective departments in violation of the provision of Rules *ibid* leading to submission of claims for protection of pay, etc. It is apprehended that either the provision of Rules *ibid* as amended vide Notification dated 17.10.1993 are not within the knowledge of competent authorities or the same are not being interpreted in right perspective.

4. It is, therefore, re-iterated that the provision of Rule 11 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 as amended vide Notification No. SOR.III-1-14/75, dated 17.10.1993, may be brought to the notice of all concerned for strict compliance.

MISCELLANEOUS

No. SORI(S&GAD)-1-25/71

Dated the 8th September 1971

OBITUARY NOTICES IN THE PUNJAB GAZETTE

I am directed to say that the question of adopting a uniform procedure for the issue of 'obituary notifications' on the death of Government officers has been under consideration of Government. *The following instructions are accordingly laid down:

- i) An obituary notification should be issued on the death of an officer holding the rank equivalent to Deputy Secretary or higher.
- ii) The notification should be drafted and issued by the department concerned. The draft notification should be submitted to the Administrative Secretary concerned for approval as soon as possible after the event takes place, particularly in the case of accident.
- iii) In cases of other gazetted Government servants in which the circumstances of an officer's death appear to the Head of the Attached Department concerned to justify issuance of a notification should be submitted to the Administrative Secretary concerned for his orders. Orders should also be obtained in the case of gazetted Government servants, who at the time of their death, were serving under the Government of Pakistan in an appointment equivalent to or superior to that of Deputy Secretary.
- iv) The obituary notification should be issued in an extraordinary issue of the gazette, which should be black-edged.
- v) The form of notification should generally be as follows:

There should be three paragraphs; first one containing the announcement of the death of officer; the second giving a brief account of his career with suitable appreciation of the service rendered by him; and the third, expressing condolence on behalf of Government (specimen attached).
- vi) The above orders apply only to the officers who die while still on the active list. No obituary notice is required to be issued in regard to retired officers.
- viii) The fact of demise of gazetted Government servant not covered by the foregoing instructions (who dies while still on the active list) should be notified indicating his name, service, department where working at the time and date of his death.

2. These instructions do not preclude Administrative Secretaries from supplying, on request, to the Press, information regarding the history of services

*Revised instructions issued vide Notification No. SOR-I(S&GAD)17-19/2004 dated 31.08.2006.

rendered by officers, who die while on the active list and in respect of whom 'obituary notifications' are not published in the gazette.

SPECIMEN

GOVERNMENT OF THE PUNJAB

DEPARTMENT

Dated Lahore the _____

OBITUARY NOTIFICATION

No. _____ . Government of the Punjab announces with sorrow the sad demise of _____ (Name along with designation) _____ on _____ (Date) _____ .

2. Mr. _____ (Name) _____ served the Government of the Punjab for _____ years in various important positions.

3. Government of the Punjab extends its heartfelt condolences to the family of the deceased officer.

SECRETARY TO GOVERNMENT OF THE PUNJAB

DEPARTMENT

NO. & DATE EVEN:

A copy is forwarded for information and necessary to:

1. _____
2. _____
3. _____
4. _____
5. _____

DEPUTY SECRETARY

No. SORI(S&GAD)1-93/72
Dated the 5th December 1972

Subject: CONSIDERATION OF CASES OF GOVERNMENT SERVANTS WHO HAVE FILED CIVIL SUITS

I am directed to refer to this department's letter No. SOXXX (S&GAD) 2-112/66 dated the 13th October, 1966 (reproduced on page 709 of the Establishment Manual, Volume-III) in which it was laid down that all rules and regulations, especially those which concern the service rights should be interpreted and applied fairly in order to dispense justice to the persons concerned and to say that even if a civil suit or a civil petition may have been filed by Government servants in courts of law against Government for redress of their grievances, cases of such Government servants should continue to be considered and the grievances removed if the merits of their cases so warrant. A civil suit or a civil petition does not preclude such redress.

2. In this connection, I am also to invite attention to this department's letter No. S-VIII-3-18/65 dated the 21st May, 1965, as subsequently amended (reproduced on page 501 of the Establishment Manual, volume II) in which the cause of litigation by Government servants against Government has been traced to injudicious administrative decisions in service matter e.g., promotions reversions, screening and the like. It was, therefore, suggested that all doubtful cases of interpretation of service and rules and matters relating to the rights and interests of members of service should be referred to SGA&I Department who will, if it considers necessary, also consult the Law Department. I am to request that these instructions may always be kept in view when taking decisions in service matters of intricate nature.

No. SORI(S&GAD) 1-72/74
Dated the 28th December 1974

Subject: LITIGATION AGAINST GOVERNMENT

I am directed to refer to this department's communication and to say that it has been emphasized, time and again that the executive functionaries of Government should be careful in passing orders to see that the orders are not without jurisdiction or offend against the principles of natural justice, equity and good conscience. For this purpose, the executive functionaries have been advised to refresh their knowledge of the relevant law every time they are to pass orders in order to be sure that the requirements of law are complied with and also to keep themselves abreast of the latest developments in case law. Unfortunately, things have not improved appreciably, so far. In this connection, I am to point out that apart from any other departmental action that may be taken against the executive functionaries for the defectiveness of the relevant administrative action, the trying courts will not refrain from burdening the persons, responsible for illegal actions with costs of litigation and where the courts so direct, the costs of litigation will have to be borne by the civil servant concerned from his own pocket.

2. I am to request that these instructions may be brought to the notice of all concerned for information and guidance, so that they exercise extra vigilance at the time of passing executive orders.

No. SC-13-25/59(CSP)
Dated the 25th March 1961

Subject: LIABILITY OF GOVERNMENT SERVANTS OCCUPYING FREE
ACCOMMODATION TO PAY MUNICIPAL TAXES

There appears to be some misunderstanding regarding the liability of Government servants occupying rent-free accommodation to pay municipal taxes. It is hereby clarified that except where it is expressly provided otherwise, charges on account of water supply sanitation etc., which are payable to the municipal committee or other body, are the liability of the Government servant concerned and have to be recovered from him. The position is the same as regards the charges in respect of electricity consumed and municipal taxes in respect of services rendered other than the property tax or house tax.

No. SC-18-20/59(CSP)

Dated the 17th April 1962

Subject: ASSESSMENT OF INCOME TAX ON RENT-FREE HOUSE

I am directed to say that under the existing rules relating to the payment of income tax, all officers enjoying the privilege of rent-free accommodation have to pay income tax on this item. Accordingly, this privilege must be mentioned in the income tax assessment statement submitted by the officers enjoying rent-free accommodation.

No. SO.XII-1-151/57
Dated the 29th October 1960

Subject: SHOW CAUSE NOTICE IN CASES WHERE GOVERNMENT
SERVANT IS DE-CONFIRMED

Government have had under consideration for some time the question whether a Government servant whom it is proposed to de-confirm in order to rectify an administrative error, should be allowed an opportunity to show cause against such action.

2. As a general rule, person duly confirmed cannot be de-confirmed, as confirmation confers upon such a person a right to hold the appointment in a permanent capacity, and he can be deprived of such a right by means of de-confirmation only if confirmation had been brought about by misrepresentation, bona fide mistake, or breach of rules or laws regulating confirmation. De-confirmation for one or more of these reasons does not mount to a penalty and is to be treated as occurring in the normal course of service, and therefore, it is not a legal necessity to serve a show cause notice upon a person proposed to be reconfirmed in such circumstances. Nevertheless, it is considered desirable that the Government servant concerned should be afforded such opportunity, and the representation if any, submitted by him should be taken into consideration before taking a final decision.

No. SOR.II(S&GAD)2-81/71
Dated the 18th August 1971

Subject: INTIMATION OF ADDRESS OF GOVERNMENT SERVANTS TO THE
PARENT DEPARTMENTS

I am directed to say that a case has come to the notice of Government in which whereabouts of an officer who was away from the country on official business were not known to his Administrative Department. Government feels that if the assignment of a Government servant requires him to be constantly on tour, it may not be possible for him to keep the Administrative Department informed of his whereabouts but if he is staying at one station or even at different stations for long periods, he should, intimate his address to his parent department.

2. I am, therefore, to request that all concerned under you may kindly be informed accordingly and whenever a Government servant is due to proceed abroad on official assignment, he should be required to note this again, before his departure from the country.

No. SOR.II-10-1/78

Dated the 7th March 1978

Subject: **PROVIDING SUBSTITUTE FOR GOVERNMENT SERVANT
PROCEEDING ON LONG LEAVE**

The following decision has been taken in the conference held by Martial Law Administrator Public Zone "A" with Deputy Martial Law Administrators, Commissioners and Deputy Inspectors General of Police:

"Whenever a Government servant proceeds on long leave his substitute should be immediately provided. Sanction leave should commence on the arrival of replacement. This should be rigidly enforced."

2. All Administrative Secretaries and other officers concerned are requested to ensure that this decision is implemented properly.
3. In this connection attention is invited to S&GAD's circular letter No. E&A (S&GAD) 13(21)/64, dated 13.02.1967 (copy below) wherein it has been stipulated that substitute should be provided in leave vacancies the duration of which is three months or more and in other cases internal arrangements should be made.
4. Please acknowledge receipt.

Copy of letter No. E&A (S&GAD) 13(21)/64, dated 13.02.1967 from the Additional Chief Secretary to Government of West Pakistan, S&GAD to all Administrative Secretaries to Government of West Pakistan regarding
Departmental Promotion Leave Vacancies

I am directed to refer to the Services & General Administration Department's letter of even number dated 20.08.1964 on the subject noted above, and to say that in view of the continuing ban on the filling of vacancies of less than 03 month's duration (vide memorandum No. O&M-III-4-11/63(2), dated 30.05.1963 and No. O&M-III-4-11/63(3)/65, dated 01.08.1965), substitute will be provided by the Services and General Administration Department only in leave vacancies the duration of which is 03 months or more. In other cases, internal adjustment should be made by the Department.

**COPY OF LETTER ADDRESSED TO DISTRICT ACCOUNTS OFFICER
T.T. SINGH FROM THE OFFICE OF
THE ACCOUNTANT GENERAL PUNJAB, LAHORE
No. TS-I/H-3-4/87-88/10019 dated 16.04.1988**

Subject: **LEAVE SALARY/LEAVE ARRANGEMENTS**

Please refer to your letter U.O. No. D/o/TTS/ADMN/HM/190 dated 03.04.1988, on the subject noted above.

2. Form STR 23 used for claiming the leave salary of establishment does not contain the column for noting down budget allotment as it's the case of contingent bills (Form STR 30 and 32) and Establishment T.A. bill (For STR 27). As such, the Audit Office is not in a position to check the availability of budget grant/funds for

the purpose of draw of leave salary. However, the Drawing and Disbursing Officer is required to see that the expenditure is within the sanctioned budget grant and if it is exceeded or is likely to exceed, he should take prompt steps to obtain additional appropriation. In this connection, a reference is also invited to Rule 17.15 of PFR (Vol-I) which provides that no Government servant may, without previously obtaining an extra appropriation incur expenditure in excess for the amount provided for expenditure and when a Government servant exceeds the annual appropriation, he may be held responsible for the excess.

3. As regards the percentage of filling up of posts vacated on account of proceeding of Civil servant on long leave for more than three months, in case of Punjab Government employees, and more than 02 months, in case of Federal Government employees, it is stated that no percentage has been prescribed in this regard. However, in offices having their own leave reserve, no officiating arrangement is permissible to be made against leave vacancies – vide para 102 of the Manual of D.A. Sections Part I. In case of cadres having no leave reserve, the audit is required to see that the number of men drawing duty pay (substantive and officiating) does not exceed the sanctioned scale.

No. FD. SR.II-2-46/88
Finance Department
Dated the 21st August 1988

Subject: LEAVE SALARY/LEAVE ARRANGEMENT

Kindly refer to your letter No. TM-I/H-3-4/88-89/13, dated 11.07.1988 on the subject noted above.

2. The views of the A.G. Punjab expressed in his letter No. TM-I/H-3-4/87-88/10019, dated 16.04.1988 to the District Accounts Officer T.T. Singh are hereby confirmed.

3. Provision for leave salary is not required to be shown in the bill notwithstanding the fact that under the Chart of New Classification, leave salary is now classified under the Head “83000-Other Allowances-03800-Leave Salary”.

4. As regard officiating arrangements in leave vacancies, the position expressed by the A.G. is correct. In offices having Leave Reserve, officiating arrangements are not permissible. Where there is no leave reserve, these arrangements are permissible and Government has not prescribed any percentage of leave vacancies against which officiating arrangements can be made.

No. SOR.III-2-19/96
Dated the 14th July 1996

Subject: ABANDONMENT OF USE OF WORD “SAHIB” WITH DESIGNATION OR NAMES OF PUBLIC SERVANTS

I am directed to refer to the above subject and to say that in a recent meeting of the Provincial Assembly, the Speaker with the consensus of the House ruled that the word “Sahib” shall **not** be used with the name or designation of any Government servant in official communications and it should be scrupulously avoided in the material connected with the Assembly Business.

2. I am to request that the above directions may be brought to the notice of all concerned for strict compliance.

No. SOR.IV(S&GAD)5-4/2000
Dated the 7th July 2000

Subject: SUBMISSION OF CASES TO REGULATIONS WING, S&GAD FOR
ADVICE

I am directed to refer to the subject noted above and to state that it has been observed that the Administrative Departments, while submitting references / matters to Regulations Wing of S&GAD for advice, do not fulfill the requirements for consulting the other departments as laid down in Rule 13 of Rules of Business, 1974 read with para 5.13 of the Secretariat Manual of Instructions. Most of the references are sent sketchy, without necessary documents lacking in spelling out the specific points on which advice of Regulations Wing, S&GAD is required, wanting in recommendations of the Administrative Department and justification thereof. Even at time hypothetical propositions are sent for obtaining advice.

2. It has been noticed further that sometimes Administrative Departments forward the copies of references received from the lower formations for obtaining advice without properly examining such cases at their own level and firming up their own views. In such cases, the Regulations Wing, cannot develop a case out of such enclosure and identify the specific issues involved in which advice is required on behalf of the Administrative Department.

3. Consequently such deficiencies create hindrances in examination of the cases. Therefore, back references are made to the administrative departments to extract full facts of the cases and get copies of necessary documents for proper examination of the cases. Resultantly, inordinate delay occurs in tendering advice.

4. It is therefore, requested that references may be made to Regulations Wing, S&GAD, in the following manner:

- i) It should be in the form of self-contained note dully supported by necessary documents.
- ii) The points on which advice is required should be clearly spelled out.
- iii) Administrative Department's view point alongwith justification/reasons should be incorporated

5. The above instructions may kindly be brought to the notice of all concerned.

No. SOR-I(S&GAD)17-4/2003
Dated the 7th January 2006

Subject: SUBMISSION OF CASES TO REGULATIONS WING, S&GAD
FOR ADVICE

I am directed to refer to the subject noted above and to state that it has been observed with concern that often the Administrative Departments, while seeking advice from the Regulations Wing, S&GAD do not observe the procedure as laid down in Rule 13 of the Punjab Government Rules of Business, 1974, read with para 5.13 of the Manual of Secretariat Instructions and fail to make out a self-contained case duly supported by relevant documents. It has been observed that the references received in the Regulations Wing for advice are very sketchy, sans necessary documents and do not spell out the specific points of issue on which

advice of the Regulations Wing is required. At times hypothetical propositions are sent for obtaining advice.

2. There are innumerable instances where the Administrative Departments simply forward copies of references received from the lower formations for obtaining advice without properly examining such cases at their own level and without firming up their own point of view. Consequently such deficiencies not only create hindrances in examining the cases, as back references have to be made to the administrative departments for soliciting full facts, highlighting issues involved and copies of necessary relevant documents for their proper examination but also result in inordinate delay in tendering advice by the Regulations Wing, S&GAD.

3. I am, therefore, directed to request that references may be made to the Regulations Wing in the following manner:

- i. The reference should be self-contained, duly supported by necessary relevant documents.
- ii. The points of issue on which advice is required should be clearly spelt out.
- iii. When a case is referred back to an Administrative Department for furnishing certain documents/information, the same may be provided to the Regulations Wing expeditiously in accordance with the time schedule prescribed in Appendix-B of para 1.10 of the Manual of Secretariat Instructions, so as to ensure prompt disposal of the case.
- iv. The Administrative Department's own viewpoint along with justification/reasons should be incorporated in terms of rule 13 of the Punjab Government Rules of Business, 1974 read with para 5.13 of the Manual of Secretariat Instructions.

4. The Administrative Departments are requested to bring the above instructions to the notice of all attached departments and organizations working under their administrative control for their information and strict compliance.

No.SORI(S&GAD)17-18/2013
Dated the 05th September 2013

Subject: SUBMISSION OF CASES TO REGULATIONS WING, S&GAD, FOR
ADVICE

I am directed to refer to this department's circular letters No.SORIV(S&GAD)5-4/2000 dated 07.07.2000 and No.SORI(S&GAD)17-4/2003 dated 17.01.2006 on the subject noted above and to state that as per these instructions the Regulations Wing, S&GAD, deals with the cases which are referred by the Administrative Department. It has been observed that these instructions are not being followed properly as the Heads of Attached Departments, Autonomous Bodies, Development Authorities, etc. directly approach the Regulations Wing, S&GAD, for advice in different matters.

2. As per rule 16(2)(c) of the Punjab Government Rules of Business, 2011, the Regulations Wing S&GAD has been entrusted with the functions of framing and interpretation of rules relating to service matters, referred to it by the Administrative Departments.

3. It has been decided that the references received directly from the Heads of Attached Departments, Autonomous Bodies, Development Authorities, etc. will not be entertained by the Regulations Wing, S&GAD, in future. If an advice is required from the Regulations Wing, S&GAD, the case may be routed through its Administrative Department as laid down in the Punjab Government Rules of Business-2011 and Manual of Secretariat Instructions.

4. The Administrative Departments may ensure that the above instructions are strictly followed in letter and spirit.

No. Gen: 6-2/2010(P)/1469
Law & Parliamentary Affairs Department
Dated the 22nd April, 2010

Subject: FILING OF CIVIL REVISIONS/CIVIL APPEALS/CIVIL PETITIONS
FOR LEAVE TO APPEAL

Kindly refer to the subject noted above.

2. It has been observed that due care is not being taken by the concerned functionaries in the Departments/Organizations in processing of cases for filing appeals/CPLAs, etc. resultantly, the cases become time-barred causing serious loss to the Government exchequer. I am, therefore, directed to request you kindly to exercise strict vigilance over the officers and staff deputed to process court cases. Following guidelines are given to avoid delay in this respect while forwarding cases to Solicitor, Punjab for obtaining sanction for filing the subject appeals:

- 1) Request of the Administrative Department/Competent Authority may be forwarded at least 15 days prior to expiry of time limitation. If the case is time-barred then explanation/reasons along with action taken against the delinquent officer/official by fixing the responsibility may also be forwarded for making a request to the court for condonation of delay;
- 2) The opinion of Law Officers regarding fitness for filing of Appeal/Revision/ICA/CPLA or otherwise may also accompany;
- 3) The Head of the Department/Sanctioning Authority while forwarding the sanction letter will furnish complete record, para-wise comments, brief history of the case and certified copies;
- 4) All the Law Officers of the Departments will not file Written Statements/Written Replies/Appeals/Revisions without prior vetting of concerned District Attorney with further direction to send the copy of above to Solicitor Office;
- 5) District Attorney, Lahore/Law Officers will not file any Written Statement/Reply of Appeal/Revision/Application without getting prior vetting of the same from Solicitor Office; and
- 6) All the District Attorneys/Law Officers, at the time of filing of written statement, will suggest defence evidence/oral as well as documentary in writing to the Administrative Department with a copy of the same to Solicitor Office so that it may have sufficient time to examine the same.

3. Above instructions may kindly be implemented in letter and spirit.

SUBJECT: GOVERNMENT LITIGATION & PRIVATE COUNSEL

I am directed to refer to the subject and to state that instructions on the management of litigation by or against the Government are contained in the Law Department's Manual. The said instructions have, from time to time, been reiterated and supplemented through additional instructions. However, it has been noticed that, at times, Government departments do not observe the said instructions and do not assign the importance and priority to Government litigation. That, in turn, results in serious administrative difficulties/consequences and even financial loss. Without being exhaustive, the following lapses/irregularities have been noticed:

- (a) Government litigation is not assigned the priority it merits: it is not handled, represented, monitored and supervised at an appropriately senior level, and is quite often left to the discretion and judgment of relatively lower formations.
- (b) At times, the Law Officer conducting a case in a court on behalf of the Government does not promptly convey to the Administrative department orders of the court and, if necessary, his opinion whether or not the order may be challenged in the higher forum; and, if so, on what grounds.
- (c) If and when a legal action is filed against a Government department, or an order is passed against it, the department does not take immediate and effective steps to defend the case or to challenge the order in the higher forum in accordance with the procedure on the subject.
- (d) A reference made to Solicitor's department does not contain full facts of the case and the claim of the other side. Moreover, it is not supported by the requisite documents, including copies of the plaint, petition or appeal or the decision to be assailed. Precise grounds of defence or appeal are also not mentioned. Back references on that account cause unnecessary delays and, at times, the period of limitation expires in the meanwhile.
- (e) The Government is as much bound by the law of limitation as any other person, and is required to approach the court within the prescribed period of limitation. However, cases are referred to Solicitor's department at the nick of time, denying fair opportunity to that department and the concerned Law Officer of the Advocate General's office or District Attorney's office to examine the case and to have timely action. Many a time, a reference is made long after the expiry of the period of limitation.
- (f) The courts take serious notice of the delay in filing proceedings, and insist that for purposes of condoning the delay, each day of delay is explained on the basis of cogent reasons, and appropriate disciplinary action is taken against the persons responsible for the delay. However,

in time-barred cases, the departments either do not forward such an explanation or a brief note in vague and general terms is appended. Moreover, no action is taken against the delinquent employees. Obviously in such a case, either further proceedings cannot be filed or, if filed, they may be summarily dismissed on the ground of limitation.

- (g) Reports, comments, replies and written statements are not carefully prepared or are not filed within the time allowed by the courts/tribunals.
- (h) Effective and timely assistance at an appropriate level is not rendered to the District Law Officers, Solicitor's department and Advocate General's office for the preparation and defence of cases.
- (i) Funds for petty expense on the preparation of a case are not promptly arranged by the concerned department.
- (j) Some departments/statutory or autonomous bodies proceed to engage private Advocates at public expense in utter disregard of the procedure prescribed for the purpose.

2. The Chief Minister has taken a serious note of the lapses/irregularities and has been pleased to order as under:

MANAGEMENT OF LITIGATION

- (a) The Secretary of a department shall be primarily responsible for the effective management of litigation pertaining to his department. The Secretary shall himself monitor the litigation at regular intervals but at least once in a fortnight, shall maintain a record of his observations/directions, and shall oversee the implementation thereof.
- (b) At times, a case is filed in a court/tribunal against various departments/functionaries; however, most of them are pro forma respondents. In such an eventuality, the department primarily concerned with the matter shall be responsible to defend the case on behalf of all the respondent departments and may file replies, comments and written statements on behalf of the respondents in consultation with the said other departments.
- (c) The Secretary of each department shall nominate an Additional Secretary or an officer of comparable rank as Litigation Officer for the department. His name and other particulars shall be notified to the field offices of that department, Solicitor's department, Advocate General's office and Law & Parliamentary Affairs Department. Any change of the Litigation Officer shall likewise be notified without delay.
- (d) Under the general supervision and control of the Secretary, the Litigation Officer shall be responsible for the effective management, monitoring and supervision of Government litigation. He shall ensure

that the department is represented in the courts by a senior officer who is fully conversant with the facts of the case.

- (e) The Litigation Officer shall ensure that for purposes of preparation and defence of a case, funds for petty expense are immediately provided and the department is represented at an appropriate level in the Advocate General's Office, Solicitor's department and District Attorney's Office. However, the Secretary shall personally contact the Advocate General in important and complex cases, or if the Advocate General so requires.
- (f) The Litigation Officer shall maintain a computerized record of all the cases relating to the department and shall ensure that time-line in respect of a case is strictly observed and comprehensive replies, comments and written statements are filed in the courts/tribunals on time.
- (g) The reports, comments, replies or written statements shall be filed in the courts/tribunals after they have been approved/vetted by the Advocate General's office in case of Superior Courts and by the District Attorney concerned in case of other courts/tribunals.
- (h) Sanction from Solicitor's Department is essential for the defence of a case or for filing an appeal or a petition at public expense. For the purpose, if and when a case is filed against the Government, the department concerned should immediately refer the matter to the Solicitor's department for appropriate advice/sanction. Similarly, when a case is decided against the Government, the department concerned should consider whether or not the decision is to be challenged in the higher court/tribunal and should immediately refer the matter to the Solicitor's department for advice/sanction. In case of emergency, however, a copy of the reference may simultaneously be endorsed to the Advocate General or the concerned District Attorney office for provisional defence of the case in anticipation of the sanction from the Solicitor.
- (i) A reference made to Solicitor's department either for the defence of a case or for filing an appeal or a petition shall contain full facts of the case, the claim of the other side, and the precise grounds of defence/appeal. All the relevant documents, including a copy of the petition, plaint or appeal and a certified copy of the decision to be challenged should be annexed with the reference and should be immediately sent to the Solicitor's department and, in any case, at least 20 days before the expiry of the period of limitation or the date fixed for hearing.
- (j) The period of limitation for filing an Intra Court Appeal in the High Court is 20 days from the date of the decision, and there is no requirement of filing a certified copy. So in case a decision is proposed to be challenged through an ICA, Solicitor's department should be approached maximum within 48 hours from the date of the order.

- (k) As a general rule, proceedings should be initiated in the courts within the period of limitation. However, in case of any delay, the case may immediately be forwarded to the Solicitor's department along with an explanation of each day of delay, cogent reasons in support of condonation, and a statement of the action initiated against the employees responsible for the delay.
- (l) Timely advice from Solicitor's department may be obtained in a case of threatened litigation.
- (m) If there is a difference of opinion between a department and Solicitor's department, the department may refer the case to the Law and Parliamentary Affairs Department for appropriate advice.
- (n) The concerned Law Officer of the Advocate General's office or, as the case may be, the District Attorney concerned shall promptly convey to the department concerned orders of the court for compliance. He will also transmit to the said department a copy of such order at the earliest. If a case is decided against the Government, the said Law Officer/ District Attorney shall furnish his opinion to the concerned department whether or not the order may be challenged in the higher forum; and, is so, on what grounds.
- (o) Lack of diligence and proper care in matters relating to Government litigation and any lapse, irregularity or unwarranted delay shall be construed as 'misconduct' and appropriate disciplinary action shall be initiated under the relevant law.

PRIVATE COUNSEL

- (p) Advocate General's office is primarily responsible for the conduct of Government litigation in the superior courts, and Solicitor's department/District Attorney's offices, in the subordinate courts/tribunals. As a rule, all the Government departments must conduct litigation through Advocate General's Office or, as the case may be, Solicitor's department/District Attorneys' offices.
- (q) Any difficulty or lapse experienced by a department with regard to the conduct of cases though the said office/department must be promptly brought to the notice of the Advocate General or, as the case may be, the Solicitor for necessary remedial action.
- (r) As a rare exception, a department may propose to engage a private counsel if there is sufficient justification in view of the special nature, or circumstances of the case. The reference for the purpose should:
 - (i) contain cogent reasons and special circumstances justifying the engagement of a private counsel, and an explanation as to why in the opinion of the department the case cannot be handled by the Advocate General's office or, as the case may be, by the Solicitor's department/District Attorney's office;

- (ii) be accompanied by all the documents necessary for the examination of the case;
 - (iii) include a panel of three private advocates, in order of priority, mentioning the lump sump fee proposed to be paid to each of them; and
 - (iv) a certificate that the funds for the purpose are readily available.
- (s) The reference mentioned at (r) shall be sent to the Law & Parliamentary Affairs Department well before time so that sufficient opportunity is available to take appropriate decision in the matter.
- (t) On receipt of a reference for the engagement of a private counsel for the superior courts, the Law & Parliamentary Affairs Department shall refer the matter to the Advocate General for his advice/recommendations.
- (u) The Law & PA Department will take further necessary action in the light of the proposal of the department and the advice/recommendations of the Advocate General. If the circumstances of a case so justify, the said Department may obtain orders of the Chief Minister.
- (v) A statutory/autonomous body shall ordinarily conduct court cases through its Legal Advisor(s). If, however, the circumstances justify the appointment of a special counsel, it may forward the case to the Law & Parliamentary Affairs Department for appropriate decision. The provisions of para (r) and para (s) above shall be applicable to such a reference.
- (w) No department/body shall engage a private counsel in anticipation of the approval in the prescribed manner.
- (x) An engagement of a private counsel, except in the manner given above, shall be construed as 'misconduct' on the part of the person responsible for it, and appropriate disciplinary proceedings under the relevant law shall be initiated. Notwithstanding any such action, the professional fee payable to such a private counsel shall be borne by the officer(s) concerned.
3. These Instructions supersede all previous instructions on the subject.
4. I am directed to request you kindly to circulate the above instructions to all concerned and ensure compliance.

No. SO(I&C)5-19/2011 (Misc.)
Dated the 9th July 2011

Subject: CORRESPONDENCE WITH THE OFFICE OF THE ADVOCATE
GENERAL PUNJAB

The office of the Advocate General, Punjab performing important functions of handling litigations and legal proceedings concerning Provincial Government in the Superior Courts. In order to facilitate the office of the Advocate General, following instructions may be complied with in letter and spirit:

- i) All correspondence with the office of the Advocate General, Punjab shall be in writing containing precise information regarding a case;
- ii) Departments/Attached Departments shall promptly respond to the correspondence from the office of the Advocate General;
- iii) In case any time line is indicated for any information required by the office of the Advocate General, the departments shall adhere to the time line;
- iv) All correspondence by the Advocate General shall be responded to by the very same officers to whom it is addressed. If the officer is not available due to service exigencies, then the next senior officer shall make such correspondence with the endorsement that the correspondence has the approval of competent authority;
- v) In case, the Advocate General has to appear personally in a case in the Superior Courts, the Head of Department/concerned authority shall personally assist the Advocate General in preparation of that case.

2. This issues with the approval of the Competent Authority.

No.SO(Cab-I)7-2/2011

Dated the 4th June, 2011

Subject: ENGAGEMENT OF EMINENT PROFESSIONALS FROM PRIVATE SECTOR ON HONORARY BASIS

I am directed to refer to the subject cited above and to intimate that the Competent Authority has approved the engagement of eminent professionals/experts from private sector on honorary basis for a short period (up to six months) to deal with the challenging problems faced by the public for their solutions. To attract and ensure optimum utilization of the services of private sector professionals/experts in the public sector on honorary basis, the following policy guidelines shall be followed:

- (i) Each department should review its functions listed in the Punjab Government Rules of Business, 2011 and evaluate its strengths and weaknesses in its core areas. After proper need analysis, identify the problem areas and the extent of help/cooperation required from the private sector;
- (ii) Carry out a survey of professionals who could render assistance as and when required by the Government Departments;
- (iii) The experts in the Private Sector would continue to serve their organizations and may provide their services to Government Departments on part time basis. They, therefore, may be provided proper environment by allocation of a room with necessary equipment and staff out of existing resources and sanctioned

strength of the Department. They may also be provided pick and drop service by the user Department;

- (iv) Professionals/experts from the private sector may be engaged for short periods (up to six months) and not for long periods;
- (v) The high level experts/professionals from the private sector shall be engaged with approval of the Chief Minister on the recommendations of the committee already notified for the purpose under the chairmanship of Chief Secretary, Punjab;
- (vi) The experts from Private Sector may be engaged for specific tasks after framing of TORs with clear deliverables; and
- vii) Since, there is no mechanism for engagement of high level experts/professional is available in the Punjab Government Rules of Business, 2011. Therefore, the I&C Wing, S&GAD will be requested for making necessary amendment in the Rules of Business through Law Department after approval of the recommendations of the Committee by the Chief Minister, Punjab.

No. SO(Cab-I) 7-2/2011
Dated the 4th June, 2011

Notification

The Competent Authority has been pleased to constitute the following Committee for the selection of high-level experts/professionals from the private sector on honorary basis:

i.	Chief Secretary, Punjab	Convener
ii.	Additional Chief Secretary	Member
iii.	Chairman, P&D Board	Member
iv.	Secretary Finance	Member
v.	Secretary (Services), S&GAD	Member
vi.	Secretary (Regulations), S&GAD	Member
vii.	Secretary of the concerned Department	Member/Secretary

2. The Committee shall frame TORs for engagement of experts/professionals from private sectors for short term (up to six months) and put up its recommendations for approval of Chief Minister, Punjab.

No. SO(CAB-II) 11-2/2011
Dated 21st September 2011

Subject: CONDUCT OF BUSINESS BY THE COMMITTEES FOR THE NATIONAL ASSEMBLY: EXAMINATION OF ISSUES/MATTERS EXCLUSIVELY WITHIN THE DOMAIN OF THE PROVINCES AND SUMMONING OF THE PROVINCIAL FUNCTIONARIES IN CONNECTION WITH SUCH ISSUES/MATTERS

I am directed to refer to the subject cited above and to state that instances have come to the fore whereby some of the committees of the Senate of Pakistan or the National Assembly of Pakistan summon provincial functionaries in connection

with such issues and matters as are exclusively within the legislative and executive domain of the Provinces.

2. The Government of the Punjab has recently taken a constitutional and legal position in the matter and conveyed the same to the Secretary, National Assembly of Pakistan through letter of even No. dated 20.09.2011 (copy enclosed). Earlier, similar position was conveyed to Secretary, Senate of Pakistan vide letter dated 19.02.2011.

3. All the administrative departments of the Government of the Punjab are hereby informed that in such like situation the concerned department (s) themselves may take and communicate their position in light of the above mentioned letters.

No. SO(CAB-II) 11-2/2011
Dated 20th September 2011

Subject: CONDUCT OF BUSINESS BY THE COMMITTEES FOR THE NATIONAL ASSEMBLY: EXAMINATION OF ISSUES/MATTERS EXCLUSIVELY WITHIN THE DOMAIN OF THE PROVINCES AND SUMMONING OF THE PROVINCIAL FUNCTIONARIES IN CONNECTION WITH SUCH ISSUES/MATTERS

Kindly refer to the subject.

2. It has been observed in the recent past that some of the Committees of the National Assembly undertake examination of the issues and matters which are otherwise exclusively within the legislative and executive domain of the Provinces, and summon provincial functionaries in connection with such issues and matters. The practice impinges on the federal structure and is seriously detrimental to the provincial autonomy largely augmented under the Constitution (Eighteenth Amendment) Act 2010. In any case, it is unconstitutional.

3. Earlier, a few Standing Committees of the Senate also took up certain matters which were wholly within the domain of the Provincial Government, and summoned a few provincial functionaries in connection with such matters. As the said Committees had no lawful authority to take up or examine any such matter, the constitutional and legal position was brought to the notice of the Senate Secretariat vide letter No. SO (Cab-II)11-2/2011 dated 19.02.2011 *(copy enclosed). The views of Government of the Punjab were endorsed by the Ministry of Law, Justice and Human Rights and the matter was settled.

4. The said legal and constitutional position is also brought to your kind notice; viz.-

- (a) The structure of our Constitution is Federal where the Federation and the Provinces are autonomous/sovereign within the assigned spheres. The mutual relations are based on the principle of coordination and not of subordination. The Federal Government, housed in different Ministries/Divisions, is responsible to the Parliament (Senate and National Assembly) and its Committees in terms of Article 91(6) of the

* See page 191.

Constitution read with the relevant Rules of Procedure of each House. However, the Provincial Government and its Departments are responsible to the Provincial Assembly and its Committees under Article 130(6) of the Constitution read with the Rules of Procedure of the Provincial Assembly of the Punjab and not to the National Assembly or its Committees.

- (b) Rule 47 of the Federal Government Rules of Business 1973 provides that Standing or ad-hoc Committees may be constituted by the Assembly or the Senate to advise the Divisions concerned on the general administrative policy or on a special problem. This provision also makes it further clear that although a Standing Committee of the National Assembly has jurisdiction relating to the affairs of a Division/Ministry of the Federal Government, it cannot extend its jurisdiction to the Provincial matters.
- (c) Thus, under the existing Federal Scheme envisaged by the Constitution, the Provincial Government and its various Departments are not responsible or accountable to the National Assembly or its Committees. As a necessary corollary, the Committees of the National Assembly have no jurisdiction or lawful authority to examine or review any matter exclusively or to summon any provincial functionary in connection with such matters.
- (d) However, if information from the Provincial Government on any issue of national interest is required, the same may be obtained through the concerned Ministries/Divisions of the Federal Government.

5. The constitutional and legal position mentioned above requires serious consideration in the larger interest of the Federation and the supremacy and sanctity of the Constitution.

6. The competent authority, in the circumstances, has directed the undersigned to request you kindly to place the matter before Hon'ble Speaker of National Assembly with a request that the above constitutional and legal position may be brought to the notice of all the Committees of the National Assembly.

No. SO(CAB-II) 11-2/2011
Dated 19th February 2011

Subject: MEETING OF THE COMMITTEE ON RULES OF PROCEDURE AND PRIVILEGES

I am directed to refer to letter No. F.22 (1)2011-Com-I dated 11.02.2011 on the subject noted above.

2. With reference to the Privilege Motion No. 11 (68)/2011-M moved by Senator Muhammad Jahangir Badar and other Senators, the following constitutional and legal position is brought to your kind notice:

- (i) The structure of our Constitution is Federal and subject to the Constitution, the Federation and the Provinces are autonomous/sovereign with the assigned spheres. Their mutual relations are based

on the principle of coordination and not of subordination. While the Federal Government housed in different Ministries/Division, is responsible to the Parliament (National Assembly and Senate) and its Committees in terms of Article 91(6) of the Constitution read with the relevant Rules of Procedure of each House, the Provincial Government and its Departments are responsible to the Provincial Assembly and its Committees under Article 130(6) of the Constitution read with the Rules of Procedure of the Provincial Assembly of the Punjab.

- (ii) The Senate's Standing Committee on Sports is established under rule 140(1) of the Rules of Procedure and Conduct of Business in Senate, 1988. Rule 140(2) explicitly provides that a Standing Committee shall deal with the subjects assigned under the rules for the allocation and transaction of business of the Government to the Ministry with which it is concerned. The word "Government" has been defined in rule 2(1) of the rules *ibid* as the Federal Government. A combined reading of the said provisions leads to the conclusion that whereas the Senate's Committee may review plans and programmes of the Ministry of Sports of the Federal Government, it has no jurisdiction to do so in respect of the plans and programmes of the Provincial Government.
- (iii) Rule 47 of the Federal Government Rules of Business, 1973 provides that Standing or ad-hoc Committees may be constituted by the National Assembly or the Senate to advise the Divisions concerned on the general administrative policy or a special problem. The provision also makes it further clear that although a Standing Committee of the Senate has jurisdiction relating to the affairs of a Division/Ministry of the Federal Government, it cannot extend its jurisdiction to the Provincial matters.
- (iv) Thus, under the existing Federal scheme envisaged by the Constitution, the Provincial Government and its various Departments are responsible or accountable to the Senate or its Committees. As a necessary corollary, the Committees of the Senate have no jurisdiction or authority to examine or review any matter exclusively allocated to the Provinces.
- (v) Agenda item No. 1 of the Standing Committee's meeting dated 24.02.2011 was a matter within the exclusive provincial domain, and the jurisdiction of the Senate's Committee did not extend to review the said matter.
- (vi) Sports Department, Government of the Punjab, brought the constitutional and legal position to your notice vide letter No. SO (B&A)5-157/2010 dated 23.01.2011, in response to the meeting notice received by the Government of the Punjab vide letter No. F.2(21)2011/Com-II dated 18.01.2011. It was pointed out that the Senate Committee on Sports did not have jurisdiction to review plans, etc., of the Provincial Government. It was also intimated that if some information from the Provincial Government was required, the same might be obtained through the concerned Division of the Federal Government.

3. The constitutional and legal position mentioned above requires serious consideration in the larger interest of the Federation and the supremacy and sanctity of the Constitution. Government of the Punjab is of the view that its officers have not breached any privilege of the Senators or the Senate of Pakistan by contesting the jurisdiction of the Standing Committee on Sports to summon the officers/officials of

the Provincial Government in order to review the plans, etc., of the Provincial Government.

4. In view of the above, the matter may kindly be placed before the Chairman Senate and is deemed appropriate, legal opinion of the constitutional issues raised in this letter may be obtained from the Ministry of Law, Justice and Parliament Affairs of the Federal Government. In the meanwhile, further proceedings on the Privilege Motion may kindly be suspended.

No. FD.SR-I/3-5/2011
Finance Department
Dated 1st December, 2011

Subject: IMPLEMENTATION OF GENERAL RECOMMENDATIONS
CONTAINED IN OMBUDSMAN PUNJAB ANNUAL REPORT, 2010

I am directed to refer to the subject noted above and to state that the office of the Ombudsman Punjab, Lahore has issued the annual report, 2010 for implementation. The relevant portion of the said report containing general recommendations reads as under:

**PAYMENT OF FINANCIAL ASSISTANCE ON THE
DEATH OF A SERVING GOVERNMENT EMPLOYEE**

“..... Many complaints are received by the office of Ombudsman regarding delay in the payment (lump sum) of financial assistance to widows/families in cases of in-service death of Government employees. The complaints are usually filed by the families of low paid Government employees. It has been observed that lump sum payment of financial assistance is promptly made to families in cases involving senior civil servants i.e. those who were in BS-19 and above. Financial assistance is in the nature of a first aid for a bereaved family. Any delay in the payment of financial assistance aggravates the misery being faced by the bereaved family. The main factor responsible for delay in the payment of financial assistance is reported to be the non availability of budget. It is recommended that in the first place, sufficient amount of budget should be provided every year for payment of financial assistance in cases of in service death and secondly, institutionalized arrangements be made for payment of financial assistance immediately after the death even when the budget provision was yet to be made.”

2. Considering the above, it is advised that funds on account of financial assistance for death in service may be demanded as part of budget estimates, in order to avoid delays in payment to the bereaved family. Further necessary action may be taken accordingly at the time of budget preparation for next financial year 2012-13.

No. SO(CAB-III)1-18/2012
Dated 14th November, 2012

Subject: CIRCULAR

I am directed to refer to the subject cited above and to enclose herewith copy of circular No. DR(J)/2012-CJ dated 10.11.2012 issued by the Deputy Registrar (Judicial), Supreme Court of Pakistan, Islamabad, for information and compliance in letter and spirit.

Circular No. DR(J)/2012-CJ dated 10.11.2012 issued by the Deputy Registrar (Judicial), Supreme Court of Pakistan, Islamabad

Competent Authority had earlier directed that the practice of filing reports/in Court during hearing of the case should be stopped and in future no report/document shall be received/filed in court and the same should be filed in the office, as per rules before the date fixed for hearing of the case, so that, after scrutiny, the same could be placed before the Hon' able Judges for perusal will in time. Therefore, accordingly circulars dated 30.09.2010 and 29.03.2011 were issued, however, it has been observed that the direction given in these circulars is not being complied with in letter and spirit.

2. Competent Authority has also directed that in future the Court Associates will not receive any document in the Court Room except Caveats, Enter Appearances, Power of Attorney and Letters of Authority in the cases fixed on the same date before the same Bench.

3. All concerned are, therefore, once again directed to ensure strict compliance of the same.

No. SO(CAB-1)1-1/2016
Dated the 16th February, 2016

Subject: SUBMISSION OF SUMMARIES TO THE CHIEF MINISTER

The Competent authority has taken serious notice of the prevailing practice of submitting Summaries to the Chief Minister even in matters which do not require any orders or action by the Chief Minister and has been pleased to direct that in future only such summaries shall be submitted to the Chief Minister as are required to be submitted to him as Minister-in-charge of a department or desired by him or as require orders of the Chief Minister or the Governor / Chancellor under any law or rules, including the Punjab Government Rules of Business 2011. To ensure compliance, a separate paragraph shall be added in every summary, submitted to the Chief Minister, indicating the reasons or the provisions of the law or rules requiring orders either as Minister-in-charge of a department or orders of the Chief Minister or the Governor / Chancellor on the advice of the Chief Minister.

2. For facilitation of the departments, some illustrations follow:
- a) This summary is submitted to the Chief Minister as Minister-in-charge of the department under (here insert the relevant provision of the law or rules).
 - b) This summary is submitted as it involves important policy decision or departure from a policy decision.
 - c) The summary is submitted pursuant to the orders of the Chief Minister conveyed through Mr/Ms----- .
 - d) This summary is submitted to the Chief Minister pursuant to the directive / order of the Chief Minister dated -- - (

- e) The matter at issue requires orders of the Chief Minister under (here insert the relevant provision of the law or rules).
 - f) The matter at issue requires orders of the Governor or, as the case may be, the Chancellor on the advice of the Chief Minister (here insert the relevant provisions of the Constitution, law or rules).
2. The above direction may be strictly followed in future.

No. SO(CAB-1)1-1/2016

Dated the 10th June, 2016

Subject: SUBMISSION OF SUMMARIES TO THE CHIEF MINISTER

I am directed to reiterate the earlier directions with regard to submission of summaries to the Chief Minister circulated vide this office letter of even number dated 16 February, 2016 wherein it was conveyed that the Chief Minister has been pleased to direct that in future only such summaries shall be submitted to the Chief Minister as are required to be submitted to him as Minister-in-charge of a department or desired by him or as require orders of the Chief Minister or the Governor/Chancellor under any law or rules, including the Punjab Government Rules of Business 2011. To ensure compliance, a separate paragraph shall be added in every summary, submitted to the Chief Minister, indicating the reasons or the provisions of the law or rules requiring orders either as Minister-in-charge of a department or orders of the Chief Minister or the Governor / Chancellor on the advice of the Chief Minister.

2. The above directions may please be strictly followed in future.

No.FD SR-I/9-5/2010

Dated: November 20th June, 2016

Subject: GRANT OF QUALIFICATION PAY

I am directed to state that the Competent Authority i.e. Chief Minister has been pleased to grant qualification pay to those officers of Provincial Government Departments who successfully complete the prescribed Mandatory Training for promotion conducted from time to time, at Management & Professional Development Department (MPDD) at the following rates, with effect from 08.04.2016:-

Sr. No.	Qualification	Existing Rates	Revised
1	Mandatory Training for Promotion from BS-18 to BS-19	Rs.500/p.m.	Rs.800/-p.m
2	Mandatory Training for Promotion from BS-17 to BS-18	-	Rs.700/-p.m
3	Mandatory Training for Promotion from BS-16 to BS-17	-	Rs.500/-p.m

No. PS/CS/200/2017
Dated: November 04, 2017

Subject: PARTICIPATION OF ADMINISTRATIVE SECRETARIES IN THE
IMPORTANT MEETINGS WITH DEVELOPMENT PARTNERS

The Planning & Development Department, as part of its mandate under the Rules of Business, coordinates meetings with International Financial Institutions (IFIs) and bilateral development partners who are engaged to provide technical and/or financial assistance for the socio-economic growth, infrastructure development and governance reforms. It hardly needs to emphasize that such interactions are important for the welfare of the citizens of the province. In all such policy/strategic meetings, concerned Administrative Secretaries are invited to participate. The purpose of such participation is not only to provide an opportunity to the Secretaries to engage with senior management of development partners to explore new avenues of collaboration, but also to convey a sense of ownership and commitment of the Punjab Government.

2. It has, however, been noticed with serious concern that the participation of Administrative Secretaries in such important meetings has remained minimal during a number of recent interactions with development partners like WB, ADB and DFID. A tendency has been found among some of the Administrative Secretaries to avoid attending such meetings and to send their junior officers to represent them, who either were not properly prepared or were not mandated to take decisions. Incidents have been noted where Secretaries were absent despite the fact that they were not engaged for any important /high level meeting. Such omissions convey lack of interest on the part of concerned Administrative Department.

3. The Administrative Secretaries will, therefore, make sure that in future they personally attend important meetings with development partners. In case they are unable to attend a meeting due to some important preoccupation, they will inform P&D Department beforehand and depute an officer to represent them who will attend the meeting with full preparation and mandate for engaging in meaningful discussion with development partners.

No.FD-SR-I/3-10/2004
Dated the 15th August, 2017

Subject: FINANCIAL ASSISTANCE TO THE FAMILY OF A CIVIL SERVANT
WHO DIES WHILE IN SERVICE.

In continuation to this Department's letter bearing same number dated 13th November, 2014 on the subject, I am directed to state that the Competent Authority, i.e. Chief Minister, Punjab has been pleased to approve financial assistance package for families of civil servants who die while in service. It shall be applicable w.e.f. 22.02.2017. The details of the said package are as under:

1. LUMP-SUM GRANT:

*BASIC PAY SCALE	EXISTING RATES (RS. IN MILLION)	REVISED RATES (RS. IN MILLION)
1-4	0.40	1.60

5-10	0.60	1.90
11-15	0.80	2.20
16-17	1.00	2.50
18-19	1.60	3.40
20 and above	2.00	4.00

*For this purpose, the pay scale means in which a civil servant was drawing his / her pay.

2. **PENSION/SALARY:**

i) The deceased's family shall be allowed salary, alongwith annual increases in the pay, the deceased officer / official was drawing till the date of superannuation of the deceased civil servant.

ii) After the date of superannuation, family pension shall be allowed as per clause 4.10 of the Punjab Civil Services Pension Rules 1967.

3. **ACCOMMODATION:**

The family of the deceased civil servant shall be allowed retention of Government accommodation till the age of superannuation as per provisions of the CSR (Pb), Vol-I(Pt-I) read with the Allotment Policy issued by S&GAD vide EO(S&GAD)Policy/2009/-345 dated 19.01.2009.

4. **EDUCATION:**

Educational scholarship is allowed to children of deceased civil servants (upto 3 children) out of Benevolent Fund as prescribed in the Punjab Government Servants Benevolent Funds Part I & II (Disbursement) Rules 1965 & 1966.

5. **EMPLOYMENT:**

Appointment of one child or widow in BS-1 to BS -11 (including the post of Patwari and Junior Clerk) on contract or regular basis as per provisions of Rule 17- A of the PCS (A&CS) Rules, 1974.

6. **MARRIAGE GRANT:**

Marriage grant as prescribed in clause 3(a) & 4(a) of the Punjab Government Servants Benevolent Funds Part I & II (Disbursement) Rules 1965 & 1966.

7. **HEALTH:**

Free health facilities as per their entitlement during service of the family of the deceased civil servant under the provisions of the West Pakistan Medical (Attendance) Rules, 1959.

8. **NOMINATION OF AN OFFICER AS COUNSEL:**

Pension/General Provident Fund Sanctioning Authority in the Department/Organization/Office shall be nominated as Counsel to assist the family in finalization of provision of entire package to deceased's family within the shortest possible time.

9. **GENERAL PROVIDENT" FUND:**

GP Fund shall be paid to the deceased's family as per provisions of the Punjab General Provident Fund Rules, 1978.

10. **MONTHLY BENEVOLENT GRANT:**

Monthly Benevolent Grant shall be paid as prescribed in clause 3(d) & 4(d) of the Punjab Government Servants Benevolent Funds Part I & II (Disbursement) Rules 1965 & 1966.

11. **GROUP INSURANCE**

Group Insurance as prescribed in the Punjab Govt. Employees Welfare Fund Ordinance, 1969.

12. **PREREQUISITE FOR FACILITATION OF FAMILY OF DECEASED CIVIL SERVANT:**

Under the new simplified procedure of processing and disbursement of pension through pension roll Direct Credit Scheme (DCS)-circulated by the Finance Department vide its letter bearing No.FD.SR-III/4-303/2012 dated 01.04.2014, a simple two page proforma have been prescribed for all kinds of pensions, including family pensions (in service death or pensioner's death). Action to be taken by the concerned authorities giving timelines which have been already prescribed for the purpose

No.FD.SR-I/3-3/2017
Dated the 04th January 2019

NOTIFICATION

FD.SR-I/3-3/2017. In exercise of the powers conferred on him by Article 241 of the Constitution of the Islamic republic of Pakistan, Governor of the Punjab is pleased to direct that in the Punjab (Civil Services) Delegation of Powers Rules, 1983, the following further amendment shall be made:

Amendment

In the Punjab (Civil Services) Delegation of Powers Rules, 1983, in Appendix ‘A’, after Sr. No.22, the following shall be inserted

Financial Assistance

22-A. Power to sanction financial assistance in cases of: Full Powers

- (a) deceased civil servants; and
- (b) deceased employee appointed or working under the Contract Appointment Policy 2004.”

No. SI.2-39/2016
Dated the 25th October, 2017

Subject: **CHANNEL OF CORRESPONDENCE**

I am directed to refer to the subject noted above and to invite your kind attention to Rule 47 of the Punjab Government Rules of Business, 2011, which envisages here as under:-

Channel of Correspondence:

- 1) Subject to provisions of Rule 15, all correspondence with the Federal Government or another Provincial Government shall be conducted direct by the concerned department and it shall ordinarily be addressed to the Secretary of the Ministry or the Department concerned.
- 2) All correspondence between Government and the Heads of Attached Department, Regional Offices, Autonomous Bodies and District Governments shall be conducted through the Secretary of the concerned Department.

2. It has been observed that correspondence received from different quarters is not generally addressed to Chief Secretary in line with the aforesaid provision of the Rules of Business, 2011 and is usually addressed to officers other than as envisaged in the Rules. This practice is not only delaying the processing of the cases but also most of the references remain pending in Sections without the knowledge/information of the Chief Secretary, Punjab.

3. In view of the above, I have been directed to request you that attention of all concerned in your respective departments/offices may kindly be drawn to the aforesaid provisions of the Rules of Business, 2011 and to state that correspondence related to the transfer/posting or all important matters or issues of General Cadre Officers of BS-18 and above, under your administrative control, may kindly be addressed to the Chief Secretary, Punjab, in future

Subject: ADOPTION OF POLICY OF SELF-HIRING / HIRING OF PRIVATE ACCOMMODATIONS (HOUSE REQUISITION)

I am directed to refer to the subject cited above and to state that the Governor of the Punjab has been pleased to grant the facility of rental ceiling for hiring of residential accommodation on the analogy of Federal Government in favour of the employees of Punjab Civil Secretariat borne on the cadre strength of S&GAD, posted at Lahore, working in Punjab Civil Secretariat and drawing pay from the payroll of Secretariat Departments w.e.f 01.07.2018 at the following rates:-

BPS	Rental Ceiling
1-2	Rs.3,254/-
3-6	Rs.5,083/-
7-10	Rs.7,594/-
11-13	Rs.11,455/-
14-16	Rs.14,391/-
17-18	Rs.19049/-
19	Rs.25,326/-
20	Rs.31,806/-
21	Rs.38,084/-
22	Rs.45,576/-

2. The facility of rental ceiling for hiring of residential accommodation will be admissible subject to the following conditions:

- (i) In case of non-availability of Government accommodation for allotment, the employees of Punjab Civil Secretariat, borne at the cadre strength of S&GAD, shall be entitled for the facility of house requisition as per their entitlement, after obtaining an eligibility certificate, issued by the Estate Office, S&GAD through approval of Additional Secretary (Welfare).
- (ii) A Government servant who is transferred out of Lahore or is no more serving at the cadre strength of S&GAD in Punjab Civil Secretariat will lose his eligibility or facility of house requisition after three months of the date of his transfer.
- (iii) Moreover, if an occupant of a government residence from the pool of residences of S&GAD intends to get benefit of the facility of house requisition, he/she will have to hand over the possession of his / her allotted residence to Welfare Wing, S&GAD and obtain the above said eligibility certificate issued by the Estate Office, S&GAD through approval of Additional Secretary (Welfare).
- (iv) In case of availing the facility of house requisition / self-hiring, the said officer/official shall not be entitled to House Rent Allowance.

No.SOR-IV(S&GAD)1-1/2017
Dated Lahore the 30th January, 2017

SUBJECT: ATTENDING OF OFFICIAL MEETINGS

It has been observed with concern that sometimes senior officers, due to pre-occupation could not attend meetings with the high-ups and normally a

relevant officer of the Department is nominated for the purpose. Such nominated officer neither bothers to seek guidance from his seniors nor reports feedback about the decisions taken in the meeting due to which the concerned Administrative Secretary / Senior Officers remain unaware about the updates of the issues.

2. It is further added that any officer so nominated for any such meeting is supposed to know the rules, policies and stance of the Department while deliberating upon the issue in the meeting.

3. To ensure proper functioning, it is desired that henceforth all officers before attending the meetings should seek guidance from their immediate seniors about the rules, policies and stance of the Department, and after attending the meeting they should report feedback about the decisions taken in the meeting for information of high-ups.

4. These instructions should be adhered to in letter and spirit.

No.SO(PCDC)13(1)97-Summary.
Dated Lahore, the 20th February, 2017

NOTIFICATION

In partial modification to this Department's notification of even number dated 18.05.2005, the Chief Minister has been pleased to re-constitute the District Pension Cases Disposal Committee in the District Administration for expeditious finalization of Pension / G.P Fund cases for retiring / retired Government officers & officials, comprising the following:

DISTRICT PENSION CASES DISPOSAL COMMITTEE

a)	Deputy Commissioner	Chairman
b)	Additional Deputy Commissioner (F&P)	Member
c)	District head of the concerned Department	Member
d)	District Accounts Officer	Member
e)	Additional Deputy Commissioner (G)	Member

2. The functions and charter of responsibilities of Committee are as below:

- a) To take suitable measures to eliminate delay in the disposal of Pension /G.P Fund cases in the districts and provincial departments, in accordance with the rules and various instructions of Finance Department.
- b) To ensure the initiation of Pension / G.P Fund cases of retiring official one year before their retirement dates, as per rules.
- c) To ensure that all the Accounts Offices prepare the statement of transfer of Pension / G.P Fund and service record within thirty days of transfer of government officers/officials and send it to the head of the department / pension sanctioning authority.
- d) The District Pension Cases Disposal Committee shall hold quarterly meetings and submit its report to the Provincial Pension Cases Disposal Committee during the month following the preceding quarter i.e. in April, July, October and January.
- e) The Provincial Pension Cases Disposal Committee shall hold half yearly meetings based on the reports submitted by the Departments

as well as the District Pension Cases Disposal Committee and submit half yearly progress report to the Chief Minister. These meetings will be held at the Provincial Headquarters or the former Divisional Headquarters, as per requirement.

- f) Both the Provincial and District Pension Cases Disposal Committee may recommend in writing, initiation of disciplinary proceedings against the officers / officials responsible for causing inordinate delay in the disposal of pension cases, to the relevant department / competent authorities. Such department / authority shall ensure that necessary action is taken as per recommendations of PCDC.

No.PST/Reg/Jud/53/2017
Dated the 25th April, 2017

Subject: IMPLEMENTATION OF ORDERS / JUDGMENTS OF PUNJAB
SERVICE TRIBUNAL

I am directed to draw your kind attention to the judgment of full Bench of this Tribunal dated 22.12.2015 passed in CM no. 636/2012 in appeal No. 814/2008.

2. Crux of the above mentioned judgment is that this Tribunal, being a civil court, is vested with powers to get its judgments and interlocutory orders executed under Section 94 of Code of Civil Procedure.

- (i) This Tribunal in order to implement its judgments, orders, decisions, final or interlocutory, can adopt coercive measures prescribed by the Code of Civil Procedure.
- (ii) This tribunal can order for detention in prison or by attachment of property of the delinquent or by both, who deliberately avoid(s) to implement the judgment of this Tribunal under Order 21 read with section 55-59, 134-136 & 151 of Code of Civil Procedure.
- (iii) This Tribunal can order for arrest and detention before final order under order 38 Rule 1-12 read with section 136 & 151 of Code of Civil Procedure.

3. Foregoing in view, I am directed to request that above mentioned judgment may be circulated among all departments of the Government and their field formations throughout the province for information and compliance in letter and spirit.

DEPARTMENTAL EXAMINATION REGULATIONS/RULES

NOTIFICATION

Dated Lahore 17th May, 2012

No.SOR-III(S&GAD)1-12/2000(P). In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974, Governor of the Punjab is pleased to make the following rules:

1. **Short title and commencement.**– (1) These rules may be cited as the PMS (Probationers) Training, Final Passing Out Examination and Seniority Rules 2012.

(2) They shall come into force at once.

(3) They shall apply to PMS (BS-17) officers appointed pursuant to the recommendations of the Commission made on or after the commencement of these rules.

2. **Definitions.**– (1) In these rules:

(a) “competent authority” means Chief Secretary to the Government;

(b) “commission” means the Punjab Public Service Commission;

(c) “evaluation” means any exercise or test approved by the Government or the training institution, which is intended to test the probationer in a field of training during the training programme;

(d) “examination” means final passing out examination for PMS (Probationers) appointed through the combined competitive examination;

(e) “Government” means Government of the Punjab;

(f) “prescribed” means as prescribed by the Training Institution;

(g) “probationer” means a person appointed to a post through the combined competitive examination of the Commission;

(h) “Schedule” means a Schedule attached to these rules;

(i) “subject” means a subject specified in the Schedule-I;

(j) “subjects & syllabus of training institution” means subjects and syllabus as prescribed by the training institution;

(k) “syllabus” means the syllabus as provided in the Schedule-II; and

(l) “training institution” means Management & Professional Development Department (MPDD) or any other place where training is imparted under these rules.

3. **Training programme and evaluation.**– (1) A probationer shall undergo training in a training institution at such place and for such period as the Government may specify.

(2) A probationer shall qualify every test to the satisfaction of the head of the training institution.

(3) A probationer shall be required to qualify the evaluation of the training institution.

4. **Duration of training programme.**– (1) A probationer shall undergo the following training and attachments as part of training programme:

(a) period of training at a training institution Six months

- ** (b) period of secretariat attachment Three months
- (c) period of field attachment Three months

@(2) After the attachments mentioned in sub-rule (1), the probationer shall submit separate reports in the training institution about his learning in the field as well as in the Secretariat.

5. **Effect of un-satisfactory completion of training programme.**– (1) If on the conclusion of the training programme, the performance or conduct of the probationer is rated as un-satisfactory by the head of the training institution, the Government shall require such probationer to undergo such further training as it deems fit.

(2) If a probationer is prevented by sickness or any other adequate cause from completing a training programme to the satisfaction of the head of training institution, the Government shall require him to undergo such further training as it deems fit.

6. **Bond.**– (1) A probationer shall before commencement of the training, execute a surety bond (with one surety) for each amount as the competent authority may prescribe, undertaking that he would refund the amount of the surety bond and all other amounts paid to him or spent in connection with his training in the event of his failing to complete the training or resigning from his service during the period of training or within three years after training.

(2) A probationer who applies for any other job through proper channel after approval of the competent authority may be exempted from the condition of refunding the amounts mentioned in sub-rule (1).

7. **Conduct of examination.**– (1) The Commission shall conduct the examination in the subjects given in Schedule-I as per syllabus provided in Schedule-II.

(2) The examination under these rules shall be held twice a year on such dates as the Commission may notify.

8. **Number of attempts.**–⁴(1) A probationer shall be eligible to appear in four successive examinations in five years of his appointment beginning from the examination to be held immediately after completion of his training from Management and Professional Development Department.

@ (2) A probationer who fails to qualify in four successive attempts as provided under sub-rule (1) shall not be eligible to appear in a subsequent examination. Provided that the Chief Secretary may on the recommendations of the Additional Chief Secretary, Punjab, allow a probationer one additional chance to appear in the subsequent examination.

(3) The condition mentioned above shall not apply to a probationer:

- (a) who is on training abroad with the approval of the competent authority; and
- (b) who is on medical leave as per provisions of the Revised Leave Rules, 1981.

** In rule 4, sub rule (1), Clause (b) the words “one month” substituted as “three months” vide notification No.SOR-III(S&GAD)1-12/2000(PI) dated 17.10.2018.

@ In rule 4, sub rule (2) substituted vide notification No.SOR-III(S&GAD)1-12/2000(PI) dated 17.10.2018.

⁴ In rule 8, sub rule (1) substituted vide notification No.SOR-III(S&GAD)1-12/2000(PI) dated 17.10.2018.

(4) Subject to the provisions of sub-rule (3), the absence from the passing out examination without permission of the Government shall be deemed to be a failure to qualify in that examination and shall be counted towards the chance availed by him.

⁵(5) A probationer who has exhausted all three chances under the rules before coming into force of these amendments shall be allowed only one more chance to appear in the departmental examination within one year. Provided that the Chief Secretary may, on the recommendations of the Additional Chief Secretary, Punjab, allow such a probationer one additional chance to appear in the subsequent examination.

9. **Qualifying standard.**— The qualifying standard for the examination(s) under these rules shall be forty five percent of marks in each paper and fifty percent marks in the aggregate.

10. **Grace marks.**— An officer who qualifies in seven papers in one attempt shall be allowed five grace marks in the eighth.

11. **Answer.**— Except where otherwise specified, all the questions shall be attempted in English.

12. **Exemption.**— No one shall be entitled to any exemption from the examination under these rules on any ground whatsoever including professional or higher qualification.

13. **Withholding of increments.**— (1) A probationer who fails to qualify in the examination shall have his increments withheld until he qualifies such examination.

(2) The absence from final passing out examination without permission of the Government shall be deemed to be a failure to qualify in that examination and shall be counted towards the chance availed by him.

14. **Action by the Government.**— (1) A probationer who fails to comply with the provisions of these rules, or to obey any orders which he may receive from the Government, or from the head of the training institution or from any faculty member of such training institution or an officer under whom he is receiving training or who neglects his probationary studies, or is guilty of conduct unbecoming of an officers shall, subject to notice of an opportunity of hearing, be liable to discharge from service or such other action as the Government may consider appropriate.

(2) A probationer who fails to qualify the examination in three attempts shall be discharged from service under section 5 of the Punjab Civil Servants Act 1974 (*VIII of 1974*).

15. **Travelling allowance.**— An officer shall, in respect of journey which he may undertake for appearance in the examination, be entitled to travelling allowance as admissible under the Travelling Allowance Rules.

16. **Seniority.**— (1) The seniority of the probationers shall be determined by the Government after the examination.

(2) For purposes of determining the inter se seniority of the PMS probationers the marks obtained in the combined competitive examination, evaluation marks obtained in the training institution and the marks obtained in the examination shall have the following weightage:

⁵ In rule 8 after sub rule (4), sub rule (5) is inserted vide notification No.SOR-III(S&GAD) 1-12/2000(PI) dated 17.10.2018.

- (a) Combined Competitive Examination; 50%
(b) Evaluation by Training Institution; and 25%
(c) Final Passing Out Examination. 25%

17. **Repeal.**– The Punjab Extra Assistant Commissioners (Probationers) Training Rules 1993 are hereby repealed.

SCHEDULE – I

Sr. No.	Paper No.	Subject	Maximum Marks allocated	Maximum Time	Whether the paper is to be answered with the help of books
1.	I	Office Management & Communication Skills	100	3 hours	No
2.	II	Service Matters	100	3 hours	Yes
3.	III	Public Administration	100	3 hours	No
4.	IV	Constitutional Structure of Pakistan	100	3 hours	Constitution of Pakistan, Punjab Government Rules of Business, 2011, Rules of Procedure of the Provincial Assembly of the Punjab, would be allowed
5.	V	Economics and Financial Management	100	3 hours	Bare text of rules would be provided / allowed.
6.	VI	Civil and Criminal Law	100	3 hours	Bare Acts allowed
7.	VII	Local Government System	100	3 hours	Bare Acts and Rules allowed
8.	VIII	Revenue Law	100	3 hours	Bare Acts allowed

SCHEDULE -II

(SYLLABUS)

Paper-I **Office Management & Communication Skills**

Marks 100

Course Outline

Part-A

(40 Marks)

Office Management - an overview and basic components:

- (i) Managerial skills (leadership, decision making, motivation, managing team etc.).
- (ii) Effective communication and presentation skills.
- (iii) Handling of Official Papers/Filing System.
- (iv) Forms of official communication (Official Letter, D.O Letter, U.O, Memorandum, Notifications, etc).
- (v) Managing /conducting meetings.
- (vi) Minimizing stress.

Reference Books: (i) Essential Manager Manual by Robert Haller and Tim Hindle.
(ii) Manual of Secretariat Instructions.

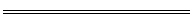
Part-B

(60 Marks)

Noting and Drafting:

- (i) Summary writing: for Chief Minister, Governor, Cabinet & Council of Common Interests.
- (ii) Noting and drafting: exercises.
- (iii) Preparation of briefs and notes (for CS, meetings, etc.).
- (iv) Drafting of Legal Instruments such as comments and replies in writ petitions/human rights cases, etc. written statements, agreements, MoUs, Bills and rules.

Note: No reference material shall be provided in the examination.



Paper-II **Service Matters**

Marks 100

Course Outline

- (a) The Constitution of the Islamic Republic of Pakistan: Articles 4, 25, 27, 212 & 240 to 242.
- (b) The Punjab Civil Servants Act 1974.
- (c) The Punjab Service Tribunals Act 1974.
- (d) The Punjab Government Servants (Conduct) Rules 1966.
- (e) The Punjab Employees Efficiency Discipline and Accountability Act 2006.
- (f) The Punjab Civil Servants (Appointment and Conditions of Service) Rules 1974.
- (g) The Punjab Delegation of Powers (Relaxation of age) Rules 1961 & 1976.
- (h) The Contract Appointment Policy 2004.

- (i) The Re-employment Policy 2003.
- (j) The Promotion Policy 2010.
- (k) Instructions regarding Performance Evaluation Reports.

Note: Reference material shall be provided in the examination

Paper-III
Public Administration

Marks 100

Course Outline

- Part-A Public Administration (Marks 40)
- Public Administration in the 21st Century
- (a) Context of Public Administration.
 - (b) Role of Govt: direct involvement vs regulations.
 - (c) Public Administration and Civil Service.
 - (i) Concept of Good Governance.
 - (ii) Transparency, information and role of media in public sector.
 - (iii) Improving administrative integrity – ethics and responsiveness in service.
 - (iv) Public policy formulation and implementation.

Reference Book: To serve and To preserve by ADB

- Part-B Administrative Law (Marks 60)
- (a) Introduction to the Administrative law.
 - (b) Finality of administrative action: constitutional and ordinary ouster clauses: principles.
 - (c) Administrative discretion: meaning, need and principles.
 - (d) Delegated legislation: meaning and necessity, established principles and grounds of review.
 - (e) Principles of Natural Justice: hearing and bias.
 - (f) Judicial Review: meaning, importance and grounds.
 - (g) Fundamental Rights: Articles 7-28 and 232-233 of the Constitution of the Islamic Republic of Pakistan.

Note: No reference material shall be provided in the examination

Paper-IV
Constitutional Structure of Pakistan

Marks 100

Course Outline

- Part-A The Executive:
- a) The Constitution of the Islamic Republic of Pakistan.
 - i. Preamble.
 - ii. General: Articles 1-5.

- iii. Principles of Policy: Articles 29-49.
 - iv. The President: Articles 41-49.
 - v. The Federal Government: Articles 90-99.
 - vi. The Provincial Governor: Articles: 101-105.
 - vii. The Provincial Government: Articles 129-140.
 - viii. Administrative Relations between Federation and Provinces: Articles 145-159.
 - ix. Elections: Articles 213-226.
- b) The Punjab Government Rules of Business 2011: Rules 1-32, 46-49 & the Schedules.
- c) Rules of Procedure of the Provincial Assembly of the Punjab 1997:
- i. The Chief Minister: rules 17-23.
 - ii. Governor's Address to the Assembly: rules 39-41.
 - iii. Questions: Articles 42-61.
 - iv. Calling Attention Notice: rules 62-67.
 - v. Privileges: rules 68-79, 180-181.
 - vi. Adjournment Motions: rules 80-88.
 - vii. Government Assurances: rule 182.
 - viii. Reports to be laid before the Assembly: rules 128-133.
- d) Ombudsman: jurisdiction and importance: The Punjab Office of the Ombudsman Act 1997.

Part-B The Legislature

- a) The Constitution of the Islamic Republic of Pakistan:
- i. The Parliament: Articles 50-69, 70-77.
 - ii. Federal Ordinances: Article 89.
 - iii. Provincial Assembly: Articles 106-117.
 - iv. Provincial Ordinances: Article 128.
 - v. Distribution of Legislative and Executive Powers: Articles 97, 137, 141-144, & Fourth Schedule.
 - vi. Islamic Provisions: Articles 227-231.
- b) The Punjab Government Rules of Business 2011: rules 33-43 & 45.
- c) Rules of Procedure of the Provincial Assembly of the Punjab:
- i. Legislative Procedure: rules 89-127.
 - ii. Standing Committees: rules 148-175.

Part-C The Judiciary

- The Constitution of the Islamic Republic of Pakistan: Articles 4, 175-211.
- Original and Advisory Jurisdiction of the Supreme Court.
- Writ Jurisdiction: Articles 184 and 199 of the Constitution of the Islamic Republic of Pakistan.

- Introduction to ICA and CPLA.
- Suo motu/human rights jurisdiction.

Note: The Constitution of Pakistan, the Punjab Government Rules of Business 2011 and the Provincial Assembly of the Punjab Rules of Procedure 1997 shall be provided in the examination.

Paper-V
Economics and Financial Management

Marks 100

Course Outline

Part-A Economics: (40 Marks)

1. Overview of Economy of Pakistan.
2. Basic Concepts of Micro & Macro Economics.
3. Economic Development & Economic Growth including Human Development Index Approach.
4. Monetary & Fiscal Policies with emphasis on inflation:
 - (i) Definition and objectives of Monetary Policy.
 - (ii) Definition and objectives of Fiscal Policy.
 - (iii) Inflation and its types.
5. Concept of Poverty and Poverty Alleviation Strategy in Pakistan:
 - (i) Poverty, factors responsible.
 - (ii) Causes of poverty.
 - (iii) Poverty Alleviation Strategy in Pakistan.
 - (iv) Poverty Alleviation Strategy in the Punjab.

Part-B Financial Management: (Marks 60)

1. Importance, rules governing financial discipline, consequences of financial indiscipline etc.
2. Financial provisions in 1973 Constitution (Articles 118,119,169, 170).
3. Civil Service Rules (PUNJAB) VOLUME-I
 - (a) FINANCIAL MANAGEMENT

General Concept: Chapter-I [extent of application] 1.1 & 1.2
Chapter –II [Definitions]
Chapter-III [General Conditions of Service]
3.2,3.7,3.12,3.13,3.24

Pay: Chapter–IV [4.4,4.13,4.18, 4.21].

Additions to pay: Chapter-V [5.3,5.5,5.8,5.16,5.22,5.38,5.39,5.49].

Joining time: Chapter-1& 9.1 to 9.18.

Deputation policy: Issued by the Punjab Government Finance Department
Revised Leave Rules, 1981.

- (b) Punjab Treasury and Sub-Treasury Rules (Financial Handbook No. 1).

Treasury Rules (Punjab) and the Subsidiary Treasury Rules issued there under:

What is Treasury and Sub-Treasury.

Treasury rules (Punjab) including:

- Chapter-I General System of Control over Treasuries (Part-I)
- Payment of Revenues of the Province into the Public Account (Part-II)
- Custody of Moneys relating to or standing in the Punjab (Part-III)
- Account of the Province (Part-IV)
- Withdrawals of moneys from the Public Account (Chapter-IV)
- Transfer of money standing in the Public account (Chapter-V)

(c) The Punjab Delegation Power Rules 2006 (Financial hand Book No. 2).

- General Principles and Rules including: (Chapter-II)
- Pay, Allowance etc. of establishment. (Chapter-VII)
 - Contingencies. (Chapter-VIII)
 - Loan and advances. (Chapter-X)
 - Bills and Remittances. (Chapter-XI)
 - Deposits & Operation of Assignment A/Cs as introduced through an amendment in Rule 4.154 (A) of Punjab Subsidiary Treasury Rules.
 - Welfare schemes of Government Servants (Benevolent Funds, Group Insurance etc.). (Chapter-XII)

4. Purchase Procedure under PPRA Rules, 2009 (Purchase Manual, Purchase Officers, Types of Tenders, Purchase under Foreign Aided Projects).
5. Duties and functions of D.D.Os.
6. Budget making at Provincial and Local level (Regular Budget, SNE, supplementary budget, development budget).
7. Audit and settlement of audit objections.

Note: Bare text of rules shall be provided in the examination.

Paper-VI
Civil and Criminal Law

Marks 100

Course Outline

Part-A (40 marks)

- (a) Background and importance of Cr.P.C.
- (b) The Code of Civil Procedure 1908: sections 9-12, 16- 21, 24-A, 35, 35-A, 51, 79-82, 89AA, 96, 99, 104, 114, 115, 141,151 & Orders 2, 4-9, 17, 21, 23, 27, 27-A, 39 & 47.
- (c) The Punjab General Clauses Act 1956.
- (d) The Limitation Act 1908: sections 12-25.

Part-B (40 marks)

- (a) Background and importance of P.P.C.

- (b) The Constitution of the Islamic Republic of Pakistan: 6, 9-10, 10A, 12-14 & 45.
- (c) The Pakistan Penal Code 1860: sections 6-52A, 76-106, 120A, 120-B, 121-124-A, 141-171, 268, 290, 293-294, 294-A, 294-B.
- (d) The Criminal Procedure Code 1898: Sections 6-27, 42-67, 106-126-A, 133-148, 153-154, 173-174, 174-A, 175-176, 260-264, 491-495.

Part-C

(20 marks)

- (a) Background and importance of Qanun-e-Shahadat Order 1984.
- (b) Qanun-e-Shahadat Order 1984: Articles 3, 6-9, 17, 72-85.

Note: Bare Acts shall be provided in the examination

Paper-VII
Local Government System

Marks 100

Course Outline

1. Local Government System
 - i) Concept of Local Government System.
 - ii) Worldwide experience.
 - iii) Local Government System in Pakistan, background.
2. Punjab Local Government Ordinance, 2001
 - a) Functions and powers of:
 - (i) District Governments.
 - (ii) Tehsil /Town Municipal Administrations.
 - (iii) Union Administrations.
 - (iv) Recent amendments/role of Local Government.
 - (v) Merits/demerits and success/failure of Local Government System in the Punjab.
 - b) Punjab Local Government Commission.
 - c) Citizen Community Boards (CCB)
 - d) Local Government Finance.
3. The Punjab Local Government Property Rules, 2003.
4. The Punjab District Government Rules of Business, 2001.
5. The Punjab Local Government (Taxation) Rules, 2001.
6. Muslim Family Laws Ordinance, 1969.
7. Child Marriage Act.
8. Wasteful Expenditure Act.

Note: Bare Act and rules shall be provided in the examination.

Paper-VIII

REVENUE LAW

Total Marks 100

Course Outline

[Back to Contents](#)

1. The Punjab Land Revenue Act, 1967 (Act XVII of 1967) and Land Revenue Rules, 1968.
2. The Punjab Alienation of Land Act, 1900 (XIII of 1900)
3. Punjab Land Administration Manual: Chapters I, II, IV, IX, XIII to XX and XXII.
4. Punjab Land Records Manual (second edition): Chapter 7 & 18.
5. The Punjab Consolidation of Holdings Ordinance, 1960 (VI of 1960).
6. The Punjab Agricultural Income Tax, 1997 (I of 1997).
7. The Registration Act, 1908 (XVI of 1908) and the Registration Rules.
8. The Stamps Act, 1899 (II of 1899).
9. Douie's Settlement Manual (5th Edition, 1961): Chapter-I (Introductory), Book-I, Book-II (Chapters VII, IX, XII & XIII) and Book-III (Chapter XV, XVI, XVII & XVIII).
10. The Colonization of Government Lands (Punjab) Act, 1912 (V of 1912).
11. Land Acquisition Act, 1894.
12. Important concepts of:
 - (a) Law of Inheritance
 - (b) Pre-emption
13. Punjab Tenancy Act, 1884.

Note: Bare Acts shall be provided in the examination.

NOTIFICATION

Dated Lahore 17th May, 2012

No.SOR-III(S&GAD)1-12/2000(P). In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), Governor of the Punjab is pleased to make the following rules:

1. **Short title and commencement.**– (1) These rules may be cited as the Punjab Departmental Examination Rules 2012.

(2) They shall come into force at once.

* (3) They shall apply to the officers of DMG (BS-17) posted in the Punjab, Ex-PCS [BS-17 & 18 (Selection Grade)], Ex-PSS [BS-17 & 18 (Selection Grade)], existing PMS Officers inducted on the recommendations of the Punjab Public Service Commission (PPSC) before 17.05.2012 or those appointed through promotion from amongst Tehsildars, Superintendents, Private Secretaries and Naib Tehsildars.

2. **Definitions.**– In these rules:

- (a) “competent authority” means Chief Secretary to Government of the Punjab;
- (b) “Commission” means the Punjab Public Service Commission;
- (c) “examination” means a Departmental Examination conducted under these rules;
- (d) “probationer” means a person appointed to a post in accordance with the relevant rules;
- (e) “Schedule” means a Schedule attached to these rules;
- (f) “subject” means a subject specified in the Schedules; and
- (g) “syllabus” means the syllabus as provided in the Schedules.

3. **Conduct of examination.**– (1) The Commission shall conduct the examinations.

(2) Examination shall be held twice a year on such dates as the Commission may notify.

4. **Number of attempts.**– @ (1) A probationer shall be eligible to appear in four successive examinations to be held immediately after completion of his training from Management and Professional Development Department.

** (2) A probationer who fails to qualify in four successive attempts as provided under sub-rule (1), shall not be eligible to appear in a subsequent examination and shall be deemed to have failed to qualify the examination.

Provided that the Chief Secretary may, on the recommendations of the Additional Chief Secretary, Punjab, allow a probationer one additional chance to appear in the next examination.

*Sub-rule (3) of Rule 1, substituted vide Notification No. SOR-III(S&GAD)1-12/2000(P), dated 25.06.2012.

@ In rule 4 sub rule 1 is substituted vide Notification No. SOR-III(S&GAD)1-12/2000(PI), dated 17.10.2018.

** In rule 4 sub rule 2 is substituted vide Notification No. SOR-III(S&GAD)1-12/2000(PI), dated 17.10.2018

(3) Any candidate failing in one or more subject(s) in the departmental examination held under the repealed rules or regulations shall be required to appear in the said subject(s) in an examination under these rules.

(4) A probationer who availed any number of chances under the repealed rules shall only avail the remaining chance(s) under these rules.

(5) The absence from departmental examination without permission of the Government shall be deemed to be a failure to qualify in that examination and shall be counted towards the chance availed by him.

♥(6) The conditions mentioned in this rule shall not apply to a probationer who is on:

(a) training abroad with the approval of the competent authority; and

(b) medical leave as per provisions of the Revised Leave Rules, 1981.

@(7) A probationer who has exhausted all three chances under the rules before coming into force of these amendments shall be allowed only one more chance to appear in the departmental examination within one year.

Provided that the Chief Secretary may, on the recommendations of the Additional Chief Secretary, Punjab allow such a probationer one additional chance to appear in the subsequent examination.

5. **Qualifying standard.**— The qualifying standard for an examination under these rules shall be forty five percent of the maximum marks in each subject, and fifty percent marks in the aggregate.

6. **Grace marks.**— A probationer who passes seven of the eight papers in one attempt shall be allowed maximum five grace marks in the eighth paper.

7. **Option for answering the questions.**— (1) Except where otherwise specified, a probationer shall attempt all the papers in English.

(2) Notwithstanding anything in sub-rule (1), a Tehsildar/ Naib Tehsildar may attempt any paper in Urdu.

8. **Exemptions.**— (1) Subject to the provisions of sub-rules (2) & (3), no one shall be entitled to any exemption from the examination under these rules on any ground whatsoever including professional or higher qualification.

(2) A DMG officer, who qualified the departmental examination while posted out of the Punjab, shall not be required to take the examination under these rules and such examination shall be deemed to be the departmental examination under these rules.

(3) A DMG officer, who has already qualified any of the paper in any departmental examination while posted out of the Punjab shall not be required to appear in such papers again, but shall qualify the remaining papers under these rules.

♥After sub-rule (5) of Rule 4, sub-rule (6) inserted vide Notification No. SOR-III(S&GAD)1-12/2000(P), dated 25.06.2012.

@ In rule 4, after sub rule (6), sub rule (7) is inserted vide Notification No. SOR-III(S&GAD)1-12/2000(P), dated 17.10.2018

9. **Traveling allowance.**— An officer shall, in respect of journey which he may undertake for appearance in the examination, be entitled to Traveling Allowance as admissible under the Traveling Allowance Rules.

10. **Repeal.**—The Punjab (Section Officers) (Departmental Examinations) Regulations 1975, the Punjab Departmental Examination Regulations, 2005 and the Punjab Departmental Examination Rules 2008 are hereby repealed.

SCHEDULE – I

Sr. No.	Paper No.	Subject	Maximum Marks allocated	Maximum Time	Whether the paper is to be answered with the help of books
1.	I	Office Management & Communication Skills	100	3 hours	No
2.	II	Service Matters	100	3 hours	Yes
3.	III	Public Administration	100	3 hours	No
4.	IV	Constitutional Structure of Pakistan	100	3 hours	Constitution of Pakistan, Punjab Government Rules of Business, 2011, Rules of Procedure of the Provincial Assembly of the Punjab, would be allowed.
5.	V	Economics and Financial Management	100	3 hours	Bare text of rules would be provided / allowed.
6.	VI	Civil and Criminal Law	100	3 hours	Bare Acts allowed
7.	VII	Local Government System	100	3 hours	Bare Acts and Rules allowed.
8.	VIII	Revenue Law	100	3 hours	Bare Acts allowed.

SCHEDULE-II

SYLLABUS

Paper-I Office Management & Communication Skills (Marks 100)

Part-A (Marks 40)

Office Management - an overview and basic components

- i) Managerial skills (leadership, decision making, motivation, managing team etc.).
- ii) Effective communication and presentation skills.
- iii) Handling of official papers/filing system.
- iv) Forms of official communication (official letter, D.O letter, U.O Memorandum, Telex, Notifications etc).
- v) Managing /conducting meetings.
- vi) Minimizing stress.

Reference Books: (i) Essential Manager Manual by Robert Haller and Tim Hindle.
(ii) Manual of Secretariat Instructions.

Part-B (Marks 60)

Noting and Drafting:

- i. Summary writing: for Chief Minister, Governor, Cabinet & Council of Common Interests.
- ii. Noting and drafting: exercises.
- iii. Preparation of briefs and notes (for CS, meetings, etc.).
- iv. Drafting of legal Instruments such as Comments and replies in writ petitions/human rights cases, etc. written statements, agreements, MoUs, Bills and rules.

Paper-II

Service Matters

(Marks 100)

- (a) The Constitution of the Islamic Republic of Pakistan: Articles 4, 25, 27, 212 & 240 to 242.
- (b) The Punjab Civil Servants Act 1974.
- (c) The Punjab Service Tribunals Act 1974.
- (d) The Punjab Government Servants (Conduct) Rules 1966.
- (e) The Punjab Employees Efficiency Discipline and Accountability Act 2006.
- (f) The Punjab Civil Servants (Appointment and Conditions of Service) Rules 1974.
- (g) The Punjab Delegation of Powers (Relaxation of age) Rules 1961 & 1976.
- (h) The Contract Appointment Policy 2004.
- (i) The Re-employment Policy 2003.
- (j) The Promotion Policy 2010.
- (k) Instructions regarding Performance Evaluation Reports.

Paper-III

Part-A

Public Administration

(Marks 40)

Public Administration in the 21st Century

- (a) Context of Public Administration.
- (b) Role of Govt: direct involvement vs regulations.
- (c) Public Administration and Civil Service.
 - (i) Concept of Good Governance.
 - (ii) Transparency, information and role of media in public sector.
 - (iii) Improving administrative integrity – ethics and responsiveness in service.
 - (iv) Public policy formulation and implementation.

Reference Books: To serve and To preserve by ADB.

Part-B

Administrative Law

(Marks 60)

- (a) Introduction to the Administrative law.
- (b) Finality of administrative action: constitutional and ordinary ouster clauses: principles.
- (c) Administrative discretion: meaning, need and principles.
- (d) Delegated legislation: meaning and necessity, established principles and grounds of review.
- (e) Principles of Natural Justice: hearing and bias.
- (f) Judicial Review: meaning, importance and grounds.
- (g) Fundamental Rights: Articles 7-28 and 232-233 of the Constitution of the Islamic Republic of Pakistan.

Paper-IV

Constitutional Structure of Pakistan

(Marks 100)

Part-A

The Executive

- a) The Constitution of the Islamic Republic of Pakistan
 - i. Preamble.
 - ii. General: Articles 1-5.
 - iii. Principles of Policy: Article 29-49.
 - iv. The President: Articles 41-49.
 - v. The Federal Government: Articles 90-99.
 - vi. The Provincial Governor: Articles: 101-105.
 - vii. The Provincial Government: Articles 129-140.
 - viii. Administrative Relations between Federation and Province: Articles 145-159.
 - ix. Elections: Article 213-226.
- b) The Punjab Government Rules of Business 2011: rules 1-32, 46-49 & The Schedules.
- c) Rules of Procedure of the Provincial Assembly of the Punjab 1997:
 - i. The Chief Minister: rules 17-23.

- ii. Governor's Address to the Assembly: rules 39-41.
 - iii. Questions: Articles 42-61.
 - iv. Calling Attention Notice: rules 62-67.
 - v. Privileges: rules 68-79, 180-181.
 - vi. Adjournment Motions: rules 80-88.
 - vii. Government Assurances: rule 182.
 - viii. Reports to be laid before the Assembly: rules 128-133.
- d) Manual of Secretariat Instructions.
- e) Ombudsman: jurisdiction and importance: The Punjab Office of the Ombudsman Act 1997.

Part-B

The Legislature

- a) The Constitution of the Islamic Republic of Pakistan:
- i. The Parliament: Articles 50-69, 70-77.
 - ii. Federal Ordinances: Article 89.
 - iii. Provincial Assembly: Article 106-117.
 - iv. Provincial Ordinances: Article 128.
 - v. Distribution of Legislative and Executive Powers: Articles, 97, 137, 141-144, & Fourth Schedule.
 - vi. Islamic Provisions: Articles 227-231.
- b) The Punjab Government Rules of Business 2011: rules 33-43 & 45.
- c) Rules of Procedure of the Punjab Assembly of the Punjab:
- i. Legislative Procedure: rules 89-127.
 - ii. Standing Committees: rules 148-175.

Part-C

The Judiciary

- The Constitution of the Islamic Republic of Pakistan: Articles 4, 175-211;
 - Original and Advisory Jurisdiction of the Supreme Court;
 - Writ Jurisdiction: Articles 184 and 199 of the Constitution of the Islamic Republic of Pakistan;
 - Introduction to ICA and CPLA; and
 - Suo motu/human rights jurisdiction.
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Paper-V
Economics and Financial Management (Marks 100)

- Part-A Economics (Marks 40)
1. Overview of Economy of Pakistan.
 2. Basic Concepts of Micro & Macro Economics.
 3. Economic Development & Economic Growth including Human Development Index Approach.
 4. Monetary & Fiscal Policies with emphasis on inflation:
 - (i) Definition and objectives of Monetary Policy.
 - (ii) Definition and objectives of Fiscal Policy.
 - (iii) Inflation and its types.
 5. Concept of Poverty and Poverty Alleviation Strategy in Pakistan:
 - (i) Poverty, factors responsible.
 - (ii) Causes of poverty.
 - (iii) Poverty Alleviation Strategy in Pakistan.
 - (iv) Poverty Alleviation Strategy in the Punjab.
- Part-B Financial Management (Marks 60)

1. Importance, rules governing financial discipline, consequences of financial indiscipline etc.
2. Financial provisions in 1973 Constitution (Articles 118,119,169, 170).
3. CIVIL SERVICE RULES (PUNJAB) VOLUME-I
 - (a) FINANCIAL MANAGEMENT

General Concept: Chapter-I [extent of application] 1.1 & 1.2
Chapter –II [Definitions]
Chapter-III [General Conditions of Service]
3.2,3.7,3.12,3.13,3.24

Pay: Chapter–IV [4.4,4.13,4.18, 4.21]
Additions to pay: Chapter-V [5.3,5.5,5.8,5.16,5.22,5.38,5.39,5.49]
Joining time: Chapter-1& 9.1 to 9.18
Deputation policy: Issued by the Punjab Government Finance Department.

Revised Leave Rules, 1981.

- (b) Punjab Treasury and Sub-Treasury Rules (Financial Handbook No. 1).

Treasury Rules (Punjab) and the Subsidiary Treasury Rules issued there under:

What is Treasury and Sub-Treasury.

Treasury rules (Punjab) including: (Part –I)

- Chapter-I General System of Control over Treasuries: (Part-II)
- Payment of Revenues of the Province into the Public Account: (Part-II)
- Custody of Moneys relating to or standing in the Punjab (Part-III)
- Account of the Province. (Part-III)
- Withdrawals of moneys from the Public Account. (Chapter-IV)
- Transfer of money standing in the Public account. (Chapter-V)

(c) The Punjab Delegation Power Rules 2006 (Financial hand Book No. 2).

General Principles and Rules including:-

- Pay, Allowance etc. of establishment. (Chapter-II)
 - Contingencies. (Chapter-VII)
 - Loan and advances. (Chapter-VIII)
 - Bills and Remittances. (Chapter-X)
 - Deposits & Operation of Assignment A/Cs (Chapter-XI) as introduced through an amendment in Rule 4.154 (A) of Punjab Subsidiary Treasury Rules.
 - Welfare schemes of Government Servants (Benevolent Funds, Group Insurance etc.). (Chapter-XII)
4. Purchase Procedure under PPRA Rules, 2009 (Purchase Manual, Purchase Officers, Types of Tenders, Purchase under Foreign Aided Projects).
5. Duties and functions of D.D.Os.
6. Budget making at Provincial and Local level (Regular Budget, SNE, supplementary budget, development budget).
7. Audit and settlement of audit objections.

Paper-VI
Civil and Criminal Law (Marks 100)

Part-A (Marks 40)

- (a) Background and importance of Cr.P.C.
- (b) The Code of Civil Procedure 1908: sections 9-12, 16- 21, 24-A, 35, 35-A, 51, 79-82, 89AA, 96, 99, 104, 114, 115, 141,151 & Orders 2, 4-9, 17, 21, 23, 27, 27-A, 39 & 47.
- (c) The Punjab General Clauses Act 1956.
- (d) The Limitation Act 1908: sections 12-25.

Part-B (Marks 40)

- (a) Background and importance of P.P.C.
- (b) The Constitution of the Islamic Republic of Pakistan: 6, 9-10, 10A, 12-14 & 45.
- (c) The Pakistan Penal Code 1860: sections 6-52A, 76-106, 120A, 120-B, 121-124-A, 141-171, 268, 290, 293-294, 294-A 294-B.

- (d) The Criminal Procedure Code 1898: Sections 6-27, 42-67, 106-126-A, 133-148, 153-154, 173-174, 174-A, 175-176, 260-264, 491-495.

Part-C

(Marks 20)

- (a) Background and importance of Qanun-e-Shahadat Order 1984.
(b) Qanun-e-Shahadat Order 1984: Articles 3, 6-9, 17, 72-85.

Paper-VII

Local Government System

(Marks 100)

1. Local Government System
 - i) Concept of Local Government System.
 - ii) Worldwide experience.
 - iii) Local Government System in Pakistan, background.
2. Punjab Local Government Ordinance, 2001
 - a) Functions and powers of:
 - (i) District Governments.
 - (ii) Tehsil /Town Municipal Administrations.
 - (iii) Union Administrations.
 - (iv) Recent amendments/role of Local Government.
 - (v) Merits/demerits and success/failure of Local Government system in the Punjab.
 - b) Punjab Local Government Commission.
 - c) Citizen Community Boards (CCB)
 - d) Local Government Finance.
3. The Punjab Local Government Property Rules, 2003.
4. The Punjab District Government Rules of Business, 2001.
5. The Punjab Local Government (Taxation) Rules, 2001.
6. Muslim Family Laws Ordinance, 1969.
7. Child Marriage Act.
8. Wasteful Expenditure Act.

Paper-VIII

Revenue Law

(Marks 100)

1. The Punjab Land Revenue Act, 1967 (Act XVII of 1967) and Land Revenue Rules, 1968.
2. The Punjab Alienation of Land Act, 1900 (XIII of 1900).
3. Punjab Land Administration Manual: Chapters I, II, IV, IX, XIII to XX and XXII.
4. Punjab Land Records Manual (second edition): Chapter 7 & 18.
5. The Punjab Consolidation of Holdings Ordinance, 1960 (VI of 1960).
6. The Punjab Agricultural Income Tax, 1997 (I of 1997).
7. The Registration Act, 1908 (XVI of 1908) and the Registration Rules.
8. The Stamps Act, 1899 (II of 1899).

9. Douie's Settlement Manual (5th Edition, 1961): Chapter-I (Introductory), Book-I, Book-II (Chapters VII, IX, XII & XIII) and Book-III (Chapter XV, XVI, XVII & XVIII).
 10. The Colonization of Government Lands (Punjab) Act, 1912 (V of 1912).
 11. Land Acquisition Act, 1894.
 12. Important concepts of:
 - a) Law of Inheritance
 - b) Pre-emption
 13. Punjab Tenancy Act, 1884.
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P O L I C I E S

No.DS(O&M)5-3/2004/Contract(MF)
Dated the 29th December, 2004

SUBJECT: CONTRACT APPOINTMENT POLICY

In the past, contract appointments were made against a few selected posts whereas, the bulk of appointments in the Government sector were made on regular basis. However, during the last few years, it has been increasingly realized that the regular mode of appointment is not suitable for most of the Government sector assignments due to administrative and financial factors.

2. The Government has now generally shifted from regular mode of appointment to the contract mode, in view of the changing management practices and to achieve the goals of good governance in public sector departments/organizations. Despite this major shift in policy, no legal/policy framework, governing various aspects of contract appointment, is available except the general guidelines issued by Finance Department regarding terms and conditions of contract appointment. As a result, a number of confusions keep arising, especially with respect to the contract appointments of persons who are already working on regular basis in the Government sector.

3. To clarify the legal position of contract appointments and to provide policy guidelines for the same, a comprehensive Contract Appointment Policy, has been framed which is hereby issued as under:

D) BACKGROUND OF CONTRACT APPOINTMENTS IN PUNJAB

- (i) Historically, contract appointments were made against very few posts in case of:
 - (a) Re-employment.
 - (b) Development Projects.
 - (c) Tenure posts, for example Member PPSC, Ombudsman, etc.
- (ii) Contract appointments were started in bulk in Health Department from the year 1996-97 onwards.
- (iii) Education Department also shifted to the contract mode of appointment from the year 2000-2001 onwards.
- (iv) In June 2003, Finance Department issued a circular letter No.E&A(FD)12-7/2003(P) dated 02.06.2003 stating that all appointments be made on contract, unless otherwise allowed.
- (v) Consequently, almost all appointments in Government Departments were made in the contract mode, under the Recruitment Policy- Phase-I.
- (vi) Under Recruitment Policy Phase-II issued vide No.SOR-IV(S&GAD)10-1/2003 dated 17.09.2004, it has again been clearly specified that all appointments should be made in the contract mode unless specifically allowed otherwise by the Chief Minister, on the recommendations of the Contract Appointments Regulations Committee (CARC).

II) RATIONALE BEHIND SHIFT TO THE CONTRACT MODE

Financial/economic reasons

- (a) Due to financial constraints the Government had imposed ban on recruitments since long, under the Economy Measures.
- (b) The Government could not even foot the bill of salaries let alone the pension bill.
- (c) The financial burden of the annual pension bill has accumulated to the tune of Rs. 10 billion (approx). The budget estimates of annual pension liability have risen from 1739.230 million in 1990-91 to Rs. 9734.935 million in 2000-05. Such steep increase in the rate of pension liability cannot be sustained by the Province.

Administrative reasons

- (a) Large-scale practice of absenteeism of regular Government servants, especially in the case of Health and Education sectors.
- (b) The performance of regular employees had become abysmal leading to poor service delivery.
- (c) Regular employees became too secure in their service, leading to poor performance.
- (d) Cumbersome accountability mechanisms under E&D Rules as well as PRSO, with the result that no meaningful action could be taken against poor performers.
- (e) Huge administrative costs on transfers/promotions, etc., of regular employees as administrative machinery remained totally engrossed in these functions instead of focusing on supervisory and policy-making functions.
- (f) Regular mode of appointments did not distinguish between better and poor performers, resultantly all and sundry would be promoted to the next higher scale, undeservingly.
- (g) No concept of performance based indicators for retention in service resultantly, inefficient and corrupt elements continued in service without any hindrance.
- (h) Contract mode of appointments is a preferred mode in all private enterprises providing the employers all the flexibility to tap in the best human resources available in the market. Hence performance in private sector is generally considered much better as compared to the performance in the Government sector.
- (i) Latest management practices in the developed world also recommend contract mode of appointments with better pay packages, for improved performance and service delivery, resulting in good governance.

III) NEED FOR POLICY FRAMEWORK FOR CONTRACT APPOINTMENTS

- (i) Though Government has made a paradigm shift from regular to contract mode of appointments, no policy framework exists to cover contract appointments.
- (ii) No uniform policy of contract appointments exists, therefore, departments have adopted various policies leading to disparities at inter and intra departmental level.

- (iii) There is no institutional arrangement for deciding as to whether a certain category of posts is to be filled on contract or regular basis. Resultantly, same category of posts in one department is being filled on regular basis whereas, in other departments it is being filled on contract basis.
- (iv) No institutional arrangement for fixing pay packages. Huge disparities in pay packages have, therefore, emerged for same or similar categories of posts.
- (v) Contract appointments are being made in various departments without any service rules or without getting the criteria of qualification, etc., approved.
- (vi) Numerous problems regarding contract appointments of regular Government servants have emerged e.g., issue of retention of lien, treatment of period spent on contract, pension, etc.

IV) APPOINTMENTS — LEGAL POSITION

- (i) Section 4 of the Punjab Civil Servants Act, 1974 provides that appointments to a civil service of the province or to a civil post in connection with the affairs of the province shall be made in the prescribed manner.
- (ii) Rule 3(1) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that appointment to posts shall be made by promotion, transfer or initial recruitment, as may be prescribed.
- (iii) Rule 17 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that initial recruitment (either on regular or contract) against all posts in BS-1 and above shall be made on merit after advertisement of vacancies in newspapers.
- (iv) The above provisions of the Act and the rules do not specify that initial recruitment/appointments should be made on regular or contract basis. Therefore, appointments to posts reserved for initial recruitment can be made either on contract or regular basis, as per discretion and requirement of the Government.

V) APPOINTMENT ON REGULAR BASIS

Appointment on regular basis is made under the provisions of the Punjab Civil Servants Act, 1974, Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and relevant Service Rules of the posts in the following manner:

- (i) Initial appointment on regular basis to all posts in BS-16 and above is made on the recommendations of the Punjab Public Service Commission.
- (ii) (a) As per notification No.SOR-III(S&GAD)1-14/75 dated 24.07.04, initial appointment on regular basis to all posts in BS-11 to 15 of the following departments/attached departments shall be made on the recommendations of the Punjab Public Service Commission:

- (i) Services & General Administration.
- (ii) Revenue.
- (iii) Finance.
- (iv) Police.

(b) Initial appointment on regular basis to the following posts in the departments/attached departments mentioned against each shall also be made on the recommendations of the Punjab Public Service Commission:

- | | |
|-----------------------------------|---------|
| (a) Assistant Superintendent Jail | Prison |
| (b) Assistant Food Controller | Food |
| (c) Excise and Taxation Inspector | E&T |
| (d) Sub Engineer. | I&P |
| (e) Sub Engineer. | C&W |
| (f) Sub Engineer. | HUD&PHE |

(iii) Initial appointment on regular basis in BS-1 to 10 in all departments and against posts in BS-11 to 15, other than those listed at Serial No. (ii) above, shall be made on merit by the relevant committees/boards as notified by the Government.

(iv) Persons appointed on regular basis are governed by the rules framed under the Punjab Civil Servants Act, 1974 such as the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, Service Rules of the post, Leave Rules, Pension Rules etc., or other rules framed under any other law, specific to any category of employees.

VI) APPOINTMENT ON CONTRACT BASIS

- (i) Appointment on contract basis is to be made through the appropriate selection committees as notified by the Government.
- (ii) Under the provisions of Rule 4 of the Punjab Public Service Commission (Functions) Rules, 1978, contract appointments are excluded from the purview of the PPSC. However the Departments should preferably adopt the channel of PPSC even for contractual appointment against posts, which otherwise fall within the purview of PPSC under Sub Head V above, by seeking relaxation of Rule 4 ibid from the Chief Minister.
- (iii) The Service Rules applicable to various posts shall be applicable also in case of appointment on contract basis. If, however, the Service Rules for a post have not been framed, the departments are advised to get them framed in consultation with the Regulations Wing of S&GAD and with approval of the Chief Minister.
- (iv) Where Service Rules for posts to be filled on contract basis are not available or where the department intends to adopt qualifications etc., different from those provided in

the Service Rules, comprehensive criteria regarding proposed qualification, experience, age, appointing authority etc., may be got approved from the Chief Minister after consultation with the Regulations Wing, as per provisions of sub head VII-2 below.

- (v) As a result of shift towards contract appointment, the feeding cadres for posts required to be filled by promotion under the relevant service rules, are expected to diminish. This means that after sometime, regular Government servants may not be available for appointment to posts reserved for promotion under the rules. In order to ensure that the posts do not remain vacant simply on the grounds that regular employees are not available in the feeding cadre for promotion, the Departments should review the existing service rules and propose appropriate amendments so as to add a provision that, "if none is available by promotion then by initial recruitment." Moreover, the qualification, age and experience for initial appointment against such posts shall also be got incorporated in the service rules, if it does not exist already, by placing the case before the Service Rules Committee.
- (vi) To provide better prospects for selection (on contract) against higher posts to the contract employees, the departments should carry out an exercise to rationalize the existing service rules. With the depletion of regular employees in the feeding cadre, the percentage of posts reserved for promotion should be reviewed.
- (vii) Persons appointed on contract basis are not civil servants, therefore; their service matters shall not be governed by the rules framed under the Civil Servants Act, 1974. Their appointment shall be strictly regulated by the terms and conditions of their contract.
- (viii) Appointment on contract basis shall be non-pensionable.

VII) DETERMINATION OF POSTS TO BE FILLED ON REGULAR OR CONTRACT BASIS

As mentioned above, the Government has generally shifted from regular mode of appointment to the contract mode. However, regular appointments can be allowed under special circumstances in individual cases. Therefore, in order to determine as to whether various categories of posts should be filled on regular or contract basis, a Contract Appointment Regulations Committee (CARC) has been constituted vide Notification No.SOR.IV(S&GAD) 12-2/2004 dated 16.04.2004.

1. Constitution of the Committee (CARC)

(i)	Secretary Regulations, S&GAD.	Chairperson
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(ii)	Secretary, Punjab Public Service Commission.	Member
(iii)	Additional Secretary (Regulations), Finance Department.	Member
(iv)	Additional Secretary (Management) S&GAD.	Member/ Secretary
(v)	Additional Secretary (Regulations) S&GAD.	Member
(vi)	A representative of A.D. concerned (not below the rank of Additional Secretary. Where the department does not have an Additional Secretary then Deputy Secretary shall represent the Department).	Member
(vii)	Any other Member to be co-opted by the Committee.	

2. **Submission of Proposals to the Committee**

- (i) The departments shall send comprehensive proposals regarding all categories of posts falling under their control to the Regulations Wing with clear recommendations alongwith justification as to whether a specific post/category of posts should be filled on regular or contract basis, as per proforma (Annexure-A) for consideration by CARC.
- (ii) Where the department intends to fill the post(s) on contract on the basis of qualification, experience and age limit etc., other than that prescribed in the relevant Service Rules of the said post(s) or where Service Rules for the post do not exist, the department shall propose detail of qualification, experience, age limit etc., required to fill the post(s) with justification and place the case before CARC.
- (iii) Where the department intends to make appointment on a pay package different from the Basic Pay Scale of the post, the Department shall provide the detail of pay package and terms and conditions of appointment with full justification for consideration by the CARC.

3. **Guidelines/Criteria for Consideration by the Committee**

The CARC shall examine the proposals submitted by the Departments for filling in the posts on regular or contract basis on the basis of the following general criteria:

(i) **Financial Responsibility**

The posts, which have no financial responsibility, may be considered to be filled on contract basis in the pay scale of the post while the posts having high levels of financial responsibility be considered for appointment on regular basis or on contract basis with higher pay package.

(ii) **Job Description**

Where the job assigned to a post is of important nature, it may be filled on regular basis or with higher pay package on contract basis while the posts carrying lesser responsibility be considered for

appointment on contract basis in the pay scale prescribed for the post.

(iii) **Long Term Experience**

Where the posts in the higher scales of a cadre require long term experience of specific nature in the junior scales then regular appointments may be made in the lower posts so that feeding cadre would remain available for promotions. In the alternative, senior scale posts may be allowed to be filled on contract with higher pay package. However, if the senior post does not require long-term experience in the cadre then contract appointments in pay scale of the post may be considered on junior as well as senior posts.

(iv) **Period of Availability of Post**

In case a post has been created for a specific period then the appointment shall be made on contract basis. Thus project posts shall always be filled on contract basis. The posts created for an indefinite period or permanent basis could only be considered for appointment on regular basis.

4. Recommendations of the Committee/final approval

- (i) On the basis of the recommendations of the Committee, the O&M Wing, S&GAD, shall submit a summary to the Chief Minister.
- (ii) On receipt of approval of the Chief Minister, the O&M Wing shall convey to the departments the categories of posts which should be filled on regular or contract basis.

VIII) APPOINTMENTS TO BE MADE ON MERIT

- (i) Under the Chapter titled “Fundamental Rights” of the Constitution of Pakistan, equality of citizens and safeguard against discrimination in services has been guaranteed. Article 25 of the Constitution provides that all citizens are equal before law and are entitled to equal protection of law while article 27 provides that no citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against.
- (ii) Supreme Court of Pakistan in its judgment dated 19.01.1993 in Human Rights Case No. 104 of 1992 stated that recruitments, both ad hoc and regular, without publicly and properly advertising the vacancies, is violative of fundamental rights. As such no post could be filled in without proper advertisement, even on ad hoc or contract basis.
- (iii) Under the provisions of Rule 17 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 no post can be filled in without proper advertisement.
- (iv) Recruitment Policy, 2004 does not allow appointment of any person without advertisement and in violation of any procedural formalities laid down in the policy.
- (v) All posts to be filled on contract shall be advertised properly in at least two leading newspapers, as per rules.
- (vi) No relaxation of qualification, experience, physical criteria etc., as provided in the relevant service rules or as determined by the Government shall be allowed, except as prescribed under the rules.

- (vii) The relevant Selection Committees shall ensure that contract appointments are made strictly on merit and in accordance with the rules, selection criteria and other provisions of this policy as well as the prevailing Recruitment Policy.
- ** (viii) The relevant Selection Committee shall prepare a merit list and shall provide it to the Appointing Authority along with its recommendations.
- (ix) The merit list shall remain valid for a period of 190 days from the date of recommendations of the relevant Selection Committees and the appointing authority shall complete the process of appointment within the said period.
- (x) No request for extension in the joining time as specified in the offer of appointment shall be entertained.
- (xi) If a person, to whom offer of appointment has been issued, fails to join the post within the period specified in the said offer of appointment or where a written refusal is received from a selectee, his/her selection shall stand cancelled and next person on the merit list may be offered the job.
- (xii) In case a person joins the job and leaves the same within the period of 190 days, then the appointing authority may offer the job to the next person on the merit list.

IX) ELIGIBILITY FOR APPOINTMENT

- (i) Article 27 of the Constitution of Islamic Republic of Pakistan provides that no citizen, otherwise qualified for appointment in the Service of Pakistan (which includes Federal as well as Provincial Service) shall be discriminated against in respect of any such appointment on the ground of race, religion, caste, sex, residence or place of birth.
- (ii) Article 27 (2) of the Constitution provides that the Provincial Government may prescribe the condition of residence in the province prior to appointment against any post under the provincial Government or authority.
- (iii) Rule 20 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that posts in connection with the affairs of the province shall be filled from persons domiciled in the province of Punjab, in accordance with merit.
- (iv) From the above provisions of Constitution/law, it is clear that all persons who are domiciled in Punjab are eligible for appointment on merit either on regular or on contract basis, against any post in any department, attached department, autonomous body, district Government, etc., provided they are otherwise eligible i.e., they meet the criteria/requirements of qualification, experience, age limit, etc., as provided in the service rules for the post or as prescribed by the competent authority/Government.
- (v) The existing regular/confirmed Government servants are eligible for appointment on contract basis and the issues regarding their lien etc., to their permanent substantive posts shall be dealt with under the provisions of this Policy.

** Inserted vide Notification No. DS(O&M)5-3/2004/Contract (MF) dated 14.03.2009.

- (vi) Under Section 13(1) of the Punjab Civil Servants Act, 1974, a retired Government servant is not eligible for appointment either on regular or on contract basis. Thus all categories of retired Government servants are not eligible for initial appointment against Government posts except under the provisions of Re-employment Policy. The various kinds of retirement are explained as under:
- (a) Retirement on attaining the age of superannuation i.e., 60 years under Section 12(1)(ii) of the Punjab Civil Servants Act, 1974.
 - (b) Compulsory retirement under Section 12(1) of the Act *ibid* after completion of 20 years service.
 - (c) Compulsory retirement under the provisions of Punjab Civil Servants (E&D) Rules or Punjab Removal from Service (Special Powers) Ordinance, 2000.
 - (d) Retirement on grounds of invalidation under rule 3.3 of Punjab Civil Service Pension Rules.
 - (e) Optional retirement after completion of prescribed qualifying service for pension, under rule 3.5 of the Punjab Civil Service Pension Rules.
- (vii) Retired armed forces personnel are eligible for appointment on contract basis on merit only at the time of making general recruitment through advertisement against civil posts, provided they are otherwise eligible for appointment, under the rules.

⁶Note: An appointment to a post of an eligible civil servant, through open competitive process shall be considered as direct appointment on contract and not re-employment. However, the appointment of a retired civil servant on the recommendations of the Re-employment Board and without open competitive process shall be considered as re-employment.

X) RELAXATION IN UPPER AGE LIMIT FOR CONTRACT APPOINTMENT

- (i) 05 years relaxation in upper age limit shall be allowed, across the board, for contract appointment against all categories of posts in BS-1-17 (except Police) upto 30.06.2005, as provided in the Recruitment Policy, 2004.
- (ii) Any general relaxation in age limit allowed by the Government from time to time, shall be applicable in the case of contract appointments also.
- ⁷(iii) The age relaxation allowed under Punjab Civil Servants Recruitment (Relaxation of Upper Age Limit) Rules, 1976, and the Punjab Delegation of Powers (Relaxation of Age) Rules, 1961 shall be applicable in the case of contract appointments.
- (iv) In all cases, age relaxation shall be given across the board as per above provisions and shall appear as a part of the advertisement and shall not be allowed in individual cases. This will obviate the

⁶ Note inserted in para 3, in sub para (IX), after Clause (vi) vide letter No.DS(O&M) 6-1/2009 (Contract)PPB dated 27.05.2015.

⁷Substituted vide Notification No. DS(O&M)5-3/Contract(MF) dated 19.01.2012.

necessity of individuals approaching various authorities for getting age relaxation.

- (v) Where a person has rendered service on contract basis or on regular basis under the Punjab Government, the period spent by him in such service shall, for the purpose of upper age limit prescribed under any rule for appointment to any service/post, be excluded from his age. However, the upper age limit shall not exceed 35 years for recruitment to any post to be filled on the recommendations of the Punjab Public Service Commission, on the basis of the Combined Competitive Examination, as laid down under the relevant rules.
- (vi) Where contract appointments are made against posts where the upper age limit for a post to be filled on contract basis has already been enhanced by the department (e.g., in the case of Educators, etc., of Education Department) as against the age limit prescribed in the service rules, no relaxation in the upper age limit shall be allowed.

•XI) MAINTENANCE OF PRESCRIBED QUOTAS

- (i) The following quotas already provided under various notifications shall continue to be observed for appointments on contract basis:

- ⁸(a) 3% quota for disabled persons, as prescribed vide No. SOR-IV (S&GAD) 7-2/2015 dated 08.04.2015.

- #(b) 15% quota for women as prescribed vide Notification No.SOR-IV(S&GAD)15-1/2012 dated 21.05.2012.

- (c) 20% quota of posts in BS-1 to 5 for the children of serving/retired Government employees in BS-1 to 5, as prescribed vide Notification No. SOR-III-1-22/90 dated 01.09.1993.

- @(d) 5% quota for minorities.

Explanation: The posts reserved for quotas mentioned above are to be filled only at the time of making general recruitment through advertisement, under the Recruitment Policy. If general recruitment against any category of posts is being made on contract basis, appointments against above-mentioned quotas shall also be made on contract basis.

- (ii) The provision of rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and the relevant instructions/guidelines issued in this behalf from time to time shall be applicable mutatis mutandis for employment of one of the unemployed children, wife/widow of a civil servant who

•Sub-para XI of para 3 substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 05.08.2006.

⁸ 2% quota for disabled persons substituted as 3% quota vide letter No. SOR-IV (S&GAD) 7-2/2015 dated 08.04.2015.

5% quota for women is substituted as 15% quota vide Notification No.SOR-IV(S&GAD)15-1/2012 dated 21.05.2012.

@Related instructions about 'quota for minorities' are available at page 28 and 29.

dies while in service or is declared invalidated/incapacitated, under this policy.

Explanation: The nature of employment so provided shall be dependent on the mode of recruitment viz. contract or regular, as may be decided by the Government in respect of a particular post. The instructions issued vide S&GAD letter No. SOR-III-2-42/92(P-III), dated 15.11.2003 shall stand withdrawn with immediate effect.

XII) GUIDELINES FOR FIXING TERMS AND CONDITIONS OF CONTRACT APPOINTMENTS

- (i) The terms and conditions of contract shall be settled by the Administrative Department in accordance with the provisions of this Policy and the terms and conditions specified thereunder, where appointment is made in prescribed pay scale of the post.
- (ii) Where appointment is made on a pay package other than the basic pay scales, the terms and conditions of appointment shall be settled by the Administrative Department in consultation with the Finance Department as per approval of the Chief Minister, obtained on the recommendations of the Contract Appointment Regulations Committee.
- (iii) In all contracts, it shall be clearly provided that the services of the contract employee are liable to be terminated on one month's notice or on payment of one month's pay in lieu thereof, on either side, without assigning any reason.
- (iv) Comprehensive guidelines for fixing terms & conditions of contract appointments are given at Annexure B. The Departments/organizations must strictly abide by these guidelines.
- (v) Appointment/service on contract basis shall be non-pensionable.
- (vi) A contract employee shall, under no circumstances, claim conversion of his contract appointment into regular appointment.

XIII) PAY PACKAGE

To attract the best human resource available in the province, the policy envisages better pay packages for contract appointments. Two broad categories of pay packages that may be offered are described as under:

- (i) Where appointment is made in the prescribed pay scale of the post:
 - (a) package of pay and allowances as per pay scale of the post.
 - (b) 30% of the minimum of pay scale as social security benefit in lieu of pension.
Provided that persons who are already retired and getting pension shall not be eligible for this benefit when re-employed on contract.
 - (c) Any ad hoc/special relief etc., given to the regular Government servants shall also be admissible to the contract employees.
 - (d) Annual increment as per pay scale of the post.

#(e) Omitted

- †(ii) Where appointment is made on pay package other than the pay and allowances prescribed under the National Pay Scales:
- (a) A package of pay & allowances as approved by the Chief Minister on the recommendations of the Contract Appointment Regulations Committee, keeping in view the specific requirements, including qualification, etc., of the job.
 - (b) Any ad hoc/special relief, etc., given to the regular Government servants, shall not be admissible.
 - (c) Annual increment shall not be allowed unless specifically provided in the pay package.

@XIII-A) FINANCIAL ASSISTANCE TO THE FAMILY OF A CONTRACT EMPLOYEE WHO DIES WHILE IN SERVICE

Financial assistance shall be provided to the family of a contract employee who dies while in service according to the following terms and conditions:

- (i) Financial assistance in accordance with Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004 in the case of death of a contract employee during his service. In case of a contract employee serving in a district, the sanction order shall be issued by the District Coordination Officer while in case of a contract employee serving at the provincial level, the Administrative Secretary shall issue the sanction order in respect of the employee.
- (ii) No Financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004 shall be allowed to a contract employee whose appointment has been made on pay package other than the pay and allowances prescribed under the National Pay Scales.
- (iii) Notwithstanding anything contained in clause (ii) above, a contract employee recruited against fixed pay package which is equal to or slightly higher or lower than the National Pay Scale shall be entitled to financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-

Clause (e) of para 3(XIII) in sub para (i) is omitted vide letter No. DS(O&M)5-3/2004/Contract (MF) dated 05.04.2013.

† For further clarification, vide letter No. DS(O&M)5-3/2004/Contract/MF dated 22.8.2005.

@ Sub-para XIII-A inserted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 13.02.2009.

10/2004, dated 10.11.2004. In case of any ambiguity or doubt, the Administrative Secretary/ District Coordination Officer may refer the matter to Finance Department for necessary advice.

XIV) PERIOD OF CONTRACT APPOINTMENT AND EXTENSION IN CONTRACT

- (i) The period of initial contract appointment shall be between 3 to 5 years.
- (ii) Where the post has been created for a specific period (e.g. projects posts) the period of initial contract appointment shall be 3 years or the period for which the post has been created, whichever is less.
- (iii) Contract employee shall not claim extension in his contract appointment as a matter of right.
- * (iv) Appointing authorities are allowed to grant extension in contract period at their own level without seeking prior approval of the Chief Minister in each case. However, in cases where the Chief Minister is appointing authority, his approval would remain mandatory as already required under the Contract Appointment Policy-2004.
- (v) Extension in contract appointments shall not be granted as a matter of routine. The appointing authorities shall take into consideration the performance of the contract employee and extension in contract shall only be recommended if his performance remained good/very good.
- (vi) Extension in contract appointment shall generally be granted for a period of 3-5 years and shall not be granted for an indefinite period.
- (vii) Ban on recruitment shall not be applicable in case of extension in contract period of existing contract employees.
- (viii) Decision regarding extension in contract appointment must be made by the relevant authorities well before the expiry of the contract period of an employee, after seeking approval of the Chief Minister.
- (ix) On expiry of the contract appointment, if no extension is granted, it must be ensured that the contract employee is not allowed to continue in service. Appointing Authorities concerned and the office of the Accountant General, Punjab/District Accounts Officers must remain vigilant in this respect and ensure that salaries are not released to a contract employee whose period of contract appointment has expired or whose contract appointment has been terminated.

@XV) CONTRACT APPOINTMENTS TO BE NON-TRANSFERABLE

- (i) A contract appointment shall be post specific and non-transferable and a contract appointee shall in no circumstances, claim as of right his transfer from one post to another.

* Substituted vide Corrigendum No. DS(O&M)5-3/2004/ Contract/MF dated 21.10.2005

@Para (XV) substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 21.05.2012.

- (ii) The Departments shall ensure that a disabled person appointed on contract is adjusted against the post in the cadre as near to his home station as possible irrespective of his position on merit.
- (iii) Nothing contained in clause (i) above, shall preclude the competent authority, for reasons to be recorded in writing, to allow one-time transfer during the tenure of 3 to 5 years as a special dispensation. Further, a woman employee may be allowed an additional chance of transfer to the place of residence of her husband. However, local candidates may be adjusted locally so that the demand for further transfer may not arise.

XVI) MONITORING AND EVALUATION OF PERFORMANCE OF CONTRACT EMPLOYEES

- (i) Appointing/Supervisory authorities must remain vigilant regarding performance of contract employees. They must monitor their working on regular basis to ensure that inefficient and corrupt elements are not allowed to continue in service.
- (ii) The performance of contract employees shall be assessed on annual basis, by the immediate superior authorities as per a simplified proforma at Annexure-C.
- (iii) The Departments should, however, develop their own performance evaluation proformae, keeping in view the specific measurable performance indicators of various posts, in order to make a meaningful assessment of performance.
- (iv) The decision regarding extension in contract appointment shall be made by the appointing authorities on the basis of the Performance Evaluation Reports of the contract employee.

XVII) TERMINATION OF CONTRACT APPOINTMENT

- (i) Contract appointment is liable to be terminated on one month's notice or one month's pay, in lieu thereof, on either side without assigning any reason.
- (ii) Since the Government has shifted from regular mode of appointment to the contract mode in general, there is a need to ensure that sufficient safeguards are provided against arbitrary termination of contract employees and such employees are given a reasonable security with respect to the terms and conditions of their contract service. Appointing Authorities should, therefore, ensure that contract appointments are generally not terminated before the expiry of the term of contract, unless it is clearly determined that performance of a contract employee is unsatisfactory or he is guilty of inefficiency, misconduct or corruption.
- ♦(iii) Where a contract employee applies through proper channel for another post under the Federal or Provincial

♦ Added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

Government or its subordinate offices/organizations/institutions, in the event of his selection, he shall not be required to deposit one month pay in lieu of one month notice to quit the job.

XVIII) POLICY FRAMEWORK FOR REGULAR GOVERNMENT SERVANTS WHO ARE APPOINTED ON CONTRACT BASIS IN GOVERNMENT SECTOR

1. Eligibility

- (i) A confirmed civil servant is eligible to apply for appointment on contract basis against a post in connection with the affairs of the Province, in an administrative department, attached department/office/institution, autonomous body, corporate body etc., set up by the Government of the Punjab or in any District Government in the Punjab.
- (ii) Before applying for such an appointment, a civil servant must obtain prior approval of his appointing authority as required under the provisions of the Punjab Civil Services (Application for Posts) Rules 1987.
- (iii) A civil servant, retired on superannuation or earlier on any grounds, shall not be eligible for appointment on contract basis.

2. Pay and Allowances

A confirmed civil servant when appointed on contract shall draw pay and allowances as per terms and conditions of contract. During his contract appointment he shall not be entitled to claim any protection of the pay, last drawn by him against his substantive post.

3. Terms and Conditions of Contract

- (i) Contract appointment of a civil servant shall be governed by the terms and conditions as provided in the contract, including issues of leave, T.A./D.A., medical facilities, etc.
- ** (ii) A confirmed civil servant when appointed on contract shall draw pay and allowances as per terms and conditions of contract.

4. Retention of Lien

A confirmed civil servant when appointed on contract basis against any Government post in connection with the affairs of the Province, shall retain his lien against his original substantive post.

5. Pension for the Period Spent on Contract

Period spent on contract basis shall not be counted towards pension.

6. Pay Fixation on Repatriation to Original Substantive Post

On return from contract appointment to his original substantive post, the pay of a civil servant shall be fixed by adding the annual increments for the period spent on contract; provided that no arrear on account of re-fixation of pay or increment shall be admissible.

** Amended vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 10.09.2007.

7. Seniority & Promotion in the Original Cadre

- (i) Where contract appointment is upto 5 years:
 - a. Where a civil servant, during the period of contract appointment, becomes due for promotion in his own cadre or service, he shall be deferred for promotion and shall only be eligible for consideration for promotion on his return from the contract appointment.
 - b. Where a civil servant is promoted on his return from contract appointment, he shall not be eligible for grant of proforma promotion. However he shall be allowed to retain his original seniority in his cadre.
- (ii) Where contract appointment continues beyond five years:
 - a. The name of such civil servant shall be removed from the seniority list of his cadre and he shall be placed on a separate static list. He shall have no claim to promotion or to seniority over any junior who may have been promoted during the period spent on contract beyond 5 years.
 - b. His name shall be brought back on the seniority list only after he resumes duty.
 - c. On return, his seniority shall be determined after deducting the period he remained on contract beyond five years.
 - d. On his promotion, he will not regain his original seniority.
- (iii) The period spent on contract basis, against an equivalent or a higher post in the cadre, shall count towards experience for the purposes of promotion in the cadre, on repatriation from contract appointment.

8. Disciplinary Proceedings

If a civil servant is found to be inefficient or guilty of misconduct or corruption during the period of his contract appointment, he shall be liable to be proceeded against under the prevailing disciplinary law/rules of the Punjab Government, in addition to the termination of his contract appointment.

9. Termination of Contract

Contract appointment of a civil servant may be terminated as per terms & conditions of his contract, without assigning any reason. On termination of contract, such civil servant shall immediately report to his parent department/organization.

10. Contribution towards General Provident Fund

A civil servant, when appointed on contract basis, shall not contribute towards G.P. Fund.

11. Contribution towards Benevolent Fund & Group Insurance

A civil servant when appointed on contract basis shall contribute towards Benevolent Fund and Group Insurance as per prevailing rules. The rate of contribution of Benevolent Fund/Group Insurance will be the same as was applicable to him against his substantive post just before appointment on contract basis. He will also be entitled to the benefits admissible under the Benevolent Fund and Group Insurance rules, applicable to him.

4. This issues with the approval of the Chief Minister Punjab. All the Administrative Departments/Authorities are requested to ensure strict compliance of this policy, at all levels.

**PROFORMA RECOMMENDING CATEGORIZATION OF THE POSTS
TO BE FILLED ON REGULAR OR ON CONTRACT BASIS**

Sr. No.	Name of the Dept.	Functional Unit	Nomenclature & Basic Pay Scale of the Post	Job Description in brief	Financial Responsibility of the post, if any	Method of recruitment as prescribed in service rules	Qualification as prescribed in service rules	*Suggested mode of appointment /proposed pay package (if any)	Justification for the proposal in column 10
1	2	3	4	5	6	7	8	9	10

- * (i) On regular basis; or
- (ii) On contract basis;
 - a. as per prescribed pay scale of the post, or
 - b. with pay package other than prescribed pay scale of the post,
 - c. with qualification/experience/age limit other than prescribed under the service rules.

GUIDELINES FOR FIXING TERMS AND CONDITIONS OF CONTRACT APPOINTMENTS

1. Pay Package

- i) Where appointment is made in the prescribed pay scale of the post.
 - (a) package of pay and allowances as per pay scale of the post.
 - (b) 30% of the minimum of pay scale as social security benefit in lieu of pension.
Provided that persons who are already retired and getting pension shall not be eligible for this benefit.
 - (c) Any ad hoc/special relief, etc., given to the regular Government servants shall also be admissible to the contract employees.
 - (d) Annual increment as per pay scale of the post.
 - ~~@-(e)~~ Omitted.
- (ii) Where appointment is made on pay package other than the pay and allowances prescribed under the National Pay Scales.
 - (a) A package of pay & allowances as approved by the Chief Minister, keeping in view the specific requirements including qualification, etc., of the job.
 - (b) Any ad hoc/special relief, etc., given to the regular Government servants, shall not be admissible.
 - (c) Annual increment shall not be allowed unless specifically provided in the pay package.

- **1-A. (i) Financial assistance in accordance with Finance Department's circular letter No.FD.SR.1/3-10/2004 dated 10.11.2004 in the case of death of a contract employee during his service. In case of a contract employee serving in a district, the sanction order shall be issued by the District Coordination Officer while in case of a contract employee serving at the provincial level, the Administrative Secretary shall issue the sanction order in respect of the employee.
- (ii) No Financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004 shall be allowed to a contract employee whose appointment has been made on pay package other than the pay and allowances prescribed under the National Pay Scales.
- (iii) Notwithstanding anything contained in clause (ii) above, a contract employee recruited against fixed pay package which is equal to or slightly higher or lower than the National Pay Scale shall be entitled to financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004. In case of any ambiguity or doubt, the Administrative Secretary/District Coordination Officer may refer the matter to Finance Department for necessary advice.

@ Sub para (e) in Annexure-B, in para 1(i) is omitted vide letter No. DS(O&M)5-3/2004(Contract/(MF) dated 05.04.2013.

** Inserted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 13.02.2009.

2. **Medical Fitness Certificate**

The selected candidate will appear before the competent medical authority/board, as per directions of the appointing authority for medical examination and on having been declared medically fit he will be able to join service.

3. **Tenure**

The contract shall be generally for a period of 3 to 5 years from the date of joining. However, the period of contract appointment may be curtailed in the following cases;

- (a) Where the post exists for a lesser period e.g. 'Project Post'.
- (b) Where the tenure of post is fixed as per provisions of law.
- (c) Where a person is re-employed as per provisions of Re-employment Policy.

4. **Pension**

Appointment/service on contract basis shall be non-pensionable.

5. **Contributory/G.P. Fund**

- (a) The employer shall not pay any pension or Contributory Provident Fund.
- (b) The employee shall also not contribute General Provident Fund.

6. **Contribution towards Group Insurance/Benevolent Fund**

- (a) The contract employee shall not contribute towards Group Insurance and Benevolent Fund.
- (b) A civil servant employed on contract shall contribute towards Group Insurance and Benevolent Fund as per rules.

7. **Leave**

- * (a) Casual Leave not exceeding 24 days per year shall be admissible. The competent authority may grant 10 days Casual Leave at a time or, in special circumstances 15 days Casual Leave at one time;
- (b) 90 days maternity leave with pay (in case of female employees only), once in the tenure of five years, shall be admissible.
- (c) Leave on medical grounds without pay shall be admissible on production of medical certificate by the competent authority as per Punjab Medical Attendance Rules, 1959. However, if medical leave continues beyond 3 months, his contract shall be liable to be terminated.
- (d) The person appointed against non-vocational post shall earn 10 days leave per year to be availed by him during the tenure.
- ♥ (e) The persons appointed against vocational posts shall be entitled to avail the vacation as admissible to the regular employees

* Clause (a) substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

♥ Sub-para (e) added vide Notification No. DS(O&M)5-3/2004/Contract Policy (P-I) dated 13.09.2006.

working against such posts in accordance with the rules/policies of the concerned Administrative Departments/Institutions.

- ♦(f) Hajj leave for 45 days with full pay may be allowed to contract appointee once during the tenure of 5 years. Further Hajj Leave during the extended period of contract appointment shall generally not be granted. However, the competent authority may allow 30 days Hajj Leave under special circumstances for the 2nd time, but such leave shall be without pay.
- *(g) Leave for Umra up to 15 days without pay may be allowed to the contract appointee once during his tenure.
- @(h) Special leave (1) A female contract employee, on the death of her husband, may be granted special leave on full pay, when applied for, for a period not exceeding one hundred and thirty days.
(2) Such leave shall not be debited to her leave account.
(3) Such leave shall commence from the date of death of her husband and for this purpose she will have to produce death certificate issued by the competent authority either along with her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.
- ** (i) The competent authority may allow Extra Ordinary Leave without pay under special circumstances up to two months during the tenure of 3 to 5 years to a contract employee. However, the contractee during the first year of his appointment shall be entitled to extra ordinary leave (EOL) without pay for 15 days only.

8. **Medical Facilities**

Medical facilities as admissible to the regular employee of his scale under the rules.

9. **Traveling Allowance/Daily Allowance**

- (a) TA/DA as applicable to the regular employee of his scale under the rules.
- (b) Where a person is appointed on a package other than normal pay scale, TA/DA will be admissible as provided in the pay package.

@ 10. **Transfer/Posting**

- (a) A contract appointment shall be post specific and non-transferable and a contract appointee shall in no circumstances, claim as of right his transfer from one post to another.
- (b) Nothing contained in clause (a) above, shall preclude the competent authority, for reasons to be recorded in writing, to allow one-time

♦ Clause (f) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

* Clause (g) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 10.01.2008.

@ @ Clause (h) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 20.01.2011.

** Sub para (i) is inserted in para 7 of Annexure 'B' after sub para (h) vide letter No.DS(O&M)5-3/2004/Contract/(MF) dated 25.04.2014

@ Sr.No. 10 substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 21.05.2012.

transfer during the tenure of 3 to 5 years as a special dispensation. Further, a woman employee may be allowed an additional chance of transfer to the place of residence of her husband. However, local candidates may be adjusted locally so that the demand for further transfer may not arise.

11. **No right of Regular Appointment**

Contract appointments shall not confer any right of regular appointment nor shall such appointment be regularized under any circumstances.

@@12. **Training**

The contract appointee shall have to undergo essential training programme, as may be prescribed. The nomination and duration of training shall be regulated as under:

- (i) The contract employees of the Departments may be nominated to training facilities, becoming available, irrespective of the fact whether the facility is available within the country or abroad.
- (ii) In case a training facility, relevant and beneficial to the Department becomes available, preference will be given to the contract employee of the Department who has a lien as a regular employee.
- (iii) In case, a regular employee is not available, a contract employee may be nominated, who is otherwise eligible for the said facility, and has put in at least one year of service.
- (iv) In case of nomination of a contract employee, the appointing authority may grant him EOL without pay for the period of study.
- (v) The period of study shall not exceed one year. If, however, the contents of the course of study cannot be completed in one year, the same may be extended for a further period of one year with the approval of the Chief Minister, Punjab.
- (vi) The Secretary of the concerned department should obtain a surety bond from the contract employee to the effect that after receiving training, he will join back and serve the department at least for a period of two years.

13. **Performance Evaluation**

The performance of the appointee shall be assessed/evaluated on regular basis keeping in view his efficiency and conduct as per provisions of Contract Appointment Policy.

14. **Appointment on the basis of forged/bogus documents**

If, at any stage, it is discovered that the person appointed on contract had obtained the appointment on the basis of forged/bogus documents or through deceit by any means, the appointment shall be considered to be void ab initio and he shall be liable to refund all amounts received from the Government as a consequence of appointment in addition to such other action as may be taken against him under the law.

15. **Recovery of loss caused to the Government**

Recovery of any pecuniary loss caused to the employer shall be effected from the contract employee.

16. **Performance of duties**

The employee shall be liable to perform duties, in public interest, as may be entrusted to him by competent authority from time to time.

17. **Interpretation of the Terms & Conditions**

The interpretation of the terms and conditions and the decision of the competent authority in this behalf shall be final.

18. **Termination of Contract**

Contract appointment shall be liable to termination on one-month's notice or on payment of one-month pay in lieu thereof, on either side, without assigning any reason.

◆ 19. **Application for Employment in other Departments**

A contract employee shall not apply for employment in other Government Departments, Autonomous Bodies or private organizations without prior permission, in writing, of his appointing authority.

For all Categories
of contract employees

CONFIDENTIAL

GOVERNMENT OF THE PUNJAB
DEPARTMENT
PERFORMANCE EVALUATION REPORT
For the period _____ to _____

PART-I

1.	Name (in block letters) with Father's name
2.	Date of Birth
3.	Domicile
4.	B.S. with present pay
5.	Post held during the period
6.	Academic/professional qualifications
7.	Period served: (a) in present post (b) under reporting officer
8.	Signature of the official reported upon with date

I. INTEGRITY

Honest	Reported to be corrupt	Believed to be corrupt
<input type="text"/>	<input type="text"/>	<input type="text"/>

II. OVERALL GRADING

Comparing him with other employees of the same level and keeping in view the evaluation on account of personal qualities, attitudes, proficiency in job, integrity, efficiency, punctuality, etc., give your general assessment of the employee by initialing the appropriate box below:

(i)	Very Good	
(ii)	Good	
(iii)	Average	
(iv)	Below Average	
(v)	Poor	

III. USEFULNESS FOR RETENTION/EXTENSION IN SERVICE

Useful	Not Useful
<input type="text"/>	<input type="text"/>

Name of the Reporting Officer _____
(Capital letters)
Designation _____

Signature _____
Date _____

Subject:AMENDMENTS IN THE CONTRACT APPOINTMENT POLICY

In pursuance of this department's circular No.DS (O&M)5-3/2004/Contract/(MF) dated 29.12.2004 the Government of Punjab generally shifted from regular mode of appointment to the contract mode wherein a comprehensive Contract Appointment Policy was issued with the approval of the Chief Minister, Punjab to cover various aspects of contract appointment. Since notification of the said Policy, some issues have emerged as its natural corollary. To resolve these issues, the following amendments have been made with the approval of the Chief Minister, Punjab:

- i) The Contract Appointment Policy dated 29.12.2004 shall prevail across the board in supersession of all policies of contract appointment, earlier framed by the Administrative Departments separately. However, where the departments find sufficient justification in favour of the terms and conditions under their own policy, they may place the case before the Contract Appointment Regulations Committee, which after deliberation may submit the case to the Chief Minister through Finance Department for final orders.
- ii) Where contract employees were appointed in the prescribed pay scale of the post prior to the issuance of the Policy on 29.12.2004, the terms and conditions prescribed in para 3(XIII)(i) of this Policy shall automatically become applicable, as under these terms, 30% of the minimum of pay scale is allowed as social security benefit in lieu of pension.
- iii) Where contract appointments were made on fixed pay or pay which is less or equal or slightly higher than the pay scale of the post, the departments concerned should bring such appointments within the framework of the Contract Appointment Policy *ibid* and the terms and conditions of such employees may be re-fixed in accordance with para 3(XIII)(i) of the Policy dated 29.12.2004, after getting approval of the Finance Department.
- ♦iv) Where contract appointees have been offered considerably handsome pay packages, the same may continue and be considered as appointments made under para 3(XIII)(ii) of the Contract Appointment Policy – 2004.
- v) Appointing authorities are allowed in terms of para 3(XIV)(iv) of the Policy *ibid*, to grant extension in contract period at their own level without seeking prior approval of the Chief Minister in each case. However, in cases where the Chief Minister is the appointing authority, his approval would remain mandatory as already required under the Contract Appointment Policy – 2004.

2. The above policy guidelines/clarifications may be read in addition to those circulated earlier on 29.12.2004 under the same policy.

♦Para 1[(iv) & (v)] and para 2 substituted vide 'Corrigendum' No. DS(O&M)5-3/2004/Contract/MF dated 21.10.2005.

No.DS(O&M)5-3/2004/Contract/MF
Dated the 3rd September 2007

Subject: AMENDMENTS IN THE CONTRACT APPOINTMENT POLICY

Kindly refer to the Contract Appointment Policy issued by this Department vide letter No. DS(O&M)5-3/2004/Contract(MF) dated 29th December, 2004.

2. The Contract Appointment Policy has recently been amended vide letter No. DS(O&M)-5-3/2004/Contract(MF), dated 2nd August, 2007 (copy enclosed) to provide, inter-alia, for contract employees. In order to ensure timely sanction of Hajj Leave, the Chief Minister has been pleased to allow the District Coordination Officers (DCOs) in the Punjab to exercise the powers of competent authority to sanction Hajj Leave in respect of contract employees working in their respective districts but whose Leave Sanctioning Authority is at provincial level (Head of Administrative Department or Head of Attached Department). The DCOs will, however, be responsible to inform the concerned competent authorities about sanctioning of the leave simultaneously.

3. Further necessary action may kindly be taken accordingly.

NO.SOR-III(S&GAD)2-42/2007
Dated the 7th May 2008

Subject: APPOINTMENT UNDER RULE 17-A OF THE PUNJAB CIVIL SERVANTS (APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 1974—CLARIFICATION REGARDING APPOINTMENT ON CONTRACT BASIS

In order to provide job to a child/widow/wife of a deceased/invalidated Government servant under Rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 against the posts meant for contract appointment an amendment was made in Contract Appointment Policy 2004 vide circular letter No. DS(O&M)5-3/2004/Contract(MF), dated 5th August 2006, wherein it was clarified that nature of such employment was dependent on the mode of recruitment, i.e., contract or regular as may be decided by the Government in respect of particular post.

2. In spite of the clear instructions as stated above, some departments/ authorities approached the Regulations Wing, S&GAD seeking advice to make recruitment under Rule 17-A on regular basis or to convert the contract appointment of such employees into regular appointment quoting an advice of Law & Parliamentary Affairs Department given in an individual case. The issue was, therefore, taken up with the Law & Parliamentary Affairs Department to clear the position. The Law Department vide letter dated 25.04.2008 endorsed the views of Regulations Wing, S&GAD that the Contract Appointment Policy 2004 and the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 have separate and independent scope.

3. Attention is invited to para XII (vi) of the Contract Appointment Policy that clearly provides that under no circumstances the Contract Appointee can request for conversion of his contract appointment into regular appointment. It is once again reiterated that job against posts in BS-1 to 5 and Junior Clerk (BS-7) can be provided to child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service on contract basis under the Contract Appointment Policy 2004.

4. All concerned are, therefore, requested to implement the above instructions in letter and spirit.

No.DS(O&M)5-3/2004/Contract/MF
Dated the 14th October 2009

NOTIFICATION

The Chief Minister of the Punjab has been pleased to direct that all Autonomous/Semi-Autonomous Bodies/Special Institutions in the Punjab shall make appointments on regular basis of the contract appointees in BS-1 to 15 in line with the Services & General Administration Department notification No. DS(O&M)5-3/2004/Contrrract(MF), dated 14.10.2009 (copy enclosed).

No.DS(O&M)5-3/2004/CONTRACT(MF)
Dated the 14th October, 2009

NOTIFICATION

In exercise of the powers conferred upon him by rule 23 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, the Chief Minister, Punjab is pleased to order appointments, on regular basis, in relaxation of the relevant service rules, of the employees in BS-1 to 15, recruited on contract basis under the provisions of the Contract Appointment Policy issued by the S&GAD in 2004 against the posts presently held by them in various Government Departments of the Punjab, with immediate effect. However, the contract employees working against posts in various projects/ programmes/PMUs/PMOs and other time-bound (one-time) development activities shall not be covered by this notification.

2. For the purpose of this notification, the Chief Minister, Punjab has further been pleased to withdraw the posts in BS-11 to 15 presently held by the contract employees, as mentioned in rule 16 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 from the purview of the Punjab Public Service Commission in terms of rule 5 of the Punjab Public Service Commission (Functions) Rules, 1978.

3. These appointments will, however, be subject to fulfillment of requirements of rule 18, 19, 20, 21 and 21-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

4. The contract appointees on their regular appointment shall remain on probation in terms of Section 5 of Punjab Civil Servants Act, 1974 and Rule 7 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

5. The service period of contract employees shall not be counted for any purpose (pension, gratuity, leave, etc.) on their appointment under the Punjab Civil Servants Act, 1974 and the rules framed there under. The salary component of such employees shall be in accordance with the pay scales plus the usual allowances prescribed for the posts against which they are being appointed. They will, however, not be entitled to the payment of 30% social security benefit in lieu of pension or any other pay package being drawn by them.

6. However, pay of the contract employees being appointed in the basic pay scales shall be fixed at the initial of the respective pay scales and the increment(s) already earned during the contract appointment period shall be converted into Personal Allowance. The pay of those appointed on the basis of pay package will be fixed in consultation with the Finance Department. The decision of the Finance Department in this behalf shall be final. The Finance Department shall constitute an Anomalies Committee to resolve the issues arising out of appointments of contract employees on regular basis.

7. The contract employees who do not intend to be appointed on regular basis should furnish their option to this effect in writing within 30 days from the date of issuance of their appointment letters by the respective appointing authorities. They may continue with their present employment as per terms and conditions of their contract. However, no extension in their contract period shall be allowed. Those who intend to be appointed on regular basis need not apply. The option once exercised shall be final.

No.SOR-III(S&GAD)1-35/93
Dated the 23rd October 2009

In exercise of the powers conferred on him by section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in the method of recruitment prescribed in all the services/recruitment rules, 5% of the total number of posts will be reserved for Minorities (Non-Muslims) as defined in the Article 260(3)(b) of the Constitution of Islamic Republic of Pakistan, 1973.

2. The reservations of vacancies referred to above will not apply to:
- (i) vacancies reserved for recruitment on the basis of competitive examination to be conducted by the Punjab Public Service Commission;
 - (ii) recruitment made by promotion or transfer in accordance with the relevant rules;
 - (vi) short term vacancies likely to last for less than six months;
 - (vii) isolated posts in which vacancies occur only occasionally; and
 - (viii) vacancies reserved for Minorities for which qualified candidates are not available. These vacancies shall be treated as unreserved and filled on merit.

No.SOR-III(S&GAD)1-35/93

Dated the 27th March 2010

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), and in supersession of Notification No.SOR-III(S&GAD)1-35/1993, dated 23.10.2009, the Governor of the Punjab is pleased to direct that notwithstanding anything contained in the method of recruitment prescribed in all the services/recruitment rules, 5% quota shall be reserved for Minorities (Non-Muslims) as defined in the Article 260(3)(b) of the Constitution of Islamic Republic of Pakistan, 1973 against the total number of posts advertised in future, including the posts to be filled on the basis of competitive examination to be conducted by the Punjab Public Service Commission. However, all the conditions prescribed under the respective service rules shall continue to apply.

2. The reservations of vacancies referred to above will not apply to:
 - (i) appointments made by promotion or transfer in accordance with the relevant rules;
 - (ii) short term vacancies likely to last for less than six months;
 - (iii) isolated posts in which vacancies occur only occasionally; and
 - (iv) vacancies reserved for Minorities for which qualified candidates are not available. These vacancies shall be treated as unreserved and filled on merit.

No.DS(O&M)5-3/2004/Contract/(MF)
Dated the 10th November 2010

Subject: APPOINTMENT OF CONTRACTEES IN BS-16 AND ABOVE
ONREGULAR BASIS

Kindly refer to the subject noted above.

2. The question regarding appointment of contractees in BS-16 and above on regular basis has been under consideration of the Government of the Punjab. The Chief Minister Punjab has been pleased to approve the following guidelines for appointment of contractees in BS-16 and above on regular basis excluding those contractees in BS-16 and above who are working against posts in various projects/programmes/PMUs/PMOs and other time-bound (one-time) development activities:

- (a) The contract employees appointed as per service rules, on the recommendations of the Punjab Public Service Commission, are to be considered for appointment on regular basis. For this purpose, concerned Administrative Departments shall submit cases of employees for their appointment on regular basis to the Chief Minister, Punjab through the Regulations Wing, S&GAD and Finance Department. While submitting such cases to the Chief Minister it may be ensured that the contract appointments were made in accordance with the provisions of the service rules regarding age limit, qualifications and experience wherever prescribed. The appointments on regular basis may be recommended on case-to-case basis keeping in view the performance of the individual employee.

- (b) The contract employees, who were appointed as per eligibility criteria, and on the recommendations of Punjab Public Service Commission, are to be considered for appointment on regular basis, subject to the condition that the concerned Administrative Department shall first get the service rules of the posts framed at the earliest and then submit the cases to the Chief Minister of the contract employees who fulfill the conditions of service rules regarding age limit, qualification and experience wherever prescribed. Summaries shall be submitted to the Chief Minister, Punjab through the Regulations Wing, S&GAD and Finance Department. The appointments on regular basis may be recommended keeping in view performance of the contractees falling in this category.
- (c) The cases of contract employees in BS-16 and above, who were appointed on the recommendations of respective selection committees as per provisions of the service rules, may be referred to the Punjab Public Service Commission for determining their suitability for appointment on regular basis against the posts held by the contract employees.
- (d) The contract employees, who were appointed on the recommendations of the Departmental Selection Committee and in accordance with the eligibility criteria, duly approved by the Chief Minister, Punjab, may be referred to the Punjab Public Service Commission for determining their suitability for appointment on regular basis against the posts held by the contract employees, after getting the service rules framed with the approval of the Chief Minister.
3. Further necessary action may be taken accordingly.

No.DS (O&M)(S&GAD)5-3/2013

Dated the 1st March 2013

NOTIFICATION

The Chief Minister, Punjab, in exercise of the powers conferred upon him by rule 23 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 is pleased to order appointment of employees in BS-1 to 15, recruited on contract basis under the provisions of the Contract Appointment Policy issued by the S&GAD in 2004 against the posts presently held by them in various Government Departments of the Punjab, on regular basis, in relaxation of rule 4, 16 and 17 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974. However, the contract employees working against posts in various projects / programmes / PMUs / PMOs and other time-bound (one-time) development activities shall not be covered by this notification.

2. For the purpose of this notification, the Chief Minister, Punjab has further been pleased to withdraw the posts in BS-11 to 15 presently held by the contract employees, as mentioned in rule 16 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 from the purview of the Punjab Public Service

Commission in terms of rule 5 of the Punjab Public Service Commission (Functions) Rules, 1978.

3. These appointments will, however, be subject to fulfillment of requirements of rule 18, 19, 20, 21 and 21-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

4. The following Scrutiny Committees shall scrutinize the relevant record of the contract employees in BS-1 to 15, and shall issue a certificate before issuance of appointment orders on regular basis by the respective Appointing Authorities:-

(A) **Scrutiny Committee at Provincial Level**

(For posts in BS-1 to 15 and others at provincial level)

i	Administrative Secretary / Special Secretary / Additional Secretary concerned	Convener
ii	Additional Secretary / Deputy Secretary (Admn) concerned	Member / Secretary
iii	Head of Attached Department concerned	Member
Iv	Appointing Authority concerned	Member

Note: The Departments may constitute one or more committees at their own level as per their requirements.

(B) **Scrutiny Committee at District Level**

i	District Coordination Officer concerned	Convener
ii	Executive District Officer concerned	Member
iii	Executive District Officer (F&P) concerned	Member
iv	Appointing Authority concerned	Member / Secretary

TORs of the above said Committees:-

- (a) To scrutinize the academic records (degrees / diplomas / certificates) and other relevant documents of the contractees.
- (b) To verify that the contract appointments were made in accordance with the provisions of the service rules regarding age limit, qualifications and experience and Contract Appointment Policy-2004.

The above mentioned scrutiny process will, however, not be required for the contract appointments made on the recommendations of the Punjab Public Service Commission.

5. The contract appointees on their regular appointments shall remain on probation in terms of section 5 of Punjab Civil Servants Act, 1974 and rule 7 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

6. The service period of contract employees shall not be counted for any purpose (pension, gratuity, leave, etc.) on their appointment under the Punjab Civil Servants Act, 1974 and the rules framed there-under. The salary component of such employees shall be in accordance with the pay scales plus the usual allowances prescribed for the posts against which they are being appointed. They will however, not be entitled to the payment of 30% social security benefit in lieu of pension or any other pay package being drawn by them.

7. However, pay of the contract employees appointed on regular basis in the basic pay scales shall be fixed at the initial of the respective pay scales and the increment(s) already earned during the contract appointment period shall be converted into Personal Allowance. The pay of those appointed on the basis of pay

package will be fixed in consultation with the Finance Department. The decision of the Finance Department in this behalf shall be final. The Finance Department shall constitute an Anomalies Committee to resolve the issues arising out of appointments of contract employees on regular basis.

8. The contract employees who do not intend to be appointed on regular basis should furnish their option to this effect in writing within 30 days from the date of issuance of their appointment letter by the respective appointing authorities. They may continue with their present employment as per terms and conditions of their contract. However, no extension in their contract period shall be allowed. Those who intend to be appointed on regular basis need not to apply. The option once exercised shall be final.

No.DS (O&M)(S&GAD)5-3/2013

Dated the 1st March 2013

NOTIFICATION

In order to streamline the procedure laid down for appointment of contract employees in BS-16 and above, excluding those working against posts in various projects / programmes / PMUs / PMOs and other time bound (one-time) development activities, on regular basis, the Chief Minister, Punjab is pleased to revise the guidelines, issued vide this Department's letter No.DS(O&M)5-3/2004/CONTRACT(MF), dated 10.11.2010 as under:-

- (A) The contract employees appointed as per service rules, on the recommendations of the Punjab Public Service Commission, are to be considered for appointment on regular basis. For this purpose, concerned Administrative Departments shall submit cases of employees for their appointment on regular basis to the Chief Minister, Punjab through the Regulations Wing, S&GAD and Finance Department. While submitting such cases to the Chief Minister it may be ensured that the contract appointments were made in accordance with the provisions of the service rules regarding age limit, qualifications and experience wherever prescribed. The appointments on regular basis may be recommended on case to case basis keeping in view the performance of the individual employee.
- (B) The contract employees, who were appointed as per eligibility criteria, and on the recommendations of the Punjab Public Service Commission are to be considered for appointment on regular basis, subject to the condition that the concerned Administrative Department shall first get the service rules of the posts framed at the earliest and then submit the cases to the Chief Minister of the contract employees who fulfill the conditions of service rules regarding age limit, qualification and experience wherever prescribed. Summaries shall be submitted to the Chief Minister, Punjab through the Regulations Wing, S&GAD and Finance Department. The appointments on regular basis may be recommended keeping in view performance of the contractees falling in this category.
- (C) The cases of contract employees in BS-16 and above, who were appointed on the recommendations of the respective selection committees as per provisions of the Service Rules, may be referred to

the Punjab Public Service Commission for determining their suitability for appointment on regular basis against the post held by the contract employees.

- (D) The contract employees, who were appointed on the recommendations of the Departmental Selection Committee and in accordance with the eligibility criteria, duly approved by the Chief Minister, Punjab may be referred to the Punjab Public Service Commission for determining their suitability for appointment on regular basis against the posts held by the contract employees, after getting the service rules framed with the approval of the Chief Minister.

2. The contract employees who do not intend to be appointed on regular basis should furnish their option to this effect in writing to the respective appointing authorities within 60 days from the issuance of this notification. They may continue with their present employment as per terms and conditions of their contract. However, no extension in their contract period shall be allowed. Those who intend to be appointed on regular basis need not to apply. The option once exercised shall be final.

3. All contract employees falling in categories (C) and (D) above shall appear before the Punjab Public Service Commission for their appointment on regular basis. They shall be required to submit affidavit on stamp paper prior to appearing before the Punjab Public Service Commission to the effect that they would not claim continuation in their contract appointments or regularization at any forum. In the event of their failure to qualify for the post held by them, their contract will be terminated on receipt of recommendations of the Punjab Public Service Commission.

4. The contract appointees on their regular appointment shall remain on probation in terms of section 5 of Punjab Civil Servants Act, 1974 and rule 7 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

5. Further necessary action may be taken accordingly.

No.DS (O&M)(S&GAD)5-3/2013

Dated the 02nd March 2013

NOTIFICATION

In continuation of this Department's notification No. DS(O&M)5-3/2004/CONTRACT(MF), dated 14.10.2009, the Chief Minister of the Punjab has been pleased to direct that all Autonomous / Semi-Autonomous Bodies / Special Institutions in the Punjab may make appointments on regular basis of the contract appointees in BS-1 to 15 in line with the Services & General Administration Department Notification No.DS(O&M)(S&GAD)5-3/2013 dated 01.03.2013.

No.DS(O&M)(S&GD)5-3/2013

Dated the 2nd March 2013

Subject: APPOINTMENT OF CONTRACTEES IN BS-16 AND ABOVE ON
REGULAR BASIS IN AUTONOMOUS BODIES

The Chief Minister, Punjab has been pleased to approve that Committee constituted vide this Department's letter No.DS(O&M)/S&GAD)5-3/2004/CONTRACT(MF) dated 28.02.2012 shall determine the eligibility and suitability of contract employees in BS-16 and above working in the Autonomous Bodies in the Punjab for their appointment on regular basis. The contract employees appointed prior to 01.03.2013 may be considered by the above mentioned Committee keeping in view the following:-

- (a) A regular vacancy is available for appointment of contractee on regular basis.
- (b) Appointments were made after advertisement of the vacancies in newspapers, and in the prescribed manner.
- (c) The appointment of contractee was made as per provision of the relevant service rules. In case no such rules have been framed, the same should be framed before consideration of appointment of contractee on regular basis.
- (d) The contractee is domiciled of the Province of the Punjab.
- (e) The appointment on regular basis shall be subject to the verification of character and antecedents of the contractee to the satisfaction of the appointing authority.
- (f) The contractee, being considered for regular appointment, must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties. A candidate who, after such medical examination as prescribed by the respective autonomous body is declared 'not fit' by the examination authority, shall not be appointed, on regular basis.
- (g) Performance of the contractees remained satisfactory during the contract period.
- (h) The Appointing Authorities may ensure that the degrees, diplomas, certificates or other relevant documents required for appointment are not bogus / forged.

3. After scrutiny of the cases, the recommendations of the Committee shall be sent to the respective Appointing Authority in the concerned Autonomous Body for appointment on regular basis of the contractees.

4. The appointment on regular basis shall be made by the Appointing Authorities after completion of above said scrutiny.

No.DS(O&M) (S&GAD)5-3/2013

Dated the 19th August 2013

Subject: APPOINTMENT OF CONTRACT EMPLOYEES IN BS-1 TO BS-15 ON
REGULAR BASIS

I am directed to refer to this Department's notification of even number dated 01.03.2013, relating to regular appointment of contract employees in BS-1 to 15, and to state that the Chief Minister has been pleased to allow that the Administrative Departments may proceed further regarding regular appointment of their contract employees as per provisions of the Policy Notification dated 01.03.2013.

No.DS(O&M) (S&GAD)5-3/2013
Dated the 20th August 2013

Subject: APPOINTMENT OF CONTRACT EMPLOYEES IN BS-16 AND ABOVE
ON REGULAR BASIS

I am directed to refer to this department's Notification of even No. dated 01.03.2013 relating to regular appointment of contract employees in BS-16 and above and to state that the Chief Minister, Punjab has been pleased to allow that the Administrative Departments may proceed further regarding regular appointment of their contract employees as per provisions of Policy Notification dated 01.03.2013, except for category falling under C&D, as the matter is subjudice in the Lahore High Court, Lahore.

No.DS(O&M) (S&GAD)5-3/2013(AB)
Dated the 20th August 2013

Subject: APPOINTMENT OF CONTRACTEES IN BS-1 TO BS-15 ON
REGULAR BASIS IN AUTONOMOUS BODIES

I am directed to refer to this department's circular No. DS(O&M)(S&GAD)5-3/2013 dated 02.03.2013 on the subject noted above and to state that the Chief Minister, Punjab has been pleased to allow that the Autonomous bodies / Semi-Autonomous Bodies / Special Institutions may proceed further regarding regular appointment of their contract employees in BS-1 to BS-15 on regular basis in line with the Service & General Administration Department circular referred to above and notification No.DS(O&M)(S&GAD)5-3/2013 dated 01.03.2013.

No.DS(O&M)(S&GD)5-3/2013(AB)
Dated the 21st August 2013

Subject: APPOINTMENT OF CONTRACTEES IN BS-16 AND ABOVE ON
REGULAR BASIS IN AUTONOMOUS BODIES

I am directed to refer to this department circular No.DS(O&M)(S&GAD)5-3/2013 dated 02.03.2013 on the subject noted above and to state that the Chief Minister, Punjab has been pleased to allow that the Autonomous Bodies may proceed further regarding regular appointment of their contract employees in BS-16 and above on regular basis in line with the Services & General Administration Department circular referred to above and Notification No.DS(O&M)(S&GAD)5-3/2013 dated 02.03.2013.

No.DS(O&M) (S&GAD)5-3/2013
Dated the 03rd September 2013

Subject: CLARIFICATION REGARDING APPOINTMENT OF CONTRACT
EMPLOYEES IN BS-1 TO BS-15 & 16 AND ABOVE ON REGULAR
BASIS

I am directed to refer to this department's letters of even number dated 19.08.2013 and 20.08.2013 on the subject noted above and to state that different departments are seeking clarifications from the Regulations Wing, S&GAD on the following points:-

- (i) The contract employees appointed upto which date may be considered for regular appointment.
- (ii) Whether the regular appointment of contract employees be made w.e.f the date of issue of Policy Notification i.e 01.03.2013 or otherwise.

2. It is hereby clarified that:-

- (i) The contract employees appointed before the issuance of Policy Notification No.DS(O&M)(S&GAD)5-3/2013 dated 01.03.2013 are entitled to be considered for appointment on regular basis.
- (ii) The regular appointment of the contract employees may be issued immediately after completion of procedural formalities in accordance with the provisions of the policy notification, if eligible otherwise. However, the date of issuance of orders shall be the date of their appointment on regular basis.

No.DS(O&M) (S&GAD)5-3/2013(AB)
Dated the 03rd September 2013

Subject: APPOINTMENT OF CONTRACTEES IN BS-1 TO BS-15 AND 16 AND ABOVE ON REGULAR BASIS IN AUTONOMOUS BODIES

I am directed to refer to this department's letters of even number dated 20.08.2013 and 21.08.2013 on the subject noted above and to state that clarifications are being sought from the Regulations Wing, S&GAD from the different authorities on the following points:-

- (i) The contract employees appointed up to which date may be considered for regular appointment.
- (ii) Whether the regular appointment of contract employees be made w.e.f the date of issue of Policy Notification i.e 02.03.2013 or otherwise.

2. It is hereby clarified that:-

- (i) The contract employees appointed before the issuance of Policy Notification dated 02.03.2013 are entitled to be considered for appointment on regular basis.
- (ii) The regular appointment of the contract employees may be issued immediately after completion of procedural formalities in accordance with the provisions of the policy notification, if eligible otherwise. However, the date of issuance of orders shall be the date of their appointment on regular basis.

No.DS(O&M) (S&GAD)5-3/2013
Dated the 03rd December 2013

Subject: APPOINTMENT OF CONTRACT EMPLOYEES IN BS-16 AND ABOVE ON REGULAR BASIS

I am directed to refer to this department's notification of even number dated 01.03.2013 and circular dated 20.08.2013 relating to regular appointment of contract employees in BS-16 and above, and to state that the Chief Minister, Punjab has been pleased to allow that the Administrative Departments may also proceed further regarding regular appointment of their contract employees as per provisions of the policy notification dated 01.03.2013 falling under categories 'C' and 'D' except cases which are subjudice in any court of law.

No.SO(ERB)6-2/2014/Contract/S&GAD
Dated the 16th January, 2014

Subject: ELIGIBILITY CRITERIA FOR PROJECT POSTS

The Regulations Wing, S&GAD vide circular No.SOR-IV(S&GAD)10-1/2003 dated 14.06.2006 issued instructions regarding determination of qualification, experience, age limit and appointing authority, etc., for the project posts by the Administrative Departments. The said circular reads as under:-

“Recruitment against posts sanctioned in development projects shall be made in accordance with the Service Rules already prescribed. If no Service Rules for the posts exist, then the departments shall determine the qualification, experience, age limit, appointing authority, etc.c at their own level.”

It has been observed that the Administrative Departments still forward cases to the Regulations Wing, S&GAD for framing of Eligibility Criteria for projects posts through Contract Appointment Regulations Committee (CARC), in S&GAD.

In view of the above, it is requested that the Administrative Departments may determine the eligibility criteria for the posts sanctioned under development projects at their own level with the approval of competent Authority as per circular letter referred to above.

No.SO(ERB)5-3/2014/Contract(Project)
Dated the 23rd July 2014

Subject: APPOINTMENT OF EMPLOYEES OF DIFFERENT PROJECTS ON REGULAR BASIS AFTER CONVERSION OF PROJECT FROM DEVELOPMENT TO NON-DEVELOPMENT SIDE

Kindly refer to the subject noted above.

2. Chief Minister, Punjab has been pleased to approve following guidelines for filling up the posts after their conversion from development to non-development side:

- (i) all departments or organizations after conversion of project from development to non-development side and creation of posts through SNE shall frame service rules for the respective posts immediately;
- (ii) Recruitment process shall be initiated as per provisions of recruitment policy and be completed within three months positively after observing codal or procedural formalities;
- (iii) the project staff may be allowed, as per standing instructions and provision of service rules, to continue for a maximum period of six months during which whole process of recruitment shall be completed;
- (iv) while making recruitment, the project employees may be allowed relaxation in upper age for the period they have served in the project;
- (v) for experience, in the relevant field including the experience of project, two marks per year up to the maximum of ten marks shall be granted to employees to recruitment in BS-1 to BS-15 and
- (vi) recruitment of posts in BS-16 and above shall be made through Punjab Public Service Commission.

3. The mode for appointment i.e. regular or contract, against the project posts after their conversion to non-development side, may be decided by the concerned department or organization.

4. If the posts are necessarily required to be filled on regular basis, case shall be placed before the Contract Appointment Regulations Committee (CARC) with full justification.

5. The above instructions shall be implemented in letter and spirit.

No.SO(ERB)7-1/2014/E-Criteria
Dated the 8th August 2014

Subject: ELIGIBILITY CRITERIA FOR AUTONOMOUS BODIES POSTS

Kindly refer to the subject noted above.

2. Government of the Punjab has constituted a Contract Appointment Regulations Committee (CARC) vide para 3(VII) of Contract Appointment Policy, 2004 for framing of Eligibility Criteria for making recruitment against the posts for which rules do not exist in the Department. Para 3(VII)2(ii) of the Policy ibid reads as under:

“Where the department intends to fill the post(s) on contract on the basis of qualification, experience and age limit etc., other than that prescribed in the relevant Service Rules of the said post(s) or where Service Rules for the post do not exist, the department shall propose detail of qualification, experience, age limit etc., required to fill the post(s) with justification and place the case before CARC”.

3. It has been observed that the Administrative Departments are referring the cases to O&M Wing, S&GAD for framing of Eligibility Criteria through CARC for the posts existed in Autonomous Bodies under their administrative control.

4. On a summary initiated by the Regulations Wing, S&GAD, the Chief Minister, Punjab, has observed that:

“The Autonomous Bodies do not require to place their cases to the Contract Appointment Regulations Committee (CARC). Administrative Departments should not waste their time just to get themselves absolved from the responsibility as it negates the very purpose of constitution of authorities, boards and companies.”

5. The above observations of the Chief Minister, Punjab may be noted for strict compliance to ensure smooth functioning of the affairs of Autonomous Bodies.

No.SO (ERB)7-1/2014/E-Criteria

Dated the 20th August 2014

Subject: UNNECESSARY ROUTING OF FILES THROUGH IRRELEVANT DEPARTMENTS

Kindly refer to the subject noted above.

2. On a summary initiated by the Regulations Wing, S&GAD, the Chief Minister, Punjab has inter-alia, observed that:

“The ACS, Chairman P&D and Secretary Finance should hold meeting and devise clear SOPs to discourage unnecessary routing of files through irrelevant departments as it impedes speed and quality of decision making.”

3. In this regard kind attention is invited towards rule 15(1) of the Punjab Government Rules of Business, 2011 which reads as under:

“15. Consultation among Departments.- (1) When the subject of a case concerns more than one Department:

- (a) the Department in-charge shall be responsible for consulting the other concerned Departments; and
- (b) no orders shall issue and no case shall be submitted to the Chief Minister or the Cabinet, until it has been considered by all the concerned Departments.”

4. Rule 16, 19 and 20 of the Rules *ibid* also provide parameters vis-à-vis matters where consultation with S&GAD, Finance and Law & PA Departments is required.

5. Attention is invited towards the Punjab (Civil Services) Delegation of powers Rules, 1983 whereby appointing authorities and other authorities have been vested with powers to dispose of administrative and financial issues. Furthermore, the Punjab Delegation of Financial Powers Rules, 2006 as amended from time to time also empowers different authorities to exercise financial powers.

6. It has been observed that the Administrative Departments unnecessarily route files particularly of Autonomous Bodies to different departments including S&GAD, Finance and Law & PA Departments without taking into account above

said provisions of Laws / Rules/Instructions as well as relevant Statutes whereby Autonomous Bodies stand constituted.

7. The competent Authority has, therefore, desired that unnecessary routing of files through irrelevant departments and moving of reference to the Departments by the Autonomous Bodies may be discouraged to ensure prompt disposal of official business.

8. The above instructions may be implemented in letter and spirit.

No.SO(ERB)6-2/2014/Contract/S&GAD

Dated the 16th May, 2016

Subject: ELIGIBILITY CRITERIA FOR PROJECT POSTS

In continuation to this Department's circular letter of even number dated 16.01.2014 on the subject noted above, I am directed to state that in order to streamline the pace of implementation of development projects, the Chief Minister Punjab has been pleased to approve the proposal of Planning & Development Department that the approval of a PC-I by the concerned forum i.e., ECNEC, PDWP or DDSC may be deemed as a final approval (from all departments) in respect of number of posts of the project, eligibility criteria and pay package of each posts. However, all the departments should give their input comments on the PC-I during scrutiny of the project at the respective forum.

2. In view of the above, it is requested that all the Administrative Departments may implement the above directions of the Chief Minister for meticulous compliance.

No.SO(ERB)6-1/2017/policy

08th April, 2017

NOTIFICATION

Governor of the Punjab is pleased to direct that in the Contract Appointment Policy, 2004, notified vide No. DS(O&M) 5-3/2004/Contract (MF) dated 29.12.2004, the following amendment shall be made:

Amendment

In the Contract Appointment Policy 2004, for the words "District Coordination Officer", wherever occur, the words "Deputy Commissioner" shall be substituted.

No.SO (ERB)6-1/2017/Policy

Dated the 14th September 2017

NOTIFICATION

In the wake of promulgation of the Punjab Local Government Act, 2013 and Punjab Civil Administration Act, 2017 after abolition of posts of District Coordination Officer, Executive District officer, etc., and creation of new posts, the composition of District Scrutiny Committee for making recommendations for

regularization of contract appointees as notified vide No.DS(O&M)(S&GAD)5-3/2013 dated 01.03.2013 is substituted as under:

- | | | |
|-------|--|----------|
| (i) | Deputy Commissioner Concerned | Convener |
| (ii) | Additional Deputy Commissioner (F&P) | Member |
| (iii) | District head of concerned Department / Body | Member |
| (iv) | Appointing Authority concerned
Secretary | Member/ |

No.SO(ERB)6-2/2014/contract/S&GAD

Dated the 12th June, 2018

Subject: ELIGIBILITY CRITERIA FOR PROJECT POSTS

Kindly refer to the subject noted above.

2. In supersession to this department's circular letter of even number dated 16.05.2016 and to streamline the pace of implementation of development projects, the Chief Minister Punjab has been pleased to approve that the approval of a PC-I by the concerned forum i.e. ECNEC or PDWP may be deemed as final approval (from all Departments) in respect of number of posts of the project and eligibility criteria of each such post. However, all the departments should give their input / comments on the PC-I during scrutiny of the project at the respective forum.

3. In view of the above, it is requested that all the Administrative Departments may implement the above directions of the Chief Minister for meticulous compliance.

THE PUNJAB REGULARIZATION OF SERVICE ACT 2018

**THE PROVINCIAL ASSEMBLY OF THE PUNJAB
NOTIFICATION**

April 30, 2018

No.PAP/Legis-2(197)/2018/1753. The Punjab Regularization of Service Bill 2018, having been passed by the Provincial Assembly of the Punjab on April 27, 2018, and assented to by the Governor of the Punjab on April 30, 2018, is hereby published as an Act of the Provincial Assembly of the Punjab.

**THE PUNJAB REGULARIZATION OF SERVICE ACT 2018
Act XV of 2018**

(First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated April 30, 2018.)

**An
Act**

to provide for appointment on regular basis.

It is necessary in public interest to provide for the appointment on regular basis of certain employees presently serving on contract; and, for matters connected therewith.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent, application and commencement.— (1) This Act may be cited as the Punjab Regularization of Service Act 2018.

(2) It extends to whole of Province of the Punjab.

(3) Subject to the Act, it shall apply to all the persons employed on contract in a department immediately before the commencement of the Act.

(4) It shall come into force at once.

2. Definition.— In this Act, unless the context otherwise requires—

(a) “Act” means the Punjab Regularization of Service Act 2018.

(b) “Commission” means Punjab Public Service Commission.

(c) “contract employee” means an eligible person appointed on contract in a department immediately before the commencement of the Act but does not include a person appointed to a post in a project, programme, project management unit, project management office, time bound (one-time) development activity or as work-charged employee or an employee on daily wages;

(d) “department” means the department as defined in the Punjab Government Rules of Business 2011 and includes an attached department or a special institution;

(e) “Government” means Government of the Punjab;

(f) “regularization” means the appointment of an eligible contract employee on regular basis, with immediate effect, in accordance with the Act; and

(g) “special pay package” means a special pay package, otherwise than the basic pay scales and includes Management Position Scales.

3. Regularization, etc.— (1) Notwithstanding the mode or manner of appointment, or any deficiency or defect in the procedure or anything contained in the Punjab Civil Servants Act 1974 (*VIII of 1974*), the rules framed thereunder or any recruitment policies, any person appointed on contract, immediately before the

commencement of the Act, shall be deemed to have been validly appointed and such appointment shall not be called in question.

Explanation.— The expression ‘appointed’ includes the extension, from time to time, of the term of the contract.

(2) Subject to the Act, the contract employee who has continuously been serving as such for a period not less than four years on the commencement of the Act shall be eligible to be considered for appointment on regular basis if:

- (a) a regular vacancy allocated for initial recruitment is available for regularization;
- (b) he is qualified for the post;
- (c) he has not been appointed on a special pay package;
- (d) his performance during the period of contract has remained satisfactory; and
- (e) he does not opt to continue as contract employee.

4. Procedure for regularization.— (1) The case of a contract employee appointed on the recommendations of the Commission shall be submitted to the appointing authority for regularization without reference to the Commission or the Scrutiny Committee.

(2) If the post falls within the purview of the Commission but the contract employee was appointed otherwise than on the recommendations of the Commission, the case shall be referred to the Commission for recommendations.

(3) If the post is outside the purview of the Commission, the case of a contract employee shall be placed before the Scrutiny Committee constituted under the Act for recommendations.

5. Scrutiny Committees.— (1) The appointing authority shall constitute one or more Scrutiny Committees for purposes of the Act.

(2) A Scrutiny Committee shall scrutinize the academic record and other relevant documents of the contract employee and verify that the contract employee is eligible and qualified for regularization.

(3) The Scrutiny Committee shall forward its recommendations to the appointing authority.

6. Appointments.— (1) Subject to the Act and the fulfillment of the conditions for regularization, the appointing authority shall:

- (a) in a case covered under subsection (1) of section 4 of the Act regularize the service of the contract employee with immediate effect; and
- (b) in a case covered under subsection (2) or subsection (3) of section 4 of the Act, regularize the service of the contract employee if so recommended by the Commission or, as the case may be, the Scrutiny Committee with immediate effect.

(2) The service rendered by a contract employee shall not be counted for pensionary benefits or for any other purpose whatsoever.

7. Termination of contract.— Notwithstanding anything contained in any law or the terms and conditions of the contract, the contract of a contract employee, who is not recommended for regularization by the Commission or, as the case may be, the Scrutiny Committee, shall be terminated forthwith.

8. Determination of seniority.— (1) A contract employee, who is regularized, shall be placed at the bottom of the seniority list of the respective cadre and shall rank junior to the other civil servants.

(2) The *inter se* seniority of the contract employees, on regularization, shall be determined on the basis of their continuous service on contract and if the date of such continuous service of two or more contract employees is the same, the employee older in age shall rank senior to the younger.

9. Pay fixation.— A contract employee, on regularization, shall be allowed the initial stage of the respective pay scale and the increments earned by him during the contract appointment shall be converted into personal allowance but no other privilege allowed to a contract employee shall be admissible.

10. Option for regularization.— A contract employee who does not wish to be regularized shall furnish his option to the appointing authority within sixty days from the commencement of the Act; otherwise, he shall be deemed to have opted for regularization.

11. Legal framework.— A contract employee, regularized under the Act, shall cease to be governed by the Contract Appointment Policy 2004 and the terms and conditions of the contract and shall be regulated under the Punjab Civil Servants Act, 1974 and the rules framed thereunder.

12. Appeal or review.— (1) Subject to subsection (2), a contract employee who is aggrieved by the final order of the appointing authority under the Act may, except where the order has been made by the Chief Minister, within thirty days from the date of communication of the order, prefer an appeal through the concerned department to the Appellate Committee constituted by the Chief Minister by notification in the official Gazette.

(2) Where the final order has been passed by the Chief Minister, the aggrieved contract employee may, within the period mentioned in subsection (1), submit a review petition through the concerned department to the Chief Minister.

(3) The decision taken under subsection (1) or, as the case may be, subsection (2) shall be final.

13. Rules.— The Government may make rules for carrying out the purposes of the Act.

14. Removal of difficulties.— If any difficulty arises in giving effect to any provision of the Act, the Chief Minister may, within two years of the commencement of the Act, make such order not inconsistent with the provisions of the Act, as may appear to him to be necessary for the purpose of removing such difficulty.

15. Saving.— Notwithstanding anything in the Act, Government of the Punjab, Services and General Administration Department (Regulations Wing) Notification No.DS(O&M)(S&GAD)5-3/2013, dated 1stMarch 2013 shall continue to apply to the employees mentioned therein.

ⓂThis Act was passed by the Punjab Assembly on 27 April 2018; assented to by the Governor of the Punjab on 30 April 2018; and, was published in the Punjab Gazette (Extraordinary), dated 30 April 2018, pages 7585-87

NOTIFICATION

No.SO(ERB)5-19/2018(Act(MF). In exercise of the powers conferred under subsection (1) of Section 12 of the Punjab Regularization of Service Act, 2018 (XV of 2018), the Chief Minister is pleased to constitute the following Appellate committees with immediate effect:

1. For an employee in BS-16 to BS-18 appointed on the recommendations of the Punjab Public Service Commission and aggrieved by the final order of the appointing authority:

- | | | |
|-----|---|------------------|
| (a) | Additional Secretary, Government of the Punjab services and General Administration Department; | Convener |
| (b) | Secretary (Services), Government of the Punjab Services and General Administration Department; | Member |
| (c) | Secretary (Regulations), Government of the Punjab, Services and General Administration Department | Member |
| (d) | Administrative Secretary concerned | Member/Secretary |

2. For an employee in BS-1 to BS-15 aggrieved by the final order of the appointing authority:-

- | | | |
|-----|---|------------------|
| (a) | Commissioner concerned: | Convener |
| (b) | Deputy Commissioner concerned | Member |
| (c) | District Accounts Officer concerned and | Member |
| (d) | Appointing Authority concerned | Member/Secretary |

OFFICE MEMORANDUM

**Subject: REVISION OF MANAGEMENT POSITION
SCALES (MP-I, MP-II, MP-III)**

The undersigned is directed to refer to this Division's O.M.No.3(2)R-4/2011 dated 24.12.2012 on the above subject and to say that the Prime Minister has been pleased to approve the revision of Management Position (MP) Salary Package with effect from 01.12.2016, as given below:-

Description	MP-I					
	Existing w.e.f 01.01.2013			Revised w.e.f 01.12.2016		
	Min.	Incr.	Max.	Min.	Incr.	Max.
Basic Pay	26300/-	20,000	32400	289300	22000	355300
House Rent	101000/-	-	14200	101000	-	142000
Utilities	13100/-	-	16200	13100	-	16200
Description	MP-II					
	Existing w.e.f 01.01.2013			Revised w.e.f 01.12.2016		
	Min.	Incr.	Max.	Min.	Incr.	Max.
Basic Pay	110000/-	16500/-	176000	121000	18150	193600
House Rent	66000/-	-	110000	66000	-	110000
Utilities	5500/-	-	8800	5500	-	8800
Description	MP-III					
	Existing w.e.f 01.01.2013			Revised w.e.f 01.12.2016		
	Min.	Incr.	Max.	Min.	Incr.	Max.
Basic Pay	77000	11000	110000	84700	12100	121000
House Rent	33000	-	44000	33000	-	44000
Utilities	3850	-	5500	3850	-	5500

Note:

- i) The pay of an incumbent will be fixed at the corresponding stage in the revised MP Scale at which he was drawing pay before revision.
- ii) The revised MP package will be automatically admissible to the existing incumbents working in MP Scales. However, the extension, if required, of the existing contract of MP Scale holders, will be considered only if their performance is found satisfactory after evaluation by the Performance Evaluation Committee and approval of the competent Authority as per rules.
- iii) Monetization of transport facility shall remain the same as per existing rates given below:

MP-I	Rs.95910/-
MP-II	Rs.77430/-
MP-III	Rs.65,060/-

REQUISITES/FACILITIES:

2. The following prerequisites and facilities already admissible to the MP Scales holders in terms of Finance Division's O.M.s No.3 (7)R-4/98 dated 18.08.1998 and 01.09.1998, as amended from time to time, shall remain in force:-

Sr.	Description	MP-I	MP-II	MP-III
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No.				
1	TA/DA on domestic official tour	As admissible to civil servants of the highest grade.	As admissible to the civil servants of BPS-21	As admissible to the civil servants of BPS-20
2	TA/DA on official Tour abroad	As admissible to civil servants in Cat-I	As admissible to the civil servants in Cat-II	As admissible to the civil servants in Cat-II
3	Medical Facilities	Reimbursement of medical and hospitalization charges for self, spouse, and children for treatment received at Govt. or Govt. Recognized institutions in Pakistan.	As in the case of MP-I Scale	As in the case of MP-I Scale
4	Leave	The incumbent shall earn leave on full pay @ 3 days per month for the period of duty. The leave shall be availed during the currency of contract period. Title to leave shall expire on expiry of contract. If given a fresh contract, the period of earned leave available in respect of the previous contract shall not be carried forward.	As in the case of MP-I Scale	As in the case of MP-I Scale
5	Gratuity	One month's basic pay for each completed year of service.	One month's basic pay for each completed year of service.	One month's basic pay for each completed year of service.
6	Period of Contract	As determined by the appointing authority but cannot exceed beyond two years.	As in the case of MP-I	As in the case of MP-I
7	Termination of contract.	On one month's notice on either side or payment of one month's basic pay in lieu thereof.	On one months' notice on either side or payment of one month's basic pay in lieu thereof.	On one months' notice on either side or payment of one month's basic pay in lieu thereof.

No.FD SR-II/1-12/2009

Dated: 06th April, 2017

Subject: ADOPTION OF MANAGEMENT POSITION SCALES BY THE PUNJAB GOVERNMENT

In continuation of this department's letter of even number dated 01.07.2015 on the subject cited above, I am directed to state that the competent authority has been pleased to approve the adoption of MP Scales, notified by Government of Pakistan, Finance Division (Regulations Wing), Islamabad vide O.M. NO. F.3 (2)-R-4/2011 dated 13.12.2016. w.e.f. 01.12.2016.

No.FD.SRII/1-12/2009
Dated the 20th October 2017

Subject: REVISED MANAGEMENT POSITION SCALES (MP-I, MP-II, MP-III)

I am directed to refer to this Department's circular letter No.FD.SRII/1-12/2009 dated 06.04.2017 on the subject cited above and to state that the Competent Authority has been pleased to approve the revision of rates of MP Scales w.e.f 14.07.2017, as under:

Description	MP-I					
	Existing			Revised		
	Min.	Incr.	Max.	Min.	Incr.	Max.
Basic pay	289,300	22,000	355,300	433,950	33000	532,950
House rent	101,000	-	142,000	101,000	-	142,000
Utilities	13100	-	16,200	19,650	-	24300
Description	MP-II					
	Existing			Revised		
	Min.	Incr.	Max.	Min.	Incr.	Max.
Basic pay	121,000/-	18,150/-	193,600	181,500	27,225	290,400
House rent	66,000/-	-	110,000	66,000	-	110,000
Utilities	5,500/-	-	8,800	8,250	-	13200
Description	MP-III					
	Existing			Revised		
	Min.	Incr.	Max.	Min.	Incr.	Max.
Basic pay	84,700	12,100	121,000	127,050	18,150	181,500
House rent	33,000	-	44,000	33,000	-	44,000
Utilities	3,850	-	5,500	5,775	-	8,250

2. All terms and conditions as prescribed in the above referred letter will remain same.

No.FD-SR-II/1-12/2009
Lahore, the 06th December, 2017

Order

In supersession of earlier order of even number dated 03rd July, 2015 Chief Minister Punjab has been pleased to reconstitute the following Selection Board to examine all such cases where appointments are to be made in MP Scales or on market based salaries:

- | | | |
|------|--|-----------------------|
| i) | Chief Secretary | Chairman |
| ii) | Additional Chief Secretary, S&GAD
(In case the Chief Secretary is unavailable,
Additional Chief Secretary would preside) | Member |
| iii) | Finance Secretary | Member |
| iv) | Secretary Services, S&GAD | Member |
| v) | Secretary Regulations, S&GAD | Member |
| vi) | Secretary of the Administrative Department | Member |
| vii) | Additional Finance Secretary (Regulations) | Secretary /
Member |

2. The Board shall evaluate each new recruitment, and its subsequent continuation / extension of the contract whereby MP Scales or market based salary is offered and shall submit its recommendations for approval of Chief Minister, Punjab.
3. The Board shall also evaluate each case on the basis of performance and competence of the individual and shall also comment whether the appointment / continuation of contractee would bring value for money for the Government.
4. Administrative Departments are advised to submit their working papers (7 sets) to the Additional Finance Secretary (Regulations), Government of the Punjab, Finance Department latest by 10th of every month, so that monthly meeting could be arranged accordingly.

Subject: RECRUITMENT POLICY — 2004

One of the major objectives of the Government is to provide maximum job opportunities to the unemployed youth. However, in the Government sector, posts have to be filled essentially in accordance with requirement, to achieve the objectives of good governance and efficient service delivery. Under the Recruitment Policy dated 05.05.2003, recruitment in all Government departments and autonomous institutions was initiated after a long period of ban on recruitment. The Administrative Departments were allowed to make recruitment against more than 26,000 posts out of over 100,000 vacant posts. The process of recruitment under Phase-I has been completed and against 26,000 posts, recruitments were made against around 23,000 posts.

2. The successful completion of recruitment under Phase-I confirms the Government's commitment to improving the standards of service delivery in all Government sectors by providing best available human resources through merit-based recruitments.

3. The Government now intends to launch Phase-II of recruitment. The Recruitment Policy has been reviewed keeping in view the changed scenario especially the shift of emphasis on contract appointments and the issues/problems confronted during Phase-I. A more comprehensive policy has accordingly been prepared, and is hereby issued in supersession of the Policy issued vide No.SOR.III-2-15/2003 dated 05.05.2003 and circular letter No.SOR.III-2-15/2003 dated 07.07.2003.

4. LEGAL POSITION

- i) Section 4 of the Punjab Civil Servants Act, 1974 provides that appointments to a civil service of the province or to a civil post in connection with the affairs of the province shall be made in the prescribed manner.
- ii) Rule 3 (1) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that appointment to posts shall be made by promotion, transfer or initial recruitment, as may be prescribed.
- iii) Rule 16 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that initial recruitment on regular basis to the posts in BS-16 and above and such other posts in BS-11 to BS-15, as are notified by the Government, shall be filled on the recommendations of the Punjab Public Service Commission.
- iv) Under Rule 17 of the rules *ibid*, the posts which do not fall within the purview of Punjab Public Service Commission, are to be filled by the appropriate committees/board.
- v) Rule 17 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that initial recruitment against all posts in BS-1 and

above shall be made on merit after advertisement of vacancies in newspapers.

- vi) Appointment to posts reserved for initial recruitment can be made either on regular or on contract basis.

5. RECRUITMENT ON REGULAR BASIS

Recruitment on regular basis is made under the provisions of the Punjab Civil Servants Act, 1974, Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and relevant Service Rules of the posts in the following manner:

- i) Initial recruitment on regular basis to all posts in BS-16 and above is made on the recommendations of the Punjab Public Service Commission.

- ii) (a) As per notification No.SOR-III(S&GAD)1-14/75 dated 24.07.04, initial recruitment on regular basis to all posts in BS-11 to 15 of the following departments/attached departments shall be made on the recommendations of the Punjab Public Service Commission:

1. Services & General Administration
2. Revenue
3. Finance
4. Police

- (b) Initial recruitment on regular basis to the following posts in the departments/attached departments mentioned against each shall also be made on the recommendations of the Punjab Public Service Commission:

*i)	Assistant Superintendent Jail	I.G. Prison
(ii)	Assistant Food Controller	Food Deptt.
(iii)	(a) Sub Engineer	Irrigation
	(b) Ziladar	-do-
(iv)	Sub Engineer	C&W
(v)	Sub Engineer	HUD&PHE
(vi)	(a) Inspector Cooperative Societies	Cooperatives
	(b) Sub-Inspector Cooperative Societies	-do-
(vii)	(a) Transport Sub-Inspector	Transport
	(b) Motor Vehicle Examiner	-do-
	(c) Stenographer	-do-

- iii) Initial recruitment on regular basis in BS-1 to 10 in all departments and against posts in BS-11 to 15, other than those listed at serial no. (ii) above, shall be made on merit by the relevant committees/boards as notified by the Government.

6. RECRUITMENT ON CONTRACT BASIS

The Government has generally shifted from regular mode of appointment to contract mode in view of the changing management practices and to achieve the goals of good governance in the public sector departments/organizations. The

* Amended vide notification No. SOR-III(S&GAD)2-41/2009 dated 28.08.2018.

Departments are, therefore, advised to adhere to the following guidelines while making appointments on contract basis:

- i) Under the provisions of Rule 4 of the Punjab Public Service Commission (Functions) Rules, 1978, contract appointments are excluded from the purview of the PPSC. However the Departments should generally prefer the channel of PPSC even for contractual appointment against posts, which otherwise fall within the purview of PPSC under para 5 (i) & (ii), by seeking relaxation of Rule 4 ibid from the Chief Minister.
- ii) The Service Rules applicable to various posts shall be applicable also in case of appointment on contract basis. If, however, the Service Rules for a post have not been framed, the departments are advised to get them framed in consultation with the Regulations Wing of S&GAD and with approval of the Chief Minister, before commencing the recruitment process.
- iii) Where Service Rules for posts to be filled on contract basis are not available or where the department intends to adopt qualifications, etc., different from those provided in the Service Rules, comprehensive criteria regarding proposed qualification, experience, age, appointing authority, etc., may be got approved from the Chief Minister after consultation with the Regulations Wing.
- iv) Generally, the period of initial contract appointment shall be between three to five years extendable as per provisions of the prevailing contract appointment policy.
- v) Terms and conditions of contract appointment shall be settled by the Administrative Department in consultation with the Finance Department in accordance with the provisions of prevailing contract appointment policy. However, in all contracts, it shall be clearly provided that the services of the contract employee are liable to be terminated on one month's notice, without assigning any reason.

7. DETERMINATION OF POSTS TO BE FILLED ON REGULAR OR CONTRACT BASIS

- i) A Contract Appointment Regulation Committee (CARC) has been notified vide No.SOR.IV (S&GAD)12-2/2004, dated 16.04.2004, in the Regulations Wing with representatives from Punjab Public Service Commission, Finance Department and the Department concerned, which is required to determine as to whether various categories of posts shall be filled on regular or contract basis.
- ii) If the departments intend to fill the posts on contract basis in the pay scale prescribed in the service rules, the case need not be referred to the Regulations Wing and only the terms and conditions of contract appointment may be got approved from the Finance Department.
- iii) If, however, the departments intend to fill the posts on regular basis or on contract basis with pay package different from the pay scale of the post or qualification, etc., different from those prescribed in the service rules, a comprehensive case must be

referred to the Regulations Wing for consideration by the Contract Appointment Regulation Committee, before commencing the recruitment process.

8. **MERIT BASED RECRUITMENT**

- a) All posts shall be advertised properly in at least two leading newspapers, as per rules.
- b) No relaxation of qualification, experience, physical criteria etc. as provided in the relevant service rules shall be allowed, except as prescribed under the rules.
- c) The relevant Selection Committees shall ensure that recruitments are made strictly on merit and in accordance with the rules, selection criteria and other provisions of this policy.

9. **ELIGIBILITY FOR APPOINTMENT**

- i) Article 27 of the Constitution of Islamic Republic of Pakistan provides that no citizen, otherwise qualified for appointment in the Service of Pakistan (which includes Federal as well as Provincial Service) shall be discriminated against in respect of any such appointment on the ground of race, religion, caste, sex, residence or place of birth.
- ii) Article 27 (2) of the Constitution provides that the Provincial Government may prescribe the condition of residence in the province prior to appointment against any post under the provincial Government or authority.
- iii) Rule 20 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that posts in connection with the affairs of the province shall be filled from persons domiciled in the province of Punjab, in accordance with merit.
- iv) From the above provisions of Constitution/law it is clear that all persons who are domiciled in Punjab are eligible for appointment on merit against any post in any department, attached department, autonomous body, district Government, etc., provided they are otherwise eligible i.e., they meet the criteria/requirements of qualification, experience, age limit, etc., as provided in the service rules for the post.
- v) The existing regular/confirmed Government servants are eligible for appointment on contract basis and the issues regarding their lien etc., to their permanent substantive posts shall be dealt with under the provisions of the prevailing Contract Appointment Policy.
- vi) Under Section 13(1) of the Punjab Civil Servants Act, 1974, a retired Government servant is not

eligible for appointment either on regular or on contract basis. Thus all categories of retired Government servants are not eligible for initial appointment against Government posts except under the provisions of Re-employment Policy. The various kinds of retirement are explained as under:-

- a) Retirement on attaining the age of superannuation i.e., 60 years under Section 12(1)(ii) of the Punjab Civil Servants Act, 1974.
 - b) Compulsory retirement under Section 12(1) of the Act ibid after completion of 20 years service.
 - c) Compulsory retirement under the provisions of Punjab Civil Servants (E&D) Rules or Punjab Removal from Service (Special Powers) Ordinance, 2000.
 - d) Retirement on grounds of invalidation under rule 3.3 of Punjab Civil Service Pension Rules.
 - e) Optional retirement after completion of prescribed qualifying service for pension, under Rule 3.5 of the Pension Rules.
- vii) Retired armed forces personnel are eligible for appointment on merit only at the time of making general recruitment through advertisement against civil posts, provided they are otherwise eligible for appointment, under the rules.

***10. SELECTION COMMITTEES FOR RECRUITMENT**

The following Selection Committees shall make recommendations for such posts at the Provincial/District level as do not fall within purview of the Punjab Public Service Commission:

- a) **DEPARTMENTAL SELECTION COMMITTEES AT PROVINCIAL LEVEL**
 - i) Appointing Authority (Where Chief Minister is the Appointing Authority, Administrative Secretary concerned. will be the Chairman of the Committee). Chairman
 - ii) Two officers of the Department to be nominated by the Administrative Department with the approval of the Minister Incharge. Member
 - iii) One officer of S&GAD to be nominated by the Regulations Wing (only for posts in BS-16 and above). Member
 - iv) A woman officer to be nominated by the Member

*Para 10 substituted vide Notification No. SOR-IV(S&GAD)10-1/2003 dated 17.05.2012.
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Administrative Secretary.

Provided that where the department is of the view that the said committee is not relevant to its peculiar circumstances, it may with the approval of the Chief Minister constitute its own committee, routing the case through Regulations Wing, S&GAD.

****b) DEPARTMENTAL SELECTION COMMITTEES AT DIVISIONAL / DISTRICT LEVEL**

- i) Appointing Authority Chairman
- ii) One member, nominated by the Administrative Department with the approval of the Minister In-charge Member
- iii) A woman officer, nominated by the Commissioner or Deputy Commissioner concerned. Member
- iv) Officer In-charge of Establishment concerned. Member

#c) Omitted

@ 11. SELECTION CRITERIA FOR APPOINTMENT

The following criteria shall be observed for selection against posts in BS-1 to 4, BS-5 to 10 and 11 & above:

A) CRITERIA FOR POSTS IN BS-1 TO 4

Total Marks 100

(i) EDUCATIONAL QUALIFICATION

Maximum Marks 65

a) Where prescribed minimum qualification is literate

Literate	45
Primary	50
Middle	60
Matric	65

b) Where prescribed minimum qualification is Primary

Primary	50
Middle	60
Matric	65

c) Where prescribed minimum qualification is Middle

Middle	50
Matric	60
Intermediate	65

d) Where prescribed minimum qualification is Matric

Matric	50
--------	----

** Clause (b) of para 10 is substituted vide Notification No. SOR.IV(S&GAD)10-1/2003 dated 12.04.2017.

Para 10 omitted vide Notification No. SOR.IV(S&GAD)10-1/2003 dated 12.04.2017.

@ Substituted vide Notification No. SOR-IV(S&GAD)10-1/2003 dated 01.02.2016.

Intermediate	60
Bachelor	65

(ii) **EXPERIENCE IN THE RELEVANT FIELD**

Maximum Marks 10

(Over and above the experience prescribed in the service rules)

a)	One year	05
b)	Two years	07
c)	Three years	10

(iii) **EX-SERVICE MAN/HAFIZ-E-QURAN**

Marks 05

(iv) **INTERVIEW**

Maximum Marks 20

B) CRITERIA FOR POSTS IN BS-5 TO 10

Total Marks 100

(i) **EDUCATIONAL QUALIFICATION**

Maximum Marks 70

a) Where prescribed minimum qualification is Matric/equivalent

		A+ Grade	A Grade	B Grade	C Grade	D Grade	E Grade
1.	Matric	70	63	56	49	42	35

b) Where prescribed minimum qualification is Intermediate/equivalent

		A+ Grade	A Grade	B Grade	C Grade	D Grade	E Grade
1.	Intermediate 67%	47	42	38	33	28	23
2.	Matric 33%	23	21	18	16	14	12

c) Where prescribed minimum qualification is Bachelor Degree/equivalent

		1 st Div.	2 nd Div	3 rd Div
1	Bachelor 50%	35	31	21
2	Intermediate 33%	23	21	14
3	Matric 17%	12	11	07

(ii) **HIGHER QUALIFICATION**

Maximum Marks 10

Next above the qualification prescribed under the rules:

1)	One stage higher	05
2)	Two stages higher	07
3)	Three stages higher	10

(iii) **EXPERIENCE IN THE RELEVANT FIELD**

Maximum Marks 10

a)	One year	05
b)	Two years	07
c)	Three years	10

(iv) **EX-SERVICE MAN/HAFIZ-E-QURAN**

Marks 05

(v) **INTERVIEW**

Maximum Marks 05

C. CRITERIA FOR POSTS IN BS-11 & ABOVE

Total Marks 100

(i) **EDUCATIONAL QUALIFICATION**

Maximum Marks 70

a) Where prescribed minimum qualification is Matric/equivalent

		A+ Grade	A Grade	B Grade	C Grade	D Grade	E Grade
1	Matric	70	63	56	49	42	35

b) Where prescribed minimum qualification is Intermediate/equivalent

		A+ Grade	A Grade	B Grade	C Grade	D Grade	E Grade
1	Intermediate 67%	47	42	38	33	28	23
2	Matric 33%	23	21	18	16	14	12

c) Where prescribed minimum qualification is Bachelor Degree/equivalent

		1 st Div	2 nd Div	3 rd Div
1	Bachelor 50%	35	31	21
2	Intermediate 33%	23	21	14
3	Matric 17%	12	11	07

d) Where prescribed minimum qualification is Master's degree/equivalent

		1 st Div	2 nd Div	3 rd Div
1	Master's 50%	35	32	21
2	Bachelor 25%	17	16	11

3	Intermediate	17%	12	11	07
4	Matric	8%	06	05	03

(ii) **HIGHER QUALIFICATION IN THE RELEVANT FIELD**

Maximum Marks 10

Next above the qualification prescribed under the rules:

1)	One stage higher	05
2)	Two stages higher	07
3)	Three stages higher	10

(iii) **POSITION IN THE BOARD / UNIVERSITY IN THE PRESCRIBED QUALIFICATION**

Maximum marks 05

a)	1 st position	05
b)	2 nd position	03
c)	3 rd position	02

(iv) **EX-SERVICE MAN/HAFIZ-E-QURAN**

Marks 05

(v) **EXPERIENCE IN THE RELEVANT FIELD**

Marks 05

(vi) **INTERVIEW**

Maximum Marks 05

Note: Departments may change the selection criteria for specific specialized posts, if required, but the criteria must be clearly elaborated in order to ensure transparency in the selection process and should be got approved from the Chief Minister Punjab.

12. **QUOTAS IN RECRUITMENT**

The following quotas have already been provided under various notifications and shall continue:

- ♣ i) 3% quota for disabled persons, as prescribed vide No. SOR-IV (S&GAD) 7-2/2015 dated 08.04.2015.
- ii) 15% quota for women as prescribed vide Notification No.SOR-IV(S&GAD)15-1/2012 dated 21.05.2012

♣ 2% quota for disable persons is substituted as 3% quota vide letter No. SOR-IV (S&GAD) 7-2/2015 dated 08.04.2015.

• 5% quota for women is substituted as 15% quota vide Notification No.SOR-IV(S&GAD)15-1/2012 dated 21.05.2012

- iii) 20% quota of posts in BS-1 to 5 for the children of serving/retired Government employees in BS-1 to 5, as prescribed vide notification No. SOR-III.1-22/90 dated 01.09.1993.

** (iv) 5% quota for minorities.

Explanation: The posts reserved for quotas mentioned above are to be filled only at the time of making general recruitment through advertisement, under the Recruitment Policy.

13. **STEPS OF RECRUITMENT PROCESS**

- i) Administrative Secretary and the Appointing Authority shall periodically update the detail of available vacancies, especially prior to recruitment and ensure that recruitment is made against clear-cut vacancies, after accounting for vacancies occurring due to leave, deputation etc.
- ii) Before advertising the posts, it shall be ensured that there is no bar on recruitment and recruitments shall be made only against posts for which specific approval has been granted either under the Recruitment Policy or by the Chief Minister.
- iii) Appointing Authority shall advertise the posts in at least two national dailies indicating the qualification, etc. as prescribed in the Service Rules of the post.
- iv) At least 15 days time, from the date of advertisement, shall be given for submission of applications.
- v) After detailed scrutiny of the applications, the eligible candidates shall be issued call letters for test/interview, as the case may be.
- #v-a) The Appointing Authorities shall prepare a separate question paper for the non-Muslim candidates, as and when recruitment is made on the basis of written test. The questions shall be of general nature, and shall not be limited to the knowledge about any particular religion.
- *vi) The relevant Selection Committee shall conduct test/interview and recommend suitable candidates for appointment, strictly on the basis of merit/selection criteria, to the appointing authority. The merit list shall be signed by the Chairman as well as all the members of the Selection Committees.
- vii) The Appointing Authority, shall issue offer of appointments to the candidates recommended by the

** Added vide Notification No. SOR-III(S&GAD)1-35/93 dated 27.03.2010.

Added vide Notification No. SOR-IV(S&GAD)10-1/2003 dated 31.12.2011.

* Para 13(vi) substituted vide Notification No. SOR-IV(S&GAD)10-1/2003 dated 05.10.2011.

Selection Committee, clearly indicating the terms and conditions of such appointment.

- viii) The terms and conditions of contract appointment must be prepared as per provisions of Contract Appointment Policy and got approved from Finance Department before issuing offers of appointment.
- ix) Appointing Authority shall issue appointment/posting orders after the acceptance of offer and after ensuring that all the codal formalities have been fulfilled.
- x) All the candidates shall be required to produce National Identity Card, domicile certificate and transcripts of qualifications, in original, at the time of interview.
- xi) The Selection Committees shall ensure that the certificates/degrees of candidates are genuine and have been obtained from recognized institutions.

14. **RECRUITMENT IN AUTONOMOUS BODIES**

- i) The provisions of this Policy shall be applicable to recruitments in Autonomous Bodies. However, if the Selection Committees at para 10 above are not relevant to their peculiar requirements and circumstances, they may constitute their own Selection Committees with the approval of their governing body/competent authority.
- ii) If the departments feel that autonomous bodies should be allowed recruitment as per their requirements and should not be linked with the Recruitment Policy *per se*, e.g., public sector universities and autonomous health institutions, etc., the departments may obtain approval of the Chief Minister for allowing recruitments in the autonomous bodies/institutions as per their own requirements, on a summary to be routed through the Regulations Wing.
- iii) The provisions regarding merit-based recruitment, eligibility for appointment, criteria for selection, preference for contractual appointments shall be applicable to the autonomous institutions.
- iv) The Departments shall keep a record of all recruitments made in autonomous bodies/institutions attached with them and provide a consolidated information to the Regulations Wing so that the figures may be incorporated into the overall number of posts against which recruitments have been made in the Provincial Departments/Organizations.
- v) The Departments must always send consolidated information pertaining to all autonomous bodies and avoid furnishing the same in piecemeal manner.

15. **RECRUITMENT IN DEVELOPMENT PROJECTS**

- i) There is no restriction/ban on recruitment against posts duly approved in the development projects as per Finance Department's letter No. Exp (G) 11-9/99, dated 31.07.1999.

- ii) Recruitment against all project posts shall invariably be made on contract basis.
- iii) The instructions/guidelines and selection criteria, etc., given in this policy shall be equally applicable for recruitment against project posts.
- ♦iv) Recruitment against posts sanctioned in development projects shall be made in accordance with the Service Rules already prescribed. If no Service Rules for the post exist, then the departments shall determine the qualification, experience, age limit, appointing authority, etc., at their own level.
- v) The Departments must intimate the Regulations Wing about the recruitments to be made in the development projects prior to initiating the recruitment process so that the number of posts against which recruitment is made is incorporated in the overall number of posts against which recruitments have been made in the Provincial Departments/Organizations.

16. **▲RELAXATION IN UPPER AGE LIMIT FOR INITIAL RECRUITMENT IN BS-1 TO 17**

- i) 05 years relaxation in upper age limit shall be allowed, across the board, for all categories of posts in BS-1 to 17.
- ii) This relaxation would be valid upto 30.06.2005, for all kinds of recruitments. During this time, the application of Punjab Delegation of Powers (Relaxation of Age) Rules, 1961 shall be held in abeyance.
- iii) This concession in upper age limit shall however, not be granted in the case of Police Department, as already decided by the Cabinet in 1990.
- iv) In all cases, age relaxation shall be given across the board as per above provisions and shall appear as a part of the advertisement and shall not be allowed in individual cases. This will obviate the necessity of individuals approaching various authorities for getting age relaxation.

RELAXATION IN CASE OF CONTRACT APPOINTMENTS

- i) In case where the upper age limit for a post to be filled on contract basis has been enhanced by the department (as against the age limit prescribed in the service rules) no relaxation in the upper age limit shall be allowed.
- ii) In case where contract appointments are made in accordance with the existing service rules and the age limit prescribed thereunder, 5 years relaxation in upper age limit shall be granted across the board, as per policy given above at para 16 (a) to (d).

17. **RECRUITMENT COMPLAINTS REDRESSAL CELL**

♦Para 15(iv) substituted vide Notification No. SOR-IV(S&GAD)10-1/2003 dated 14.06.2006.

▲For further amendments see Delegation of Powers (Relaxation of Age) Rules, 1961, amended, vide Notification No. SORI(S&GAD) 9-36/81 dated 04.11.2006.

- i) All Departments shall constitute Recruitment Complaints Redressal Cells headed by an officer not below the rank of Additional Secretary (Deputy Secretary in case of Departments where post of Additional Secretary does not exist). All complaints regarding violation of any provision of the Recruitment Policy shall be dealt with by these cells.
- ii) On receipt of complaints, the Incharge of the Cell shall immediately inform the Secretary concerned and the Minister Incharge about the complaint, who shall decide as to whether the complaint is genuine and merits probe.
- iii) If the complaint is considered frivolous, the same may be filed. If it is found genuine, an inquiry may be ordered to ascertain as to whether or not the recruitment was made in a transparent manner on merit in accordance with the provisions of the Recruitment Policy. On receipt of the inquiry report, if no irregularity is found, the recruitment may be allowed to stand.
- iv) Where serious irregularities and violation of merit is found to have been committed, the department may scrap the recruitment process, after the approval of the Chief Minister, provided that appointment orders have not been issued.
- v) Where appointment orders on regular or contract basis have already been issued and later it is determined that such appointments were made in violation of merit/selection criteria, etc., further action may be taken in accordance with law and terms and conditions of contract.
- vi) Departments should take disciplinary action against the persons responsible for committing irregularities in recruitment process.

18. RECRUITMENTS TO BE MADE IN PHASE-II

- i) Under Phase-II of the recruitment process, 38, 219 posts shall be filled by the departments, including attached departments, subordinate offices/institutions, autonomous bodies, district offices, etc.
- ii) The department-wise breakup of the posts against which recruitment is to be made under Phase-II is given in Annexure-I.
- iii) The departments are required to convey detailed breakup of the posts to the Districts, Attached Departments/ Autonomous Bodies, etc., in order to enable them to make recruitments against posts, specifically allocated to them.
- iv) DCOs/EDOs and Heads of Attached Departments/ Autonomous Bodies must obtain the details of the posts allocated to them from the concerned administrative

departments before proceeding with the recruitment process.

- v) All departments are required to complete the recruitment process under Phase-II against posts allocated to them latest by 31.03.2005.
- vi) The Departments must provide the progress of recruitment process to the Regulations Wing on quarterly basis as under, on the proforma given at Annexure-II.

	For the quarter ending	To be provided by
a)	31.12.2004	15.01.2005
b)	31.03.2005	15.04.2005

19. This issues with the approval of the Chief Minister Punjab. All the Administrative Departments/Authorities are requested to ensure strict compliance of this policy, at all levels.

No. SOR.III.2-2/91
Dated the 22nd August, 1992

NOTIFICATION

Notwithstanding anything contained in any recruitment rules for any post and in exercise of the powers conferred on him by Section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to direct that the initial recruitment to posts in BS-11 to BS-15 of the following departments shall also henceforth be made on the recommendations of Punjab Public Service Commission:

1. Revenue Department.
2. Police Department.
3. Prisons Department.
4. Food Department.
5. Labour and Manpower Department.
6. Excise and Taxation Department.
7. Irrigation and Power Department.
8. Cooperatives Department.
9. Communication and Works Department.
10. Housing, P& EP Department.
11. Punjab Civil Secretariat; and
12. Engineering cells of all other departments.

No. SOR.III.2-2/91
Dated the 31st January, 1993

Subject: IRREGULARITIES IN RECRUITMENT ORDERS OF THE SUPREME COURT OF PAKISTAN

I am directed to invite your kind attention to the subject noted above and to enclose a copy of the judgment passed by the Supreme Court of Pakistan in respect of Human Rights Cases No. 104 and 104 (ii to iv) of 1992 dated 19.01.1993 for your kind information and necessary action (copy placed below).

FOR CHIEF SECRETARY, PUNJAB

IN THE SUPREME COURT OF PAKISTAN
(original jurisdiction)

Present:

Mr. Justice Muhammad Afzal Zullah, Chief Justice.

Mr. Justice Dr. Nasim Hasan Shah.

Mr. Justice Shafi-ur-Rehman.

HUMAN RIGHTS CASE NO. 104 OF 1992.
(irregularities in appointments)

Abdul Jabbar Memon. Applicant

HUMAN RIGHTS CASE NO. 104 (ii) OF 1992.

Mr. Latif Ullah Applicant

HUMAN RIGHTS CASE NO. 104 (iii) OF 1992.

Staff Excise & Taxation Applicant
Department.

HUMAN RIGHTS CASE NO. 104 OF 1992.

Mr. Rab Nawaz Raja. Applicant

ORDER

19.01.1993

PRESENT

Mr. Faqir Muhammad Khokhar, Deputy Attorney General.

Mr. Mumtaz Ali Mirza, Deputy Attorney General.

Raja M. Afsar, Advocate General, Balochistan.

Mr. Abdul Ghaffar Mangi, Addl. Advocate General, Sindh.

Mr. Khalid Ahmad, Assistant Advocate General, Punjab.

Mr. Anwar Kamal, Advocate Supreme Court of Pakistan, for PIA.

The matter has come up for consideration in the presence of the Deputy Attorneys General, Provincial Law Officers and Mr. Anwar Kamal, Advocate/counsel for PIA to seek appropriate instructions from their respective Governments/Departments and to ensure compliance with the order. The interim order is reproduced here under in extant.

HR. 104/92 etc.

“While inquiring into various complaints of violation of Fundamental/Human Rights, it has been found that the Federal Government, Provincial Governments, Statutory Bodies and the Public Authorities have been making recruitments, both adhoc and regular, to posts and of without publicly and properly advertising the vacancies and at times by converting adhoc appointments into regular appointments. This practice is Prima facie violative of Fundamental Right (Article 18 of the Constitution) guaranteeing to every citizen freedom of profession.

Subject to notice to all concerned, and subject to final orders after full hearing in the matter, it is ordered as after interim measure that the violation of this Fundamental/Human Right shall be discontinued forthwith.

Steps shall immediately be taken to rectify, so as to bring the practice in accord with the Constitutional requirement.

Sd/- Muhammad Afzal Zullah
Chief Justice
Sd/- Dr. Nasim Hassan Shah
Sd/- Shafur Rehman

Dated: Rawalpindi,
January, 19, 1993

No. SOR.III.2-2/91
Dated the 5th October, 1995

Subject: IRREGULARITIES IN RECRUITMENT ORDERS OF THE SUPREME COURT OF PAKISTAN

I am directed to invite your attention to this Department’s circular letter of Even No. dated 31st January, 1993, forwarding a copy of Order of Supreme Court of Pakistan dated 19.01.1993, passed in Human Rights Cases No. 104 (*I to IV*) of 1992 for compliance. It has been observed that the decision is not being followed meticulously. It has, therefore, been decided to re-emphasize the implications of this decision, which are as under:

- ii) No recruitment should be made against any post which is not advertised properly.
- iii) No ahoc appointments should be converted into regular appointments without advertising the posts.
- iv) No recruitment should be made without observing rules and prescribed procedure.

2. Proposals are being sent by various Administrative Departments to the Regulations Wing, S&GAD for regularizing the adhoc appointments. Needless to say that such proposals militate against the spirit of Supreme Court’s decision referred to above. Such proposals, if accepted, would tantamount to contempt of Court.

3. A serious view of this lapse has been taken by the Government and it has been decided that in future no such proposal shall be entertained. Strict disciplinary action shall be taken against the Civil Servants who violated the principle of law enunciated by the Supreme Court of Pakistan referred to above.

4. The contents of this letter may kindly be brought to the notice of all concerned.

No. SOR-IV (S&GAD)10-1/2003
Dated the 16th March 2005

Subject: REQUIREMENT OF ATTESTED/PHOTO COPIES OF SUPPORTING DOCUMENTS FROM EMPLOYMENT SEEKERS

I am directed to refer to the subject cited above and to inform that the Government has approved the following simplified system to be followed during recruitment process in general by all the departments unless it is necessary for better selection to call for more detailed documentation at the initial stage of the selection process:

- i) At the stage of calling the applications, only personal data on a plain paper may suffice to shortlist the candidates on the basis of suitability.
 - ii) Those called for interview may be asked to bring along the original documents.
 - iii) Those selected may be required to submit certified copies of the documents for record.
2. You are requested to bring the above instructions in to the notice of attached departments/subordinate offices/autonomous/semi-autonomous bodies/corporations under your administrative control for compliance.

No. SOR-IV(S&GAD)10-1/2003
Dated 14th June 2006

Subject: RECRUITMENT POLICY – 2004

Kindly refer to the subject cited above.

2. In pursuance of the approval accorded by the Chief Minister, para 15(iv) of the Recruitment Policy 2004 shall be substituted as under:

- “iv) Recruitment against posts sanctioned in development projects shall be made in accordance with the Service Rules already prescribed. If no Service Rules for the post exist, then the departments shall determine the qualification, experience, age limit, appointing authority etc., at their own level.”

No. SOR-IV(S&GAD)10-1/2003
Dated 20th March 2006

Subject: RECRUITMENT POLICY – 2004

Attention is invited to Para 15 of the Recruitment Policy – 2004 circulated vide letter of even No. dated 17.09.2004, which provides as under:

- i) There is no restriction/ban on recruitment against posts duly approved in the development projects as per Finance Department's letter No. Exp (G) 11-9/99, dated 31.07.1999.

- ii) Recruitment against all project posts shall invariably be made on contract basis.
- iii) The instructions/guidelines and selection criteria, etc., given in this policy shall be equally applicable for recruitment against project posts.
- iv) Recruitment against posts sanctioned in development projects shall be made in accordance with the Service Rules already prescribed for similar posts. If no Service Rules for the post exist, then the departments shall determine the qualification, experience, age limit, appointing authority etc., and get the same approved from the Chief Minister in consultation with the Regulations Wing.

2. The Chief Minister has been pleased to direct that since there is no restriction/ban on recruitment against posts duly approved in the development projects, the department/executing agencies should proceed with the recruitment process against project posts without making any reference to the Regulations Wing of S&GAD.

3. Therefore, all the departments are advised not to send references to the Regulations Wing seeking relaxation of ban for making such recruitment, and the implementation of the projects may be expedited.

4. However, the Departments shall intimate the Regulations Wing about the number of posts filled in immediately after recruitments made in the development projects so that the over-all figure of posts against which recruitment is made in the provincial departments/organizations is updated.

No. SOR-IV(S&GAD)10-1/2003

Dated 11th October 2006

Subject: RECRUITMENT POLICY – 2004

I am directed to refer to the subject cited above and to state that instances have come to the notice of the Government where certain officers attended as chairman or as a member, meetings of the Selection Committees while their blood relations were candidates for a post. Needless to say that such an act is not only prejudicial to the norms of transparency and casts aspersions on the conduct of the concerned officers, but also tantamount to nepotism, favoritism and willful abuse of office under rule 26 of the Punjab Government Servants (Conduct) Rules, 1966.

2. Therefore, in order to ensure merit and transparency, in case a relative of the chairman or a member of the Selection/Recruitment Committee is to appear for interview as a candidate, the said officer should not participate in the meeting of the Selection Committee and for alternative arrangements orders of the next higher authority may be sought.

3. You are requested to kindly bring the aforesaid instructions into the notice of all concerned for strict compliance.

No. SOR-IV (S&GAD)10-1/2003

Dated the 28th September 2006

Subject: RECRUITMENT POLICY – 2004

Kindly refer to this department's letter of even number dated 21.04.2006 on the subject cited above, whereby a representative of Punjab Public Service Commission was made a member of the Departmental Selection Committees at provincial level prescribed in Para 10(a) of the Recruitment Policy – 2004, for posts in BS-16 and above.

2. The Chief Minister has been pleased to exclude all the temporary posts created for development projects/programs from the purview of the circular letter referred to above. Instead the following policy shall be adhered to regarding the constitution of Selection Committees in respect of temporary projects posts:

- | | | |
|----|---|--|
| a) | For project posts from
BS-16 to BS-18 (or equivalent) | To be constituted by the
Administrative Secretary
concerned. |
| b) | For project pots in BS-19
and above (or equivalent) or
those with special package | Selection Committee to be
constituted in consultation
with P&D Department, with
the approval of Chief Minister. |

3. Further necessary action may be taken accordingly.

No. SOR-IV(S&GAD)10-2/2008
Dated the 6th February 2008

**SUBJECT: RECRUITMENT POLICY – INDICATION OF SPECIFIC DATE IN
THE ADVERTISEMENTS FOR RECRUITMENT**

I am directed to refer to the subject noted above and to state that it has been brought to the notice of Government that some of the Departments, instead of giving a clear last date up to which applications could be submitted, mention that applications would be received within certain number of days of the advertisement. This practice creates confusion because advertisements may appear on different dates in different newspapers.

2. In view of the above, it has been decided that, henceforth, in the advertisements for recruitment to various posts last date by which applications should be submitted be clearly specified. However, while determining the last date it may be kept in view that two weeks time is required for processing of advertisements for recruitment by the Directorate General of Public Relations, Punjab, Lahore. This may be brought to the notice of all concerned for strict compliance.

NO.SOR-III(S&GAD)2-74/2008
Dated Lahore the 5th November 2011

NOTIFICATION

In exercise of the powers conferred upon him by section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974) and in supersession of S&GAD's notification No. SOR-III-2-74/2008 dated 21.08.2009, the Governor of the Punjab is pleased to direct that

20% vacancies in the cadre of Junior Clerk, Patwari, Driver, Beldar, Naib Qasid, Mali, Farrash, Water Carrier and Chowkidar in all Government Departments shall stand reserved for the children of such Government servants in BS-1-5 and Junior Clerks (BS-7) and Patwaris (BS-9), who are either serving in the respective department/cadre or have retired. The eligibility criteria for selection to the reserved posts shall be as follows:

Nomenclature of post	Criteria for selection
Junior Clerk (BS-7)	All the posts of Junior Clerks falling in this quota shall be filled strictly on merit as per recruitment policy in vogue.
Patwari (BS-9)	All the posts of Patwaris falling in this quota shall be filled strictly on merit as per recruitment policy in vogue.
Driver (BS-4)	Only those candidates who possess valid driving license shall be eligible for the post of Driver. Respective Departmental Selection Committees shall conduct driving tests of all eligible candidates.
Beldar (BS-1)	The basic criteria for recruitment to the post of Beldar shall be— (a) Height 5.6” or above. (b) Chest 33” or above (c) Test of Kassi work (d) Racing test and (e) Swimming test
Naib Qasid/Mali/Farash/ Water Carrier/Chowkidar (BS-1)	The length of service of the parent whose son is a candidate shall be the sole criteria for determining inter se merit of the candidates.

Provided that:

- i) Only one child of a Government servant can avail the benefit of employment under the said reserved quota for the children of above mentioned categories of Government employees in BS-1-5 including Junior Clerks (BS-11)/Patwaris (BS-9). For this purpose, an affidavit shall be obtained from the concerned employee that none of his children has previously been appointed under the said quota;
- ii) The vacancies shall be filled through the respective Departmental Recruitment Committees at time of general recruitment;
- iii) The District cadre posts shall be filled from amongst the candidates having the domicile of the district concerned; and
- iv) If none is available for appointment against the reserved quota, the post shall be filled through direct recruitment on open merit.

No. SOR-IV(S&GAD)10-1/2003
Dated the 13th February, 2009

Subject: RECRUITMENT AGAINST POSTS IN BS-1 TO 5 – LIFTING OF BAN

In continuation of this Department’s letter of even number dated 03.02.2009 on the subject cited above, I am request that due publicity be given to the recruitment process.

2. It is also reiterated that recruitment may kindly be made in accordance with the provisions of Recruitment Policy and Contract Appointment Policy – 2004. Attention is also invited to Article 27 of the Constitution of Pakistan, which stands incorporated in para 9(i) of the Recruitment Policy – 2004, which reads as under:

“9(i) Article 27 of the Constitution of Islamic Republic of Pakistan provides that no citizen, otherwise qualified for appointment in the Service of Pakistan (which includes Federal as well as Provincial Service) shall be discriminated against in respect of any such appointment on the ground of race, religion, caste, sex, residence or place of birth.”

3. In view of the above, all appointing authorities are requested to ensure that while advertising the posts of Sanitary Workers, no specific category of persons be mentioned as eligible for such posts in order to avoid possible adverse effect on sensibilities.

No. SOR-IV(S&GAD)10-12/2011

Dated the 6th April 2012

Subject: EMPLOYMENT OF SHEMALES IN GOVERNMENT DEPARTMENTS

Kindly refer to the subject noted above.

2. The Supreme Court of Pakistan vide Order dated 01.02.2012 (copy enclosed) passed in Constitutional Petition No. 43 of 2009 filed by Dr. Muhammad Aslam Khaki has directed to ensure that:

“Shemales shall be accommodated against the Government jobs in accordance with rules and regulations.”

3. I am, therefore, directed to request you to instruct the Appointing Authorities under your control that while advertising the vacancies, it shall also be indicated that “Shemales can apply, if eligible, against vacancies to be filled through open merit.”

Subject: CONSTITUTION PETITION NO. 43 OF 2009

Dr. Muhammad Aslam Khaki & another Petitioners
Vs.
S.S.P. (Operations) Rawalpindi & others Respondents

I am directed to enclose herewith certified copy of the order dated 01.02.2012 passed in the above cited Constitution Petition.

2. I am further directed to invite your attention to the directions of the Court contained in the enclosed order (*below*) for information and further immediate necessary action on your part.

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

Present

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Khilji Arif Hussain
Mr. Justice Tariq Parvez

CONSTITUTION PETITION NO. 43 OF 2009

Dr. Muhammad Aslam Khaki & another Vs. SSP Operations, RWP, etc.

For the petitioner :

Dr. M. Aslam Khaki, ASC
with Almas Bobi, President,
Shemale Association of
Pakistan & Shahana Abbas,
Sana Murslin, Asia, Taswur.

For the Federation:

Mr. Muhammad Alizai, DAG.

For Govt. of Balochistan:

Mr. Tahir Iqbal Khattak,
Addl. PG. (on behalf of
Balochistan) Mr. Saleem Awan, Secy,
SW.

For Govt. of KPK:

Syed Arshad Hussain Shah,
Addl. AG

For Govt. of Punjab:

Mr. Jawad Hassan, Addl. AG
Mian Abdul Qudoos, Dir. SW

For Govt. of Sindh:

Mr. Qasim Jat, ASC
(on behalf of AG Sindh)
Ms. Rehana Khatoon, Dy. Dir. SW
Mr. Saqib Jamal, LO

For NADRA:

Addl. AG

For ICT:

Dr. Muhammad Athar,
DHO, Ibid.

For Rwp. Police:

Mr. Waris Haider, SP
Pothohar Town.
Raja Tifoor, DSP, Taxila
Sardar Shakeel Ahmed, SHO.

Date of hearing:

01.02.2012

ORDER

Mr. Saleem Awan, Secretary, Social Welfare Department, Government of Balochistan has appeared and submits a report; perusal whereof indicates that in different parts/cities of Province of Balochistan, 121 Shemales have been identified; NADRA is cooperating in preparing their CNIC and thereafter the Electoral List Registration Officer shall approached for registering their names as voters in the list; jobs against the post for which they were appointed on merit, without interference of the department, whereas seven other shemales are in different occupations; he states that steps are being taken for transfer of their ancestral properties in their names but no one amongst them have identified such property; he further informs that Shemale Welfare Centre is under construction, where psychological counseling facility will be provided to them.

2. In above view of the matter, we direct the Social Welfare Department to itself trace out the whereabouts of the properties with reference to families etc. of the Shemales and transfer the same in their names; it shall also be ensured that shemales are accommodated against the Government jobs according to the rules and regulations and process of their registration as voter be completed expeditiously. A compliance report in this regard shall be submitted by the department to this Court before next date of hearing.

3. Learned Additional Advocate General KPK has appeared and states that 136 Shemales have been identified, out of whom 53 have been registered by NADRA with the cooperation of the Provincial Government and their names shall also be incorporated in the Electoral List as voters. According to him all the Educational Institutions have been instructed to provide them education. He states that two shemales have already been accommodated against the Government jobs and this effort shall continue in future as well. According to him process of transfer of immovable properties, if any, inherited by anyone of them is also under process.

4. Similarly, learned Additional Advocate General Punjab states that so far process of granting CNIC by NADRA to Shemales has been completed to the extent of 484 Shemales; in respect of remaining Shemales, there are certain technical problems, and the authorities are trying to overcome the same; he states that in the meantime, efforts are also being made to register their names in the Electoral List as voters.

The Government of Punjab is directed through the Advocate General to ensure that Shemale shall be accommodated the Government job in accordance with rules and regulations.

5. Learned ASC appearing on behalf of Government of Sindh has submitted report, which indicates that the directions of this Court are being complied with in letter and spirit.

6. Dr. Muhammad Athar, DHO, Islamabad has appeared and states that about 10/11 Shemales have been identified in area of Tarlai village and Muslim Colony, Bari Imam; however, according to him, for the time being they are not cooperating for registration of their names with the NADRA and enrolment of their names in the Electoral List.

7. The Deputy Manager (Legal), NADRA HQ has submitted report; operative para therefrom is reproduced herein below:

“2. It is submitted that instructions in this regard have already been issued to all Regional Offices letter No. NADRA/HQ Ops/Tech/14 dated 30.01.2012 for implementation of Court order in true letter and spirit.”

8. There is some dispute in respect of recording the parentage of the shemales on CNIC, as they are recognized by the name of their ‘Guru’ their claim is that the authorities be directed not to insist them to disclose their parentage. In this regard, the NADRA are directed to look into the matter and decide the issue strictly in accordance with rules and regulations and make all efforts to redress their grievance.

Similarly, it shall also be ensured that only ‘khawaja saras’ are being registered, after ascertaining that he/she is ‘shemale’ and anybody else, who is pretending to be ‘shemale’.

9. As far as the official respondents i.e. SP Pothohar Town, Rwp. and DSP, Taxila are concerned, they are not required to attend the Court in future, unless otherwise directed.

Adjourned to a date in office.

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Khilji Arif Hussain
Mr. Justice Tariq Parvez

No. SOR-IV(S&GAD)15-1/2012

Dated the 21st May, 2012

Notification

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), and in supersession of Notification No.SOR-III (S&GAD)1-35/93, dated 17.04.2002, the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in the method of recruitment prescribed in all the service or recruitment rules but subject to paras 2 and 3 of this

notification, 15% of the total number of posts shall be reserved for women, where posts are to be filled through recruitment without any reference to gender.

2. The reservation of vacancies referred to above shall not apply to the:
 - (a) vacancies reserved for recruitment on the basis of competitive examinations to be conducted by Punjab Public Service Commission;
 - (b) recruitment made by promotion or transfer in accordance with the relevant rules;
 - (c) short term vacancies likely to last for less than six months; and
 - (d) isolated posts in which vacancies occur occasionally.

3. In case the vacancies reserved for women cannot be filled on account of non-availability of qualified women applicants, the said vacancies shall be treated as non-reserved and filled on merit.

Subject: PROMULGATION OF THE PUNJAB DISABLED PERSONS (EMPLOYMENT & REHABILITATION) (AMENDMENT) ORDINANCE, 2015 (X OF 2015)

I am directed to refer to the subject noted above and to state that the Government of the Punjab, vide notification bearing No. Legis. 13-9/2015, dated 19.03.2015, has promulgated the Punjab Disabled Persons (Employment & Rehabilitation) Amendment) Ordinance, 2015 to make amendment in section 10 of the Disabled Person (Employment & Rehabilitation) Ordinance, 1981 (XL of 1981) which reads as under:

“Amendment in section 10 of Ordinance XL of 1981- in the Disabled Persons (Employment & Rehabilitation) Ordinance, 1981 (XL of 1981), in section 10, in subsection (1), for the words “two percent”, the words “three percent” shall be substituted.”

2. Further necessary action may be taken accordingly.

No.SORIV(S&GAD)10-8/2015

Dated the 20th November 2015

Subject: PROCEDURE FOR COUNTING OF WORDS FOR TYPING TEST.

Kindly refer to the subject noted above.

2. In order to streamline the procedure and to ensure transparency in conducting shorthand/typing tests in accordance with speed prescribed in the relevant service rules for the recruitment of Stenographers / Junior Clerks, the following guidelines are issued for the guidance of selection authorities:

Shorthand test

- (i) The required number of words per minute of the concerned department will be multiplied with five (5), that would be equal to total numbers of words, required for dictation.
- (ii) Calculate the total errors after dictated passage is received by the examiner.
- (iii) ½ mark is deducted for error in shorthand script and one mark is deducted for one error in transcribed script.
- (iv) the total of errors is counted and they should not exceed 5% i.e. if a candidate takes dictation of 400 words, his errors should not be more than 20.
- (v) $400-20=380$ $\frac{380 \times 100}{400}=95\%$
- (vi) 95% accuracy is required for successful candidates appearing in shorthand test.

Typing Test on Computer

- (i) Five strokes are equal to one word.
- (ii) The required number of words per minute, of the concerned department will be multiplied with five (5), that would be equal to total numbers of words, required for dictation, i.e. for speed of 40 words per minute total words to be typed: $40 \times 5 = 200$ words.

**SUBJECT: RE-EMPLOYMENT POLICY OF RETIRED GOVERNMENT
SERVANTS/ARMY PERSONNEL**

In order to streamline the procedure regarding re-employment of retired Government servants/Army personnel, the Chief Minister has desired that in future all cases of re-employment on contract must be examined by the Provincial Re-employment Board/Provincial Re-employment Committee in accordance with the policy and recommendations of the Board/Committee should be then submitted for orders of the Chief Minister.

2. The Administrative Departments shall observe the following guidelines while processing the cases for re-employment of retired personnel:

I. RE-EMPLOYMENT TO BE GENERALLY AVOIDED

- i) Section 13 (I) of the Punjab Civil Servants Act, 1974 provides that a retired person shall not be re-employed under the Government unless such re-employment is necessary in the public interest.
- ii) No Department or Authority shall re-employ or move a summary to the Chief Minister for re-employment of a retired Government servant without placing the case before the Provincial Re-employment Board/Committee, as the case may be.
- iii) Re-employment after the age of superannuation/retirement shall generally be discouraged and shall only be made in very exceptional circumstances, where;
 - a) suitable officer to replace the retiring officer is not available;
 - b) the re-employment does not cause promotion blockade, even if re-employment is proposed against an ex-cadre post;
 - c) the retired officer is a highly competent person with distinction in his professional field;
 - d) retention of the retiring officer for a specific period is in the public interest.
- iv) Re-employment shall not be allowed to retired officers beyond the age of 63 years.
- v) Re-employment shall not be allowed to persons who have been or may be, retired on or after completion of 25 years service qualifying for pension.
- vi) The period of re-employment shall not exceed three years.

**II. CONSTITUTION OF RE-EMPLOYMENT BOARD/
COMMITTEE**

The following Re-employment Board/Committee are constituted for making recommendations regarding re-employment of retired personnel:

◆i) **PROVINCIAL RE-EMPLOYMENT BOARD FOR POSTS IN BS-18 AND ABOVE**

a)	Chief Secretary	Chairman
b)	Additional Chief Secretary	Member
c)	Secretary Finance	Member
d)	Secretary Law & P.A.	Member
e)	Secretary Regulations	Member
f)	Secretary of the Department to which the post relates	Member
g)	Secretary Services	Member/ Secretary
h)	A representative of Punjab Public Service Commission	Member

ii) **PROVINCIAL RE-EMPLOYMENT COMMITTEE FOR POSTS IN BS-1 TO BS-17**

a)	Additional Chief Secretary	Chairman
b)	Secretary Finance	Member
c)	Secretary Law & P.A.	Member
d)	Secretary Regulations	Member
e)	Secretary of the Department to which the post relates	Member
f)	Secretary Services	Member/ Secretary
g)	A representative of Punjab Public Service Commission	Member

III. PROCEDURE FOR PROCESSING OF CASES FOR RE-EMPLOYMENT

- 1) The proposals for re-employment to be placed before the Re-employment Board/Committee shall be duly signed by the Secretary of the Administrative Department concerned and approved by the Minister Incharge and sent to S&GAD (Services Wing).
- 2) Where Chief Minister is Minister Incharge of a Department, the case may first be referred to Provincial Re-employment Board/Committee by the respective Administrative Department and, thereafter, it may be sent to Chief Minister for final approval.
- 3) The working paper to be submitted to Provincial Re-employment Board should contain following information/certificates:
 - (a) Complete history of service of the officer.
 - (b) CR synopsis/dossier of the officer.
 - (c) Detail of extraordinary qualities/capabilities of the concerned officer, which necessitate his/her re-employment.

◆Provincial Re-employment Board/Committee re-constituted vide Notification No. SOR-I(S&GAD) 10-1/2003 dated 26.06.2006.

- (d) Certificate to the effect that no promotion will be blocked (even if the re-employment is recommended against ex-cadre post).
 - (e) Certificate to the effect that no suitable officer is available for filling the vacancy.
 - (f) Detail of in-service officers in the line, who could be promoted/posted against the post (if any) along with their service record/CR Dossier.
 - (g) Detailed reasons for not preparing for the replacement/relief of the retiring officer.
- 4) The minutes/recommendations of the Board/Committee shall be recorded by the Services Wing of S&GAD and issued after the approval of the Chairman of the Board/Committee.
 - 5) The recommendations of the Board/Committee shall be placed before the Chief Minister for approval, irrespective of the scale of the post.
 - 6) For posts in BS-1 to 17, the relevant department shall move summary for the Chief Minister for his approval, as per recommendations of the Re-employment Committee.
 - 7) For posts in BS-18 and above, the Services Wing of S&GAD shall move summary for the Chief Minister, as per recommendations of the Re-employment Board.
 - 8) The terms and conditions of re-employment on contract shall be settled by the Administrative Department in consultation with the Finance Department.

IV. APPLICATION OF THE PROVISIONS OF THIS POLICY

- 1) The provisions of the Policy shall apply to all cases of re-employment of retired civil/Government servants.
- 2) These instructions shall apply mutates mutandis in cases of re-employment in autonomous/semi-autonomous organizations under the control of Provincial Government.
- 3) The cases of re-employment of Army officers against posts in BS-18 and above shall also be processed in accordance with the above instructions and placed before the Re-employment Board for consideration before submitting the case to the Chief Minister.
- 4) The provisions of this Policy shall not be applicable in the case of appointments against the posts of Chairmen/Members of the Punjab Services Tribunal and the Punjab Public Service Commission.

3. This issues with the approval of the Chief Minister, Punjab. All the Administrative Departments/Authorities are requested to ensure strict compliance of this Policy, at all levels.

4. The existing instructions issued from time to time on the subject shall be treated as withdrawn. However, the Government instructions issued vide Finance Department's circular letter No. SO(B&E-I)Misc.14/2001 dated 23.10.2001 shall remain in tact till further orders.

No. SOR-I-10-1/2003
Dated the 6th September 2003

Subject: RE-EMPLOYMENT POLICY OF RETIRED GOVERNMENT SERVANTS/
ARMY PERSONNEL—PROFORMA

I am directed to refer to the latest Re-employment Policy of the Provincial Government of the Punjab issued vide S&GAD circular letter of even No. dated 16.06.2003 and to forward necessary proforma for preparing/submitting reemployment proposals for information/guidance.

PROFORMA FOR RE-EMPLOYMENT AFTER RETIREMENT

1. Name of the Department/Autonomous Body/
Corporation proposing re-employment.
2. Post and basic scale against which re-employment
has been proposed.
3. Name of retired/retiring person proposed
for re-employment.
4. Date of his/her retirement on attaining the age
of superannuation.
5. The post and B.S. held by him/her at the time
of his/her superannuation.
6. Complete history of service of the officer.
7. Detailed reasons for recommending re-employment
of the officer highlighting his/her extraordinary
qualities/capabilities, qualifications and experience,
which necessitated his/her re-employment.
8. Detail of in-service officers in the line, who could
be promoted/posted against the post, if any,
along with their service record/C.R. Dossier.
9. Certificate to the effect that no suitable replacement
is available and detailed reasons for not preparing
for the replacement of retiring officer.
10. Certificate to the effect that no promotion will be
blocked even if the re-employment is recommended
against ex-cadre post and that the re-employment
of the officer is entirely in the public interest.
11. C.R. Synopsis/Dossier of the officer.
12. Certificate of fitness for re-employment by a
competent Medical Board.
13. Approval of the Minister In-charge to the
proposal for re-employment of the retiring officer.

No. SOR-I-10-1/2003
Dated the 11th March 2004

Subject: RE-EMPLOYMENT POLICY OF RETIRED GOVERNMENT
SERVANTS/ ARMY PERSONNEL

I am directed to refer to the subject noted above and to state that Section 13(1) of the Punjab Civil Servants Act, 1974 provides that a retired civil servant shall not be re-employed under the Government unless such re-employment is necessary in the public interest.

2. Retirement from service includes retirement on invalidation basis, superannuation, voluntary retirement after 25 years qualifying service for pension, compulsory retirement under section 12 of the Punjab Civil Servants Act, 1974 as well as compulsory retirement as a major penalty imposed under E&D Rules/PRSO (Special Powers) Ordinance 2000, as provided in the Punjab Civil Servants Pension Rules, 1963. In order to streamline the procedure of re-employment of retired civil servant/retired Army Personnel, Government has issued a Re-employment Policy vide this department's circular letter of even number dated 16.06.2003.

3. In the Re-employment Policy it has clearly been laid down that:

- i) The re-employment shall only be made in the public interest.
- ii) No department or Authority shall re-employ a retired Government servant without placing his case before the provincial Re-employment Board/Committee as the case may be.
- iii) Re-employment shall only be made in very exceptional cases, particularly where suitable officer to replace the retiring officer is not available and the retired officer is a highly competent person with distinction in his professional field.
- iv) Re-employment shall not be allowed to persons who have been, or may be, retired on or after completion of 25 years qualifying service for pension.
- v) The period of re-employment shall not exceed three years.

4. It has been noticed with concern that various departments/offices are granting re-employment to the retired Government servants either through open competition or by issuing executive orders without observing the yardstick, criteria and procedure laid down in the latest Re-employment Policy of the Punjab Government. Even the civil servants retired on other grounds/basis than superannuation are also being allowed re-employment, which is a grave violation of rules and policy on the part of the authorities concerned.

5. I am, therefore, directed to request that provisions of Section 13 of the Punjab Civil Servants Act, 1974 and Re-employment Policy of the Punjab Government may please be strictly adhered to, while making re-employment of retired civil servants.

Subject: **TRANSFER POLICY**

I am directed to say that in supersession of all previous instructions on the subject, the Government has prepared a fresh transfer policy, which will come into force with immediate effect.

TRANSFER POLICY

The subject of posting and transfers is an important personnel function. It is complementary to officer's career-planning/management. It is only through a balance and correct adjustment of officers, according to experience and qualifications that a corps of competent and qualified civil servants is provided to the society. The achievement of this laudable objective is ensured mainly through postings, based on experience, qualifications, and merit. Proper career management envisages that an officer should be provided equal opportunities of holding secretariat/staff and field appointments so that he may acquire right type of experience at various stages of his career. Rotation between field and secretariat/staff appointments, therefore, need hardly be emphasized.

The policy of postings should be designed so as to ensure stability in the appointments to encourage professionalism by recognizing and promoting merit, while providing an all-round experience to the individual officers. In order to avoid stagnation in performance and ideas and to provide dynamic administration, repeated appointments to the same type of job need to be avoided unless in some special cases, specialization is desired. The transfer policy is to be guided foremost by the service of public interest and the individual's interest is to be integrated therewith as far as possible for ensuring greater harmony and efficiency. Important assignments need to be filled in by those officers who have good record of service so that they may develop their talent and may make maximum contribution to the public welfare. In cases, where officers show certain weaknesses in professional and character traits, they may be so positioned as to be amenable to direction, advice and guidance.

As a rule every civil servant shall be liable to serve anywhere within or outside the province in any post under the Government of Punjab or the Federal Government or any other provincial Government or a local authority or a corporation or a body set up or established by any such Government. Where a civil servant is required to serve in a post outside this service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled, if he had not been so required to serve. This condition is not applicable to the transfer of an officer on account of inefficiency or misbehavior or when he is transferred on his written request.

Transfers of officers and staff shall be made by the authorities specified in Schedule-V to the Punjab Government Rules of Business, 1974, and the Delegation of Powers Rules pertaining to different departments but S&GAD shall be consulted, if it is proposed to transfer the holder of a tenure post before the completion of his tenure or extend the period of his tenure. Before completion of tenure, every officer may be asked to indicate four places of his choice for posting.

No transfer shall normally be made except under the following circumstances:

- a) On completion of tenure/prescribed stay at hard stations.
- b) On completion of 3 years stay at a particular station in other cases.
- c) On compassionate grounds.
- d) On disciplinary grounds.
- e) On promotion/demotion.
- f) Administrative requirements.
- g) No officer/official shall be transferred, who is under special report nor shall earned leave be granted to him except by the order of the authority, which placed him under such report.

Transfer before the completion of the period of tenure should be ordered only if the competent authority is satisfied that:

- a) The transfer involves appointment to higher service or a post carrying higher emoluments.
- b) The transfer is being made to a post for which the officer has special aptitude, qualifications or experience.
- c) The officer has proved unsuitable in the post from which he is being transferred.
- d) The officer holding a lien on the post, has become available.
- e) The transfer is on compassionate grounds.

Transfers should correspond to academic year unless exigencies of service require otherwise and wherever possible three months notice should be given for routing transfers.

An officer under order of transfer should not be allowed leave for any period except by the authority ordering transfer.

Officers will not be transferred as a result of their taking short leave or their being deputed for training courses for less than 6 months duration. In such cases only an acting arrangement will be made.

If an officer gets a below average assessment from his superior officer, he will be transferred to work under another superior officer.

Government servants under transfer may represent against the order and the representation should be decided by the authority next above transferring authority (except where the transfer has been ordered by the Governor) expeditiously as far as possible, within one month. Officers who submit representations for cancellation or holding in abeyance of transfer order on compassionate grounds may be allowed to stay back till their representations are decided and their relievers should be informed simultaneously.

As far as possible comparatively young officers should be posted against field jobs in the sub-divisions.

No transfer should be made on the ground that the concerned officials are not amenable to discipline or do not exert themselves in their work. Disciplinary action should, on the other hand, be taken against such officers in accordance with the rules.

Officers in BS-16 and above should not, except for exceptional circumstances, be posted to their home districts.

The ban will not apply to;

- i) Government servants working in educational institutions and medical colleges and posted at Secretariat, Headquarters and in the Regional and Divisional offices.
- ii) Government servants on deputation to autonomous or semi-autonomous bodies. (However, autonomous bodies would endeavor to ensure that BS-16 and above officers working on posts which are in the nature of field posts at the district level, will not normally be posted to their home districts).
- iii) Persons who are highly specialized or for whom suitable replacement is not available or for whom reasonably suitable posts outside their home districts are not available.
- iv) Officers who are due to retire in two years or less.
- v) Persons who are appointed as a stopgap arrangements.

Officers in scales below BS-16 (except clerical staff and other officials below BS-7) may not be posted in their own tehsils.

Officials who are liable to transfer should not ordinarily be allowed to stay at Lahore for more than five years at a time. The period of five years will be calculated in the manner indicated in Government of the Punjab, S&GAD's letter No. SOXII-(S&GAD) 8-1/65, dated 14th May, 1969 (Annexure-I). Exemption from the operation of this rule can be allowed only in the following cases:

- i) Transfers from educational institutions e.g. Government College, Medical College, Central Training College, High Schools may not be ordered automatically. Transfers in these cases may, however, be ordered bearing in mind the present practice and rules in the various institutions, maintenance of the efficiency of the institutions, availability of good substitutes and the necessity of keeping continuity of traditions, research and courses. These cases may be decided by the administrative departments.
- ii) If a Government servant on deputation to an autonomous or semi-autonomous body has been at Lahore for a long period, he may be allowed to complete his tenure with the autonomous body.
- iii) Persons who are highly specialized or for whom suitable replacement is not available or for whom reasonably suitable post outside Lahore is not available may be continued, and
- iv) Officers due to retire in about two years time, may continue. Orders of S&GAD shall be obtained in case falling in categories (ii) to (iv). Officers who have been at Lahore for five years or more should not be sent on deputation to autonomous or semi-autonomous bodies at Lahore, as this would amount to an evasion of rule.

Normally the competent authority should make an effort to post husband and wife, when both are Government servants at one station, unless administratively it is not practicable.

Transfer of low paid employees to far-flung places should be avoided. If at all a low paid official has to be transferred, he should be transferred from one desk to another in the same office.

Officers will normally be posted to or near their hometown within 2 years of their retirement.

Normally an officer on transfer may be allowed to avail himself of joining time and telegraphic orders disallowing joining time may be avoided.

No request for transfer of an officer on complaint or unfitness to hold a post shall be entertained unless the officer has spent at least three months on his present assignment and a special report has been initiated on his performance.

Any attempt to obstruct, delay, evade or disregard the orders of transfers is viewed by Government with displeasure and may render the person concerned liable to disciplinary action. Canvassing for transfer is strictly prohibited.

ANNEXURE – I

EXTRACT TAKEN FROM O&M ESTABLISHMENT MANUAL VOLUME - II (REVISED) 1974

Subject: TRANSFER OUT OF LAHORE OF OFFICERS WHO HAVE BEEN
IN LAHORE FOR FOUR YEARS OR MORE

I am directed to refer to this Department's Circular letter No.SOXII(S&GAD)8-1/665, dated the 13th December, 1966 on the subject noted above and to state that a clarification has been sought with regard to calculation of the period of four years stay. The points for clarification are mentioned below:

- i) There are certain officers who have been in Lahore for some years and thereafter they proceeded abroad for training for a period, which has exceeded two years in some case, and on return they were re-posted at Lahore. The question for consideration is whether this absence on training is to be considered as break in the posting period and whether a minimum period of training abroad should be laid down for the purpose of calculation of total period of stay at Lahore.
- ii) There are certain officers who were promoted from ministerial service and thereby their total stay in Lahore including subordinate and gazetted service comes to more than four years, while in gazetted service is less than four years. The question for consideration is whether the Ministerial service is to be counted towards four years stay at Lahore.

2. With regard to (I) the period of absence on leave or for training irrespective of the length of the period should be deducted from the total period of stay. In other words, the period, preceding the leave or training period abroad and the period succeeding this period should be added up for the calculation of the stay at one station.

3. With regard to (2) the policy of transfer under four years rule does not apply to the members of the ministerial or subordinate service or officers below the rank of Class II service. The period of stay should, therefore, be counted from the date of a person enters Class II or Class I or equivalent post.

4. Above principles should also be applied to the posting of officers at Rawalpindi and Karachi.

No. SI.1-11/78
Dated the 8th September 1982

Subject: TRANSFER POLICY

I am directed to refer to this department letter No. SO (Coord)1-13/79, dated 16th March, 1980 on the subject cited above and to say that the Government have decided that in the transfer policy circulated by the Government of the Punjab, S&GAD, vide its circular letter, referred to above, Rule 19 shall be substituted as below:

“Officers/officials due to retire on attaining the age of superannuation in two years will be given a choice of their last posting. This choice will be either for the station or for the post, but not for both. The authority competent to order transfer will, so far as possible, honour the choice of the officer/official but will not be bound to do so. In particular, lucrative appointments will not be given, especially to officers/officials of ill repute.”

No. SO (Coord) 1-4/85,
Dated the 3rd November 1985

Subject: INCENTIVES FOR WORKING IN UNATTRACTIVE AREAS

I am directed to refer to the above cited above and to state that it has been decided to give the following additional incentives to all those Government servants who are entitled to get the compensatory allowance called unattractive areas allowance:

- i) Preference will be given in the matter of training abroad in the relevant field.
- ii) The tenure of posting will be two years instead of three years.
- iii) They will be granted fifteen days leave on completion of one year's satisfactory service as recreation leave.

No. SO (COORD) 1-13/86
Dated the 17th November 1986

Subject: TRANSFER POLICY

I am directed to refer to this department's letter of even number dated 16th March, 1980 on the subject noted above and to say that in pursuance of the cabinet decision taken in its meeting held on 22nd September, 1986, the paragraphs 14 and 15 of the existing transfer policy are amended as under:

- a) Deputy district education officers who are in BS-17 are exempted from the restrictions on their posting in their home district, subject to the conditions that they will not be posted to their home tehsil.
- b) Female civil servants in BS below 16 working in the Government of the Punjab are exempted from the restriction on posting in their home tehsil.
- c) It was also decided to exempt women medical officers posted in periphery from the district on their posting in their home district/home tehsil.

No. SO(COORD)6-16/85(3166)

Dated the 10th March 1987

Subject: CHECK ON FREQUENT TRANSFER OF OFFICERS

I am directed to refer to the former Government of West Pakistan circular letter No. SOXII (S&GAD) 8-8/67, dated 04.07.1968 on the above subject and to reiterate that the principles laid down therein should be strictly observed while ordering transfer of officers. Normally, officers should be allowed to complete the period of tenure at their stations of posting and frequent transfers should be avoided. Premature transfers should be ordered only in the cases falling under categories (a) to (e) of the said letter.

No. SO (COORD) 6-10/87

Dated the 23rd November 1987

Subject: TRANSFER POLICY

In continuation of this Department's letter No. SO (Coord) 6-16/85, dated 10.03.1987 on the above subject, I am directed to state that the Chief Minister Punjab has been pleased to direct that steps may be taken to ensure that low paid employees in all the Departments/Organizations of the Provincial Government are posted near the place of their choice i.e. their domicile, as far as possible. It is also advised that wherever needed the transfer powers may be delegated to such lower levels as are considered appropriate and if required the existing rules be amended.

No. SO (COORD)6-16/85

Dated the 24th April 1988

Subject: TRANSFER POLICY

I am directed to refer to this department's letter No. SO (Coord)1-13/79, dated 16th March, 1980 and SO (Coord) 6-37/87, dated 1st December, 1987 on the above subject and to state that the Transfer Policy circulated therewith was issued after the approval of the then Governor/MLA and that proposals seeking relaxation of any of its provisions should be formulated in the form of a summary for the Chief Minister, Punjab which may be routed through this Department.

2. I am further to add that transfer orders not in accordance with the provisions of the said Transfer Policy should be issued only after the Chief Minister Punjab has approved relaxation of provisions, thereof.

No. US(LIAISON)(I&C)/1-17/89
Dated the 4th January 1990

Subject: PROPOSALS FOR RELAXATION OF BAN ON TRANSFER

It has been observed that proposals for relaxation of ban on transfer submitted to the Chief Secretary by various Administrative Departments are deficient in one or all of the following:

- i) The rationale for proposing the transfer is usually not cited. The proposal has to be adequately justified considering that relaxation can only be granted to avert hardship or to fill a vacancy.
- ii) The dates of the present posting of the officers/officials being proposed for transfer are not always indicated.
- iii) The further disposal of the officers/official being replaced is usually not specified.

2. It is requested that in future proposals for relaxation of ban on transfer be submitted to the Chief Secretary complete in all respect including the aforesaid information.

PROFORMA FOR RELAXATION OF BAN ON TRANSFER

Sr. No.	Name/Grade/Designation of officer proposed for transfer	District of domicile	Present posting with date	Proposed place of posting with grade of post	Name & period of posting of officer being replaced	Disposal of officers being replaced	Rationale for transfer proposal
1	2	3	4	5	6	7	8

Signature of
Head of Attached Department_____

Signature of
Administrative Secretary_____

ORDER
PROPOSAL (S) AT SR.NO. _____
PROPOSAL (S) AT SR.NO. _____

IS/ARE APPROVED
IS/ARE NOT APPROVED

(CHIEF SECRETARY)
PUNJAB

No. SO(Coord)6-6/90
Dated the 27th January 1990

Subject: BAN ON POSTING/TRANSFERS IN ALL DEPARTMENTS

I am directed to refer to this department's letter No. US (L) (I&C)1-177/89 dated the 18th September, 1989, on the subject noted above and to say that some of the proposals for relaxation of ban on transfers submitted to the Chief Secretary by various administrative departments have been observed to be deficient in one or all of the following:

- i) The rationale for proposing the transfer is usually not cited. The proposal has to be adequately justified considering that relaxation can only be granted to avert hardship or to fill a vacancy.
- ii) The dates of the present posting of the officers/officials being proposed for transfer are not always indicated.
- iii) The further disposal of the officers/official being replaced is usually not specified.

2. I am, therefore, directed to request you that proposals for relaxation of ban on postings/transfers may be submitted to the Chief Secretary on the attached proforma.

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Civil petition No. 175 (L) of 1995, decided on 19th March, 1995
(On appeal from the judgment/order dated 12.02.1995 of Lahore High Court
Lahore, passed in writ petition No. 995 of 1995)

Constitution of Pakistan, 1973—

Art, 212-Petitioner-Success transfers of — this court feels that the manner in which such transfer orders were passed supported the contention of the petitioner that these are not based on any exigency of service but were of reasons which bore no nexus with that spirit and object of the rules governing the transfer of a Government servant — Secretary LG&RD, when called upon to explain stated that he had no role in the successively transfers of the petitioner as all the orders by which he was bound to comply that inherent helplessness noticed in the statement that: More submission to the will of superior was not a commendable trait in a bureaucrat—Further held: That if the transfer orders in this case would have been made in accordance with the policy directives of the Government and power exercised by the competent authority as contemplated by Rule 21 (2) read with maneuvering by the officers violation by such transfer. The fact that the transfers were made in violation of policy directive of the Govt. Which had the Status of a Rule —And provision of Rule 21 (2) *ibid* were not followed strictly opened the door for the Government servant concerned to bring in outside influence to obtain the desired transfer — It is expected that the guidelines mentioned in the policy directive of the Govt. And the Provisions of rule 21 of Rules of Business will be kept in view by all concerned while dealing with the transfers of Government servants — Petition dismissed.

For the Petition: Dr. A. Basit, ASC, with Ch. Mehdi Khan Mehtar, AOR.
For the Respondent: Farooq Badar, Additional A.G. Punjab.

Date of hearing 19th March, 1995.

JUDGMENT

SAIDUZZAMAN SIDDIQUI, J. The petitioner, an employee of Punjab, Local Government and Rural Department (LG&RD) challenged his transfer order dated 23.01.1995, from Muzaffargarh in a Constitutional Petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, hereinafter to be referred as the Constitution only before the Lahore High Court. A learned Judge in chamber by order dated 12.02.1995, dismissed the petition as not maintainable, in view of the bar contained in Article 212 of the Constitution. The petitioner is seeking leave to appeal against the above order of the Lahore High Court.

2. Dr. A. Basit, the learned counsel for the petitioner, firstly, contended before us that the transfer of a Government servant does not fall within the scope of terms and conditions of the service and as such the bar contained in Article 212 of the Constitution is not applicable to the case of the petitioner. In the alternative, the learned counsel for the petitioner very vehemently contended that the transfer order of the petitioner being malicious and having been passed by the authority not competent under the law, for objects wholly alien to the Punjab Civil Servants Act (hereinafter to be referred as 'the Act' only) was *coram non judice* and as such it could be challenged before the High Court in a Constitutional Petition under Article 199 of the Constitution notwithstanding the bar contemplated in Article 212 of the Constitution. In support of his contention, the learned counsel for the petitioner relied on the case of Pir Sabir

Shah —Government of NWFP (PLD 1994 SC 738).

3. Mr. Farooq Bedar, the learned Additional Advocate General, Punjab, though opposed the grant of leave in the petition on the ground of its incompetence, but on our query frankly stated that 4 orders of transfer of petitioner passed in quick succession within a period of less than a month were not only unusual but also offended against the declared policy of Government relating to the transfer of Government servants.

4. On a tentative examination of the material produced before us in the case, we also felt that the manner in which successive transfer orders of the petitioner were passed in the case, supported the contention of the petitioner that these transfer orders were not based on any exigency of service but were for reasons which bore no nexus with the spirit and object of Rules governing the transfer of a Government servant. We, accordingly, directed the learned Additional A.G. to seek instructions from the authorities concerned and place before us full facts concerning frequent transfers of the petitioner between the period from 04.07.1994 to 23.01.1995. The learned Addl. AG. in response to our direction candidly submitted before us a detailed note today, containing the facts relating to the transfer of petitioner between the period from 04.07.1994 to 23.01.1995. After going through this note, we were convinced that the various transfer orders of petitioner passed between the period from 04.07.1994 to 23.01.1995 could not be described/treated as a normal incident of transfer in service but were based on extraneous considerations bearing no nexus with the object and spirit of rules governing the transfer of Government servants. We, accordingly, further directed the Secretary Local Government and Rural Department, Punjab to appear before us in the case at 11.30 a.m. and state the reasons behind this unusual and frequent transfer of the petitioner. Mr. Shafqat Ezdi Shah, Secretary, LG&RD accordingly appeared before us at 11.30 a.m. and stated that he had no role in the successive transfers of the petitioner in the case. According to Mr. Shafqat Ezdi Shah, all the orders for transfer of the petitioner in the case were passed by the Minister in-charge of his department which, he was bound to comply. The inherent helplessness noticed by us in the above statement of the secretary LG&RD was not only shocking but also disappointing. We need not stress here that a tamed and subservient bureaucracy can neither be helpful to Government nor it is expected to inspire public confidence in the administration. Good governance is largely dependent on an upright, honest and strong bureaucracy. Therefore, mere submission to the will of superior is not a commendable trait to a bureaucrat. Elected representative placed as incharge of administrative departments of Government are not expected to carry with them a deep insight in the complexities of administration. The duty of a bureaucrat, therefore, is to apprise these elected representatives of the nicety of administration and provide them correct guidance in discharge of their functions in accordance with the law. Succumbing to each and every order or direction of such election functionaries sometimes amount to an act of indiscretion on the part of bureaucrat, which may not be justifiable on the plans of hierarchical discipline. It hardly needs to be mentioned that a Government servant is expected to comply only these orders/directions of his superior, which are legal and within his competence. Compliance of an illegal or an incompetent direction order can neither be justified on the plea that it came from a superior authority nor it could be defended on the ground that its non-compliance would have exposed the concerned Government servant to the risk of disciplinary action.

5. In the case before us, the Minister of LG&RD directed secretary LG&RD on 03.08.19994 that Sh. Ehsan Elahi, Asstt. Engineer, LG&RD, Lodhran, be transferred

and posted as AE. Faisalabad, vide Sh. Zahid Akhtar (petitioner) who was transferred from Faisalabad and posted as AE. Kasur. Copy of the order of Minister was endorsed to Nawab Sher Waseer MPA, Haji Muhammad Ismail MPA and Mr. Wasee Zafar MPA. Secretary LG&RD complied with the above order of the Minister LG&RD and issued the necessary notification dated 04.08.1994. On 10.08.1994, the Minister LG&RD cancelled the posting of petitioner and allowed Mr. Khalid Mahmood, LCS Engineer, to continue as AE Kasur on deputation. Copy of this order was endorsed to besides the Secretary LG&RD to Rao Abdul Qayyum MPA PP-151 and Sardar Hussain Dogar MPA PP-146. The Secretary LG&RD complied with this order of the Minister on 16.08.1994. On 13.9.1994 the Minister LG&RD was again pleased to direct that the petitioner, who was awaiting posting, be posted as AE. LG&RD Faisalabad vice Sh. Ehsan Ellahi, who should report to Government of his further posting. Copy of this order for Minister was endorsed to Secretary LG&RD and Mr. Wasi Zafar MPA, Faisalabad. The Secretary LG&RD on 19.09.1994 complied with the order of Hon'able Chief Minister's Secretariat on 05.10.1994, informing Secretary LG&RD that posting of Sh. Ehsan Ellahi as S.D.O. in the Local Government Faisalabad, has been approved by the Chief Minister. Copy of this letter was endorsed to Minister LG&RD. Consequent to this order, the Secretary LG&RD recalled his earlier orders dated 19.09.1995, transferring Sh. Ehasan Ellahi, from Faisalabad to Narowal and reposted him as AE. Faisalabad. As a result thereof the petitioner, who was posted as A.E. Faisalabad was transferred from there and was directed to report to the LG&RD Department, Government of the Punjab. The petitioner thereafter, awaited his posting until 28.12.1994 when the Hon'able Minister for LG&RD passed an order for his posting as AE. LG&RD Muzaffargarh vice. Mr. Abdul Khaliq, who was directed to report to Government for further posting. Copy of this letter was endorsed by the Minister to Malik Bilal Mustafa Khar, MPA PP-213, Muzaffargarh. This order was complied by the Secretary LG&RD on 29.12.1994. The Hon'able Minister LG&RD on 09.01.1995 cancelled the posting order of petitioner issued by Secretary LG&RD in compliance of his orders dated 29.12.1994 and directed that Abdul Khaliq should continue as AK Muzaffargarh. Copy of this order of the Minister was endorsed to Malik Bilal Mustafa Khar MPA, Muzaffargarh. The Secretary LG&RD immediately complied with the above directions of his Minister by issuing another order dated 10.01.1995 cancelling the posting order of petitioner dated 29.12.1994. On 16.01.1995, the Hon'able Minister LG&RD again issued an order directing Secretary LG&RD to post the petitioner as AE. LG&RD Muzaffargarh vice Abdul Khaliq, AE, who was directed to report to Government for further posting. Copy of this order of Minister was endorsed to Malik Abdul Rehman Khan, MPA, Muzaffargarh. No sooner the above order of Minister LG&RD was implemented by the Secretary by issuing the posting order dated 18.01.1995, another order was issued by the Hon'able Minister LG&RD on 21.01.1995 canceling the order of Secretary LG&RD dated 18.01.1995 which he had issued in compliance with the earlier order of Minister dated 10.01.1995. The Secretary LG&RD dutifully complied with the orders of the Minister and issued another order dated 23.01.1995 canceling earlier posting of the petitioner.

6. The narration of the above facts makes it abundantly clear that none of the orders in the case passed by the Hon'able Minister, transferring or canceling the posting of the petitioner was motivated by the exigencies of the service. The endorsements on the letter of the Minister LG&RD produced before us, sufficiently unveiled the forces at work in the background of these transfers. It required no intelligence to conclude that these transfer orders were passed by the Hon'able Minister for reasons which had no bearing either with the exigencies of the service

or with the good administration of the department. The scenario looked more like a little of wits than an ordinary case of transfer of Government servant as every time the petitioner was able to get a posting order for a particular station. The incumbent already working there was able to frustrate it, perhaps with his better approach or connections, leaving the petitioner in lurch. The ugly situation could be avoided easily by following the existing policy and rules in this regard. The Government of Punjab, as late as 16.03.1980, issued memorandum No. S.O. (COORD) 1-13/79 laying down the broad guidelines for transfer of Government servants. Paragraph 4 of this policy decision lays down amongst other, the following principles for transfer of Government servants.

“4. Transfers of officers and staff shall be made by the authorities specified in Schedule-V to the Punjab Government Rules of Business, 1974 and the Delegation of Powers Rules pertaining to different departments but Services, General Administration and Information Department shall be consulted, if it is proposed to transfer the holder of a tenure post before the completion of his tenure. Before completion of tenure, every officer may be asked to indicate four places of his choice for posting.

No transfer shall normally be made except under the following circumstances:

- a) On completion of tenure/prescribed stay at hard stations.
- b) On completion of 3 years stay at a particular station in other cases.
- c) On compassionate grounds.
- d) On disciplinary grounds.
- e) On promotion/demotion.
- f) Administrative requirements.
- g) No officer/official shall be transferred, who is under special report nor shall earned leave be granted to him except by the order of the authority which placed him under such report.

Transfer before the completion of period of tenure should be ordered only if the competent authority is satisfied that:

- a) The transfer involves appointment to higher service or a post carrying higher emoluments.
- b) The transfer is being made to a post for which the officer has special aptitude, qualifications or experience.
- c) The officer has proved unsuitable in the post from which he is being transferred.
- d) The officer holding a lien on the post, has become available.
- e) The transfer is on compassionate grounds.”

7. No request for transfer of an officer on complaint or fitness to hold a post shall be entertained unless the officer has spent at least three months on his present assignment and a special report has been initiated on his performance.

The spirit behind the transfer policy was stated in the above policy decision as follows:

“The policy of postings should be designed so as to ensure stability in appointments to encourage professionalism by recognizing and promoting merit, while providing an all-round experience to individual officers. In order to avoid stagnation in performance and ideas and to provide dynamic administration, repeated appointments to the same type of job need to be avoided unless in some special cases, specialization is desired. The transfer policy is to be guided foremost by the service of public interest, and the individual's interest is to be integrated therewith as far as possible for ensuring greater harmony and efficiency. Important assignments need to be filled in by those officers, who have good record of service so that they may develop their talent and may make maximum contribution to the public welfare. In case, where officers show certain weaknesses in professional and character traits, they may be so positioned as to be amendable to direction, advice and guidance.”

8. The Rules of Business (Provincial Government) 1974 framed under Article 139 of the Constitution in respect of Province of Punjab, lays down the functions of the Provincial Minister, incharge of an administrative department as follows:-

“6. Functions of the Minister

A Minister shall -

- (a) be responsible for policy matters and for the conduct of business of his Department:

Provided that in important political economic or administrative matters, the Minister shall consult the Chief Minister;

- (b) submit cases to the Chief Minister as required by the provisions of these rules;
- (c) keep the Chief Minister informed of any important case disposed of by him without reference to the Chief Minister; and
- (d) conduct the business relating to his Department in the Assembly.”

9. Rule 21 of the Rules of Business, *ibid*, which deals with the appointment, posting, promotion and transfer of a Government servant reads as follows:

“21. Appointments, Postings, Promotions and Transfers

- (1) Approval of the Chief Minister will be obtained before issue of orders in cases relating to appointments, promotions, postings and transfers to posts mentioned in Schedule-IV.
- (2) Transfers of civil servants shown in column 1 of Schedule-V shall be made by the Authority shown against each in column 2 thereof.
- (3) The Services and General Administration Department shall be consulted if it is proposed to -

- (a) transfer the holder of a tenure post before the completion of tenure or extend the period of his tenure; and
- (b) require an officer to hold charge of more than one post for a period exceeding four months.

(4) Tenure.”

10. The normal tenure of posts specified in column I of the Schedule VI shall be as shown against such posts in column 2 thereof.

11. Schedule V of the Rules of Business, *ibid* which is relevant in the present case reads as follows:

SCHEDULE-V
[See Rule 21(2)]

Authorities competent to make transfers to and from the Secretariat

(i)	Officers of All Pakistan Service	Services and General Administration Department in consultation with the Department concerned
(ii)	Heads of Attached Department and equivalent posts	Ditto
(iii)	Head of Regional Offices	Ditto
(iv)	Officers shown in the Schedule IV, other than those specified above, in the Secretariat	
(v)	Secretaries	Services and General Administration Department
(vi)	Section Officer/Under Secretaries and other officers of equivalent rank: a) within the same Department b) to and from an Attached Department c) within the Secretariat from one Department to another	Secretary Services and General Administration Department Ditto
(vii)	Officials below the rank of Section Officers:	
	a) within the same Department b) to and from an Attached Department/Regional Office c) Within the Secretariat from one Department to another	Secretary Services and General Administration Department Ditto

12. A reading of Rule 21(2) with Schedule V of the Rules of Business *ibid*, makes it clear that the transfer of a Section officer/Under Secretary and other officers of equivalent rank within the department is to be done by the Secretary of that Department. Rule 21 of Rules of Business, which deals with power of posting, promotion and transfer of Government servants, does not contemplate exercise of these powers by the Minister. The normal period of posting of a Government servant at a station, according to the above referred policy decision of the Government, is 3

years, which has to be followed in the ordinary circumstances, unless for reasons, of exigencies of services mentioned in the aforesaid policy of Government, a transfer before expiry of 3 years period becomes necessary in the opinion of competent authority. The transfer order in the present case, therefore, could be justified on the plea of policy directive of Government referred to above, nor were they sustainable on the language of Rule 21(2) read with Schedule-V of the rules of Business, *ibid*. We are in no doubt that if the transfer orders in the case before us would have been made in accordance with the policy directives of the Government referred to above and power was exercised by the competent authority as contemplated in Rule 21(2) read with Schedule V of the Rules of Business, *ibid*, there would have been no room for maneuvering by the officers affected by such transfer. The fact that the transfers were made in violation of policy directive of the Government which has the status of a Rule, and provisions of Rule 21(2) *ibid*, were not followed strictly, opened the door for the Government servant concerned to bring in outside influences to obtain the desired transfers. We are also sorry to note that the Secretary LG&RD, neither resisted these unethical and desirable mover of his subordinates nor he pointed out to the Hon'able Minister Incharge that the transfer orders made by him from time to time in respect of various officers of his department were neither in conformity with the declared policy of Government nor these transfer orders conform to the provisions of Rule 21(2) of the Rules of Business, *ibid*. It was the duty of the Secretary LG&RD to have pointed out to the minister concerned the extent of his authority in such matter, besides brining to his notice that such frequent transfers of a Government servant could neither be justified as the exigencies of service nor could it be described in the public interest. We are constrained to observe that such unconcerned attitude on the part of head or a Government department is not expected to promote discipline or efficiency in the department. On the contrary, such attitude may have a demoralization effect on his subordinates encouraging them to seek intervention, favour of outside agencies, which may ultimately adversely affect the overall discipline and efficiency in the department. We, therefore, expect that the guidelines mentioned in the policy directive referred to above and the provisions of Rule 21 of the Rules of Business, *ibid*, will be kept in view by all concerned while dealing with the transfers of Government servants. The office is directed to send a copy of this judgment to the Government of Punjab for circulating it to all its departments, for future guidance. With these observations, this petition stands dismissed as not maintainable.

No. SI.1-1/2003
Dated the 18th January 2005

Subject: TENURE POLICY

I am directed to refer to the subject noted above and to intimate that an Agenda Item No.4 titled 'Tenure Policy' was placed before the Provincial Cabinet in its meeting held on 06.10.2004 in which the Cabinet approved a minimum tenure of one year for posting of officers/officials, with the following observations:

- i) Tenure of one year should not be taken as a license for wrongdoing or inefficiency rather this tenure is aimed at enhancing efficiency and performance.
- ii) The fixation of tenure of one year is a temporary measure and the final recommendations are to be formulated by

the Cabinet Committee which had been constituted earlier.

- iii) Tenure of one year should be applicable to Government servants of all grades/scales.

2. In view of the above, I am further directed to request you to kindly comply with the above said decision of the Provincial Cabinet in letter and spirit.

NO.SOR-I(S&GAD)17-15/2008

Dated the 19th March 2009

Subject: POSTING/TRANSFER OF OFFICERS – RELINQUISHING OF CHARGE

I am directed to state that postings/transfers of officers are a routine function of the Government Departments and the officers on their transfer are expected to comply with the orders of competent authorities and relinquish the charge of the post forthwith and assume charge of the new assignment. However, some of the Administrative Departments approached the S&GAD for taking disciplinary action against the officers who had relinquished the charge of the post held by them. The Administrative Departments were of the view that charge was relinquished by the officer on transfer without their approval. The issue has been examined in the S&GAD and it has been decided that henceforth the following course of action may be followed by all the Administrative Departments/authorities:

- (i) The officer transferred should, on receipt of posting/transfer orders issued by the competent authority, relinquish the charge forthwith. The concerned Department/Organization should forward his charge relinquish report to the concerned authorities including the District Accounts Officer/Accountant General, Punjab without any delay.
- (ii) If the officer so transferred is handling an assignment of special, sensitive, financial or confidential nature and cannot be relieved without making alternate arrangement then he should be relieved by entrusting the duties/functions to some other suitable officer provisionally. This process should not take more than one working day after receipt of the transfer orders.
- (iii) If for any reason the posting/transfer order cannot be implemented then the competent authority may be approached for cancellation of posting/transfer orders immediately after receipt of the transfer orders. However, this process should not take more than two days. The Competent Authority is expected to take a decision on such requests within 3 days positively.
- (iv) In case any officer to the Federal Government serving in the Punjab is transferred by the Federal Government then orders of the competent authority in the Punjab Government may be awaited before relieving the officer.

2. This issues with the approval of the Governor, Punjab.

NO. SOR-III(S&GAD) 1-12/2000(PI)
DATED LAHORE THE 14TH APRIL, 2017

SUBJECT: TRANSFER / POSTING OF SECTION OFFICERS (BS-17) AGAINST TECHNICAL QUOTA

Reference your letter No. SO (Admn-II) 2-7/2015 dated 28.03.2017 on the subject noted above.

2. The Regulations Wing, S&GAD has examined the matter and it is observed that transfer / posting of officers under technical quota against the post of Section Officer purely relates to Admin Wing, S&GAD and Regulations Wing, S&GAD has no concern with the issue. Furthermore, instructions on the subject have also been issued by the Admin Wing, S&GAD vide circular letter dated 23.07.2001. The said instructions, inter alia, provide that technical / professional officers of a department can be posted only in the Secretariat of his own department. He cannot be rated as and equated with the officers belonging to the ex-PSS, ex-PCS and APUG cadres eligible to be posted in any department on an establishment / administrative post. After having served in the Secretariat of his department for the tenure, a technical / professional officer should be repatriated to his parent line/field/department outside the Secretariat to be replaced by a suitable substitute. In all such matters the prior approval of S&GAD is always required.

3. In view of the above, Regulations Wing, S&GAD is of the view that the above instructions of Admin Wing, S&GAD are quite clear, hence, Admin Wing, S&GAD may resolve the matter at its own level.

Subject: PROFORMA PROMOTION POLICY

The existing proforma promotion policy has been reviewed in order to resolve the various difficulties and confusions in the application of the policy and to make it more clear and easy to apply.

2. The following policy guidelines regarding grant of proforma promotion to civil servants as well as proforma promotion and “notional” promotion to retired “civil servants” are hereby issued:

I) PROFORMA PROMOTION (DEFINITION)

Proforma promotion means predating of promotion of a civil servant with effect from the date of promotion of his junior for the purpose of payment of arrears and fixation of pay. It means that a civil servant who was entitled to be promoted from a particular date, but for no fault of his own, was wrongfully prevented from rendering service in the higher post, is entitled for proforma promotion and payment of arrears of pay/allowances and re-fixation of pay.

II) SENIORITY AND PROFORMA PROMOTION

It is clarified that proforma promotion is not a necessary prerequisite for the determination of seniority of a civil servant. Inter-se-seniority of a civil servant is determined under Section 7(4) of the Punjab Civil Servants Act, 1974 read with Rule 8 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974. It has already been clarified vide circular letter No. SORII(S&GAD)2-25/93, dated 15.01.1995 that seniority of a civil servant being a vested right cannot be relegated to a lower position unless he is superseded and his junior is promoted in preference to him. This means that a civil servant, who is deferred for promotion and is subsequently promoted would re-gain his seniority automatically. Therefore, proforma promotion is not a necessary prerequisite for restoration of original seniority. The appointing authorities should, therefore, restore seniority in such cases through a speaking order. However, proforma promotion in such cases is to be granted for the purpose of financial benefits.

III) CASES WHERE PROFORMA PROMOTION CAN/ CANNOT BE GRANTED

The salient features of the proforma promotion policy issued vide letter No. SORII(S&GAD)2-52/73, dated 16.10.1973 and subsequent policy letters, which will continue to be applicable, are recapitulated as under:-

- a) **Proforma promotion** shall generally be granted in cases where an official whose junior has been promoted on regular basis but he was deferred due to any of the following reasons:
 - i) The seniority of two officials is in dispute. The senior official is promoted on due date but subsequently the junior official establishes his claim of seniority by

- obtaining a favourable decision from Government or the Punjab Services Tribunal or any other court of law.
- ii) The official is under suspension or is facing a departmental inquiry and, therefore, his promotion is deferred. If eventually he is exonerated of the charges, he becomes entitled for proforma promotion from the date on which he would otherwise have been promoted.
 - iii) An official is considered unfit for promotion because of adverse remarks in the Character Roll. Subsequently, he succeeds in getting the remarks expunged.
 - iv) In cases where an official might be ignored for promotion due to a clerical error or incomplete service record or plain negligence.
 - ♦v) In cases where on the recommendation of a PSB/DPC, a senior is conditionally cleared for promotion and is able to assume charge of a higher post only after he fulfils the condition and, in the meantime, the junior (cleared for regular promotion) in the same meeting assumes charge of the higher post; the senior in consequence of the fulfillment of the condition, shall be entitled for proforma promotion from the date the junior is promoted.
- b) The senior will have no case of Proforma Promotion if the junior was promoted on officiating, acting charge, current charge basis or other stop-gap arrangement.

***IV) PROFORMA PROMOTION TO BE CONSIDERED SEPARATELY AFTER REGULAR PROMOTION**

Proforma promotion cases require detailed scrutiny and take considerable time for examining the previous working papers, minutes of the PSB meetings, causes of deferment and removal thereof as well as promotion notifications of Seniors/Juniors. Therefore, such cases may be considered separately by the Proforma Promotion Committee prior to placing the same before the Provincial Selection Board. The respective Departmental Promotion Committees may examine the cases for promotion and proforma promotion separately. It has now been decided that:

- (a) The case of proforma promotion shall be considered by the relevant Committee/Board/Authority separately after regular promotion of the concerned civil servant (if he was wrongfully prevented from promotion earlier due to any of the reasons given in para III (a).
- (b) The Administrative Department shall, therefore, process the cases of promotion and proforma promotion separately.

♦ Sub-clause (v) added vide Notification No.SOR-II(S&GAD)2-59/78 dated 20.05.2006.

* Para-2(IV) of Proforma Promotion Policy -2003 amended vide Notification No.SOR-II(S&GAD)2-59/78 dated 18.09.2012

After regular promotion a separate request should be submitted for proforma promotion.

- (c) **Deleted.**
- (d) Where an officer has already been promoted with immediate effect, he should file a request for grant of proforma promotion and his case for proforma promotion will be considered by the relevant Committee/Board.
- (e) **Deleted.**

**V) PROFORMA PROMOTION TO RETIRED OFFICERS/
OFFICIALS**

This means a case where a senior officer/official was deferred for promotion due to no fault of his own and his junior was promoted and subsequently the senior was also promoted, during his service, but could not get Proforma Promotion during service and retired.

It is clarified that under Rule 9(2) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, promotion/proforma promotion cannot be claimed as of right by any civil servant. Similarly, under the provisions of the Punjab Civil Servants Act/Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, only a civil servant can be appointed on promotion. Since a retired 'civil servant' is no longer in service, therefore, he ceases to be a civil servant. Since promotion can be granted only to a civil servant, a retired officer/official cannot avail the benefit of promotion/proforma promotion.

However, keeping in view the hardship caused to the retired 'civil servant', it has been decided that in case where a civil servant was wrongfully prevented from promotion (Para III(a) refers) and was subsequently promoted during his service, but could not get proforma promotion during his service and retired, such officer may be considered for proforma promotion, provided he files a representation to this effect during his service. The representation filed after retirement shall not be considered.

VI) NOTIONAL PROMOTION TO RETIRED CIVIL SERVANT

This means a case where a senior officer/official was deferred for promotion due to some reason and his junior was promoted and subsequently after removal of the reason of deferment, the senior becomes eligible but could not be promoted to a higher post, during his service and retired.

As explained above at serial No.V, a retired 'civil servant' cannot be considered for promotion because he ceases to be a civil servant on his retirement. Therefore, a retired person cannot avail the benefit available exclusively to a civil servant. Since promotion can only be granted to a civil servant, a retired officer/official cannot be considered for promotion on notional basis.

3. This issues with the approval of the Chief Minister, Punjab. The Administrative Departments are requested to circulate this Policy to all concerned for compliance.

SOR-II (S&GAD) 2-59/78
Dated the 4th April 2005

Subject: SCRUTINY/APPROVAL BY REGULATIONS WING S&GAD/CHIEF SECRETARY

I am directed to refer to this Department's notification No. SOR-II(S&GAD)2-59/78 dated 19.04.2003 on the subject noted above and to inform that the question has been raised whether the approval of the Chief Secretary/Secretary Regulations in the proforma promotion cases up to BS-18 is necessary as per earlier circular letter No. SOR.II (S&GAD)2-59/78 dated 01.10.1998 or there is no need for such approval in the light of latest Proforma Promotion Policy circular letter No. SOR.II (S&GAD)2-59/78 dated 19.04.2003.

2. It is clarified as under:

- (i) The old cases in which the claim of proforma promotion arose before the issuance of latest Proforma Promotion Policy shall continue to be referred to the Regulations Wing/Chief Secretary for approval as per provision of earlier circular letter dated 01.10.1998 after the recommendations of the DPC as per previous practice.
- (ii) The cases of proforma promotion where the claim of proforma promotion cropped up after 19.04.2003, the scrutiny/approval by the Regulations Wing as well as Chief Secretary is not required. However, the Administrative Department may seek advice of Regulations Wing in case of any ambiguity.

NO.SOR-II(S&GAD)2-65/2005
Dated the 7th June 2005

Subject: PROMOTION/PROFORMA PROMOTION TO HIGHER POSTS – DATE OF EFFECT OF PROMOTION – AMENDMENT IN PUNJAB CIVIL SERVANTS ACT, 1974

I am directed to refer to the subject noted above and to state that according to the prevailing policy of the Government of the Punjab, promotion is granted to serving civil servants with immediate effect and not from the date of occurrence of vacancy. Promotion is not granted to retired civil servant as he does not remain a civil servant after retirement, though proforma promotion may be granted to retired civil servant from the date of promotion of his junior, provided that the retired civil servant was promoted to the rank during his service.

2. To further strengthen the provisions of the policy regarding the date of effect of promotion, the Government of Punjab has now made the following amendments in Punjab Civil Servants Act, 1974, through notification No. PAP-Legis-2(18)/2005/721 dated 15.04.2005. The salient features of the amendment are as under:

- i. In section 2 of the Act, definitions of promotion and proforma promotion have been added as under:
 - (g-a) “proforma promotion” means predating of promotion of civil servant or retired civil servant with effect from the date of regular promotion of his junior, for the purpose of fixation of pay and payment of arrears as may be prescribed;
 - (g-b) “promotion” means appointment of a civil servant to a higher post in the service or cadre to which he belongs;
- ii. Existing section 8 has been substituted as under:
 8. Promotion – (1) A civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he belongs in a manner as may be prescribed; provided that he possesses the prescribed qualifications.
 - (2) Promotion including proforma promotion shall not be claimed by any civil servant as of right.
 - (3) Promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of the higher post, and shall in no case be granted from the date of availability of post reserved for promotion.
 - (4) A civil servant shall not be entitled to promotion from an earlier date except in the case of proforma promotion.
 - (5) A retired civil servant shall not be eligible for grant of promotion; provided that he may be considered for grant of proforma promotion as may be prescribed.
 - (6) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as follows:
 - (a) in the case of a selection post, on the basis of selection on merit; and
 - (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

3. It is requested that while processing and deciding the cases of promotion and proforma promotion of civil servants and retired civil servants, guidance should be sought from the provisions of the above amendment in the Punjab Civil Servants Act, 1974, as well as the Punjab Government’s Proforma Promotion Policy issued vide circular No. SOR-II(S&GAD) 2-59/78, dated 19.04.2003.

NO.SOR-II(S&GAD)4-26/96(Pt-III)
Dated the 17th November 2008

Subject: GRANT OF PROMOTION TO THE RETIRED/DIED CIVIL SERVANTS

Kindly refer to the subject noted above.

2. The question regarding promotion to retired civil servants has been examined and it was observed that under the provisions of Punjab Civil Servants Act, 1974/Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 only a civil servant can be appointed on promotion. A retired person ceases to be a civil servant. Since promotion can be granted only to a civil servant, a retired officer/official cannot avail the benefit of promotion. Under the existing provisions of Sub Section (5) of Section 8 of the Punjab Civil Servants Act, 1974, promotion cannot be granted to the retired/died civil servants. It has also been clarified in the Proforma Promotion Policy, 2003 that the promotion cannot be granted after retirement.

3. In view of the above, it is requested that while considering the cases of promotion, the existing provisions of Section 8 of the Punjab Civil Servants Act, 1974 and Proforma Promotion Policy, 2003 may be adhered to in letter and spirit. However, in case where any specific directions are given by the courts, the Regulations Wing, S&GAD should be consulted before deciding the matter.

NO.SOR-II(S&GAD)3-18/97 (P)

Dated the 22nd December 2009

Subject: DEPARTMENTAL PROMOTION COMMITTEE'S MEETING

I am directed to refer to the subject noted above and to inform that instances have come to the notice of the Government that promotions of civil servants are not timely made, resultantly they retire from service without getting promotion to higher posts.

2. The existing Proforma Promotion Policy, issued vide No. SOR-II(S&GAD) 2-59/78, dated 19.04.2003 provides that under the provisions of the Punjab Civil Servants Act and Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 only a civil servant can be appointed on promotion, to a higher post. Since a retired civil servant is no longer in service, therefore, he ceases to be a civil servant. Promotion can be granted only to a civil servant while a retired officer/official cannot avail the benefit of promotion.

3. Section 8 of the Punjab Civil Servants Act, 1974 provides as under:

- “(1) A civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he belongs in a manner as may be prescribed; provided that he possesses the prescribed qualifications.
- (2) Promotion including proforma promotion shall not be claimed by any civil servant as of right.
- (3) Promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of the higher post, and shall in no case be granted from the date of availability of post reserved for promotion.
- (4) A civil servant shall not be entitled to promotion from an earlier date except in the case of proforma promotion.

- (5) A retired civil servant shall not be eligible for grant of promotion; provided that he may be considered for grant of proforma promotion as may be prescribed.
- (6) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as follows:
 - (a) in the case of a selection post, on the basis of selection on merit; and
 - (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.”

4. In view of the above provisions of law/policy in fact the Administrative Departments are required to hold meetings of Departmental Promotion Committees well in time to consider the cases of promotion/proforma promotion against existing/imminent vacancies.

5. In view of the above, it is requested that cases for promotion/proforma promotion of civil servants be processed properly through the respective Departmental Promotion Committees.

Subject: DEPUTATION POLICY

I am directed to refer to the subject noted above and to say that in supersession of all previous policy instructions on the subject, the following standard terms and conditions shall be made applicable in case of officers/officials working on deputation against the post under Autonomous Bodies of the Punjab irrespective of the fact whether the deputationist is a Federal or a Provincial Government's employee:

1. **PAY AND ALLOWANCES**
Pay and allowances as admissible in his parent department from time to time under the Government rules.
2. ****Deputation Allowance @ 20%** of the of the Basic Pay of deputationist subject to maximum of Rs. 6,000/- per month irrespective of the pay scale of the post against which he is working on deputation.
3. **RESIDENTIAL ACCOMMODATION**
He is entitled to House Rent Allowance as admissible under the Punjab Government Rules provided he is not already residing in a Government owned accommodation. If accommodation is provided it will be subject to normal deduction of 5% of his pay:

Provided, if a Government servant, while on deputation with an Autonomous Body, continues to retain Government owned accommodation, the Autonomous Body concerned shall be liable to pay House Rent to the Government on behalf of the deputationist @ 45% or 30% (whichever is applicable) of the minimum of the pay scale of the deputationist in his parent Department.
4. **TRAVELLING/DAILY ALLOWANCE**
 - (i) **T.A./D.A. during incumbency of deputation**
As admissible in accordance with the T.A. Rules of the Borrowing Organization, provided these are not inferior to Government rules.
 - (ii) T.A./D.A. on transfer to and back to the parent department shall be paid by the Borrowing Organization.
5. **JOINING TIME**
He will be entitled to joining time on his transfer from the Borrowing Organization and salary for the joining time will be paid by such Organization.
6. **ENCASHMENT OF L.P.R.**

**Sub para 2 substituted vide Notification No. FD.SR.II/6-13/97 dated 09.01.2006. This substitution is effective from 01.07.2005.

A civil servant on deputation who is due to retire from Government service either on completion of 26 years qualifying service or attaining the age of superannuation may draw the encashment of L.P.R. from the Borrowing Organization, if he continues to work during the entire period of his L.P.R./last year of his service, without repatriation of his services.

7. **LEAVE/LEAVE SALARY**

The leave account of the Government servant during the period of deputation shall remain closed. No leave salary contribution shall be recovered from the Borrowing Organization and the deputationist will be granted leave and paid leave salary by such Organization. The period of service with the Borrowing Organization shall not count towards earning leave under the Government. However, in case a deputationist applied for leave to the Competent Authority in the Borrowing Organization and the leave was refused, the borrowing authority is bound to pay him the encashment of leave/remaining portion of leave earned by the deputationist during the period of his deputation.

8. **DISABILITY LEAVE**

The Borrowing Organization shall also be liable for leave salary in respect of disability leave granted to the civil servant on account of disability occurred in and through deputation service even though if such disability manifest itself after the termination of service. The leave salary charges, for such leave shall be recovered by the civil servants direct from the Borrowing Organization.

9. **PENSION CONTRIBUTION**

The Borrowing Organization shall be required to pay pension contribution at the rate of 33-1/3% of the mean of minimum and maximum of the pay scales of the officer plus other emoluments reckonable for pension (subject to verification of audit) to the Government during the deputation period.

10. **MEDICAL FACILITIES**

He will be provided medical facilities in accordance with the rules of the Borrowing Organization, provided such facilities are not inferior to those admissible to him under the Government/parent department.

11. **SUBSCRIPTION TO FUNDS**

He will continue to subscribe to G.P. Fund and such other funds as he was subscribing to before deputation at the rates under the relevant rules of the Government.

12. ***RESIDENTIAL TELEPHONE**

As per policy of the Borrowing Organization.

*Substituted vide letter No. SR.II-6-13/97 dated 10th April 2002.

13. **CONVEYANCE/TRANSPORT**
The deputationist will be provided conveyance/transport as admissible to Government officers of his status/grade under the rules.
14. **CONDUCT AND DISCIPLINE**
He will be governed by the provisions of relevant E&D/Conduct Rules, applicable to the service/cadre to which he belongs.
15. **CHANGE IN TERMS OF DEPUTATION**
The civil servant on deputation will continue to be under the rule-making control of the lending Government, in matters of pay, leave pension, G.P. Fund, etc. The lending Government accordingly will have a right to determine, in consultation with borrowing organization, the terms which shall not be varied by the borrowing organization, without consulting the lending Government.
16. *****FRINGE BENEFITS**
The deputationist shall be entitled to any fringe benefits attached to the post other than those specifically mentioned above.
17. **PERIOD OF DEPUTATION**
The period of deputation shall not exceed three years. However, Government reserves the right to withdraw/transfer the deputationist at any time without assigning any reason. In case the deputationist retires while on deputation, the period of deputation shall stand expired on the date of his retirement.

2. The above terms and conditions will be made applicable by all the Administrative Departments to its employees and there is no need to refer their cases to the Finance Department for approval. However, if an advice of the Finance Department on the specific issue is required, Administrative Departments can refer the case with their self-contained comments on the issue.

No.EI.1-25/94(P)
Lahore the 15th August, 1997

Subject: GRANT OF NO OBJECTION CERTIFICATE FOR THE DEPUTATION
OF PUNJAB GOVERNMENT EMPLOYEES WITH FEDERAL
GOVERNMENT / PROVINCIAL GOVERNMENT

I am directed to refer to the subject noted above and to state that it has been observed that various Departments are allowing deputation of their employees with Federal Government / other Provincial Governments, without obtaining clearance from the SGA&I Department. According to provisions of Rules of Business as laid down vide (a) & (b) of Rule 14(1), this matter falls within the purview of SGA&I Department. Accordingly Federal Government / Provincial

*** Amended vide Notification No. FD-SR.II-6-13/97 dated 10.04.2002.

Governments refer the cases back to SGA&I Department for the grant of No Objection Certificate by SGA&I Department.

2. I have therefore been directed to request that in future all the cases of the deputation of Punjab Government employees with Federal Government / other Provincial Governments may kindly be referred to SGA&I Department for grant of No Objection Certificate of the SGA&I Department.

No. FD.SR-II/6-3/82
Dated the 3rd April 1998

Subject: ENCASHMENT OF UN-AVAILED PORTION OF LEAVE EARNED
BY THE DEPUTATIONIST DURING HIS DEPUTATION PERIOD

I am directed to refer to this department's instructions bearing No. FD.SR-11-6-57/73-2785, dated 09.02.1974, No. FD.SR-II-6-3/82 dated 07.09.1982 and No. FD.SR-II-6-13/97 dated 11.08.1997 and to say that as per provisions of Deputation Policy, if an official is deputed to work on deputation with Borrowing Organization/Department, his leave account in the parent department remains closed, no leave salary contribution is to be recovered from the Foreign Employer/Borrowing Organization and the leave earned by the deputationist during the period of his deputation is not to be credited to his leave account in the parent department, after the expiry of his deputation period.

2. Instances have come to notice that the deputationists during the period of their deputation do not avail leave, or the leave is not granted in spite of the fact that they applied for leave and subsequently they requested for the encashment of their leave/un-availed portion of leave earned by them during their deputation period.

3. It has now been decided that if the deputationist applies for grant of leave and the leave so applied is refused by the Competent Authority in the Borrowing Organization/Department then the Borrowing Organization/Department is bound to pay him the encashment of the leave/un-availed portion of leave, earned by him during his deputation period. For this purpose no sanction of the Finance Department is required and he/she will be granted encashment of leave with the approval of the Competent Authority/Leave Sanctioning Authority in the Borrowing Organization/Department. All the relevant instructions on the subject will be deemed to have been amended accordingly.

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

No. FD.SR.II/6-13/97
Dated the 25th July 2001

Subject: EXTENSION IN DEPUTATION PERIOD BEYOND THREE YEARS
IN RELAXATION OF DEPUTATION POLICY

I am directed to refer to the subject noted above and to say that according to Condition No. 17 of the Deputation Policy bearing No. FD.SR-II-6-13/97, dated 13.08.1998, deputation is permissible to a civil servant for a maximum period of three years with the approval of the Head of the Department and under the special circumstances, further extension in deputation can be allowed in favour of deputationists with the approval of the Governor/Chief Minister.

2. Now, the Governor has been pleased to authorize the Finance Department to grant extension in deputation for a further period up to one year, beyond three years, in relaxation of Deputation Policy dated 13.8.1998, provided that such extension is fully justified and relates to exceptional circumstances.

3. Any extension in deputation beyond three years not covered under para 2 or beyond a period of four years will be continued to be submitted to the Governor for approval in the shape of summary, in relaxation of Deputation Policy.

No. FD.SR.II/6-13/97
Dated the 15th October 2002

Subject: DEPUTATION POLICY

I am directed to refer to this department's letter of even number dated 13.08.1998 on the subject noted above and to say that it has been noticed that deputationists do not report back to their parent departments after completion of deputation period and thereafter start submitting requests for extension in deputation.

2. In order to discourage the tendency of overstay and to strictly enforce the deputation policy, the Governor of the Punjab has been pleased to direct that while approving the terms and conditions of deputation a clause may be inserted in the Deputation Orders that the deputationist shall automatically be treated as repatriated after completion of normal/extended period of deputation and any delay on the part of the deputationist in reporting back to his parent department shall be considered as an absence from duty.

No. FD.SR-II/6-13/97
Finance Department
Dated the 25th October, 2008

Subject: PAYMENT OF PENSION CONTRIBUTION OF DEPUTATION PERIOD

I am directed to refer to the subject noted above and to state that the Honorable Governor during the process of examination of a complaint has been pleased to observe that non-payment of pension share of deputationist is a common complaint faced by a large number of Government servants/deputationists due to non-institutionalized system of operations and negligence of borrowing agency. This invariably results in impediments for Government servants as well as the concerned agencies and many anomalies occur which have to be resolved.

2. In view of this, the Governor has been pleased to direct to issue instructions to all departments that the orders of deputation of an officer should invariably include amongst others the provisions that upon reverting to his/her original cadre post, a certificate must be given by the 'borrowing agency' with a copy to DAO/AG, as a mandatory requirement upon transfer, certifying his/her pension share contribution during the period of deputation.

3. It is, therefore, requested to ensure the compliance of the above mentioned directions in letter and spirit to avoid any inconvenience to deputationists in this regard.

No. SOE-I-59/09

Dated the 28th February, 2011

Subject: INSTRUCTIONS TO REGULATE DEPUTATION FROM ONE AUTONOMOUS BODY TO ANOTHER AUTONOMOUS BODY

Kindly refer to the subject cited above.

I am directed to state that according to Rule 14 (1) (a)&(b) of the Rules of Business, 1974, the Services and General Administration Department is responsible for determination of the principles of control of Government servants including recruitment, conditions of service and discipline.

2. In view of the rule *ibid*, it is expedient to explicitly provide for the coordinating role of the Services and General Administration Department in cases where deputation is to be made from one autonomous body to another autonomous body. This coordination of the policy of all departments with respect to the services under their control will secure consistency of treatment and uniformity of the policy.

3. I am, therefore, directed to state that in future all the cases of deputation from one autonomous body to another autonomous body in the Punjab Government may kindly be processed through the channel of Services and General Administration Department.

No.FD.SR-II/6-192/2012
Dated 24th December, 2013

Subject: POSTING OF CIVIL SERVANTS IN PROJECTS / PROGRAMMES / POLICY UNITS / POLICY CELLS PROGRAMME MANAGEMENT UNITS / DEVELOPMENT PROGRAMS

I am directed to refer to the subject noted above and to state that the Competent Authority has decided that the posting of civil servants on deputation basis in Projects / Programmes/Policy Units/Policy Cells/ Programme Management Units/Development Programmes is not covered under the ambit of Rule 15 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and Deputation Policy, 1998 of Government of the Punjab. Such postings should be considered transfers and not deputations. Deputation allowance would, therefore, not be admissible in such cases. The same principle will apply to deputationists, from Federal Government, other Provincial Governments, Azad Jammu & Kashmir Government and Gilgit Baltistan Government, who are posted in the Punjab Government against posts other than its autonomous bodies. However, all the terms & conditions of such postings, already settled by the competent authority, shall remain intact till the expiry of the tenure mentioned therein. In case of extension in their appointment, the incumbents shall not be entitled to the Deputation allowance.

No. SOR-III(S&GAD)3-17/2013
Dated Lahore the 23rd August, 2013

SUBJECT: IMPLEMENTATION OF JUDGMENT DATED 12.06.2013 PASSED BY THE HONOURABLE SUPREME COURT OF PAKISTAN IN

CRIMINAL ORIGINAL PETITION NO. 89 / 2011 AND OTHER CASES

Kindly refer to the subject noted above.

2. The Hon'ble Supreme Court of Pakistan vide judgment dated 12.06.2013 in a Cr. Org. No. 89/2011 and others CMAs/Constitutional Petitions/Civil Appeals laid down principles to streamline the service structure of civil servants. The apex court through the above referred judgment has, inter alia, issued directions for correcting severe and unfathomable distortions in the very structure of civil service of Sindh over a period of time. These included:-

- i) Induction/absorption against cadre posts.
- ii) Out of turn promotions.
- iii) Deputations, violative of Rules.
- iv) Contractual Appointment.
- v) Nominations against rules and procedures.

3. The issues raised by the apex court have been examined by the Regulations Wing, S&GAD in the light of Punjab Civil Servants Act, 1974 and other relevant laws, rules and policies. The position of laws and rules on above issues is summarized as below:

(i) **Induction/absorption against cadre posts:**

Civil servants are inducted against cadre posts through initial appointment, promotion and transfer (if provided in the service rules) strictly in accordance with service rules of the post. Absorption is only permissible to those employees rendered surplus as a result of retrenchment in, or re-organization of Government Department/Office or an Autonomous or Semi-Autonomous Organization. Attention is invited towards Rule 3 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974.

(ii) **Out of turn promotion:**

Section 8-A relating to out of turn promotion in the Punjab Civil Servants Act, 1974, stands deleted since 2006. Therefore, out of turn promotion is not permissible in the province of Punjab.

(iii) **Deputations, violative of rules:**

Deputation is made in terms of rule 15 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and Deputation Policy 1998.

(iv) **Contract Appointment:**

For the purpose of contract appointments, Contract Appointment Policy – 2004 has been notified whereas re-employment is made under rule 13 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, Re-employment Policy – 2003 and directions of Supreme Court passed in various judgments. Attention is invited towards Section 13(1) of the Punjab Civil Servants Act, 1974.

(v) **Nominations against rules and procedures:**

No quota has been fixed in any category of posts/employees for nomination to higher posts. All promotions are required to be made as per prescribed procedure under the relevant service rules.

4. On examination of the observations of the Hon'ble Supreme Court of Pakistan, it transpired that deterioration in structure of any civil service is caused due to non-adherence to the laws, rules and policies relating to their service matters and deviation from best human resource management practices.

5. I am, therefore, directed to request to kindly ensure implementation of directions of the Hon'ble Supreme Court of Pakistan as laid down in above referred judgment in letter and spirit.

No. SOEI-2-1/2016 S&GAD
Dated the 08th December, 2016

Subject: INSTRUCTIONS ISSUED BY THE SERVICES WING OF S&GAD TO FOLLOW IN RESPECT OF THE OFFICERS/ OFFICIALS POSTED IN VARIOUS DEPARTMENTS OF GOVERNMENT OF THE PUNJAB ON DEPUTATION BASIS.

Kindly refer to the subject noted above.

2. I am directed to state that this Department circulated various instructions vide letters No.SOEI.2-1/2015, dated 05-01-2016, SOEI.1-19/2015, dated 29-03-2016 & SOEI.2-1/2016, dated 19 08-2016 to be followed while processing the cases of deputations. Despite issuance of all these instructions, the administrative departments normally do not provide requisite information on prescribed proformae meant for lending/borrowing organizations. Due to this reason, the Services Wing is facing problems in examining the cases for posting of suitable officers with unblemished career against important positions on deputation basis. Further, the practice of recommending/ allowing the officers posted on deputation to transfer from one deputation to another is still continuing. Moreover, the administrative departments do not process cases for extension to deputation period / repatriation of services of the officers well before expiry of normal/ extended tenure of deputation.

3. I am therefore directed to request all the Administrative Departments that in future the cases of fresh deputation may be forwarded to the Services Wing alongwith complete information on prescribed proformae. Further, the cases of extension to deputation period may be submitted well before expiry of initial / extended deputation period. Moreover, the administrative departments are requested to strictly discourage the practice of transfer of officers from one deputation to another deputation for smooth functioning of the official business.

4. The above mentioned instructions may be noted for strict compliance.

No. SI.PF.E-10/2016
Dated the 22nd November, 2017

Subject: EXTENSION IN THE DEPUTATION PERIOD OF FEDERAL GOVERNMENT OFFICERS

I am directed to refer to the subject noted above and to state that on a summary initiated by the Services Wing of S&GAD, Government of the Punjab, regarding seeking approval of the Chief Minister to relax the Rule 15(1) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, in order to take up the matter with the Establishment Division, Government of Pakistan for extending the period of deputation of a Federal Government Officer, Chief Minister, Punjab has been pleased to pass the following orders:-

“All the Administrative Departments shall make pro-active efforts to build their capacities from amongst the officers available to them in the Government of the Punjab, who are either employees of the Government of the Punjab or are placed in the Government of the Punjab against encadred posts. The inevitability factor is no justification for prolonged stays on deputation, which may, at best, be limited to only three years, as is provided in Section 15(1) of the Punjab Civil Servants (Appointment & conditions of Service) Rules, 1974”.

2. I am further directed to state that in pursuance of the above mentioned observations/orders of the Chief Minister, Punjab, no case / request of extension in deputation period involving relaxation of Rule 15(1) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 would be entertained by S&GAD, Government of the Punjab, in future.

3. I have also been directed to request you that the above mentioned orders of the Chief Minister must be adhered to Stricto Sensu.

No.SOR-III(S&GAD)2-61/2017
Lahore the 5th December, 2017

SUBJECT: STRICTO SENSU IMPLEMENTATION OF RULE 15(1) OF THE
PUNJAB CIVIL SERVANTS (APPOINTMENT & CONDITIONS OF
SERVICE) RULES, 1974

Kindly refer to the subject noted above.

2. The Chief Minister has been pleased to desire that all the Administrative Departments shall make proactive efforts to build their capacities from amongst the officers available to them in the Government of Punjab, who are either employees of the Government of Punjab or are placed in the Government of Punjab against encadred posts. The inevitability factor is no justification for prolonged stays on deputation, which may, at best, be limited to only three years. Chief Minister has, therefore, desired stricto sensu implementation of provision of Rule 15(1) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 which reads as under:-

“15. Deputation.-(1) A person in the service of an autonomous or semi-autonomous organization or Federal Government, or other Provinces, or Gilgit-Baltistan, or Azad Jammu & Kashmir, who possesses minimum educational qualification, experience or comparable length of service prescribed for the post, shall be eligible for appointment, on deputation, to the said post for a

period not exceeding three years at a time, on such terms and conditions as the Government, in consultation with the lending Government or organization, may determine.”

3. I am, therefore, directed to convey the above directions of the Chief Minister Punjab, for compliance in letter & spirit and no case of extension in deputation may be moved to the Chief Minister in future.

4. This may please be treated as **Most Urgent.**

No. SOR.III-2-61/2017
Dated the 23rd May 2018

Subject: STRICTO SENSU IMPLEMENTATION OF RULE 15(2) OF THE
PUNJAB CIVIL SERVANTS (APPOINTMENT & CONDITIONS OF
SERVICE) RULES, 1974 – DIRECTIONS OF THE CHIEF MINISTER,
PUNJAB

Kindly refer to the subject noted above.

2. In continuation to this Department's circular letter of even number dated 05.12.2017, I am directed to state that on a summary initiated by the Finance Department, the Chief Minister has been pleased to approve strict implementation of rule 15(2) of the Punjab Civil Servants (Appointment & Conditions of service) Rules, 1974, which reads as under:

“**15(2)** Subject to any other rule or order of the Government, a civil servant, who fulfills the conditions and is considered suitable, may be sent on deputation, for a period not exceeding three years, to an autonomous or semi-autonomous organization or Federal Government, or other Provinces, or Gilgit-Baltistan or Azad Jammu & Kashmir, on such terms and conditions, as the appointing authority, in consultation with the borrowing Government or organization, may determine.”

3. I am, therefore, further directed to convey the approval of the Chief Minister, Punjab for strict compliance and in no case, the Provincial Government employees sent on deputation to Autonomous / Semi-Autonomous bodies, Federal Government or other provinces, or Gilgit-Baltistan or Azad Jammu & Kashmir, be allowed deputation beyond the proscribed period of three years.

4. The above instructions may be implemented in letter and spirit.

**Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT
SERVANTS IN FOREIGN COUNTRIES**

I am directed to say that instructions were issued from time to time through circular letters noted in the *margin with regard to employment of Government servants in foreign countries. The matter has since been reconsidered and it has been decided in supersession of the said circulars that job opportunities available to Pakistan nationals in Government or private service abroad should be welcomed and applications of Government employees technical or non-technical for service in foreign countries should be freely forwarded to the prospective employers by the Administrative Departments concerned direct (even if it may cause some inconvenience to the Departments), provided specific vacancies exist in foreign countries, irrespective of whether or not they are advertised in Pakistan or notified to the Government of Pakistan. A copy of the application of the Government servant concerned together with his bio-data should be endorsed to the Bureau of Immigration, Block No. 19, Frere Road, Karachi, for information and record. The Bureau should also be informed in the event of selection of the candidate by the foreign employer. Similar advice should also be sent by the Administrative Departments to the Director of Immigration and Passports and the State Bank of Pakistan for the issuance of Passports and passage permission on "P" Form respectively on the authority of the release order of the Government servant by the Head of the Department. The normal channel of submission of such applications should not, however, be ignored and it should be impressed upon all Government servants under your administrative control that they should not approach foreign employers direct. The proper way for seeking foreign employment is to route the applications through proper channel or if formal application is not needed, at least to obtain permission of the competent authority.

2. On their selection by the foreign employers they should be immediately relieved to enable them to join their new assignments in time on the following terms and conditions, as decided in consultation with the Finance Department.

- (i) Before a Government servant is allowed to proceed abroad he should be made to execute a surety bond that he will come back to the country on expiry of the period of deputation and will not acquire the domicile or nationality of the foreign country, nor will he send in his resignation.
- ** (ii) The period of deputation will be rigidly fixed at a maximum of 5 years and no extension will be allowed under any circumstances. However, if the deputation is initially sanctioned for a lesser period extension may be granted up to a total period of 5 years.

*No.1. SOR II (S&GAD)5-5/70 dated 19.08.1970.
No.2. SOR I (S&GAD)5-5/70 dated 11.10.1970.
No.3. SORIII (S&GAD)5-5/70 dated 21.12.1971.
No.4. SOR II (S&GAD)5-5/70 dated 01.07.1972.
No.5. SOR II (S&GAD)5-5/70 dated 31.10.1973.

** May be read with letter No.SOR.IV(S&GAD)15-7/84, dated 14th July 1988.

- (iii) The period of Foreign Service will commence from the date of release from the department and will terminate on the date of resumption of duty by the Government servant.
- (iv) The Government servant concerned shall, during the period of his foreign service, pay to the Government through the Pakistan Mission in the borrowing country, in foreign currency, in which he receives his salary from the foreign employer, pension contribution in accordance with the relevant rules and at the rates prescribed from time to time by Government. Till such time as the rates of pension contribution are ascertained and intimated by the Audit office concerned he shall provisionally pay pension contribution in foreign currency on the basis of the length of his service at the rates given in Annexure "B" to rule 10.8 of the C.S.R. (Pb.)Vol.1, Part I. In cases of deputation to foreign service outside Pakistan in which a part of the foreign service pay is draw-able in Pakistan rupees, a percentage of the monthly amount of the pension contribution as well as of the Provident Fund subscription, may be paid in Pakistan rupees, such percentage being equal to the percentage of the foreign service pay which is draw-able in Pakistani rupees, failure to pay the pension contribution in time would result in the period of foreign service not being counted towards pension.
- (v) During the period of Foreign Service the Government servant concerned will continue to subscribe to the G.P. Fund and Benevolent Fund, Group Insurance or any other Government Fund of the same nature according to the rules and orders regulating subscription to that Fund. The amount of subscription will be payable in foreign exchange subject to the provisions of item (iv) above in respect of G.P. Fund and the Government servant shall remit the necessary amount in foreign exchange every month to a Scheduled Bank in Pakistan which shall pay to the Accounts Officer the rupee equivalent thereof at the official rate of exchange on the basis of the pay which would have been admissible to him in Government service but for his transfer to foreign service.
- (vi) During the period of Foreign Service, he shall not be entitled to any medical facility in respect of self and family members at the expense of the Government, but will be entitled to receive it as allowed by the foreign employer.
- *(vii) The lien of confirmed Government servant will be kept on his post in the parent department. He will be given substantive or officiating promotion as the authority competent to order promotion may decide in accordance with rule 10.5 of C.S.R. (Pb.) Vol. I, Part-I.
- (viii) Passage from the station of posting to the foreign country and back will be met by the Government servant.
- (ix) No part of leave earned during foreign service will be credited to his leave account nor will any liability in respect of such leave devolve on the Provincial Government and, as such, no contribution for leave salary will be required from the official while in foreign service. He will not be entitled to receive any leave salary from the Government in respect of disability arising in

*May be read with letter No. SOR.IV (S&GAD)15-7/84, dated 14th July 1988.

and through foreign service, he shall also not be entitled to receive any leave salary from the Government in respect of disability leave on accounts of any disability arising in or through foreign service even though this disability might manifest itself after the termination of foreign service.

- (x) If during the period of his deputation, the Government servant concerned becomes entitled to any additional benefit, or is appointed to any post involving alteration in his emoluments, he will intimate the particulars of such appointment to the Government. Any modifications of the terms involving additional liabilities on the Government will require their prior approval.

Note (I) These instructions will apply also to temporary Government servants and Administrative Departments may in their discretion, give an assurance to a temporary Government official that he will be taken back on his original post if it has not been abolished in the meantime and his junior is still in service on his return from deputation abroad. The temporary Government servant concerned may also be considered for promotion in absentia while on deputation abroad.

Note (II) Notwithstanding the policy explained above, no Government servant shall apply directly, or send any advance copy of his application for any post in any International Organization of which Pakistan is a Member, nor shall he make any attempt to secure a requisition for his services by name for any post under the above Organization.

3. Individual cases for settlement of terms and conditions of such Government servants need not be referred to the Services and General Administration Department or the Finance Department.

4. This Circular does not supersede the order which the Government may have issued in this behalf in respect of any specific category of Government servants.

No. SORIII(S&GAD)5-5/70-Vol.II(Prov)
Dated the 31st December 1977

Subject: EXTENSION OF TENURE OF OFFICERS HOLDING POSTS/
ASSIGNMENTS IN VARIOUS INTERNATIONAL AGENCIES

I am, directed to refer to this Department's Edst. No. SORII(S&GAD)5-5/70, dated the 27th February, 1975 on the subject noted above. A copy of Government of Pakistan, Cabinet Secretariat (Establishment Division's) Office Memorandum No. 1/8/74-T-IV, dated 7th December 1977 is forwarded herewith for your information.

2. No request for extension beyond 5 years in tenure of duty of officials on deputation to International Organizations or foreign Governments should henceforth be entertained.

Copy of Office Memorandum No.1/8/74.T.IV, dated 7th December, 1977 from Joint Secretary (A), Government of Pakistan, Cabinet Secretariat, Establishment Division to

all Ministries/Divisions, copy also endorsed to Chief Secretary to Government of the Punjab, Lahore, regarding extension of tenure of officers holding posts/ assignments in various International Agencies.

The undersigned is directed to refer to this Division Office Memorandum of even number dated 24th September and 3rd December 1974, on the above subject, and to say that the existing Government Policy limits the tenure of officers serving in International Organizations on deputation up to a maximum period of 5 years. In spite of existing instructions some Ministries/Divisions/Provincial Governments are still sending requests for extensions on assignments abroad beyond 5 years limit. It has been decided that no extension beyond 5 years in the tenure of duty of officials on deputation to International Organizations or foreign Governments will at all be entertained. Ministries/Divisions are, therefore, advised not to send such proposals in future.

No. SORII(S&GAD)5-5/70

Dated the 16th May 1978

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT
SERVANTS IN FOREIGN COUNTRIES

I am directed to refer to this Department's Circular Letter of even number dated 5th April, 1976 and to say that on the recommendations of the Services Selection Board the Government has taken the following fresh policy decisions on the subject which may kindly be followed in future.

- (i) In order to provide opportunity of deputation abroad to experienced employees applications of only such persons should be referred to the Services Selection Board who have rendered at least five years Government Service. This is necessary to enable the outgoing Civil servants to pick up sufficient experience and knowledge in the respective field.
- (ii) The Departmental Heads while forwarding applications should ensure that column 12 of the application form (Annexure `C') indicates the number of posts in the line held by the applicant and not the total number of posts in the cadre.
- (iii) Administrative Departments should ensure that Government Servants do not send their applications directly to the foreign recruiting agencies. The applications may be forwarded by the appointing authorities only if time for submission is very short and copies along with the requisite pro forma should be sent to the Services, General Administration and Information Department. The Board will not consider cases in which applications were previously forwarded by the candidates directly to the prospective employer. The Heads of Departments while endorsing the application should make a clear statement to the effect whether the applicant had applied through proper channel or direct to the prospective employer.

No. SOR II(S&GAD)5-5/70
Dated the 13th September 1978

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT
SERVANTS IN FOREIGN COUNTRIES

Please refer to the instructions issued, vide this Department's circular letter No. SORII(S&GAD)5-5/70, dated 05.04.1976 on the subject noted above.

2. The existing procedure for processing of applications of Government servants seeking employment abroad on deputation has been reviewed by the Services Selection Board in its meeting held on 09.08.78 and on the recommendations of the Board the Government has taken the following decisions:

- a) The channel for submission of applications for employment abroad should be left to the convenience and requirements of Department.
- b) The present dual processing of applications for employment abroad by the Services Selection Board and then by the Services Wing of the Services & General Administration Department is unnecessary. Processing of applications for employment abroad should be centralized in the Services Selection Board and only one clearance certificate may be issued by the Board in each case. The applications should, henceforth be referred by the Departments to the Services Selection Board after obtaining the D.I.B. clearance and completion of formalities required for clearance certificate previously issued by the Services Wing.
- c) It is requested that in future action may kindly be taken in accordance with the above decisions.

No. SORII(S&GAD)5-5/70
Dated the 7th October 1978

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT
SERVANTS IN FOREIGN COUNTRIES

Please refer to this Department's Circular letter No.SORII(S&GAD)5-5/70, dated 5th April, 1976 on the subject noted above.

2. Vide para 3(i) of the Circular letter referred to above the Services Selection Board was constituted as under:

- | | | |
|-----|--|-----------|
| (a) | Additional Chief Secretary, S&GAD | Chairman |
| (b) | Secretary, LG&RD. | Member |
| (c) | Secretary Education. | Member |
| (d) | Secretary Health. | Member |
| (e) | Addl. Secretary (Central) S&GAD
(now Secretary (Services) S&GAD). | Member |
| (f) | Deputy Secretary (O&M) S&GAD. | Secretary |

3. However, some difficulty has been experienced by the Board in scrutinizing applications of Government servants for employment abroad where Departmental Heads are not represented on it. It has, therefore, been decided that henceforth the Administrative Secretaries concerned will represent their departments on the Board as co-opted members as and when applications of their employees are considered by the Board.

Copy of O.M.No. 1/23/78 T.IV. dated 1st October, 1980 from Deputy Secretary Cabinet Secretariat, Establishment Division, Government of Pakistan, Islamabad to all Ministries/Divisions and Provincial Government endorsed to all Departments of Provincial Government vide No. SORII (S&GAD)5-5-70, dated 21.06.1981.

Subject: PROCEDURE REGARDING EMPLOYMENT ABROAD OF
GOVERNMENT SERVANT IN PRIVATE FIRMS/ORGANIZATIONS

The undersigned is directed to refer to this Division O.M.1/23/66. T.IV. dated 24th June, 1978 on the subject noted above and to convey the following decision taken in the Special Selection Board meeting held on 17th September, 1980 for information and compliance.

2. The Government servants on their own shall not be allowed to seek employment with private bodies outside Pakistan either own or through the Bureau of Emigration and Overseas Employment or Overseas Employment Corporation. They should apply only against posts under the Foreign Government advertised in the country through the Bureau of Emigration and Overseas Employment or Overseas Employment Corporation. Their cases, will be considered by the Special Selection Board and the maximum period for which they may remain abroad shall not exceed 5 years. If this condition is not complied with the Government servant concerned shall have to resign from Government service.

3. It is requested that strict compliance of the foregoing instructions may please be ensured. Any instructions issued by the Ministry/Division or the Provincial Government which are not in conformity with the above decisions should please be treated as cancelled. Proposals which do not confirm the revised procedure stated above will be returned to the sponsoring Ministries/ Divisions un-approved.

No.SORII(S&GAD)5-5/70
Dated the 9th December 1981

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT
SERVANTS IN FOREIGN COUNTRIES

I am directed to refer to this Departments circular letter of even number dated 7th October, 1978, on the subject noted above and to state that due to conversion of the post of Secretary (Services) S&GAD into that of Additional Secretary (Services) S&GAD the Services Selection Board is reconstituted as under:

- | | |
|---|-----------|
| 1. Additional Chief Secretary S&GAD. | Chairman |
| 2. Secretary, LG & Rural Development. | Member |
| 3. Secretary Education. | Member |
| 4. Secretary Health. | Member |
| 5. Additional Secretary/(Services) S&GAD. | Member |
| 6. Secretary of the concerned Department. | Member |
| 7. Deputy Secretary (O&M) S&GAD. | Secretary |

2. It has been noticed that some confusion regarding clearance of cases for employment abroad exists as to whether these have to be referred to the Services Selection Board in the S&GAD or to the Special Selection Board in P&D Department. It is clarified that Government servants going abroad as Advisers or Consultants or for higher studies are to be cleared by the P&D Board as required under the Rules of Business, 1974 whereas the cases of those who want to take up jobs in foreign countries are to be cleared by the Services Selection Board in S&GAD.

D.O.No.1/23/80-T-IV
Cabinet Secretariat
(Establishment Division)
Government of the Pakistan
Date the 31st December 1981

Please refer to this Division O.M.No. 1/23/80-T-IV, dated 8th August, 1981 in which it was decided that maximum period of deputation of Government Servants to International Organizations/ Foreign Government would be for a period of 5 years. It is reiterated that extensions in this period shall not be given.

2. Experience has shown that officers ask for extensions on various pretexts. In this connection it is desirable that officers who have already spent four years are warned in good time. Therefore officers under your administrative control who will complete five years in 1982 of normal deputation should be asked to report back on completion of their deputation and those who have already completed five years should be given a notice to return to Pakistan by 31st March, 1982 failing which disciplinary action should be initiated against them under the Efficiency and Discipline Rules. Those who do not wish to return may be given the option to resign from service.

3. You are requested to ensure that the above instructions are enforced strictly and the officers under administrative control of your Ministry return to Pakistan after completing five years of their deputation abroad.

No.SORII(S&GAD)5-5-70
Dated the 27th February 1982

Subject: PROCEDURE REGARDING EMPLOYMENT ABROAD OF
GOVERNMENT SERVANTS IN PRIVATE FIRMS/ORGANIZATIONS

Please refer to the instructions regulating the procedure for processing the cases of officers seeking employment abroad, issued vide this Department circular letter of even number dated 8th August, 1978 and endorsement of even number dated 21st June, 1981. A copy of D.O. letter No. 1/23/80-T-IV, dated 31st December, 1981 from Secretary to Government of Pakistan Cabinet Secretariat (Establishment Division), Rawalpindi, is * enclosed for information and immediate necessary action. Accordingly you are requested to ensure that:

* See page 124.

- (i) Government servants are not allowed to seek employment with private bodies outside Pakistan either on their own or through the Bureau to Emigration and Overseas Employment.
- (ii) Applications of Government servants are entertained/ forwarded only against posts under the foreign Government's advertisement in the country through the Bureau of Emigration and Overseas Employment or Overseas Corporation.
- (iii) The maximum period for which Government servants remain abroad with the approval of the Services Selection Board does not exceed five years; if this condition is not complied with, the Government servants concerned shall have to resign from Government service.
- (iv) Officers who have already completed five years of normal deputation should be given a notice to return to Pakistan by 31st March, 1982 failing which disciplinary action should be initiated against them under the Efficiency and Discipline Rules. Those who do not wish to return may be given the option to resign from service.
- (v) Officers who have already spent four out of five years of deputation of duly approved by the Services Selection board or will complete such deputation in 1982 should be warned now to return back on completion of the sanctioned deputation.
- (vi) Proposals for extension in deputation, if any in individual cases, within the limit of 5 years, should be sent to Services Selection Board within three months of the expiry of the existing term.

Officers staying abroad without authorized deputation extension should be proceeded against under the E&D Rules.

2. Necessary action may please be taken immediately as per instructions outlined, and the particulars of the Government servants falling in the category mentioned above should be forwarded to the Services Selection Board.

No.FD.SR.I-13-1/81
Dated the 16th March 1988

Subject: TERMS OF RECIPIENTS OF FOREIGN SCHOLARSHIP
ADVERTISED BY THE DONOR AGENCIES

I am directed to refer to the subject noted above and to state that at present deputation terms are allowed by the Provincial Government to:

- a) officers who are selected by the Federal Government under the Central Overseas Scholarship; and
- b) officers who proceed on a training programme under any Technical Assistant Programme and have been cleared by the Provincial Special Services Board/ Departmental Committee/Chief Secretary.

2. In case, however, where the scholarships are advertised by the agencies and the applications of the candidates are duly processed and routed through the concerned departments, the deputation terms are not allowed. The issue has been examined and it has been decided that Government servants getting foreign scholarships through advertised programmes may be allowed deputation terms subject to the following conditions being fulfilled and certified by the Administrative Department:

- i) that the application for selection is routed through proper channel i.e. the Administrative Department;
- ii) that the facility directly relates to the discipline of his professional field;
- iii) that the selectee is not being processed against under E&D Rules etc;
- iv) that the selectee is not an ad hoc employee nor employed on contract;
- v) that the facility does not involve 'employment' of any kind.

No.SOR.IV(S&GAD)15-7/84,
Dated the 14th July 1988

Subject: POLICY REGARDING EMPLOYMENT ABROAD OF
GOVERNMENT SERVANTS ON DEPUTATION

I am directed to refer to this Department's circular letter No.SOR.II (S&GAD)5-5/70, dated 09.11.1974, subsequently modified vide this department's circular letter No.C-IIIIL-1/76, dated 10.02.1976 and No.SOR.II(S&GAD)-5-5/70, dated 05.04.1976 on the subject noted above and to say that the Federal Government vide its memo. No.OM.10(3)/81- CP-1, dated 25th June, 1984 and No.1/40/83-T-IV, dated 24.03.1985 (copies enclosed) have taken some decisions regarding the maximum period for which a civil servant could be sent on foreign deputation. After careful consideration, it has now been decided that:

- a) Sub para (ii) of Para 2 of letter dated 09.11.1974 referred to above shall be substituted as under:
“The maximum period of deputation will ordinarily be five years. Government may, however, allow a civil servant to continue against his assignment abroad even after the expiry of five years on the request of the civil servant or his employer”;
- b) Pending cases pertaining to the period preceding 25th June, 1984 i.e. the date of Federal Government's policy letter may be rejected;
- c) The cases in which the period spent abroad (beyond five years) came to an end on or after 25th June, 1984 may be considered on individual merits and placed before the Services Selection Board;
- d) For the future the policy of the Federal Government as laid down in Establishment Division's letters of 25th June, 1984 and 24th March, 1985 will be followed except that the names of the officers whose stay abroad exceeds five years will not be removed from the existing seniority list.

- e) Sub para (vii) of para 2 ibid shall be substituted as under:

The lien of a confirmed Government servant will be kept on his post in the parent Department. He will be given substantive or officiating promotion as the Authority Competent to order promotion may decide in accordance with rule 10.5 of C.S.R. (Punjab) Vol.I. Part.I. However, if his stay abroad exceeds more than five years, he will be considered to have foregone his right to be considered for promotion as mentioned in the Federal Government's memo dated 25.06.1984 and 24.03.1985. His promotion, on his return to Pakistan, will be considered after he has earned as confidential report on his work for one full year.
*If approved for promotion he will not regain his original seniority.

COPY OF GOVERNMENT OF PAKISTAN, CABINET SECRETARIAT,
ESTABLISHMENT DIVISION
D.O.NO.1/40/83-T.IV DATED 24TH MARCH 1985

Subject: POLICY GOVERNING CIVIL SERVANTS ON DEPUTATION ABROAD

Please refer to the Establishment Division O.M.NO.10(3) /81-CP-I, dated 25th June, 1984 regarding policy governing civil servants on deputation abroad.

2. Till recently, Government servants on deputation to international organizations and foreign Governments were required to come back after spending five years of their deputation abroad. This policy has been reviewed and in accordance with para 4 of the O.M. referred to above, Government servants can stay abroad beyond 5 years under certain conditions. The relevant provision of the policy is reproduced below:

“Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However, in all such cases, the officer's name will be removed from the existing seniority list and placed on a separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the seniority list only after he resumes duty on return. In such cases also the officer must earn a confidential report for one full year before he is considered for promotion. If approved for promotion, he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge.”

3. It is, therefore, requested that cases of Government servants who wish to stay abroad beyond five years may kindly be processed accordingly.

COPY OF GOVT. OF PAKISTAN, CABINET SECRETARIAT,
ESTABLISHMENT DIVISION NO. 10(3)/81-CP.I, DATED 25TH JUNE 1984

*Substituted vide circular letter No.SORIV(S&GAD) 15-7/84 dated 5th September, 1988.

Subject: POLICY GOVERNING CIVIL SERVANTS ON DEPUTATION ABROAD

The undersigned is directed to state that a civil servant, if selected for appointment in any international agency, foreign Government or private organization abroad, is permitted to go on deputation for a period of 3 years extendable to 5 years on the request of the deputationist or his employer. After expiry of the approved period of deputation, the deputationist is required to come back and resume duty in the country.

2. While on deputation abroad, a civil servant was considered for promotion in accordance with his seniority position but actual promotion took place after he resumed duty on return to Pakistan. This enabled such civil servants to regain their seniority vis-à-vis their juniors on actual promotion. Experience has shown that despite promotion, these officers seldom return even on completion of their approved deputation period. By the time they return, many officers have lost their utility and experience relevant to service needs. Promoting such officers immediately on return may not, therefore, be in public interest.

3. It has, therefore, been decided with the approval of the President that:

- i) Promotion of a civil servant on deputation to an international agency, foreign Government or private organization abroad will only be considered after he resumes duty on return to Pakistan.
- ii) Such officers may be given timely intimation to return so that they can earn at least one annual confidential report before their cases come up for consideration in accordance with their seniority position.
- iii) If an officer returns, his case will be considered for promotion in the normal course. If he does not return in response to such intimation, his case will be deferred till he returns to Pakistan on completion of 5 years and earns a confidential report on his work for one full year after resuming duty. If approved for promotion, he will regain his original seniority.

4. Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However, in all such cases the officer's name will be removed from the existing seniority list and placed on a separate static list with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the seniority list only after he resumes duty on return. In such cases also the officer must earn a confidential report for one full year before he is considered for promotion. If approved for promotion he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge.

5. All Ministries/Divisions are requested to bring the above instructions to the notice of all civil servants already serving on deputation abroad and those allowed to proceed on deputation in future.

No. O&M-II/1-11/86

Dated the 11th July 1990

Subject: POLICY REGARDING EMPLOYMENT OF GOVERNMENT
SERVANTS IN FOREIGN COUNTRIES

I am directed to refer to this department letter No. SOR.I (S&GAD) 5-5/70, dated 9th November 1974 and 5th April 1976 on the above subject and to say that in order to simplify the procedure for employment of Government servants in the friendly countries it has been decided to abolish the Services Selection Board set up vide the above quoted letters.

2. All administrative departments may henceforth scrutinize the requests of their employees to seek employment abroad and to allow extension/regulation in their deputation abroad, in the light of their own requirements.

No. PA/DS(P)1-1/96(III)
Dated the 17th December 1996

Subject: EXTENSION IN DEPUTATION PERIOD – NON-OBSERVANCE OF
CRITERIA

I am directed to refer to the subject cited above and to reiterate the deputation policy of the Government of the Punjab enunciated in Finance Department's letter No. FD-SR.II.6(57)-73-2785 dated 9th February, 1974 (vide page 234) and S&GAD, Government of the Punjab letters No. SOR.II(S&GAD) 2-86/63 dated 18.04.1978, (enclosed vide page 240) No. SOR.II (S&GAD) 2-86/63-III dated 14.02.1979 (vide page 243) and SOR.II (S&GAD) 8-1/80 dated 10.11.1981 (vide page 248) which prescribe the terms and conditions of deputation of Government servants under the control of the Administrative Departments regardless of whether such deputation is to Autonomous or Local Bodies or to another Government or to another Department of Provincial Government.

2. It may further be stated that Governor of the Punjab has been pleased to observe that deputation should not be used as means for either dumping officers or for back-door entries. The cornerstone of Deputation Policy is and should be placement of personnel in the best public interest. This should not remain an unstated mystery but should be clearly spelt out and available on record. In each case of extension, it must be clearly outlined and established that requisite expertise, skill and background is not available in the Provincial Government hence it is necessary to obtain services of specialists on deputation from outside. In these cases, while seeking extension in the period of deputation to the Provincial Government, the concerned department must also show the steps taken by it to develop the rare skill/expertise ascribed to the deputationist within its own provincial cadre. It must not be forgotten that a deputationist blocks an opening, which should otherwise be available to employees of the Provincial Government. This must not and cannot be done except for strong reasons which should be available for all to see.

3. Similarly, when allowing a provincial Government employee to stay away on deputation, it must be clearly established by the Department that his staying away is in the larger public interest and also establish that there is no material loss on balance to the Provincial Government.

4. It may further be stated that Governor of Punjab has been pleased to emphasize that he would like the Provincial Government to bring the deputation

to/from Punjab in line with the principles enunciated above. He has further desired to see the information within due date and time.

5. I am, therefore, directed to request you to kindly furnish this Department, by 25.12.1996 positively, with the lists of all such cases of officers/officials whose deputation/extension in deputation beyond normal period of three years has been allowed, in relaxation of rules and regulations.

No. E1-1-25/94(P)
Dated the 15th August 1997

Subject: GRANT OF NO OBJECTION CERTIFICATE FOR THE DEPUTATION OF PUNJAB GOVERNMENT EMPLOYEES WITH FEDERAL GOVERNMENT/PROVINCIAL GOVERNMENT

I am directed to refer to the subject noted above and to state that it has been observed that various departments are allowing deputation of their employees with Federal Government/other Provincial Governments, without obtaining clearance from the S&GA Department. According to provisions of Rules of Business as laid down vide (a) & (b) of Rule 14 (1), this matter falls within the purview of S&GA Department. Accordingly, Federal Government/Provincial Governments refer the cases back to S&GA Department for the grant of No Objection Certificate by S&GA Department.

2. I have, therefore, been directed to request that in future all the cases of the deputation of Punjab Government employees with Federal Government/other Provincial Governments may kindly be referred to S&GA Department for grant of No Objection Certificate of the S&GA Department.

No. SOR-III(S&GAD)1-25/2002
Dated the 18th May, 2011

Notification

The Chief Minister has been pleased to constitute the following Special Selection Board for Deputation Abroad:

(i)	Additional Chief Secretary, Punjab	Chairman
(ii)	Finance Secretary	Member
(iii)	Secretary (Services), S&GAD	Member
(iv)	Secretary of the Administrative Deptt.	Member
(v)	Secretary (Regulations), S&GAD	Member/ Secretary

2. The Board shall consider the proposals for selection and extension in deputation abroad. The proposals shall be submitted by the Administrative Departments to the Regulations Wing, S&GAD, which shall place the same before the Board for making its recommendations.

No.SORI(S&GAD)3-13/2011
Dated the 12th July 2016

Subject: **OVERSTAY IN DEPUTATION ABROAD**

I am directed to refer to the subject noted above and to state that in the 7th meeting of the Special Selection Board (SSB) for Deputation Abroad held on 16.06.2016, it was observed that as per Rule 15 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, maximum period of deputation abroad of a civil servant is ordinarily three years which may be extended up to two years on the request of the civil servant or his employer on the sole discretion of the Government. The Board observed that those who have already availed 05 years deputation abroad, there is no legal and moral ground available for them to consider their request for further extension in deputation. As such, overstay is provenly willful absence from duty necessitating disciplinary action under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006. The competent authority has, therefore, desired that all cases regarding overstay in deputation abroad may be checked and necessary action may be taken under the disciplinary law, where it is so warranted.

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

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Subject: PROMOTION POLICY — 2010

The word “**promotion**” as defined in the Punjab Civil Servants Act, 1974 means appointment of a civil servant to a higher post in the service or cadre to which he belongs. Promotion not only implies advancement to a higher post but also involves shouldering of higher responsibility. Although the Punjab Civil Servants Act, 1974 and the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provide legal framework for appointment by promotion yet need for a comprehensive promotion policy based on objective assessment of performance of civil servants has been felt for some time. Therefore, it has been decided to frame the following comprehensive policy for promotion of civil servants in the Punjab, to be effective from **01.01.2011**.

2. Legal Position

- (1) Section 4 of the Punjab Civil Servants Act, 1974 lays down that appointment to a civil service of the province or to a civil post in connection with the affairs of the province shall be made in the prescribed manner by the Governor or by a person authorized by him in that behalf.
- (2) Sub-Section (1) of Section 8 of the Punjab Civil Servants Act, 1974 provides that a civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he belongs. Sub-sections (2) and (3) further lay down that promotion including Proforma Promotion shall not be claimed by any civil servant as of right and that promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of the higher post, and shall in no case be granted from the date of availability of post reserved for promotion.
- (3) Under sub-section (4) and (5) of section 8 of the Act *ibid*, a civil servant is not entitled to promotion from an earlier date except in the case of Proforma Promotion. A retired civil servant is not eligible for grant of promotion, provided that he may be considered for grant of proforma promotion as may be prescribed. The procedure for Proforma Promotion has been detailed in the Proforma Promotion Policy, 2003.
- (4) As per sub-section (6) of section 8 of the Punjab Civil Servants Act, 1974, a post may either be a selection post or a non-selection post. Selection posts are to be filled on the basis of selection on merit and non-selection posts on the basis of seniority-cum-fitness.
- (5) Sub-Section (2) of Section 2 of the Punjab Civil Servants Act, 1974 provides that an appointment whether by promotion or otherwise shall be deemed to have been made on regular basis if it is made in the prescribed manner. The word ‘prescribed’ means prescribed by rules. It is imperative that promotion to a post should be made only where service rules for the post meant for promotion have been framed and notified.
- (6) Sub-rule (1) of rule 3 of the Punjab Civil servants (Appointment & Conditions of Service) Rules, 1974 provides that appointment against posts shall be made by promotion, transfer or initial recruitment, as may be prescribed by the Government in relation to the posts in a grade from time to time.
- (7) Rule 9 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 states that appointment by promotion or

transfer to posts in various grades shall be made on the recommendations of the appropriate committee or board constituted, under rule 4 of the rules *ibid*.

- (8) Rule 10 of the rules *ibid* states that only such persons who possess the qualifications and meet the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Selection Authority.
- (9) Rule 10-A of the rules *ibid* provides for appointment on acting-charge basis of a civil servant who is eligible for promotion to a higher post but does not possess the requisite length of service and/or experience as provided in the service rules or Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003.
- (10) Rule 13 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides for promotion on officiating basis.
- (11) Rule 14 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that all persons holding posts in the same functional unit, who possess the minimum qualification and experience prescribed for a higher post reserved for departmental promotion, shall be eligible to compete for promotion in the manner and subject to the conditions as may be prescribed.

3. **Types of Promotion**

- (1) **Regular Promotion:** Regular promotion shall be made against a clear vacancy, which may occur due to promotion of the incumbent to a higher post on regular basis, his retirement, death, dismissal, removal from service, creation of a new post or any other such reason.
- (2) **Promotion on Acting-Charge Basis:** In case a civil servant does not possess the requisite length of service/experience prescribed in the service rules or Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003 then he may be considered for appointment on acting-charge basis in terms of rule 10-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.
- (3) **Promotion on Officiating Basis:** In case of posts falling vacant temporarily as a result of proceeding of an incumbent on deputation, leave (more than six months), posting outside cadre, suspension, appointment on acting-charge basis or reserved under the rules to be filled by transfer, if none is available for transfer or in case of deferment of a senior due to any reason, the Board/DPC may consider the civil servants for promotion on officiating basis in terms of Rule 13 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

4. **Selection Authorities**

The Government may constitute Selection Boards/Committees in terms of Rule 4 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 for making recommendations for promotion to different posts falling under the promotion quota. Such Selection Boards/Committees may be notified by the Government separately from time to time. The current Provincial Selection Boards/Departmental Promotion Committees were notified on 14.05.2004 *(**Annex-A**).

**See:* PCS (A&CS) Rules, 1974 (under the heading 'Selection Boards/Committees' of Ancillary Instructions).

5. **Selection/Non-Selection Posts**

All posts in BS-19 and above reserved for promotion shall be selection posts and will be filled on selection on merit basis. Posts in BS-18 and below shall be non-selection posts to be filled on seniority-cum-fitness basis.

6. **Eligibility Criteria for Consideration for Promotion**

A civil servant shall be considered for promotion to posts reserved for promotion subject to his suitability and assessment of the following aspects:-

- (1) Seniority position.
- (2) He must have satisfactorily completed the probation period.
- (3) He should possess the qualification/experience and fulfill other conditions as provided in the relevant service rules.
- (4) Should possess the length of service as prescribed in the Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003.
- (5) Service record comprising PERs.
- (6) Award of minor or major penalties. Minor penalty of withholding of promotion for a specific period, will take effect from the date when a junior is considered for promotion and is promoted on regular basis for the first time.
- * (7) Successful completion of mandatory training and passing of prescribed departmental examination:

Provided that in case an officer who is nominated in order of seniority for mandatory training declines to proceed on training for two consecutive training courses, then he/she would forfeit the right to consideration for promotion.
- (8) Any other condition laid down with the approval of the Competent Authority for a specific category of officers/officials such as:-
 - (a) @Teachers, whose results are compared with the results of the Boards / Universities. Last three years results of teachers may be compared with those of the Board/University; one out of three results may be within margin of 10% below the Board/University.

Note: In case of Head of Teaching Institution, overall result of the Institution may be considered.
 - (b) Field Officers, whose collection of revenue, utilization of ADP funds & achievements of specific targets is required to be assessed.
- (9) An officer/official who is superseded will become eligible for consideration after the specified period.
- ♦ (10) Research Papers, where required under any service rules for promotion against various posts, must have been published in a standard/ recognized journal while working on regular basis. The Research Papers published while working on current charge/acting charge/ officiating basis shall be recognized to have been written against lower posts, held by the officers on regular basis.

* Sub-para (7) of para 6 substituted vide letter No. SOR.II(S&GAD)2-134/2010 dated 21.02.2012.

@ Para 6(8)(a) amended vide letter No.SOR-II(S&GAD)/2-134/10 dated 26.10.2018

♦ Sub-para (10) added vide letter No. SOR.II(S&GAD)2-134/2010 dated 24.05.2012.

7. **Panel of Officers Per Vacancy**

The panel of officers per vacancy will be as under:

For promotion against posts up to BS-18.	A minimum of 2 officers/officials per vacancy depending on the availability of eligible officers in the cadre.
For promotion against posts in BS-19 and above.	A minimum of 3 officers per vacancy depending on the availability of eligible officers in the cadre

Provided that the panel would be in addition to superseded cases and not inclusive thereof.

8. **Procedure for Processing Cases by PSB/DPC**

On the basis of Working Paper submitted by the departments, the PSB/DPC shall consider all officers/officials in order of seniority, but seniority shall not carry any extra weightage for the determination of merit for promotion to selection posts. Performance Evaluation Reports will be given due importance but will not be the only criterion for promotion to selection posts. Performance Evaluation Reports shall be quantified for promotion against posts in BS-19 and above according to the formula given in the **Schedule-I**. Promotion against non-selection posts will be recommended/made on the basis of seniority-cum-fitness. After consideration, the PSB/DPC may either:

- (a) recommend a civil servant for promotion to the next higher post;
- (b) recommend a civil servant for supersession; or
- (c) defer consideration of a civil servant's promotion.

9. **Causes of Deferment**

(1) After consideration of the names on the panel, the Board/Committee may recommend a civil servant for deferment on the basis of any one or more of the following reasons:

- (i) The officer has failed to submit PER forms after completing Part-I to the Reporting Officer.
- (ii) ♦PER dossier is incomplete, especially last full year's report is missing or any other document / information required by the Provincial Selection Board (PSB) or Departmental Promotion Committee (DPC) for determining his suitability for promotion is not available. However, the officer whose PER form is duly initiated by the Reporting Officer but the Countersigning Officers fail to record their remarks within two months or by March 31, whichever is earlier, such officer may be considered for promotion on the basis of remarks of the initiating officers in addition to the overall service record.
- (iii) The record of the civil servant is not clear, especially for the last five years (contains adverse remarks — pending decision on the representation).
- (iv) ♦Disciplinary proceedings, anti-corruption, or other enquiries or criminal cases are pending against him. However, preliminary inquiry/probe in the department or

♦ Para 9(1)(ii) of Promotion Policy, 2010 substituted vide letter No.SOR-II(S&GAD)2-134/2010 dated 6.2.2019

• Para 9(1)(iv) of Promotion Policy 2010 is amended vide letter No.SOR-II(S&GAD)2-134/10 dated 15.01.2019.

complaint pending with Anti-Corruption Establishment shall not be considered as a cause of deferment. Only in case of registration of FIR in Anti-Corruption the concerned civil servant may be deferred for promotion.

- (v) He is on deputation with a foreign Government/ international organization.
- (vi) He is on training abroad/long leave for a period of more than six months or is not likely to return within a period of six months.
- (vii) He is on contract appointment outside or within the department.
- (viii) His inter se seniority is disputed/subjudice.
- (ix) He has not earned a full year's report after having been on deputation abroad/employment with foreign Government/long leave.
- (x) He does not fulfill any specific condition laid down for a specific category of officers/officials such as mentioned at para 6 (8).

(2) The civil servant whose promotion has been deferred will be considered as soon as the reason, on the basis of which deferment took place, ceases to exist. However, the posts shall be reserved for the officers recommended for deferment. Such posts may be filled up temporarily on officiating basis.

10. **Causes of Supersession**

- (1) **In Case of Selection Posts**
The Board shall supersede those civil servants who do not fulfill the eligibility threshold.
- (2) **In Case of Non-Selection Posts**
The Board/DPC may recommend a civil servant for supersession on the basis of any one or more of the following reasons:-
 - (i) The record of the officer contains adverse remarks (not expunged after representation) during the last **three** years.
 - (ii) He has failed to qualify or failed to appear in the prescribed departmental examination (within the prescribed attempts) or mandatory training.
 - (iii) His performance in the mandatory training courses is unsatisfactory.
 - (iv) He has been awarded major penalty within five years of the date of consideration for promotion.
 - (v) He has been awarded three or more minor penalties during the last **five** years.

11. **Communication of Reasons of Deferment/Supersession**

The officers/officials deferred or superseded by the PSB/DPC be informed about the reasons for their supersession/deferment to enable such officers / officials to improve their performance and to complete their record/any other deficiency, as the case may be.

12. **Efficiency Index for Promotion/Deferment/Supersession — Selection Posts**

- (1) The minimum threshold marks for promotion to various scales shall be as per the following table:-

Basic Pay Scale	Aggregate marks of Efficiency Index (out of 100)
BS-19	60
BS-20	70
BS-21	75

- (2) The Selection Board shall recommend the officers on the panel securing the requisite % and above in the efficiency index for promotion unless deferred (in order of seniority, depending upon the number of vacancies). No officer meeting the aggregate threshold, shall be superseded. The senior officers, if not recommended for promotion on account of low threshold, shall be superseded, whereas, the junior officers if not recommended for promotion for want of vacancies shall be deemed not to have been considered.

13. Quantification of PERs, Training Evaluation and PSB Evaluation for Consideration of Promotion against Selection Posts

- (1) For the purpose of consideration by the PSB, the PERs will be quantified according to the formula given in the **Schedule-I**. The following marks will be allocated for quantification of PERs, Training Evaluation Reports and PSB evaluation:-

Sr. No.	Factor	Marks
1	Quantification of PERs relating to present grade and previous grade(s) @60%:40%	70%
2	Training Evaluation reports	15%
3	Evaluation by PSB	15%
Total:		100%

- (2) PERs in respect of two preceding grades (BS) or the last 12 years whichever is more will be quantified. If the service of an officer in present and previous grade is less than 12 years then the deficiency will be met by taking into account the PERs of next lower grade, which will be bracketed with the PERs of preceding grade. However, where initial appointment was made in BS-18, 19 or 20, the number of PERs for the purpose of quantification shall be reduced in the light of the Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003.

- (3) Posts in BS-19 and above, generally, involve supervision, policy-making or extensive administrative jurisdictions. The Board while determining suitability of an officer should give due consideration to the nature of duties, duration and location of posts previously held by the officer. The officers possessing well-rounded experience should normally be preferred, especially who had served with distinction in unattractive areas. In addition to the variety of experience the incumbents must possess proven analytical competence, breadth of vision, emotional maturity and such other qualities as determine the potential for successfully holding posts in top management.

14. Training Evaluation Reports

- (1) A total of fifteen (15) marks shall be allocated to the Training Evaluation Reports for mandatory training courses from the national or provincial institutions such as NMC, NDU, NIPA, M&PDD or

Government Engineering Academy, Punjab etc. Evaluation of the reports from the training institutions shall be worked out as under:-

- (i) It shall be on the basis of Grade Percentage already awarded by the National School of Public Policy (National Management College and Senior Management Wing) and its allied Training Institutions as provided in their reports.
- (ii) Previous reports of Pakistan Administrative Staff College and NIPAs where no such percentage has been awarded, points shall be worked out on the basis of weighted average of the percentage range of grades followed by these Institutions as reflected in the Table below:-

TABLE
PASC & NIPAs

Category	Range	Weighted Average	Total marks (out of 15)
A. Outstanding	91-100%	95.5%	14.43
B. Very Good	80-90%	85%	12.75
C. Good	66-79%	72.5%	10.87
D. Average	50-65%	57.5%	8.62
E. Below Average	35-49%	42%	6.30

In case an officer is nominated for training at NDU then Federal Government Formula will be followed.

- (2) The calculation of comprehensive efficiency index regarding civil servant for whom no mandatory training has been prescribed, the PERs shall carry 70% marks and consideration by the PSB will be 30%.
- (3) The officers who have been granted exemption from mandatory training having attained the age of 58 years may be awarded marks on notional basis for the training factor (for which he/she was exempted) in proportion to the marks obtained by them in the PERs.
- (4) In cases where no grading or categorization has been made rather certificate was issued on the basis of attendance by the training institution, marks may be awarded to the officers on notional basis for the training factor in proportion to the marks obtained by them in the PERs.

15. Performance Evaluation Reports for Non-Selection Posts

The assessment of an officer/official should be based on his entire service record and not only on a portion of it. It is, however, in the discretion of the assessing authority to give greater weight to the more recent reports, but the older reports should not be completely ignored and should be taken into consideration for an overall evaluation of the service record.

16. Validity of Recommendations of PSB/DPC

- (1) The recommendations of PSB/DPC shall be implemented immediately after approval by the Competent Authority and promotion orders issued in consequence thereof.

- (2) The recommendations of the Board/Committee shall remain valid for a period of one year.
- (3) The period of validity of recommendations of the PSB/DPC shall be counted from the date of approval accorded by the appointing authority.
- (4) In case the officer cleared for promotion is proceeded against under disciplinary laws on account of omissions and commissions pertaining to the period prior to consideration of his case by the PSB/DPC, the result of the proceedings shall be awaited and if he is exonerated during the validity of the recommendations, his promotion may be actualized otherwise his case shall be placed again before the PSB/DPC.

17. **Seniority List**

Only notified seniority list will be accepted while considering a case of promotion of a civil servant. No tentative or provisional seniority list will be accepted by the PSB/DPC.

The appointing authorities must ensure notification of seniority lists each year as per existing instructions.

18. **Static List**

- (1) Sub-rule (3) of rule 8 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that in case of extraordinary leave without pay beyond 5 years the name of the person to whom such leave is granted will be removed from the seniority list and placed on a separate static list with no claim to promotion or seniority over any junior who may be promoted during the period and his name will be brought back on the seniority list only after he resumes duty on return and his seniority shall be determined after deducting the period he remained on EOL beyond 5 years. If approved for promotion he will not regain his seniority. In case of deputation abroad or contract appointment, if the period of deputation abroad or contract appointment exceeds 5 years, the name of the officer shall be brought on static list and shall have the same consequences as given in proviso to the rule *ibid*.
- (2) The Administrative Department while submitting Working Paper for promotion shall specifically highlight the cases which fall in the categories discussed under the sub-para 1 above.

19. **Working Paper for the PSB/DPC**

The Department shall give following details in the Working Paper:

- (1) Total number of sanctioned posts.
- (2) Bifurcation of posts falling in promotion and initial recruitment quota, if any, and details of vacancies available for promotion.
- (3) Causes of occurrence of vacancies duly supplemented by documentary evidence.
- (4) Method of promotion as per service rules.
- (5) Panel of Government Servants proposed to be considered for promotion strictly in accordance with the notified seniority list (not according to the tentative seniority list).

- (6) Detailed service account of each officer/official giving full service particulars as well as synopsis of PERs.
- (7) Details of penalties awarded and gist of charges.
- (8) Details of pending inquiries and gist of charges.
- (9) Result of trainings/examinations prescribed for the posts.
- (10) Remarks of the previous meetings, if considered earlier.
- (11) Additional information, if any.
- (12) PER grading & Quantification Form must be attached as per **Schedule-II**.
- (13) Clear recommendations of the Department be added.
- (14) The Working Paper for PSB/DPC should be submitted two weeks before the meeting of the PSB/DPC.
- (15) Pre-PSB meeting may be held 10 days before the meeting of the PSB.

20. **Promotion in Absentia**

The cases of officers/officials proceeding on deputation, long leave, working against posts outside their cadre shall be dealt with as under:

- (1) On deputation with an Autonomous Organization or another Government viz. Federal Government or another Provincial Government. The case of the officer should be considered on his turn and, if cleared, he should be informed of the decision and given an option to revert back to his parent department in his own interest within three months. In case the officer concerned reverts back to the parent department within this period, he should be promoted and allowed to retain his original seniority, otherwise he should be considered for promotion only on return from deputation.
- (2) On deputation with a Foreign Government or International Organization. The deputationist should be considered only after he has returned to Pakistan and earned one full year PER.
- (3) On training abroad. The case of an officer who is on training abroad for a period of less than 6 months or he is due to return within a period of 6 months, should be considered on his turn and in case he is cleared for promotion, he should get his promotion on return from training and satisfactory completion of the course.
The case of the officer who is on training abroad for more than 6 months or he is due to return after six months, should be considered on his return and satisfactory completion of

- (4) On long leave. the course.
The case of an officer who is on leave for a period of less than 6 months or he is due to return within a period of 6 months should be considered on his turn and in case he is cleared for promotion, he should get his promotion on return from leave.
The case of the officer who is on long leave for more than 6 months or is due to return after six months should be considered on his return from leave.
The case of the officer who is on leave for more than 2 years should be considered after he has returned from leave and earned one full year's PER.
- (5) Holding a job under his own department/ Government but outside his own cadre. A civil servant will be promoted in his own cadre. Those posted against ex-cadre posts will be considered for promotion on their turn. If cleared for promotion, the actual promotion will take place only when they rejoin their parent cadre.
- (6) On contract appointment. Where a civil servant, during the period of contract appointment, becomes due for promotion in his own cadre or service, he shall be deferred for promotion and shall only be eligible for consideration for promotion on his return from the contract appointment. Where a civil servant is promoted on his return from contract appointment, he shall not be eligible for grant of proforma promotion. However, he shall be allowed to retain his original seniority in his cadre.

21. **Promotion During LPR**

A civil servant during LPR will not be considered for promotion to a higher post.

22. **Effect of Supersession on Promotion**

A civil servant who is superseded on any account shall not be considered for promotion unless he has earned one more PER for one full year.

First supersession shall be for one year and the case of the officers/officials shall be brought up before the Board/DPC after the lapse of that period. If the officer/official is superseded again, the supersession shall be for 2 years and if he is superseded again (third time) then it shall be treated as permanent supersession. His case should also be considered for retirement either on his own request or under section 12(i) of the Punjab Civil Servants Act, 1974.

23. **Upgradation of Posts and Promotion**

Upgradation of a post and promotion of an officer from lower to higher scale are two distinct issues which should not be linked together. Upgradation of a post on account of expansion in area of jurisdiction and responsibilities is within the purview

of Finance Department, whereas, promotion of an officer to a higher scale is entirely a different issue which falls under the exclusive jurisdiction of the PSB or the DPC depending upon the scale of the officer/official. Upgradation of a post by Finance Department does not automatically enhance scale of the officer/official whose suitability to occupy the upgraded post has to be assessed separately by the competent authority except where all posts in a cadre are upgraded alongwith incumbents by the Finance Department in consultation with the S&GAD with the approval of the Chief Minister, Punjab.

24. Forgoing of Promotion

- (1) As laid down in Rule 3(1) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, promotion is a mode of appointment, therefore, a civil servant after issuance of promotion notification, can refuse to accept the promotion. However, on such refusal he shall stand superseded.
- (2) The effect of such a supersession shall be for three years and he shall be considered for promotion after three years. In case he is cleared for promotion and he again forgoes promotion then he will be deemed to have been permanently superseded.

25. General

- (1) Posts in promotion quota should be calculated on the basis of sanctioned cadre strength to be fixed by the Finance Department and according to the share/ratio provided in the service rules.
- (2) The fraction of 0.5 or above shall go to promotion quota as per provisions of the Punjab Civil Services (Ratios of Recruitment) Rules, 1973 while calculating the promotion quota.
- (3) The vacant posts in the promotion quota should be substantiated with documentary proof, i.e., attachment of orders of retirement, promotion, dismissal, etc.
- (4) The Working Paper for placing before PSB should be signed by the Secretary or Additional Secretary of the department, after approval of the Minister Incharge.
- (5) The Working Paper for placing before DPC should be signed by an officer not below the rank of Deputy Secretary at provincial level. However, at district level it should be signed by an officer not below the rank of District Officer concerned.
- (6) Furnishing complete information / details and calculation of score of the officers with accuracy is the responsibility of the concerned Administrative Department. All the Departments must ensure that documents in regard to the proposals for promotion are prepared with utmost care so that the information submitted to the Board/DPC is complete and accurate in all respects. In the event of any discrepancy coming to notice, strict disciplinary action shall be taken against the responsible officer/official.

26. The above policy will supersede all instructions issued from time to time on the subject.

27. This issues with the approval of the Chief Minister Punjab. All the Administrative Departments/Authorities are requested to ensure strict compliance of this policy, at all levels.

Schedule – I
[See para 8]

Quantifying the Performance Evaluation Reports

PERs in respect of two preceding grades (BS) or the last 12 years, whichever is more, will be quantified. If the service of an officer in present and previous grade is less than 12 years then the deficiency will be met by taking into account the PERs of next lower grade, which will be bracketed with the PERs of preceding grade. However, where initial appointment was made in BS-18, 19 or 20, the number of PERs for the purpose of quantification shall be reduced in the light of the Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003.

2. (a) The overall gradings in the PERs are allocated the following marks:

Sr. No.	Overall Grading	Marks
(i)	Outstanding	10
(ii)	Very Good	08
(iii)	Good	07
(iv)	Average	05
(v)	Below Average	01
(vi)	Poor	00

*(aa) For the overall grading in the PERs to be recorded on the revised forms for the year 2013 onwards, following marks have been allocated to the ratings given below:

Sr. No.	Overall Grading	Marks
(i)	Outstanding	10
(ii)	Very Good	08
(iii)	Satisfactory	07
(iv)	Unsatisfactory	00

(b) If the overall grading in a PER is ambiguous e.g., placed between Good and Average, the quantification will be based on the lower rating.

(c) In case the assessment of the countersigning officer differs from that of the reporting officer in any PER, the quantification will be based on the overall grading recorded by the countersigning officer.

(d) Where two or more confidential reports were initiated in a calendar year, the marks for that year will be worked out on the basis of actual days of the report divided by 365 and multiplied by grading marks of that period unless the officer was promoted during the year when the relevant part reports were recorded. First report and the last report should be counted for full year.

3. The marks for PERs will be computed separately for each level of posts carrying the same basic pay scale and a weighted aggregate score will be worked out as follows:

First Step

*Para 2 (aa) added vide Notification No. SOR-II(S&GAD)2-134/2010 dated 05.01.2013.

Weighted mean will be calculated for each calendar year containing 2 or more PERs *vide* 2(d) to derive the PER score for that year as follows:

$$\Sigma = \frac{\text{Number of days} \times \text{grading marks}}{365 \text{ days}}$$

Second Step

Average marks for each level will be calculated according to the following formula:

$$\text{Average marks} = \sum \frac{M}{T} \times 10$$

Where

M = Marks for PERs *vide* paras 2(a) and 2(d); and

T = Total number of PERs in posts at that level.

Third Step

Weightage for posts held at each level will be given as follows in computing the aggregate score against a uniform scale of 70% marks:-

$$\text{Aggregate score} = (0.42 \times B) + (0.28 \times A)$$

Where

B = total marks for PERs in the present scale

A = total marks for PERs in the preceding scale

Fourth Step

The following additions/deductions shall be made in the total marks worked out in the second step

A. Additions:

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

B. Deductions:

- (i) for each major penalty imposed under the **5 marks**
Punjab Civil Servants (Efficiency and Discipline) Rules, 1975,
Punjab Civil Servants (Efficiency and Discipline) Rules, 1999,
Punjab Removal from Service (Special Powers) Ordinance, 2000
Punjab Employees Efficiency, Discipline and Accountability Act 2006.
- (ii) for each minor penalty imposed under the **3 marks**
Punjab Civil Servants (Efficiency and Discipline) Rules, 1975,
Punjab Civil Servants (Efficiency and Discipline) Rules, 1999,
Punjab Removal from Service (Special Powers) Ordinance, 2000
Punjab Employees Efficiency, Discipline and
Accountability Act 2006.
- (iii) for adverse remarks (deductions be made **1 mark**
for such remarks only as were duly conveyed **per PER**
to the concerned officer and were not expunged **containing**
on his representation or the officer **adverse**
did not represent). **remarks**

* Deduction of marks due to penalty or adverse remarks shall be done only once i.e. when an officer's case comes up for consideration for promotion to the next higher grade. Once the officer has been

* para is inserted in sub para (B) (forth steps) of para 3 of Schedule-I *vide* letter No. SOR-II(S&GAD)2-134/10 dated 27.03.2015

promoted to the higher grade no deduction against these penalties/adverse PER shall be made subsequently.

4. Where an officer appointed to a higher post on *acting charge/ officiating/current charge basis* is considered for regular promotion to that post, the PERs earned during his acting charge/officiating/current charge appointment will be added to the PERs *earned in the lower post* for calculating the marks.

Schedule – II
[See para 19(12)]

PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-18 TO BS-19)

Name/Designation: _____ **Department** _____ **Seniority No.** _____
Date of Birth: _____

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-17)							
Aggregate Score =							
Present Scale (BS-18)							
Aggregate Score =							

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale		0.42	
	Previous Scale		0.28	
	i. Additions ii. Deletions			
	Total (A)			
Training: @ 15%	Mandatory training as prescribed (B)		0.15	
Total: 85%	Total: (A+B)			

Prepared by _____ Checked by _____ Countersigned by _____

Name:
 Designation:
 Date:

SEE SAMPLE ATTACHED

**PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-19 TO BS-20)**

Name/Designation: (BS-19) Department Seniority No.

Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-18)							
Aggregate Score =							
Present Scale (BS-19)							
Aggregate Score =							

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale		0.42	
	Previous Scale		0.28	
	i. Additions ii. Deletions			
	Total (A)			
Training: @ 15%	Mandatory training as prescribed (NIPA etc.) (B)		0.15	
Total : 85%			Total : (A+B)	

Prepared by

Checked by

Countersigned by

Name:

Designation:

Date:

SEE SAMPLE ATTACHED

**PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-20 TO BS-21)**

Name/Designation: (BS-20) Department Seniority No.

Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-19)							
Aggregate Score =							
Present Scale (BS-20)							
Aggregate Score =							

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale		0.42	
	Previous Scale		0.28	
	i. Additions ii. Deletions			
	Total (A)			
Training: @ 15%	NMC / NDC		0.09	
	NIPA		0.06	
	Total: (B)			
Total : 85%	Total : (A+B)			

Prepared by

Checked by

Countersigned by

Name:
Designation:
Date:

SEE SAMPLE ATTACHED

**SAMPLE
PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-18 TO BS-19)**

Name/Designation: (BS-18) **Department** **Seniority No.**
Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-17)							
1996		01.01.1996	31.12.1996	V. Good	V. Good	Fit	08
1997		01.01.1997	31.12.1997	V. Good	V. Good	Fit	08
1998		01.01.1998	31.12.1998	Good	Good	Fit	07
1999		01.01.1999	31.12.1999	Good	Good	Fit	07
2000		01.01.2000	31.12.2000	Good	Good	Fit	07
Aggregate Score = 37 / 5 x 10							74
Present Scale (BS-18)							
2001		01.01.2001	31.12.2001	V. Good	V. Good	Fit	08
2002		01.01.2002	31.12.2002	Good	Good	Fit	07
2003		01.01.2003	31.12.2003	V. Good	V. Good	Fit	08
2004		03.01.2004	31.12.2004	Average	Average	Fit	05
2005		01.01.2005	31.12.2005	Good	Good	Fit	07
2006		01.01.2006	31.12.2006	Good	Good	Fit	07
2007		01.01.2007	31.12.2007	V. Good	V. Good	Fit	08
Aggregate Score = 50 / 7 x 10							71.43

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale	71.43	0.42	30.00
	Previous Scale	74.0	0.28	20.72
	i. Additions ii. Deletions			
	Total (A)			50.72
Training: @ 15%	Mandatory Training (B)	85%	0.15	12.75
Total 85%				63.47

Prepared by

Checked by

Countersigned by

Name:

Designation:

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Date:

**SAMPLE
PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-19 TO BS-20)**

Name/Designation: (BS-19) Department Seniority No.
Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-18)							
1997		01.01.1997	31.12.1997	Good	Good	Fit	07
1998		01.01.1998	31.12.1998	V. Good	V. Good	Fit	08
1999		01.01.1999	31.12.1999	Good	Good	Fit	07
Aggregate Score = 22/3 x 10							73.33
Present Scale (BS-19)							
2000		01.01.2000	31.12.2000	V. Good	V. Good	Fit	08
2001		01.01.2001	31.12.2001	Good	Good	Fit	07
2002		01.01.2002	31.12.2002	V. Good	V. Good	Fit	08
2003		01.01.2003	31.12.2003	Good	Good	Fit	07
2004		01.01.2004	31.12.2004	Good	Good	Fit	07
2005		01.01.2005	31.12.2005	V. Good	V. Good	Fit	08
2006		01.01.2006	31.12.2006	V. Good	V. Good	Fit	08
2007		01.01.2007	31.12.2007	V. Good	V. Good	Fit	08
2008		01.01.2008	31.12.2008	Good	Good	Fit	07
Aggregate Score = 68 / 9 x 10							75.55

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale	75.55	0.42	31.73
	Previous Scale	73.33	0.28	20.53
	i. Additions. ii. Deletions			
	Total (A):			52.26
Training: @ 15%	Mandatory training as prescribed (NIPA, etc.) (B)	76%	0.15	11.40
Total : 85%		Total : (A+B)		63.66

Prepared by
Name:
Designation:
Date:

Checked by

Countersigned by

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**SAMPLE
PER GRADING & QUANTIFICATION FORM
(FOR PROMOTION FROM BS-20 TO BS-21)**

Name/Designation: (BS-20) **Department** **Seniority No.**
Date of Birth:

Year	Post held	Period of PER		PER's Assessment		Fitness for promotion	Score
		From	To	By RO	By CO		
Previous Scale (BS-19)							
1998		01.01.1998	31.12.1998	V. Good	V. Good	Fit	08
1999		01.01.1999	31.12.1999	Good	Good	Fit	07
2000		01.01.2000	31.12.2000	V. Good	V. Good	Fit	08
2001		01.01.2001	31.12.2001	Good	Good	Fit	07
Aggregate Score = 30 / 4 x 10							75
Present Scale (BS-20)							
2002		01.01.2002	31.12.2002	V. Good	V. Good	Fit	08
2003		01.01.2003	31.12.2003	Good	Good	Fit	07
2004		01.01.2004	31.12.2004	Good	Good	Fit	07
2005		01.01.2005	31.12.2005	V. Good	V. Good	Fit	08
2006		01.01.2006	31.12.2006	Good	Good	Fit	07
2007		01.01.2007	31.12.2007	V. Good	V. Good	Fit	08
2008		01.01.2008	31.12.2008	V. Good	V. Good	Fit	08
2009		01.01.2009	31.12.2009	Good	Good	Fit	07
Aggregate Score = 60 / 8 x 10							75

CALCULATION OF SCORE

PERs Quantified Score	Basic Scale	Aggregate Score	Weightage Factor	Points Obtained
60:40 @ 70%	Present Scale	75	0.42	31.5
	Previous Scale	75	0.28	21.0
	i. Additions ii. Deletions			
	Total (A)			52.50
Training: @15%	NMC/NDC	70% (Good)	0.09	6.3
	NIPA	70%	0.06	4.2
	Total: (B)			10.5
Total : 85%		Total : (A+B)		63.00

Prepared by

Checked by

Countersigned by

Name:

Designation:

Date:

Subject: **PENDING CASES OF CIVIL SERVANTS.**

It has been experienced that whenever a NAB inquiry is initiated against a Govt. official his career progression is stopped by the concerned department. It must be appreciated that the inquiry / investigation by NAB is a process in which it is determined whether the allegations against the concerned person are substantiated by the evidence or otherwise. Due to peculiar nature of white collar crime investigations the process invariably takes considerable time before it is finalized.

2. It has come to the notice of NAB that all civil servants under investigations by NAB are not considered for postings / promotions which adversely affects their career progression. It is therefore recommended that all civil servants whose cases are pending with NAB may be considered for postings/promotions on merit in order to give them fair and just chance for their progression.

No. SO(C-I)2-25/2008
Dated the 28th May, 2008

Subject: PROMOTIONS THROUGH CIRCULATION BY PROVINCIAL
SELECTION BOARD

I am directed to refer to the subject noted above and to state that generally there is failure on the part of departments to process promotion cases timely owing to different procedural reasons and officers who are other wise eligible for promotion get retired in the meanwhile. Even instructions for processing promotion cases of retiring officers through circulation are not followed. The Chief Minister took notice of the situation and was pleased to constitute a committee to review the existing procedures and to work out modalities for remedial measures.

2. In this regard, a meeting of the said committee was held on 18.05.2008 under the chairmanship of Additional Chief Secretary. The committee deliberated upon the issue and decided as under:

- i. Special meetings of the Provincial Selection Boards shall be held after every three months for retiring officers, on the first Monday of the month in which the meeting is scheduled.
- ii. The first such PSB-II meeting shall be held in July 13, 2009.
- iii. All the departments shall ensure that no case of any retiring officer is ignored for consideration in such special meetings. However, if their is no such case pending with the Department a certificate to this effect will be furnished to the Services Wing of S&GAD.
- iv. Cases of all those officers who are retiring before the July 12, 2009, the date of first Special PSB-II meeting for retiring officers will be initiated for promotion through circulation, as one time dispensation, at least 15 days before their retirement. The case initiated by the Department at the eleventh hour would not be

entertained and the administrative department concerned would be held responsible for the lapse.

3. In view of the above, I am further directed to request that the aforesaid instructions may be complied with in letter and spirit.

No. SO(C-I) 2-1/2004
Dated the 15th December, 2010

Subject: PROMOTION POLICY

This is with reference to the Regulations Wing of S&GAD's letter No. SOR-II (S&GAD) 2-134/10 dated 11.08.2010 whereby new Promotion Policy-2010 has been circulated to be effective w.e.f. 01.01.2011. The previous instructions issued from time to time with regard to promotion have been superseded and all departments are now required to follow the policy in letter and spirit. As per Para 13 of the Policy, the following marks will be allocated for quantification of PERs, Training Evaluation Reports and PSB evaluation:

Sr. No.	Factor	Marks
1.	Quantification of PERs relating to present grade and previous grade(s) @ 60%:40%	70%
2.	Training Evaluation Reports	15%
3.	Evaluation by PSB	15%
	Total	100%

2. From January 2011 onward, all promotion cases/working papers of all Departments will have to be prepared and processed in accordance with the provisions of the new Policy. Administrative Departments are, therefore, requested to intimate the level of preparedness vis-à-vis new Promotion Policy-2010.

No.SOR -II (S&GAD)2-134/10
Dated the 30th December, 2010

Subject: CHANGE IN THE DATE OF APPLICATION OF THE PROMOTION POLICY — 2010

Kindly refer to the subject noted above.

2. The Promotion Policy – 2010, circulated by the Regulations Wing, S&GAD, vide letter of even number dated 11.08.2010, was declared to be effective from 01.01.2011. However, it was brought to the notice of the Chief Minister that staff working in the Administrative Departments is not yet attuned to quantification of the PERs and needs training in this field. The Chief Minister has, therefore, been pleased to extend the date of application of the Promotion Policy – 2010 from 01.01.2011 to 01.04.2011. He has also directed that training of the concerned staff be arranged in the meantime by the Management & Professional Development Department.

3. You are, therefore, requested to take further necessary action accordingly. The existing instructions on promotion may be followed till 31.03.2011.

Subject: PROMOTION POLICY 2010 — QUANTIFICATION OF PERs

I am directed to refer to the subject cited above and to state that instances have come to the notice of the Regulations Wing S&GAD that various Departments have experienced difficulties in quantification of PERs in terms of Schedule-I of the Promotion Policy, 2010 issued by the S&GAD vide No.SOR-II(S&GAD)2-134/10, dated 11.08.2010. Position with regard to quantification of PERs has been reviewed in consultation with the Establishment Division, Government of Pakistan and it is clarified that the following aspects may be kept in view while quantifying the PERs in different situations:

Period of PER	Situations (ACR available / Not available)	Gradation	Scores
1	2	3	4
Full year	Situation I ACR available	Outstanding Very Good Good Average Below Average Poor	10 8 7 5 1 0
	Situation II ACR Awaited	No grading till receipt of the same	
	Situation III ACR not Required (i) Period as OSD (ii) Long Leave (iii) Deputation abroad	No grading	No score. Moreover, nothing to be added in the numerator or denominator of the formula for the second step in schedule-I of the Promotion Policy — 2010.
Part of a year	Situation IV ACR for part of a year available. ACR for remaining part of the year due but awaited. (For example, ACR for the period 01.01.2004 to 31.05.2004 is “Good” ACR for the period 01.06.2004 to 31.12.2004 is awaited).		(i) Score for the part of the year for which PER is available is calculated as per the following formula: $\text{Score} = \frac{\text{No. of days} \times \text{grading marks}}{365}$ (ii) A factor (No. of days of the available ACR/365) will be added to the denominator / divider in the formula for second step in Schedule-I of the Promotion Policy 2010

Period of PER	Situations (ACR available / Not available)	Gradation	Scores
1	2	3	4
			Example: In the example in column 2 Score = $151 \times 7 / 365 = 2.90$ Factor to be added in the divider = $151 / 365 = 0.41$
	<p>Situation V ACR for part of a year available. For the remaining part, ACR not required / not due / beyond the control of the officer concerned.</p> <p>(For example for the period 01.01.2005 to 31.05.2005 ACR is available and is 'Good' ACR for the remaining part of the year i.e., 01.06.2005 to 31.12.2005 is not required as the officer remained OSD/on long leave / deputation abroad.</p>	<p>Grading for the available ACR will be extended over the full year.</p> <p>For example, if for five months of a year, the report is 'Good' and for the remaining part of the year, ACR is not due, ACR for the whole year will be treated as 'Good' and score awarded will be 7(seven). 1(one) will be added to the divider in the formula for second step in Schedule-I of the Promotion Policy — 2010.</p>	<p>In the example given in column 2, the ACR for the first five months is 'Good'. Extending the gradation over the entire year, ACR for the full year 2005 will be treated as 'Good' and a score of 7 will be awarded to the officer.</p>

No. SO(C-I)2-25/2008
Dated the 5th May, 2012

Subject: PROMOTIONS THROUGH CIRCULATION BY PROVINCIAL
SELECTION BOARD

I am directed to refer to the subject noted above and to state that the Competent Authority has noticed with concern that the Administrative Departments fail to process promotion cases on time and consequently officers who are otherwise eligible for promotion get retired in the meantime. Attention is invited to the earlier S&GAD's circular letter dated 28.05.2008 approved by the Chief Minister whereby the cases of all those officers who were retiring before July 12, 2009 were granted one time dispensation and Administrative Departments were asked to initiate cases for their promotion at least 15 days before their retirement. It was further communicated

that all the departments should ensure that no case of any retiring officer is ignored and case of the retiring officer initiated at the eleventh hour would not be entertained and the administrative department concerned would be held responsible for the lapse.

2. However, despite the aforementioned clear instructions and regular meetings of the Provincial Selection Board-I held each month, the Administrative Departments submit promotion cases of officers through circulation at the verge of their retirement and at times just a day before the retirement of the officer concerned, in violation of the standing instructions and laid down procedure. There is a conspicuous failure on the part of departments to process such cases well before the retirement of officers for which the A.D. concerned is fully liable.

3. In view of the above, I am directed to convey that in future cases for promotion of officers through circulation would not be entertained. All the Administrative Departments are requested that previous instructions on the subject may be complied with in letter and spirit and cases for promotion of officers may be processed well in time and submitted for consideration of PSB-I & II in its regular meetings being convened every month.

No.SOR -II (S&GAD)2-49/10
Dated the 1st January, 2015

Subject: **PROMOTION**

Kindly refer to the subject noted above.

2. Under the provisions of Promotion Policy-2010, complete service record of an officer / official is to be considered by the DPC for assessment of his promotion to a higher post / scale. Para 15 of the policy ibid states that:

“15. Performance Evaluation Reports for Non-Selection Posts

The assessment of an officer/official should be based on his entire service record and not only on a portion of it. It is, however, in the discretion of the assessing authority to give greater weight to the more recent reports, but the older reports should not be completely ignored and should be taken into consideration for an overall evaluation of the service record.”

3. Similarly, incomplete CR dossier, especially last full year's report is one of the causes for deferment of promotion, among others, under para 9 of the Policy ibid.

4. It has been observed that some Administrative Departments do not follow provisions of the Promotion Policy -2010 while considering the cases of promotion of officials / officers etc. Working Papers are placed before the Departmental Promotion Committees with incomplete or latest five years service record only. This amounts to serious violation of the Promotion Policy-2010.

5. It may be emphasized here that promotions are to be made by the Administrative Departments as well as autonomous bodies through the Departmental Promotion Committee / Provincial Selection Board after considering the complete service record. Moreover, in the case of selection post, promotion is based on quantification of ACRs. To discontinue the practice of placing complete service

record of the officials / officers in the PSB / DPC meetings, will be a bad precedent and may drag the Departments into litigation.

6. In view of the above, all the Administrative Departments / Authorities are requested to get the CR Dossiers of the officials / officers who fall in promotion zone completed immediately and place their working papers before the DPC in accordance with the provisions of Promotion Policy-2010.

7. This issues with the approval of the Chief Secretary, Punjab.

No. SO(C-I)1-2/96(P)
Dated the 28th June, 2000

Subject: GRANT OF BASIC PAY SCALED 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES

I am directed to say that the Finance Division, Government of Pakistan, while sanctioning the scheme of pay scales and fringe benefits of civil employees of the Federal Government in 1983, through its memorandum No. F-I (I)-Imp/83 dated 18.08.1993 vide para No. 7 (c), provided as under:

“In specially meritorious cases, Basic Scale No. 21 or BS-21 along with allowance and fringe benefits may be allowed, with the approval of the President, to technical and professional officers without requiring them to move form their technical posts where their expertise is particularly needed. The number of such beneficiaries will not exceed 12.5% of the total number of posts in BS-20 in any particular cadre under the Federal or a Provincial Government.”

2. In furtherance of the above, the Finance Division, in consultation with the Establishment division, laid down the following modalities regarding grant of BS-21 and BS0-22 in meritorious cases vide No. F-2 (3)-R.3/86 dated 07.04.1987. Twenty (20) posts were allocated to the Punjab Province subject to availability of suitable persons. It was, inter alia, laid down that:

1. The Provincial Government may set up their own provincial boards/committees.
2. The following conditions will be kept in view while making recommendations in specially meritorious cases:
 - (i) The officer holding technical/professional post in BS-20 on regular basis and possessing such technical/professional qualifications as may be laid down in the recruitment rules will be eligible for consideration.
 - (ii) He should have completed 22 years of service in Scale No. 17 and above.
 - (iii) His confidential report should be good/very good without any adverse entry.
 - (iv) His expertise should be particularly needed in the technical post held by him.

3 It was further laid down that the Provincial Special selection Board/Committee should process the cases on the basis of the above instructions and forward its recommendations to the Establishment Division in the form of a summary over the signatures of the Chief Secretary to obtain orders of the Prime Minister. The approval shall be conveyed by the Establishment Division to the Provincial Government concerned.

4. Twenty (20) posts allocated to the Punjab were further distributed in the province as under:

(a)	Health Department	
	i. Teaching cadre	10 posts
	ii. Specialist Cadre	1 post
	iii. General Cadre	2 posts
(b)	Engineering Department	3 posts
(c)	Education Department	2 posts
(d)	Miscellaneous	2 posts

5. Till date, promotions to the above mentioned posts have continued to be made in accordance with the above instructions. The Provincial Board, in its meeting held on 25.09.1999, observed that the distribution of the posts was not equitable, especially in the present circumstances when the number of BS-20 officers stands substantially increased on account of introduction of four-tier service structure in the Education Department and various other re-structural measures.

6. The Chief Minister constituted a Special Committee to examine the existing policy. The above said Committee held a series of meetings and carefully looked in to the policy instructions and made the following recommendations which have been approved by the Competent Authority:

- (a) The criteria for selection of suitable persons for the grant of BS-21 /BS-22 laid down by the Federal Government should continue to be followed and an officer having one adverse reports in his career should not be considered.
- (b) Since the policy for the grant of BS-21/BS-22 meritorious cases to the officers of the Provinces has been framed by the Federal Government, therefore, same may be followed as usual, irrespective of the fact that the Provincial Government is fully competent to grant BS-21/BS-22 to its employees.
- (c) These twenty posts should not be brought on the regular cadres of the technical departments because the spirit of the policy is to grant BS-21/BS-22 in recognition of the excellent performance made by the officers on their jobs. Placing the quota in the cadre of a service will defeat the purpose of meritorious selection and will reduce the process to the routine consideration on 'Seniority-cum-fitness'. Encadrisation of posts should, therefore, be avoided.
- (d) The Committee recommended reallocation of BS-21/BS-22 amongst the technical and professional departments keeping in view the present department-wise strength of BS-20 officers, as below:

1.	Health	8 posts
2.	Education Department	4 posts
3.	Engineers	2 posts
4.	Pool	6 posts

7. The allocation is subject to periodical reviewal.
8. I am, therefore, directed to request that the above policy of the Government should be given wide publicity and cases for grant of BS-21-22 under this scheme to the eligible officers holding posts in BS-20 may be furnished to the S&GA Department in the form of Working Paper to be placed before the Provincial Selection Board for appropriate recommendations.

No. SO(C-I)1-2/96(P)
Dated the 12th April, 2002

SUBJECT: GRANT OF BASIC PAY SCALED 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN ESPECIALLY MERITORIOUS CASES

In continuation of this Department's letter No. SO (C-I)1-2/90 (P) dated 28.06.2000 on the subject noted above, I am directed to state that the Governor Punjab/Competent Authority has been pleased to approve the following revised criteria for scrutiny of cases under the Scheme regarding grant of BS-21 and BS-22 to the Technical and Professional officers in specially meritorious cases as laid down in Government of Pakistan, Cabinet Secretariat, Establishment Division Letter No. 8/2/97-CP-4 dated 29.12.2001:

- (i) 80% of the ACRs in BS-20 and above should be very good.
- (ii) Minimum of 3 years active service in BS-20 or BS-21 and 5 years active service in BS-20 and above including 3 years in BS-21 for BS-22 including the period of long leave (4 months or more) and deputation.
- (iii) No adverse or average report in BS-20 and above.
- (iv) The officer should have made some significant contribution in his field of specialization.

Para 2 of this Department circular letter dated 28.06.2002 referred to above shall stand amended accordingly.

2. All the Administrative Departments are requested to forward proposals for grant of BS-21 and BS-22 to the Technical and Professional Officers on priority basis to this Department which should also contain the following information on the proforma attached herewith:

- (i) Job Description of the post held by the officer.
- (ii) Professional qualifications required for the post.
- (iii) Professional qualifications possessed by the officer.
- (iv) Performance indicators prescribed for the post and achievements of officer in measurable terms during last year.
- (v) Details of research papers/books authorized by the officer with the names of journals in which research papers were published.
- (vi) Details of significant contribution made by the officer in his field of specialization.

No. SO(C-I)1-2/96(P)
Dated the 9th August, 2004

Subject: GRANT OF BASIC PAY SCALE 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES

In continuation of this Department's policy circular letter of even number dated 28.06.2000 and 12.04.2002 on the subject noted above, I am directed to state that the Chief Minister Punjab/Competent Authority has been pleased to approve that the following proviso may be added to the revised criterion as contained in para 1 (ii) of this Department's letter dated 12.04.2002 referred to above for scrutiny of cases under the scheme regarding grant of BS-21 and BS-22 to the Technical and Professional officers in specially meritorious cases:-

“Provided that the period of deputation of the officers concerned spent on assignments directly related to their respective professions may be counted towards active service in BS-20 and BS-21 as the case may be.”

2. The above proviso in the revised criteria may kindly be brought to the notice of all concerned.

No. SO(C-I)1-2/96(P)
Dated the 8th October, 2005

Subject: GRANT OF BASIC PAY SCALE 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES

In continuation of this Department's Policy Circular letters of even number dated 28.06.2000, 12.04.2002 & 09.08.2004 on the subject noted above, I am directed to state that the Establishment Division, Government of Pakistan has further elaborated the stipulated criteria regarding grant of BS-21 and BS-22 to Technical and Professional Officers on account of Meritorious Service and has prescribed following parameters for the subject scheme which have been laid down by the Finance Division's O.M. No. F.2(3)-R-3/86, dated 07.04.1987 (SI. No. 74, Page 780, Estacode 2000), and by the Establishment Division Vide OM No. 8/2/7-CP-4, dated 29.12.2001.

2. The conditions mentioned below must be fulfilled by the technical and professional officers for grant of BS-21 and 22:

- i) In specially meritorious cases, BS-21 or BS-22, along with allowances and fringe benefits may be allowed with the approval of the Competent Authority, to technical and professional officers without requiring them to move from their technical posts where their expertise is particularly needed.
- ii) The maximum number of posts for grant of BPS-21 and 22 shall not exceed 12 ½ % i.e. (1/8) of existing technical and professional posts in BPS-20 in each administrative division of the Federal Government, including its attached departments and subordinate offices. The number of such posts in BPS-20 should be calculated separately to form one single post for each administrative division.
- iii) The number of technical posts calculated for the purpose of grant of scale 21 or 22 is subject to the availability of suitable persons for such grant.

- iv) The grant of scale 21 and 22, as the case may, be shall be admissible only once to the officer in his career.
- v) Grant of scale 21 or 22 to the officer will be personal to him. There would be no need to upgrade the post. He would, however, carry this higher scale in the event of his transfer to another post.
- vi) 80% of the ACR in BS-20 and above should be very good.
- vii) No adverse or average report in BS-19 and above.
- viii) He should have completed 22 years of service in scale 17 and above for the grant of scale 21 or 22.
- ix) For BS-22 a minimum 5 years active service in BS-20 and above, including 3 years in BS-21, excluding deputation and leaves period (4 months or more), is required.
- x) For BS-21, a minimum of 3 years active service in BS-20, excluding leave period (4 months or more) and deputation, is required.
- xi) The officer holds the technical post in the cadre concerned on regular basis and possesses professional/technical qualifications as laid down in the recruitment rules.
- xii) His expertise is particularly needed in the technical post held by him.
- xiii) The proforma and formalities will be completed by the concerned Division and signed by at least a BS-20 officer of the division.

Following documents are attached for each officer:

- a) Statement containing service particulars and eligibility conditions in respect of each officer.
- (b) Proforma for submission of the proposal for each officer, containing particular of posts/officer, qualifications, seniority, job description, performance indications, achievements, synopsis (ACR) for 5 years, particulars of publications, etc. (Page 784 Estacode 2000).
- xiv) Following Professionals are eligible as per para 6 (C) of notification:
Doctors, Engineers, Educationists, Economists, Management Accounts, Scientists, Archaeologists, Geologists, Meteorologists, Experts in Agriculture, Animal Husbandry, Forestry and *Public Architects.

3. Meritorious grants of BS-21 to technical and professional officers are to be given due to exemplary contribution by the officers concerned in their respective fields, as the name itself suggests. The para 12 of the specified proforma and Notification of 2001 direct that specific achievements of the officer and last 3 years measurable performance indicators must be mentioned. This in the past cases included research work of high caliber, productivity, inventions, creative innovations, etc., resulting in substantial improvement of efficiency and service delivery.

4. In this regard, perusal of Federal Government's Office Memorandum bearing No. 08.01.2004.CP-5 dated 26.07.2005 further reveals that particularly, the

*Word 'Public Architects' included vide letter No. SO(C-I) 1-2/2011 dated 11.04.2012.

following information must also be provided in addition to above, as desired by the Selection Committee:

- a) Total number of sanctioned BS-20 technical posts in the division.
- b) The number of pool posts (12 ½ % of the total posts).
- c) The posts already occupied (officers in position)
- d) The number of pool posts actually vacant.
- e) List of officers on the panel (Seniority wise)
- f) Justifications for ignoring senior officers (if applicable)
- g) The proposed officer fulfills all the conditions enumerated in the annexure to this letter.
- h) At least a BS-20 officer must sign the documents sent, and furnish a certificate that all the contents are verified and the proposed officers fulfill all the criteria.
- i) In which Category of technical officers is the officer nominated, from the list enumerated in Para 2 (xiv) of annexure.
- j) The justification for condition in Para 2 (i) and (xii) of the annexure.
- k) The specific achievements of the officer, as required in Para 3 of the annexure.

5. The above position regarding modification in the stipulated parameters/criteria may kindly be brought to the notice of all concerned for information and strict compliance in pursuance thereof.

No. SO(C-I)1-2/96(P)
Dated the 14th February, 2009

SUBJECT: GRANT OF BASIC PAY SCALES 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES

In continuation of this Department's letter of even No. dated 8th February 2005 on the subject noted above and to state that the Establishment Division, Government of Pakistan, vide memo No. F.8/1/2008/CP (5), dated 25.11.2008 has further revised the policy/criteria regarding grant of BS-21 and BS-22 to Technical and professional Officers on account of Meritorious Services. The salient points are as under:

- a) Officers be considered for grant of BS-21 and BS-22 on the basis of meritorious service in order of seniority.
- b) PERs should be quantified in present and previous scales as per existing promotion policy and assigned a weightage of 70%.
- c) Training from NIPA, Staff College and National Institute of Management may be given 15% weightage. In case the training information/requirement is not relevant, overall professional competence be judged and notional marks be assigned on the basis of his previous record.
- d) Minimum of 3 years active service in BS-20 for BS-21 and 5 years active service in BS-20 and above including 3 years in BS-21 for BS-22 will be required excluding the period of long leave (4 months or more).
- e) The Special Selection Committee shall scrutinize significant contribution of the Technical and Professional Officers in their relevant fields of specialization, consulting Secretary concerned and Head of Offices/Organizations and the background, level of competence and general reputation and allocate marks out of 15 to the officers being

considered for grant of BS-21 and BS-22 on the basis of meritorious services.

- f) Minimum threshold in this way shall be 75% marks.

2. This revised policy/criteria was discussed in the PSB-I meeting held on 26.12.2008. Subsequently a sub-committee was constituted under the chairmanship of Chairman P&D Board to deliberate upon different related issues and make recommendations. In the light of recommendations of the sub-committee, the competent authority has been pleased to desire that the following instructions be circulated for strict compliance.

- (i) The revised policy/criteria circulated by the Federal Government will be adopted by the Punjab Government.
- (ii) The existing 20 posts reserved for grant of BS-21/BS-22 and their further allocation to different departments will remain intact.
- (iii) All concerned departments will determine whether training is mandatory for a particular professional and technical cadre or service. If training is mandatory and the nominated officer has already done it, then the Department will make necessary grading/evaluation of such training so that he may be assigned marks out of allocated 15 marks. Training institutions should also make grading of any such training.
- (iv) Special Selection Committee proposed in the new policy is constituted at the departmental level with the following membership:
 - (1) Secretary of the concerned Department. Chairman
 - (2) Secretary (Services) S&GAD or his representative. Member
 - (3) Secretary (Regulations) S&GAD or his representative not below the rank of Additional Secretary. Member
 - (4) A representative of P&D Department (Not Below the rank of Addl. Secretary). Member
 - (5) Any member to be co-opted by the Committee.
- (v) The Special Selection Committee of any Administrative Department will consider all eligible candidates for promotion in BS-21/BS-22. On its recommendation, cases will be forwarded to S&GAD for consideration of PSB-I.

3. I am, therefore, directed to request that the revised policy/criteria be given wide publicity and be circulated to all attached departments/institutions/organizations and all officers who consider themselves eligible for promotion to BS-21/BS-22 may apply to their concerned Secretary for the purpose.

No SO(C-I)1-2/96(P)
Dated 08th February 2013

Subject: GRANT OF BASIC PAY SCALE 21 AND 22 TO TECHNICAL AND PROFESSIONAL OFFICERS IN SPECIALLY MERITORIOUS CASES.

In continuation of this Department's letter of even number dated 14th February 2009 on the subject noted above and to state that the Establishment Division, Government of Pakistan, Islamabad vide Office Memorandum bearing No.F.8/1/2008 /CP(V) dated 04.10.2012 has further revised the policy/criteria

regarding grant of BS-21 and BS-22 to Technical and Professional Officers on account of Meritorious Services to the extent of length of service, as under:

“For BS-22

Twenty two years service in Basic Scale 17 and above, excluding the period of suspension not counted as duty and extraordinary leave, and has completed at least two years in a post in Basic Scale 21.

For BS-21

Twenty two years service in BS-17 and above excluding the period of suspension not counted as duty and extraordinary leave, and has completed at least two years in a post in Basic Scale 20.”

2. Further, the Chief Minister/Competent Authority has been pleased to approve that the following amendments in the policy dated 14.02.2009 be circulated for strict compliance;

- (i) Special Selection Committee may be chaired by Additional Chief Secretary instead of Secretary of the Administrative Department with same members.
- (ii) Award of marks out of 15 may be allocated to eligible candidates by Provincial Selection Board-I, being Competent Forum for recommendation of grant of BS-21 and BS-22, instead of Special Selection Committee.

3. The other terms and conditions contained in the policy *ibid* for grant of BS-21 and BS-22 to technical and professional officers on the basis of meritorious services, shall remain in force as heretofore.

4. I am, therefore, directed to request that the revised policy/ criteria be circulated to all the Attached Departments /Institutions /Organizations and all officers who consider themselves eligible for promotion to BS-21/BS-22 may apply to their concerned Secretary for the purpose.

NOTIFICATION

17th October 2006

No. PAP-Legis-2(32)/2005/871. The Punjab Employees Efficiency, Discipline and Accountability Bill 2005, having been passed by the Provincial Assembly of the Punjab on 2 October 2006, and assented to by the Governor of the Punjab on 13 October 2006, is hereby published as an Act of the Provincial Assembly of the Punjab.

**THE PUNJAB EMPLOYEES EFFICIENCY,
DISCIPLINE AND ACCOUNTABILITY ACT 2006**
(ACT XII OF 2006)

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated 17 October 2006.]

**An
Act**

to provide for proceedings against the employees in Government and corporation service in relation to their efficiency, discipline and accountability.

Preamble. – Whereas it is expedient and necessary in the public interest and for good governance to provide measures for improvement of efficiency, discipline and accountability of employees in government and corporation service and matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, extent, commencement and application.** – (1) This Act may be called the Punjab Employees Efficiency, Discipline and Accountability Act 2006.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

(4) It shall apply to-

(i) employees in government service;

(ii) employees in corporation service; and

(iii) retired employees of government and corporation service; provided that proceedings under this Act are initiated against them during their service or within one year of their retirement.

2. **Definitions.** – In this Act, unless there is anything repugnant in the subject or context-

(a) ‘accused’ means a person who is or has been an employee and against whom action is initiated under this Act;

(b) ‘appellate authority’ means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;

(c) ‘appointing authority’ in relation to an employee or class of employees means an appointing authority declared or notified as such by an order of the Government or organization or under the

rules, etc., as may be applicable to such employee or class of employees;

- (d) 'charge' means allegations framed against the accused pertaining to acts of omission and commission cognizable under this Act;
- (e) 'Chief Minister' means the Chief Minister of the Punjab;
- (f) 'competent authority' means-
 - (i) the Chief Minister; or
 - * - (ii) in relation to any employee or class of employees, any officer or authority authorized by the Chief Minister to exercise the powers of competent authority under this Act; provided that such officer or authority shall not be inferior in rank to the appointing authority prescribed for the post held by the employee against whom action is to be taken; or
 - (iii) in relation to an employee of a tribunal or court, functioning under the Government, the appointing authority or the chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of competent authority under this Act:

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

Provided further that where the competent authority, other than the Chief Minister, has any interest in the result of proceedings under this Act, and does not desire to act as competent authority due to personal reasons, he shall not proceed with the case and shall report the matter to the next higher authority who shall authorize another officer of the corresponding rank and status to act as the competent authority in a specific case;

- (g) 'corruption' means –
 - (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act: or
 - (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
 - (iii) possession of pecuniary sources or property by an employee or any of his dependents or any other person, through him or on his behalf, which cannot be accounted

*Under this clause instructions about 'competent authority' issued vide letter No. SO R-I (S&GAD)1-30/2003 dated 24.12.2010 and 06.02.2007.

- for and which are disproportionate to his known sources of income; or
- (iv) maintaining standard of living beyond known sources of income; or
 - (v) having a reputation of being corrupt; or
 - (vi) entering into plea bargain under any law for the time being in force and return the assets or gains acquired through corruption or corrupt practices, voluntarily;
- (h) ‘employee’ means a person –
- (i) in the employment of a corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution set up, established, owned, managed or controlled by the Government, by or under any law for the time being in force or a body or organization in which the Government has a controlling share or interest and includes the chairman and the chief executive and the holder of any other office therein; and
 - *⁽ⁱⁱ⁾ in Government service or who is a member of a civil service of the province or who holds a civil post in connection with the affairs of the province or any employee serving in any court or tribunal set up or established by the Government, but does not include–
 - (aa) a Judge of the High Court or any court subordinate to that Court or an employee of such courts; and
 - (bb) an employee of Police.
- (i) ‘Government’ means the Government of the Punjab;
- (j) ‘hearing officer’ means an officer, senior in rank to the accused, appointed by any authority competent to appoint hearing officer, to afford an opportunity of personal hearing to the accused on behalf of the authority concerned;
- (k) ‘inefficiency’ means failure to –
- (i) efficiently perform functions assigned to an employee in the discharge of his duties; or
 - (ii) qualify departmental examination in three consecutive attempts;
- (l) ‘inquiry committee’ means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under this Act;
- (m) ‘inquiry officer’ means an officer appointed by the competent authority under this Act;

*Section 2, sub-clause (ii) of clause (h) substituted vide Notification No.PAP-Legis-2(109)/2012/725 dated 30.07.2012.

- (n) 'misconduct' includes –
 - (i) conduct prejudicial to good order or service discipline; or
 - (ii) conduct contrary to the conduct rules, for the time being in force; or
 - (iii) conduct unbecoming of an officer and a gentleman; or
 - (iv) involvement or participation for gain directly or indirectly, in industry, trade or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons, as may compromise the performance of official duties or functions; or
 - (v) any act to bring or attempt to bring outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any other authority in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service; or
 - (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
 - (vii) absence from duty without prior approval of leave; or
 - (viii) acquittal by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body; or
 - (ix) conviction for an offence by a court of law;
- (o) 'prescribed' means prescribed by rules made under this Act; and
- (p) 'section' means section of this Act.

3. **Grounds for proceedings and penalty.** – An employee shall be liable to be proceeded against under this Act, if he is –

- (i) inefficient or has ceased to be efficient for any reason; or
- (ii) guilty of misconduct; or
- (iii) guilty of corruption or is reasonably considered to be corrupt; or
- (iv) engaged or is reasonably believed to be engaged in subversive activities, and his retention in service is prejudicial to national security, or is guilty of disclosure of official secrets to any unauthorized person.

4. **Penalties.** – (1) The competent authority may, notwithstanding anything contained in any law or the terms and conditions of service of the accused, by an order in writing, impose one or more of the following penalties, namely:-

- (a) Minor penalties –
 - (i) censure;

- (ii) withholding of increment or increments, *for a specific period, subject to a maximum of five years;
 - (iii) fine not exceeding basic pay of one month;
 - (iv) reduction to a lower stage or stages in pay scale, subject to a maximum of five stages *for a specific period; and
 - (v) withholding of promotion *for a specific period, subject to a maximum of five years; provided that this period shall be counted from the date when a person junior to the accused is considered for promotion and is promoted on regular basis for the first time;
- (b) Major penalties –
- (i) recovery from pay, pension or any other amount payable to the accused, the whole or a part of any pecuniary loss caused to the Government or the organization in which he was employed, and if the amount due from any such person cannot be wholly recovered from the pay, pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force;
 - (ii) reduction to a lower post and pay scale from the substantive or regular post for a *specific period subject to a maximum of five years;
 - (iii) forfeiture of past service *for a specific period subject to a maximum of five years;
 - (iv) compulsory retirement;
 - (v) removal from service; and
 - (vi) dismissal from service; and
- (c) Penalties after retirement –
- (i) withholding of pension or any part thereof *for a specific period keeping in view the loss caused to the Government;
 - (ii) withdrawing of pension or any part thereof *for a specific period keeping in view the loss caused to the government; and
 - (iii) recovery from pension or any other amount payable to the accused, of pecuniary loss caused to Government or the organization in which he was employed, and if the amount due from any such person cannot be wholly recovered from the pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force.

* The 'word' "for a specific period" inserted vide notification NO. PAP/Legis-2(173)/2017/1677 dated 8.11.2017

(2) Dismissal from service under this Act shall disqualify the employee for future employment under the Government or under any organization to which the provisions of this Act apply.

(3) Any penalty under this Act shall not absolve an employee or accused from liability to any punishment to which he may be liable for an offence, under any law, committed by him while in service.

5. **Initiation of proceedings.** – (1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against an employee under this Act, it shall either–

(a) proceed itself against the accused by issuing a show cause notice under section 7 and, for reasons to be recorded in writing, dispense with the enquiry:

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

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

(b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under section 10:

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

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

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

(2) The orders of inquiry or the show cause notice, as the case may be, shall be signed by the competent authority; provided that where the Chief Minister is

competent authority, the same shall be signed by such officer as may be authorized by him in this behalf.

6. **Suspension.** – An employee against whom action is proposed to be initiated under section 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the employee shall be deemed to be reinstated:

Provided that the continuation of the period of suspension shall require the prior approval of the competent authority for each period of extension.

7. **Procedure where inquiry is dispensed with.** – If the competent authority decides that it is not necessary to hold an inquiry against the accused under section 5, it shall –

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, alongwith apportionment of responsibility and the penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not;

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

- (d) afford an opportunity of personal hearing either itself or through the hearing officer, before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above; and
- (e) exonerate the accused, by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- (f) impose any one or more penalties mentioned in section 4, by an order in writing, if the charge or charges are proved against the accused:

Provided that –

- (i) Where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

8. **Action in case of conviction or plea bargain under any law.** – Where an employee is convicted by a court of law or has entered into plea bargain or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body under any law for the time being in force, the competent authority, after examining facts of the case, shall –

- (a) dismiss the employee, where he has been convicted of charges of corruption or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily; or
- (b) proceed against the employee under section 7, where he has been convicted of charges other than corruption; or
- (c) proceed against the employee under section 9, where he has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body.

9. **Procedure to be followed by competent authority where inquiry is necessary.** – (1) If the competent authority decides that it is necessary to hold an inquiry against the accused under section 5, it shall pass an order of inquiry in writing, which shall include –

- (a) appointment of an inquiry officer or an inquiry committee; provided that the inquiry officer or the convener of inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within seven days of the date of receipt of orders or within such extended period as the competent authority may determine.

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

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

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

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

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

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

(6) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:

Provided that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:

Provided further that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of inquiry:

Provided further that the recommendations of the inquiry officer or the inquiry committee, as the case may be, shall not be binding on the competent authority.

11. **Powers of the Inquiry Officer or Inquiry Committee.** – (1) For the purpose of an inquiry under this Act, 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:-

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

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

12. Duties of the departmental representative. – The departmental representative shall perform the following duties, namely –

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

13. Order to be passed by the competent authority on receipt of report from the inquiry officer or inquiry committee. – (1) On receipt of the report from the inquiry officer or inquiry committee, as the case may be, the competent authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of this Act.

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

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing.

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

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him by the inquiry officer or inquiry committee;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in section 4 may not be imposed upon him and to submit additional defense in writing, if any, within seven days of the receipt of the notice, before itself or the hearing officer, as the case may be;

- (c) indicate the date of personal hearing or appoint a hearing officer to afford an opportunity of personal hearing on his behalf; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above;
- (d) provide a copy of the inquiry report to the accused; and
- (e) direct the departmental representative to appear, with all the relevant record, on the date of hearing before himself or the hearing officer, as the case may be.

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

- (i) exonerate the accused; or
- (ii) impose any one or more of the penalties specified in section 4:

Provided that –

- (i) Where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

(6) Where the Competent Authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of this Act or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry.

(7) After receipt of inquiry report, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ^Ωsixty days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

[‡](7-a) The Cabinet Committee on Legislation may allow further time if it is satisfied that the competent authority could not decide the case within sixty days for reasons beyond its control.

(8) If the case is not decided by the competent authority within the prescribed period of ^{*}sixty days, the accused may file an application before the

^ΩThe words “ninety days” substituted with words “sixty days” vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017

[‡] Sub section (7a) inserted vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017

appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

14. **Personal hearing.** – (1) The authority affording personal hearing or the hearing officer on receiving an order of his appointment shall, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him for personal hearing on the fixed date and time.

(2) After affording personal hearing to the accused, the authority or the hearing officer shall, in relation to the case and the contention of the accused during the hearing, record his remarks in writing and, in case hearing officer, submit a report to the authority so appointed him which shall include—

- (i) summary of the inquiry report where inquiry was conducted under section 10, or summary of the defence offered by the accused to the show cause notice under section 7, or grounds of appeal or review filed under section 16, as the case may be;
- (ii) summary of defence offered by the accused during the hearing, if any; and
- (iii) views of the departmental representative, if any.

15. **Procedure of inquiry against officers lent to other governments, etc.** –

(1) Where the services of an employee are transferred or lent to any other government, department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such employee is posted in the borrowing organization may –

- (a) suspend him under Section 6; and
- (b) initiate proceedings against him under this Act:

Provided that the borrowing organization shall forthwith inform the lending organization of the circumstances leading to the order of his suspension and the commencement of the proceedings:

Provided further that the borrowing organization shall obtain prior approval of the lending organization before taking any action under this Act, against an employee holding a post in Basic Pay Scale 17 or above.

(2) If, in the light of the findings of the proceedings taken against the accused in terms of sub-section (1), the borrowing organization is of the opinion that any penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under Section 13.

(3) Notwithstanding anything to the contrary contained in sub-sections (1) and (2), the Chief Minister may, in respect of certain employees or class of employees, authorize any officer or authority in the borrowing organization to exercise all the powers of competent authority under this Act.

* The words “ninety days” substituted with words “sixty days” vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017

16. **Departmental appeal and review.** – (1) An accused who has been awarded any penalty under this Act may, except where the penalty has been imposed by the Chief Minister, within thirty days from the date of communication of the order, prefer departmental appeal directly to the appellate authority:

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

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

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders and reduce or enhance the penalty; or
- (d) set aside the order of penalty and remand the case to the competent authority, where it is satisfied that the proceedings by the competent authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of this Act, or the facts and merits of the case have been ignored, with the directions to either hold a de novo inquiry or to rectify the procedural lapses or irregularities in the proceedings:

Provided that where the appellate or review authority proposes to enhance the penalty, it shall by an order in writing –

- (i) inform the accused of the action proposed to be taken against him and the grounds of such action; and
- (ii) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing either itself or through a hearing officer; Provided that the hearing officer shall only be appointed where the appellate or the review authority is of the rank of Secretary to Government of the Punjab or above.

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

17. **Revision.** – (1) The Chief Minister, Chief Secretary or the Administrative Secretary or any other appellate authority may call for the record of any proceedings within one year of the order of exoneration or imposition of a penalty, passed by the competent authority or the order of appellate authority, as the case may be, for the purpose of satisfying himself as to the correctness, legality or propriety of such proceedings or order.

- (2) On examining the record of the case, such authority may –
- (i) uphold the orders of the competent authority or the appellate authority, as the case may be; or
 - (ii) order the competent authority to hold de novo inquiry; or
 - (iii) impose or enhance a penalty or penalties:

Provided that no order, prejudicial to the accused, shall be passed under this section unless the accused has been given a reasonable opportunity of showing cause against the proposed action and an opportunity of personal hearing.

18. **Appearance of counsel.** – The accused, at no stage of the proceedings under this Act, except proceedings under section 19, shall be represented by an advocate.

‡19. **Appeal before Punjab Service Tribunal.** (1) An employee, other than the employee mentioned in section 2 (h)(i), aggrieved by a final order passed under Section 16 or 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act, 1974 (IX of 1974).

(2) if the appellate Authority or the Chief Minister does not pass any final order on the departmental appeal or the review petition filed under section 16 within a period of sixty day from the date of filing of the departmental appeal or the review petition, the aggrieved employee, not being the employee mentioned in section 2(h)(i), may prefer an appeal to the Punjab Service Tribunal within ninety days of the filing of the departmental appeal or review petition.

(3) on the exercise of the option in terms of subsection (2), the appeal or, as the case may be, the review pending before the Appellate Authority or the Chief Minister shall abate to the extent of such employee.

♣**Explanation:** The word “employee” in this section, shall include a former employee”

20. **Act to override other laws.** – The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

21. **Proceedings under this Act.** – (1) Subject to this Act, all proceedings initiated against the employees having retired or in service, shall be governed by the provisions of this Act and the rules made thereunder:

Provided that in case of retired employee, the proceedings so initiated against him shall be finalized not later than two years of his retirement.

(2) The competent authority may, by an order in writing, impose one or more penalties specified in clause (c) of section 4, if the charge or charges are proved against the retired employee.

22. **Indemnity.** – No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under this Act or the rules, instructions or directions made or issued thereunder.

23. **Jurisdiction barred.** – Save as provided under this Act, no order made or proceedings taken under this Act, or the rules made thereunder, shall be called in question in any court and no injunction shall be granted by any court in respect of

‡ Section 19 substituted vide notification No. PAP/Legis-2(27)/2014/1089 dated 29.05.2014.

♣ Explanation added, vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017.

any decision so made or proceedings taken in pursuance of any power conferred by, or under this Act, or the rules made thereunder.

24. **Power to make rules.** – The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

25. **Removal of difficulties.** – If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing that difficulty.

26. **Repeal.** – (1) The Punjab Removal from Service (Special Powers) Ordinance, 2000 (*Ord. IV of 2000*), is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Removal from Service (Special Powers) Ordinance, 2000 (*Ord. IV of 2000*), all proceedings pending immediately before the commencement of this Act against any employee under the said repealed Ordinance or under the Punjab Civil Servants Act, 1974 (*Pb. Act, VIII of 1974*), and rules made thereunder, or any other law or rules shall continue under that law and rules, in the manner provided thereunder.



ANCILLARY INSTRUCTIONS

Subject: WITHHOLDING / WITHDRAWAL OF PENSION OR ANY PART OF IT, FOR GRAVE MISCONDUCT DURING SERVICE

I am directed to refer to this Department's letter No.SORI(S&GAD)7-1/72 dated 23rd October, 1973, on the subject noted above and to say that in pursuance of Supreme Court's pronouncement in their decision of Government appeal titled "the Government of N.W.F.P. versus Mr. Muhammad Saeed Khan and another" vide PLD 1973-SC-514, though interpretation of rule 1.8 of Punjab Civil Services Pension Rules was issued vide circular letter referred to above, yet the departments are seeking interpretation time and again. The important provisions of the instructions under reference are reproduced below for facility of reference:

- (a) Each of the clause(a) and (b) of this rule is a self-contained and independent provision designed to cater for two different situations. Under clause (a), maintenance of "Good Conduct" is made an inseparable condition for the grant or continuance of pension to a government servant and the Govt. reserves to itself the plenary power to with-hold or withdraw a pension or any part thereof if the pensioner is convicted for serious crime or is found guilty of grave misconduct whether during or after completion of his service. However, clause (b) cannot be used to effect a penal recovery if there be a case of fraud or negligence during the service thought it may be made a ground for a finding that the service has not been thoroughly satisfactory.
- (b) Clause (b) *ibid* empowers the Government to order recovery from the pension, of the whole or part of any pecuniary loss, caused to the Government if the pensioner is found in departmental or judicial proceedings, to have been guilty of grave misconduct or negligence during his service. Under clause (b) the Government reserves to itself the right to recover from the pension the amount of any pecuniary loss which it has suffered while the pensioner was in service. It is, however, to be noted that this power cannot be resorted to after afflux of one year from the date of retirement of the pensioner.
- (c) On general principles as also on the wording of rule 1.8(a), the Executive has the exclusive power to determine whether on the facts of the case the officer / official concerned was guilty of gross misconduct and this applies equally to the serving officers as well as to those who have retired but whose pensionary claims are yet to be settled.
- (d) Except as a result of the inquiry contemplated under clause (a) the Government has no power under the rules to suspend the payment of whole or any part of the pension of a Government servant otherwise admissible, pending inquiry against him. It follows that any order in that behalf in anticipation of the result of the inquiry, will be without any valid basis.

2. The above interpretation of rule 1.8 of the Pension Rules by the Supreme Court in PLD 1973 SC-514, may kindly be brought to the notices of all concerned

for information and guidance so as to avoid unnecessary correspondence in the matter

NO.PS/AS(G)2-24/04
Dated the 20th March 2004

Subject: GUIDELINES TO BE ADHERED TO BY THE HEARING OFFICERS,
DESIGNATED UNDER DISCIPLINARY STATUTES

Both the Punjab Civil Servants (E&D) Rules, 1975, 1999 and the Punjab Removal from Service (Special Powers) Ordinance, 2000 require that an accused must be given an opportunity of personal hearing before a penalty can be imposed upon him. This personal hearing is to be accorded by the Authority. However, the Authority can designate an officer senior in rank to the accused as Hearing Officer for this purpose.

2. The Hearing Officers are required to provide an opportunity of personal hearing and to record the submissions of the accused officer during the proceedings, substance of which is to be recorded in writing and submitted for consideration of Authority.

3. It has been noticed with concern that the Hearing Officers are exceeding their mandate. Instead of confining themselves to place the record of hearing before the Authority they go to the extent of admitting additional evidence, analyzing the evidence on record, commenting upon the conclusions and recommendations of the Inquiry Officer/Authorized Officer, etc.

4. In this connection, attention is drawn to the clear and settled position of law as held in 1994, PLD (C.S.) 1113 in which it was held as follows:

“Punjab Civil Servants (Efficiency and Discipline) Rules, 1975

R.8. Designate Authority – Report prepared by designated authority – Legal Defect – Designated Officer was required to prepare record of personal hearing of civil servant which did not empower such designated authority to record the findings and decide the matter or to submit the case for approval of authority.”

5. It is accordingly directed that the Hearing Officers shall contain themselves strictly to preparation of record of personal hearing and shall not comment upon the conclusions, findings and recommendations of the Inquiry and Authorized Officers since the Authority is responsible for taking a final decision on merits without any influence or bias which such unauthorized comments would create.

6. Please communicate these instructions to all authorities subordinate to you as well for strict compliance.

No. E&A(S&GAD)12(308)/99-A
Dated the 20th June, 2007

NOTIFICATION

In supersession of this Department's Notification of even number dated 18th February, 2002, in exercise of the powers authorized by the Governor of the Punjab as mentioned in Table-I (a), Serial No.3, Column-III of Notification No. SOR-III-1-33/94(B), dated 05.11.2001, Additional Chief Secretary, being the Competent Authority of Employees in BS-1-15 belonging to a Service, Group or Cadre in Secretariat Departments controlled by the Punjab Government, is pleased to designate

the Secretary of Administrative Department concerned to exercise powers of Competent Authority to proceed/initiate action as per provisions of Punjab Employees Efficiency, Discipline and Accountability Act 2006 against the delinquent officials in BS-1-15, working under their administrative control.

NO.SO(C-II) 5-2/2010
Dated the 4th December 2010

Subject: APPOINTMENT OF ENQUIRY OFFICER

I am directed to refer to the subject cited above and to inform that the Chief Minister Punjab has observed that Government Officers, who are entrusted to conduct inquiries under PEEDA Act 2006 by the Competent Authorities from time to time, try to avoid the same for one reason or the other. It will be appreciated that this trend not only reflects indifference/disinterest on their part in the conduct of such official business but also leads to inordinate delays in the finalization of disciplinary proceedings. Furthermore, half-hearted conduct of the inquiries also defeats the very purpose of accountability of the delinquents. On the other hand, the officers who exhibit diligence and commitment to the disposal of such official work are over-burdened by entrusting them large number of inquiries.

2. The Chief Minister has shown his deep concern over the prevailing situation as explained above and has directed that a system may be evolved which envisages that the inquiries entrusted to various officers are conducted by them timely and it may also be ensured that while entrusting an inquiry the number of inquiries already entrusted to an officer in a calendar year are also kept in view. It has further been desired that number of enquiries entrusted to an officer and completed by him in a calendar year be reflected in column 9 of Part-I by the officer to be reported upon and commented upon by the reporting officer in column (c) of Part-V of the Performance Evaluation Report.

3. The Chief Minister Punjab has, therefore, been pleased to direct that:

- a) The Administrative Department should comply above directions strictly at Secretariat level as well as by the respective authorities in their lower formations in respect of disciplinary cases which are dealt with at the department level.
- b) All Administrative Secretaries should route their summaries through the Services Wing of S&GAD where enquiry officers are required to be appointed out of their respective chain of command.

4. I am further directed to request that these instructions may kindly be followed in letter and spirit.

No.SOR-I(S&GAD)1-70/2011
Dated the 17th September 2011

Subject: COMPLETION OF DISCIPLINARY PROCEEDINGS WITHIN THE STIPULATED PERIOD

Please refer to the subject noted above.

2. It has been noted that disciplinary proceedings initiated under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 are not being completed within the stipulated period of 60 days. The Chief Minister has taken very

serious notice of inordinate delays occurring in disciplinary proceedings. Attention is invited towards sub-section (6) of section 10 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 whereby time limit for completion of any enquiry has been fixed. Section 10(6) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 reads as under:

“10(6) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:

Provided that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:

Provided further that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of inquiry:

Provided further that the recommendations of the inquiry officer or the inquiry committee, as the case may be, shall not be binding on the competent authority.”

3. The matter pertaining to disposal of enquiries shall henceforth be strictly monitored by the S&GAD and progress about disposal of such cases shall be placed before the Chief Minister, Punjab as well as Secretaries Committee regularly.

4. You are, therefore, requested to ensure that enquiries initiated under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 in your Department are completed by the enquiry officers within the stipulated period.

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No.SORI(S&GAD) 1-25/2001

Dated 9th September 2013

Subject: DISCIPLINARY PROCEEDINGS AGAINST CIVIL SERVANTS ON
ACCOUNT OF UNAUTHORIZED ABSENCE FROM DUTY
TREATMENT OF ABSENCE PERIOD

I am directed to refer to the subject noted above and to state that it has been observed that the instructions issued by the Regulations Wing, S&GAD vide circular letter No.SORI-1-25/2001 dated 10.07.2003 are not being followed properly. Resultantly, inconvenience is caused while deciding the disciplinary cases of the employees. It is reiterated as under:-

The problems of unauthorized absence from duty is rampant in Government departments and it has been observed that despite clear rules and instructions on the subject such cases are not dealt with appropriately, in accordance with the rules, by the relevant authorities. The Administrative Departments are therefore, requested to follow the following instructions / guidelines, while dealing with the cases of unauthorized absence from duty:-

- i) Competent authorities must ensure that disciplinary action is initiated against a person who absents himself from

- duty un-authorizedly, immediately on receipt of information to this effect.
- ii) Where disciplinary action could not be initiated against such person due to negligence or other reasons, and such person reports for duty after his un-authorized absence, he shall not be assigned any duty until disciplinary proceedings have been completed against him. During the intervening period he shall be treated to be under suspension.
 - iii) The relevant authorities must ensure that disciplinary proceedings under the relevant laws / Rules are initiated against such person, within 30 days of his reporting for duty, after unauthorized absence.
 - iv) Officers / officials responsible for delay in submitting the case for initiation of action against such person to the competent authority, shall be deemed to be guilty of misconduct and therefore, shall be liable to be proceeded under the relevant disciplinary law / rules, for the time being in force.
 - v) The competent authorities shall ensure that disciplinary proceedings in such cases are completed at the earliest possible time so that such persons do not remain under suspension for long periods, thus becoming a burden on the public exchequer.
 - vi) The competent Authorities under the relevant disciplinary law / rules, shall confine themselves to taking disciplinary action in accordance with the rules. They must not make recommendations as to how the period of unauthorized absence shall be treated, as the leave sanctioning authority under the Leave Rules and the competent authority under E&D Rules / Punjab Removal from Service (Special Powers) Ordinance, 2000 / PEEDA Act, 2006, are usually not the same.
 - vii) After the decision of the authorities under E&D Rules / Punjab Removal From Service (Special Powers) Ordinance, 2000 / PEEDA Act, 2006 etc., absence period may be dealt with separately, in accordance with the provisions of Revised Leave Rules, 1981.
 - viii) Relaxation of Revised Leave Rules, 1981 may only be granted in extremely genuine hardship cases of absence beyond the control of the employee.
 - ix) The period of absence from duty, if not regularized, constitutes break in service, as provided under Rule 2.11 of Pension Rules, 1967. This need not and should not be specified in any orders, as such orders lead to unnecessary litigation. This implication is automatic under Rule 2.11 of the Pension Rules.
 - x) It has been observed that authorities generally tend to treat cases of absence from duty lightly and give minor punishments / penalties in cases where a person has remained absent from duty for long periods of time. It is clarified that absence from duty is a serious misconduct on the part of a person. The competent authorities must,

therefore, ensure that penalties in such cases are commensurate with the gravity of the charge, proved against the accused person. As per Section 7(f)(ii) of the PEEDA Act, 2006, where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

- xi) The relevant authority must ensure that where a person remains on leave including absence for more than 5 years, the name of such person is removed from the seniority list and placed on separate static list as provided under proviso to Rule 8(3) of Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, instructions bearing No.SORII(S&GAD)15-7/84 dated 14.07.1988 and para 18 of the Promotion Policy 2010.
- xii) All applications for long leave shall be decided within thirty days and any delay in sanction or refusal and communication to the applicant will be the responsibility of the leave sanctioning authority.

2. I am further directed to request that the above guidelines / instructions may be followed strictly in letter and spirit.

No. SOR.I(S&GAD)4-45/2013
Dated the 16th December, 2013

Subject: APPEAL OF MST. KANEEZ FATIMA WD/O MR. ABDUL QADEER
LATE WARD SERVANT OF DHQ TEACHING HOSPITAL,
SARGODHA

The case has been examined in the Regulations Wing, S&GAD. Mr. Abdul Qadeer died on 15.05.2012. The date of order of imposing penalty "Removal from Service" is also 15.05.2012. As per section 16 of the PEEDA Act, 2006 appeal against the penalty can be made to the Appellate Authority within thirty days. Since Mr. Abdul Qadeer died on the same date of awarding the penalty, therefore, the question of filing of appeal does not arise. The accused died and could not defend himself. Therefore, the Regulations Wing, S&GAD is of the view that the proceedings pending against him stand abated.

No. SOR.I(S&GAD)4-26/2014
Dated the 16th January, 2015

Subject: REQUEST FOR WAIVE OF RECOVERY AMOUNTING TO RS.75,350/-
MADE BY MST. MISBAH ZULQARNAIN WIDOW OF LATE
ZULQARNAIN KAUSAR, FOREST GUARD

The case was referred to the Finance and Law & PA Department for advice. The Finance Department vide its letter No.FD-SR-II-2-136/2014 dated 06.01.2015 and Law & PA Department vide its letter No.Reg:3-7/2013/5885 dated 05.12.2014 tendered their advices as under:-

Finance Department

“Any penalty under this Ordinance shall not absolve such person from liability to any punishment to which he may be liable for an offence, under any law, committed by him while in service” further added that clause 9-A(2) provides “an order imposing punishment or exonerating the accused shall not be revised suo motu or otherwise after the lapse of period of one year from the date of communication of the order of the competent authority, and in case a representation or review is preferred, from the date of communication of the order on such representation or review” and in the instant case the situation is different as the accused expired before imposing the penalty, as such penalty is liable to be abated.”

Law Department

“that the views of Regulations Wing of S&GAD contained in para 2 of the letter under reference are endorsed” which reads as under;

“2.The case has been examined and in the light of earlier advices of the Law Department, the Regulations Wing, S&GAD, is of the view that since, the accused has died; before the imposition of penalty by the Competent Authority, therefore, disciplinary proceedings pending against him stand abated.”

No.SORI(S&GAD)1-77/2015

Dated the 11th June 2015

Subject: DISCIPLINARY PROCEEDINGS UNDER PEEDA ACT, 2006.

The Regulations Wing, S&GAD has issued instructions from time to time emphasizing the Inquiry Officers and the Competent Authorities to complete the inquiry proceedings within stipulated period. Section 10(4) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 reads as under:-

“10(4) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.”

3. The Chief Minister Punjab has taken serious view that the inquiries are not being completed within stipulated period due to hindrance in the process of inquiries by the accused on one or the other pretext. It has also been observed by the Chief Minister that Section 10(4) of the Act *ibid* clearly envisages where the accused hampers or attempts to hamper the proceedings, the Inquiry Officers or Inquiry

Committee should continue the inquiry in the light of above provision, except in case of any restraining order from any honorable court.

4. All the Inquiry Officers and the Competent Authorities are hereby directed to ensure implementation of provision of section 10(4) of the Act *ibid* for expeditious finalization of inquiries within stipulated period.

5. The above instructions may be implemented in letter and spirit.

No.SORI(S&GAD)4-46/2013

Dated the 17th September 2015

Subject: GUIDELINES TO BE ADHERED TO BY THE HEARING OFFICERS,
DESIGNATED UNDER DISCIPLINARY STATUTES

I am directed to refer to the S&GAD's instructions bearing NO.PS/AS(G)2-24/04 dated 20.03.2004, No.SOEI.1-24/2007 dated 01.09.2008 and SORI(S&GAD)4-46/2013 dated 09.10.2013, on the subject noted above and to state that relevant provisions of PEEDA Act, 2006 relating to appointment and role of Hearing Officers are reproduced as under:-

“Section 13(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall –

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him by the inquiry officer or inquiry committee;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in section 4 may not be imposed upon him and to submit additional defense in writing, if any, within seven days of the receipt of the notice, before itself or the hearing officer, as the case may be;
- (c) indicate the date of personal hearing or appoint a hearing officer to afford an opportunity of personal hearing on his behalf; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above;
- (d) provide a copy of the inquiry report to the accused; and
- (e) direct the departmental representative to appear, with all the relevant record, on the date of hearing before himself or the hearing officer, as the case may be.

Proviso below section 16(2)(d)

Provided that where the appellate or review authority proposes to enhance the penalty, it shall by an order in writing –

- (i) inform the accused of the action proposed to be taken against him and the grounds of such action; and
- (ii) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing either itself or through a hearing officer; Provided

that the hearing officer shall only be appointed where the appellate or the review authority is of the rank of Secretary to Government of the Punjab or above.”

“14. **Personal hearing.** – (1) The authority affording personal hearing or the hearing officer on receiving an order of his appointment shall, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him for personal hearing on the fixed date and time.

(2) After affording personal hearing to the accused, the authority or the hearing officer shall, in relation to the case and the contention of the accused during the hearing, record his remarks in writing and, in case hearing officer, submit a report to the authority so appointed him which shall include—

- (i) summary of the inquiry report where inquiry was conducted under section 10, or summary of the defence offered by the accused to the show cause notice under section 7, or grounds of appeal or review filed under section 16, as the case may be;
- (ii) summary of defence offered by the accused during the hearing, if any; and
- (iii) views of the departmental representative, if any.”

3. During personal hearings to the different appellants, it was observed by the Chief Secretary that role of hearing Officer should be more purposeful. Mere affording hearing to the accused / appellant by the hearing officer and presentation of the hearing proceedings does not provide meaningful assistance to the competent / Appellate Authority to arrive at a conclusive decision. The Chief Secretary has desired that the hearing Officer, after granting hearing to the accused or the appellant and analyzing the case, should present the summary of the inquiry, defence offered by the accused during the hearing or grounds of appeal or review and views of Departmental representative to the competent Authority / Appellate Authority in a meaningful manner with his views and suggestions so that the Competent Authority / Appellate Authority may reach at final conclusion. However, views and suggestions of hearing Officer will not be binding on the Competent Authority / Appellate Authority.

4. The above instructions may be communicated to all concerned authorities for strict compliance.

No.SORI(S&GAD)1-74/2015
Dated Lahore the 22nd October, 2015

Subject: ADVICE / GUIDANCE REGARDING MAINTAINABILITY OR OTHERWISE OF TIME BARRED SERVICE APPEALS FILED U/S 16 OF THE PEEDA ACT, 2006

The case was referred to the Law & Parliamentary Affairs Department for advice vide Regulations Wing, S&GAD’s letter of even number dated 22.09.2015.

The Law Department vide its letter No.REG 3-43/2015/5349 dated 15.10.2015 has tendered the following advice:-

“that the following principles of law stand well settled:-

- (a) Law ordinarily helps the vigilant and not the indolent: reference is made to the case cited as 2004 **SCMR 145** (Nazakat Ali v WAPDA).
- (b) Where the law under which proceedings have been initiated itself prescribes a period of limitation, the benefit or section 5 of the limitation Act (condonation of delay) cannot be availed unless it has been made applicable as per section 29(2) of that Act. Reference is made to the cases cited as 2001 **SCMR 286** (Allah Dino v Muhammad Shah; 1983 **SCMR 1239** (All Muhammad V Fazal Hussain); 2006 **YLR 3267** (Kh.Zia Ullah v PCBL); 2006 **YLR 3267** (Kh. Zia Ullah v PCBL); and **PLD 1982 Lahore 239** (Muhammad Hanif v Collector Kasur).

2. Further action may be taken accordingly.”

No.SORI(S&GAD)4-46/2013

Dated the 15th December 2015

Subject: EXPLANATORY GUIDELINE FOR THE HEARING OFFICERS,
DESIGNATED UNDER DISCIPLINARY STATUTES

I am directed to refer to the S&GAD’s instructions bearing No.PS/AS(G)2-24/04 dated 20.03.2004, No.SOEL.1-24/2007 dated 01.09.2008 and SORI(S&GAD)4-46/2013 dated 09.10.2013 on the subject and to state that section 14 of the PEEDA Act, 2006 relating to the functions of the hearing officer, provides as under:

- “14 Personal hearing.** – (1) The authority affording personal hearing or the hearing officer on receiving an order of his appointment shall, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him for personal hearing on the fixed date and time.
- (2) After affording personal hearing to the accused, the authority or the hearing officer shall, in relation to the case and the contention of the accused during the hearing, record his remarks in writing and, in case hearing officer, submit a report to the authority so appointed him which shall include:
 - (i) summary of the inquiry report where inquiry was conducted under section 10, or summary of the defence offered by the accused to the show cause notice under section 7, or grounds of appeal or review filed under section 16, as the case may be;
 - (ii) summary of defence offered by the accused during the hearing, if any; and
 - (iii) views of the departmental representative, if any.”

2. The Competent Authority has observed that the hearing officers do not generally observe the provisions of the said section 14. It may be emphasized that the role of hearing officer, under the law, is quite meaningful. Mere affording hearing to the accused or appellant and submission of the proceedings before the Competent Authority by the hearing officers does not provide any meaningful assistance to the Competent Authority or Appellate Authority.

3. The Competent Authority is pleased to direct that the report submitted by the hearing officer to the Competent Authority or appellate authority shall be in the form of a Summary, inter alia, containing the following:

- (a) the allegations leveled against the accused.
- (b) brief facts of the inquiry and the recommendations of the inquiry officer;
- (c) the grounds taken by the accused in appeal or review;
- (d) the defence offered by the accused during the hearing;
- (e) view of departmental representative rendered before him; and
- (f) views and suggestions of the hearing officer in a meaningful manner to facilitate the Competent Authority or Appellate Authority to reach a fair decision on merits.

4. These instructions shall supersede the instructions issued vide No.SORI(S&GAD)4-46/2013 dated 17.09.2015.

No.SORI(S&GAD)1-19/2016

Dated the 17th March 2016

Subject: APPOINTMENT / NOMINATION OF INQUIRY OFFICER

I am directed to refer to the subject noted above and to state that section 9(1)(a) of the PEEDA Act, 2006 reads as under:-

“9(1)(a) appointment of an inquiry officer or an inquiry committee; provided that the inquiry officer or the convener of inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused.”

2. Under the provisions of section 10(6) of the Act *ibid*, enquiry proceedings are required to be completed by Inquiry Officer / Inquiry Committee within 60 days or extended period.

3. Instances have come to notice of the competent authority that disciplinary proceedings are often delayed and not completed within the stipulated period due to retirement of inquiry officer, convener / member of inquiry committee, as the case may be. It not only gives rise to numerous service issues for the concerned employees but also hampers smooth business of department.

4. The competent authority has, therefore, directed that:

- (i) Officers, at the verge of retirement, i.e., who are going to retire within one year shall in no case, be appointed as inquiry officer or convener / member of inquiry committee under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006.
- (ii) Administrative Departments concerned shall ensure that disciplinary proceedings, in all cases, are completed and inquiry submitted within the stipulated period.

- (iii) Extension in the stipulated period of 60 days for completion of proceedings shall be subject to exceptional and cogent grounds advanced by the Inquiry Officer / Inquiry Committee.

5. These instructions may kindly be brought to the notice of all concerned for strict compliance.

No.SORI(S&GAD) 1-37/2016
Dated Lahore the 14th June, 2016

Subject: REQUEST FOR ADVICE ON CLAUSE (A) OF SUB-SECTION (1) OF SECTION 9 OF THE PEEDA ACT, 2006

The case has been examined in the Regulations Wing, S&GAD, and it is observed that in the PEEDA Act, 2006 the word “rank” has been used instead of grade. Rank indicates a social or official position or standing. Therefore, the Secretary, Archives & Libraries Wing, S&GAD, is senior in rank to the accused by virtue of his position/posting.

No.SORI(S&GAD)1-30/2003
Dated the 4th July 2016

Subject: SURRENDERING THE SERVICES OF OFFICERS / OFFICIALS

I am directed to refer to the subject noted above and to state that it has been observed by the Competent Authority that the officers / officials posted by the S&GAD are surrendered by the District Coordination Officer concerned and other officers in the Secretariat as well as field on certain grounds including inefficiency and poor performance on their part.

2. In this regard, kind attention is invited towards section 2(k) of PEEDA Act, 2006 which reads as under:

“2(k) inefficiency’ means failure to –

(i) efficiently perform functions assigned to an employee in the discharge of his duties; or

(ii) qualify departmental examination in three consecutive attempts;”

3. The competent authority has expressed concern over tendency of surrendering the services of officers / officials on account of inefficiency and poor performance instead of proposing to initiate disciplinary proceedings against them by the competent authority.

4. Since, it is the jurisdiction of the competent authority to post / transfer the officers / officials at different positions, therefore, only the same authority can transfer / withdraw the services of such officers / officials.

5. It is therefore, requested that the officers / officials who are posted in the field and expose themselves to inefficiency may be reported to the competent authority to proceed under the disciplinary law as per laid down procedure instead of surrendering their services.

No.STO(O&M)2-1/2017(Depts).
Dated Lahore, the 8th April, 2017

NOTIFICATION

On the promulgation of the Punjab Civil Administration Act, 2017, the Competent Authority has been pleased to reconstitute the following Monitoring Cells to monitor the progress of the inquiries under the Punjab Civil Servants (E&D) Rules, 1975/1999, PRSO 2000 and PEEDA Act, 2006 against officers / officials in BS 1 & above working in Punjab Government:-

I) PROVINCIAL MONITORING CELL

- | | | |
|-----|--|-----------|
| (1) | Secretary (Regulations),
Government of the Punjab,
S&GAD. | Chairman |
| (2) | Additional Secretary (PP&CM),
Government of the Punjab,
S&GAD. | Member |
| (3) | Additional Secretary (I&C),
Government of the Punjab,
S&GAD. | Member |
| (4) | Deputy Secretary (M&E),
Government of the Punjab,
S&GAD. | Member |
| (5) | Statistical Officer (O&M),
Government of the Punjab,
S&GAD. | Secretary |

(II) DIVISIONAL MONITORING CELL

- | | | |
|-----|--|------------------|
| (1) | Commissioner of the Division | Chairman |
| (2) | Additional Commissioner (Coordination) | Member |
| (3) | Assistant Commissioner (General) | Member/Secretary |

(III) DISTRICT MONITORING CELL

- | | | |
|-----|--------------------------------------|------------------|
| (1) | Deputy Commissioner | Chairman |
| (2) | Additional D. Commissioner (General) | Member |
| (3) | Assistant Commissioner (HR & Coord. | Member/Secretary |

2. The charter of responsibilities/role and functions of Provincial Monitoring Cell, Divisional and District Monitoring Cells are as under:

a) Role/Responsibilities of Cells:

- (i) Guiding, monitoring and judging the progress of inquiries.
- (ii) Ensuring the finalization of inquiries within the stipulated period.
- (iii) Accounting for the reasons for delay, to be recorded in writing by the Inquiry Officers / Committees and the authorities, as the case may be.
- (iv) Counseling and guiding the relevant authorities and other concerned to facilitate the process at every stage.

b) Functions of Cells:

- (i) The Provincial Monitoring Cell will review the progress regarding inquiry cases pending with Administrative Departments, Divisional Monitoring Cells and District Monitoring Cells by

conducting its meetings on biannual basis at Divisional Headquarters or at District Level and submit the reports to the Competent Authority.

- (ii) The Divisional Monitoring Cells will conduct its meetings to review the progress of inquiries against officials in BS 1 and above of Divisional offices and also review the enquiry cases pending with District Monitoring Cells in their Divisions on quarterly basis and submit the reports to the Provincial Monitoring Cell within 15 days at the end of each quarter.
- (iii) The District Monitoring Cells will monitor the pending inquiry cases of all departments in the districts on monthly basis and submit the progress to their respective Commissioners. The District Monitoring Cells will also submit quarterly progress report to the Provincial Monitoring Cell.

The Administrative Secretaries, Commissioners and Deputy Commissioners will ensure that inquiries are being completed within timeframe as per law/rules. In case of unexplained/inordinate delay in submission of inquiry report, the competent authority shall call explanation of the inquiry officer and where explanation of the inquiry officer is not found satisfactory, it may initiate disciplinary proceedings against the defaulting officer on the charge of inefficiency

No.REG:3-10/2017/4124
L&PA Department
Dated: 13th June 2017

Subject: W.P NO.29083-17 TITLED AS M. USMAN NAZAR VS DISTRICT AND SESSION JUDGE, ETC.

I am directed to refer to your letter No.SORI(S&GAD)1-25/2017, dated 06.06.2017 on the subject and to state that the officers and other staff of the subordinate courts are appointed pursuant to the rules framed under the Punjab Civil Servants Act 1974: the regular employees are accordingly civil servants.

2. Before the promulgation of the Punjab Removal from Service (Special Powers) Ordinance 2000, the officers and employees of the subordinate judiciary were regulated under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999. In the meanwhile, the Punjab Removal from Service (Special Powers) Ordinance 2000 was promulgated. The said Ordinance did not apply to a judge of the High Court or any court subordinate to the High Court or employee of the said court. As the 2000 Ordinance was not inter alia applicable to the subordinate judiciary, they continued to be governed under the aforesaid 1999 Rules. The 2000 Ordinance was repealed by section 27 of the PEEDA Act, 2006. Para (ii) of clause (h) of section 2 of the said Act again inter alia excluded the subordinate judiciary and its employees from the purview of PEEDA Act, 2006. Thus, notwithstanding the PEEDA Act, the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 is applicable to the officers and employees of the subordinate judiciary.

No.REG:3-111/2015/ 6360
L&PA Department

Dated: 21st September 2017

SUBJECT: FILING OF CPLA AGAINST THE ORDER JUDGMENT DATED
22.05.2013 PASSED BY THE PUNJAB SERVICE TRIBUNAL
LAHORE IN APPEAL NO. 940 / 2010 CHIEF SECRETARY
GOVERNMENT OF THE PUNJAB VERSUS MUHAMMAD AMIN)
IN THE SUPREME COURT OF PAKISTAN

I am directed to refer to your letter No.SORI(S&GAD)1 76/2013, dated 12.09.2017 on the subject and to state that at the relevant time, Notification No. SORI(S&GAD)1-30/2003, dated 16.11.2006 was in force. In that notification the “expression Administrative Secretary” was rather vague and prone to more than one interpretation, including the one adopted by the PST. However, the earlier notifications including the one referred to above, were later superseded vide Notification No. SORI(S&GAD)1-30/2003, dated 24th December 2010. In this notification also, the expression “Additional Secretary (Administration)” of the department or, in his absence, “Administrative Secretary of the Department” are vague and need to be clarified. S&GAD is advised to amend the current Notification so as to clearly define that the above expressions connote the Additional Secretary or the Secretary of the administrative department where an S&GAD cadre official is posted at the relevant time.

2. In the case in hand, however, there is no other option but to implement the order of the PST without demur and reinstate the official in service: the department has lost the case in the Supreme Court albeit on the technical ground of limitation for which the concerned department alone is responsible. The competent authority in the S&GAD may kindly consider whether or not fresh disciplinary proceedings are necessary in the backdrop of the judgment of the PST and the record, and proceed further in accordance with law.

No.SORI(S&GAD)1-2/2008
Dated Lahore the 5th July, 2008

Subject: JUDGMENT IN WRIT PETITION NO.10018/06 & ITS APPLICABILITY

I am directed to refer to your letter NO.TEVTA/Leg-HC/296-06 dated 09.01.2008 on the subject noted above and to state that the case was referred to Law Department for advice, which has opined as under:-

“Employees has been defined under section 2(h) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 which inter alia, means a person in the employment of a corporation, corporate body, authority etc., established and controlled by the government. Any persons who is in the employment of TEVTA is subject to the provisions of the Act ibid. The Act does not make any distinction between a contract and a regular employee. A contract employee can be terminated in accordance with terms and conditions of his contract. However, if any disciplinary action against the contract employee is to be initiated then the procedure given in the PEEDA Act, 2006 has to be followed and the penalty which is relevant to the contract employee can be awarded to him except the penalty which is specific to the regular government servant i.e. compulsory retirement, withholding of pension etc. Hence, a contract employee of any such organization can also be proceeded against under the provisions of the Act ibid.”

2. Further necessary action may kindly be taken accordingly.

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Guide Book



**GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT
(REGULATIONS WING)**

Dated Lahore, the 17th August 2015

NOTIFICATION

No.**SORI(S&GAD)1-30/2003(P-II)**.The Competent Authority is pleased to approve the following Guidebook for conducting inquiry under the Punjab Employees Efficiency, Discipline and Accountability Act 2006 to eliminate, as far as possible, chances of delay by removing bottlenecks in inquiry proceedings:

(1) Deficiencies in departmental inquiries under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006

Punjab Employees Efficiency, Discipline and Accountability Act, 2006 was promulgated with a view to promote efficiency in the public service and to inculcate discipline in the state functionaries. However, delay to finalize departmental inquiries generally occurs due to the following reasons:

- (i) inadequacy of the relevant information and material made available to Authority;
- (ii) delay in:
 - (a) the appointment of inquiry officer or inquiry committee;
 - (b) issuing of enquiry order containing charges against the accused; and
 - (c) nomination of departmental representative;
- (iii) failure of the inquiry officer to hear the case on day to day basis;
- (iv) failure to promptly dispose of the objections raised by the accused on procedural or technical points;
- (v) failure to show the relevant record to the accused, if he so desires;
- (vi) ignorance of the inquiry officers about the proceedings related to the departmental inquiries;
- (vii) improper production of the prosecution evidence before the inquiry officer or inquiry committee by the departmental representatives;
- (viii) delay in finalization of enquiry by the competent authority after receipt of inquiry report;
- (ix) non-maintenance of record of inquiries or probes in the departments to enable the administrative secretaries to supervise and monitor the proceedings of departmental inquiries;
- (x) resultant effects of leaving the legal or procedural lacunae in the departmental enquiries necessitating de novo proceedings thereby prolonging enquiries for months and years endlessly; and
- (xi) ultimate reversal of the effects of disciplinary actions through Court orders on account of legal and procedural lapses in the conduct of departmental proceedings.

(2) **Objective of the Guidebook**

The objectives of guidebook are as follow:

- (i) to improve the understanding of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (cited as “PEEDA Act 2006”); and
- (ii) to facilitate the task of completion of inquiry under the PEEDA Act 2006.

(3) **Feature of the Guidebook**

- (i) It must, however, be clearly borne in mind that model drafts cannot be used as “fill in the blanks” formats. These shall have to be suitably adapted to suit the requirements of each case. Hence, the Guidebook may be adopted according to the suitability of case.
- (ii) **The Guidebook is not a substitute for the substantive law which should invariably be studied at every stage of the proceedings.**
- (iii) The Guidebook is intended merely to be an aid to better understanding of the law.
- (iv) The Guidebook contains the detail of officers who can exercise the powers of competent authority as per delegation of powers under the PEEDA Act 2006.

(4) **Points to be considered for proceeding under the PEEDA Act 2006**

The following points should be kept in mind while conducting proceeding under the PEEDA Act 2006;

- (i) **Scope of the PEEDA Act 2006**
 - (a) The PEEDA Act 2006 is applicable upon the employees in Government service, corporation service and retired employees but proceedings shall only be initiated against the retired employee within one year from his retirement.
 - (b) **Limitation:**
The PEEDA Act 2006 does not apply to:
 - i) a Judge of a Higher Court; or
 - ii) a subordinate officer or official of the High Court; or
 - iii) an employee of such Courts as well as police employees.
- (ii) **Procedure under the PEEDA Act 2006**

The Punjab Employees Efficiency, Discipline and Accountability Act 2006, contains step-wise chronological detail of the procedure of departmental inquiry along with following model drafts:

- (a) Order of appointment of inquiry officer or committee; **(Annex-I)**
- (b) Show cause-cum-personal hearing notice under section 13(4); **(Annex-II)**

- (c) Show cause notice under section 7 (b) read with section 5(1)(a); and **(Annex-III)**
 - (d) Personal hearing notice under section 7(d) **(Annex-IV)**
- (iii) Competent authorities under the PEEDA Act 2006
 - (a) As per section 2 (f) of the PEEDA Act 2006, competent authority means “the Chief Minister” or any officer or authority authorized by the Chief Minister to exercise the powers of competent authority under the PEEDA Act 2006.
 - (b) The Chief Minister has declared competent authorities to exercise powers against different classes of employees vide notification No.SORI(S&GAD)1-30/03 dated 13-02-2013 **(Annex-V)**.
 - (c) For the purpose of determining competent authority, original pay scale sanctioned with the post shall matter and the higher pay scale granted on account of temporary arrangements i.e. officiating, acting, current charge shall not be considered.
 - (d) The Chief Minister has also declared the competent authorities to exercise powers under PEEDA Act, 2006 against the employees placed in surplus pool, S&GAD, retired employees of Government and autonomous bodies, corporation etc., vide notification No.SORI (S&GAD)1-30/2003 dated 06-02-2007 **(Annex-VI)**.
- (iv) Grounds for proceeding and penalties
 - (a) An employee can be proceeded against under Punjab Employees Efficiency, Discipline and Accountability Act, 2006 on the charges of inefficiency, misconduct, corruption and on being engaged in subversive activities. These terms have been defined in section 2 and clause (iv) of section 3 of the PEEDA Act 2006.
 - (b) On completion of proceedings, the employee may be awarded minor or major penalties under the section 4 of the PEEDA Act 2006. However, the following factors may be kept in mind while imposing any penalty:
 - (i) penalty should be commensurate with the gravity of charges;
 - (ii) punishments to contract employees will be specific such as censure, stoppage of increments, fine, recovery, removal and dismissal from service;
 - (iii) one increment is earned in a calendar year, therefore, punishment of withholding one increment may be awarded for a period of one year;

- (iv) in case more than one increments are to be withheld then the same should correspond to the number of years. For example penalty of withholding of five increments may be awarded as under:

“withholding of annual increments for a period of five years.”;

- (v) in the case of regular civil servants or employees of autonomous bodies, punishment of reduction to a lower post and pay scale can only be imposed upon the accused, if he has been appointed by promotion to the post;
- (vi) punishment of compulsory retirement should be imposed only if the accused has ten years of service or more to his credit; and
- (vii) for retired employees, only punishments mentioned in clause (c) of section 4 of the PEEDA Act 2006 can be awarded within two years of their retirement as provided in section 21 of the PEEDA Act 2006.

(v) Detail of charges or allegations

In previous disciplinary law or rules, charge sheet was prepared separately while in PEEDA Act 2006, the detail of charges has to be reflected in the order of enquiry, issued by the competent authority. However, charges should be specific and give all necessary details. Sometimes it happens that complete charges are not reflected in the original enquiry order, hence, the cases are remanded to reframe the charges which create administrative as well as legal complications. Therefore, in the original enquiry order, complete charges should be included apportioning the responsibility in case of joint enquiry.

(vi) Suspension

- (a) Section 6 of the PEEDA Act, 2006 provides that the competent authority may place the employees under suspension for a period of 90 days if an action is proposed to be initiated against him and suspension is considered necessary.
- (b) After suspension, the enquiry should be initiated immediately, and there should be no gap. In case the competent authority does not intend to reinstate the concerned employee, prior approval of the competent authority should be obtained for extension in suspension period. In case no extension in suspension is granted by the competent authority, the concerned officer shall be deemed to be reinstated.

- (c) The officer shall be deemed to be reinstated into service on the expiry of 120th day after initiation of his suspension period and reinstatement is to be made with immediate effect.
- (vii) Dispense with regular enquiry
- (a) As per section 5 of the PEEDA Act 2006, if the competent authority determines that there are sufficient grounds for initiating proceedings against an employee, it can proceed by issuing a show cause notice dispensing with the enquiry.
 - (b) Clauses (a) and (b) of subsection (1) of section 5 read with section 7 of the PEEDA Act 2006, give detailed grounds and procedure for summary proceedings against an accused. However, proviso to Clauses (b) of subsection (1) section 5 makes it mandatory upon the competent authority to dispense with the enquiry in following cases:
 - (i) an employee has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
 - (ii) an employee is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, he is satisfied that there is no need to hold an inquiry.
 - (c) The orders of inquiry or the show cause notice, as the case may be, shall be signed by the competent authority but where the Chief Minister is competent authority, the same shall be signed by such officer as may be authorized by him in this behalf.
 - (d) In the case of charges of grave corruption having been proved, the penalty of dismissal from service and recovery shall be imposed in the light of the clause (f) of section 7 of the PEEDA Act 2006.
 - (e) In the case of absence from duty for more than one year, the penalty of compulsory retirement, removal or dismissal from service shall be imposed upon the accused in the light of the clause (f) of section 7 of the PEEDA Act 2006.
 - (f) Summary proceedings should be decided very carefully by the competent authority. The superior courts in most of the cases set-aside the orders of penalty on the grounds that sufficient or sound reasons have not been incorporated in the order to proceed against the accused through show cause notice dispensing with the regular inquiry.

- (g) Where it is required that the charges could be established through a detailed inquiry, then the competent authority should avoid summary trial and hold regular inquiry instead of issuing show cause notice.

(viii) Action in case of conviction or plea bargain

- (a) As per section 8 of the PEEDA Act 2006 if an employee is convicted by a court of law or has entered into plea bargain or acquitted by a court of law as a result of compounding of an offence, action may be taken against employee.
- (b) Without issue of show cause: If the employee has been convicted of charges of corruption or entered into plea bargain, he shall be dismissed from his service. In such cases, there is no need to issue show cause notice.
- (c) Issuance of show cause: If the employee is convicted other than charges of corruption then procedure provided in section 7 of the PEEDA Act 2006 may be followed and the accused may be proceeded through issuance of show cause notice and dispensing with the inquiry.
- (d) In case, an employee is acquitted from the court of law as a result of compounding of an offence then procedure provided in section 9 of the PEEDA Act, 2006 may be adopted i.e. a regular inquiry may be held against the accused to substantiate the charges.

(ix) Appointment of inquiry officer

Under clause (a) of subsection (1) of section 9 of the PEEDA Act 2006 an inquiry officer shall be senior in rank to the accused. Rank means official position or standing and not the basic scale.

For example: an Administrative Secretary who is in BS-20 and a Director General of his attached department who is also in BS-20, for the purpose of appointment of an inquiry officer, the Secretary shall rank senior to the Director General.

(x) Role of inquiry officer

- (a) As per subsection (2) of section 9 of the PEEDA Act 2006, timely provision of record and list of witnesses to the inquiry officer be ensured by the competent authority for concluding the inquiry proceeding within the stipulate time.
- (b) To expedite the inquiry, day to day proceedings should be held by the inquiry officer or the inquiry committee.
- (c) No adjournment may be given unnecessarily in the inquiry proceedings.
- (d) To facilitate the accused, he should be provided relevant record and if not possible then he should be allowed to peruse the relevant record and submit his reply within time.

- (e) An inquiry format/pattern may be adopted containing charges, examination of evidence and its analyses, rebuttal of the charges by the departmental representative.
- (f) Clear findings should be given and specific recommendations may be made by the inquiry officer on each charge.
- (g) Recommendations of the inquiry officer should be commensurate with the quantum of guilt and appropriate penalties be imposed upon the accused.
- (h) Before awarding penalties of stoppage of increments etc., the length of service and date of retirement of the accused may also be kept in view by the inquiry officer and competent authority.

Note: In most of the cases, the penalties recommended by the inquiry officer or inquiry committee and awarded by the competent authorities are set-aside by the courts on the grounds that such penalties are not commensurate with the charges leveled against the accused.

- (i) The inquiry officer may submit his recommendations within 60 days to the competent authority. Extension in time beyond 60 days can be sought from the competent authority with cogent reasons by the inquiry officer.

Note: Instructions in this regard have been issued by the Regulations Wing, S&GAD for timely completion of inquiry so that it may not prolong unnecessarily which may affect career progression of the accused i.e. promotion, posting, transfer and training etc.

- (j) the competent authorities have to, as per instructions bearing No.SORI(S&GAD)1-86/2014 dated 11-08-2014 (**Annex-VII**), ensure that enquires initiated under the PEEDA Act, 2006 are completed by the relevant authorities or enquiry officers within the stipulated timeframe provided in section 7(c), 10(6) and 13(7) of the PEEDA Act 2006.

(xi) Joint enquiry where one accused is absent.

- (a) Subsection (2) of section 10 of PEEDA Act, 2006 provides that if the accused fails to furnish his reply within the stipulate period of time, the inquiry officer or inquiry committee after completing codal formalities may decide ex-parte. Moreover, the inquiry officer has specific powers to summon the accused. If one accused is absconder, he may be proceeded ex-parte and the enquiry against other co-accused can be completed or finalized.

- (b) Where one or more of the accused challenge the enquiry proceeding in a court and obtained orders of status quo from the court, the enquiry proceeding shall also be suspended for remaining accused.
- (c) it is responsibility of the department concerned to approach the court of law and get the stay orders vacated at the earliest so that the process of enquiry proceeding is completed expeditiously.

(xii) Role and responsibility of the departmental representative

- (a) Clause (c) of subsection (1) of section 9 of the PEEDA Act 2006 provides that departmental representative should be appointed by designation because in case of his transfer or retirement etc., his substitute can assist the inquiry officer or competent authority to expedite the inquiry proceedings as to:
 - (i) eliminate the delay caused due to appointment of a new departmental representative; and
 - (ii) departmental representative, who is available at present, may easily assist to the inquiry officer as well as hearing officer or competent authority, as the inquiry proceedings are usually followed on the basis of availability of record.
- (b) Duties of departmental representative have been provided in section 12 of the PEEDA Act 2006, hence, the departmental representative should work as a prosecutor; he should be a responsible official.
- (c) It is the duty of departmental representative to fully substantiate the charges leveled against the accused, relevant necessary material or copies may be provided to the accused to prepare his reply.
- (d) The accused may apply to the competent authority for copy of record and the competent authority should decide on kind of papers necessary to be provided to the accused. These normally relate to the record, on which the charges are based.

(xiii) Action to be taken by the competent authority on receipt of enquiry report

- (a) On receipt of inquiry report the competent authority shall determine whether:
 - (i) inquiry has been conducted in accordance with the provisions of the PEEDA Act 2006., or
 - (ii) enquiry has not been conducted in accordance with the provisions of the PEEDA Act 2006.
- (b) The competent authority, in case of situation at sub-clause (i) of clause (a), shall further determine whether:

- (i) charges have been proved; or
 - (ii) charges have not been proved.

- (c) Following actions will be taken by the competent authority:
 - (i) If charges are not proved Exonerate the accused under section 13(3) of the PEEDA Act 2006
 - (ii) If charges are proved
 - (a) Issue show cause notice including the proposed penalties along with enquiry report and give seven days to reply;
 - (b) Indicate date of personal hearing before himself or hearing officer.

Note: Officer of the rank of a Secretary to Government or above only can appoint a hearing officer on his behalf.
 - (c) Direct the departmental representative to appear at the time of hearing; and
 - (d) Pass final orders under subsection (5) of section 13 of the PEEDA Act 2006 after affording personal hearing.

- (d) As per section 9 of the PEEDA Act 2006, recommendations of the inquiry officers are not binding on the competent authority. However, it does not mean that the competent authority may exclusively use its discretion. It should have valid or sound reasons to disagree with the recommendations of the inquiry officer.

- (e) It happened in most of the cases that the superior courts have set-aside or modified the penalties where the inquiry officers have recommended minor penalties against the accused and the competent authorities disagreeing with the inquiry officers, imposed major penalties upon the accused. Instructions issued by the Regulations Wing, S&GAD vide No.SORI (S&GAD)1-37/2014 dated 10-09-2014 are relevant (**Annex-VIII**).

- (f) In case of situation at sub-clause (ii) of clause (a) where inquiry has not been held in accordance with law:
 - (i) remand the enquiry to inquiry officer or inquiry committee for rectification of lapses or formalities in the proceedings; or
 - (ii) order to a de novo enquiry.

- (g) As per instructions bearing No.SORI(S&GAD)17-10/2015 dated 30-04-2015 (**Annex-IX**) where the officers have been allowed leave for the study purpose his case for extension in leave has to be decided on merit expeditiously and on time or at the very outset of the

course or programme like Ph.D. All the cases of extension in leave for study purposes may be decided on merit in timely manner to avoid administrative inconvenience.

(xiv) Role of hearing officer

- (a) As per clause (d) of section 7 of the PEEDA Act 2006 where the competent authority is Secretary to Government of the Punjab or above and it is determined that charges have been proved against the accused, it may appoint a hearing officer to afford personal hearing on his behalf.
- (b) The role of hearing officer is to give opportunity of personal hearing to the accused, record his statement and its rebuttal from the departmental representative.
- (c) At the time of hearing, the concerned accused may submit his additional evidence which can be analyzed and recorded by the hearing officer.
- (d) The hearing officer shall submit to the competent authority findings of the Inquiry, the statement of the accused and rebuttal of the departmental representative.

Provided that the hearing officer will not submit his opinion about the proceedings.

- (e) The hearing officer should follow the instructions issued by the Regulations Wing S&GAD vide circular letter No.SORI(S&GAD)4-46/2013 dated 09-10-2013 (**Annex-X**) which provide that the hearing officer shall:
 - (i) be required to provide an opportunity of personal hearing to the accused and to record his submissions during these proceedings and submit for consideration of the competent authority;
 - (ii) confine himself strictly to preparation of record of personal hearing; and
 - (iii) not comment upon the conclusions, findings and recommendations of the inquiry officers since the competent authority is responsible for taking a final decision on merits of the case without any influence or bias which such unauthorized comments may create.

(xv) Inquiry against the employees posted outside cadre

- (a) Section 15 of the PEEDA Act 2006 provides about the disciplinary action against the employees who are posted outside their cadre and only the competent authority can impose penalty upon the accused whether he is working in the department or outside his cadre.
- (b) In case of non-gazetted employee, it is not necessary for borrowing organization to get prior approval from his

competent authority in the lending organization.

However, in the case of gazetted officer, prior approval of the competent authority, in the lending organization is mandatory before proceeding against him. In both the situations, after completion of inquiry proceedings, the record of material is required to be sent to the lending organization for final decision/ imposition of penalty by the competent authority, in accordance with law.

- (c) In case of joint inquiry, where an employee belongs to one department and a co accused to the other department or autonomous body (on deputation or otherwise), the penalty can only be imposed by the competent authority of each one of such co-accused.

(xvi) Appeal or review

- (a) As per section 16 of the PEEDA Act 2006, an accused can submit appeal against the penalty awarded by the competent authority to the next authority or appellate authority directly within 30 days of the order of penalty.
- (b) In case appellant files an appeal before wrong forum, it should be transmitted to the actual appellate authority, by the authority other than the appellate authority who happens to receive that appeal.
- (c) It is mandatory for the appellate authority to call for the record and comments from the concerned department before deciding the appeal of the appellant.
- (d) Opportunity of personal hearing to the accused may not be afforded, if the appellate authority intends to uphold the order of penalty or reject the appeal or review petition.
- (e) The appellate authority can remand the inquiry to the inquiry officer through the competent authority where it is satisfied that the proceedings by the competent authority or the inquiry officer have not been conducted in accordance with the provisions of the PEEDA Act 2006.
- (f) In case of enhancement of penalty by the appellate authority, issuance of show cause and provide opportunity of personal hearing to the accused are mandatory pre-requisites.
- (g) In case of upholding the order of penalty and rejecting the appeal or review petition, opportunity of personal hearing to the accused may not be afforded.
- (h) In case of setting-aside the order of penalty and exoneration the accused or modifying the order and reducing the penalty, opportunity of personal hearing to the accused may not be afforded.

(xvii) Revision

- (a) The powers of revision under section 17 of the PEEDA Act 2006 can be exercised within one year of the order of the penalty or exoneration.
- (b) The competent authority while deciding the inquiry or imposing the penalty, may inform the concerned appellate authority about its decision and accused cannot claim or file revision under section 17 of the PEEDA Act 2006 to any authority.
- (c) Section 17 of the PEEDA Act 2006 does not provide any provision to reduce the penalty by the appellate authority or other authority.

(xviii) Appeal before the Punjab Services Tribunal

- (a) As per section 19 of the PEEDA Act 2006, only civil servants can file appeal in the Punjab Service Tribunal against the order of penalty, hence, in case no decision is made by the appellate authority within 90 days, the accused may file appeal to the Punjab Service Tribunal.
- (b) As per amendment made in section 19 of the Act vide notification No.SORI(S&GAD)1-04/2011 dated 26.08.2014 (**Annex-XI**), the employees of autonomous bodies have been excluded to file appeal in the Punjab Service Tribunal against the penalty awarded by the competent authority or appellate authority. However, they have right to approach any other relevant forum for remedy.

(xix) Inquiry against retired employees

- (a) As per section 21 of the PEEDA Act 2006, a retired employee can be proceeded under PEEDA Act 2006 within one year of his retirement, provided that inquiry has already been initiated during his service under PEEDA Act 2006 and it should be finalized within two years of his retirement.
- (b) On retirement, only the penalties provided in clause (c) of subsection (1) of section 4 of the PEEDA Act 2006 can be imposed upon the accused i.e. withholding of pension, withdrawing of pension and recovery etc.
- (c) on completion of two years from the date of retirement, the proceedings under the PEEDA Act, 2006 abate and no penalty can be imposed under PEEDA Act 2006.
- (d) Penalty of withholding of increments may, as per instructions bearing No.SORI(S&GAD)1-50/2003(P-III) dated 24-02-2007 (**Annex-XII**), be imposed by the competent authority after considering all aspects of the case.
- (e) As sometimes penalty of withholding of increment is imposed when the employee is drawing pay at the maximum of his pay scale. Moreover, an employee may

be at the fag end of his career and imposition of penalty of withholding of increments may cause undue hardship and eventually it may have a bearing upon his pension case.

- (f) As per instructions bearing No.SORI(S&GAD)1-50/2003(P-III) dated 10-12-2010 (**Annex-XIII**) only one increment is earned in a calendar year, therefore, withholding of one increment may be awarded for a period of one year.
- (g) In case more than one increment is to be withheld then the same should correspond to the number of years. For example penalty of two increments may be awarded as under:

“withholding of annual increments for a period of two years.”
- (h) As per instructions bearing No.SORI(S&GAD)1-111/2005 dated 10-07-2006 (**Annex-XIV**) in order to circumvent the delays by re-nominating Inquiry or hearing officers, the competent authorities may resort to nominations of inquiry or hearing officers by designation rather than by name.
- (i) As per instructions bearing No.SORI(S&GAD)1-3/90 dated 30-07-1991 (**Annex-XV**) there is no bar for taking proceedings under the Efficiency & Disciplinary Rules against a Government servant who is also facing trial in the Court of Special Judge, Anti-Corruption. This is for the reason that the jurisdiction of the inquiry officer and that of the Anti-Corruption Judge is mutually exclusive and that result of the findings in the disciplinary proceedings and in the criminal case could be different.

**MODEL DRAFT ORDER OF APPOINTMENT OF INQUIRY
OFFICER/COMMITTEE TO BE SIGNED/ISSUED BY THE COMPETENT
AUTHORITY UNDER SECTION 9 READ WITH SECTION 5(1)(b) OF THE PUNJAB
EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006**

ORDER OF INQUIRY

WHEREAS, the undersigned as Competent Authority under the Punjab Employees Efficiency, Discipline and Accountability Act 2006 is of the opinion that there are sufficient grounds to proceed against Mr./M/s. _____ (name/names and designation of the accused) under Section 3 of the Act *ibid* on the charges (of inefficiency, misconduct, corruption and engagement in subversive activities). I, therefore, order initiation of disciplinary proceedings against the accused under the Punjab Employees Efficiency, Discipline and Accountability Act 2006.

2. AND WHEREAS, I consider that in the light of facts of the case and in the interest of justice, it is necessary to hold an inquiry. I, therefore, appoint Mr. _____ (name & designation) as inquiry officer/inquiry committee consisting of the following:

- 1) Mr. _____ (Name & Designation/Convener)
- 2) Mr. _____ (Name & Designation/Member)
- 3) Mr. _____ (Name & Designation/Member)

to proceed against the accused in terms of Section 5 read with Section 9 of the Act *ibid* and to conduct inquiry into the following charge(s):

- i. _____ (give full description of the charge)
- ii. _____ -do-
- iii. _____ -do-

3. The accused official/officials is/are directed to submit his/their written defence to the Inquiry Officer/the Inquiry Committee, within seven days of the date of receipt of this order (or within such extended period as may be determined by the Competent Authority). If he/they fail to submit his/their written defence within the prescribed period, it shall be presumed that either he/they have no defence to offer or he/they have declined to offer the same and he/they have accepted the charge(s).

4. Mr. _____ (name & designation) is appointed as Departmental Representative in terms of Section 9(1)(c) read with Section 12 of the Act *ibid*.

5. In case the accused official/officials desires/desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charge(s), he/they may do so with prior arrangement with the undersigned or the Departmental Representative within _____ days of the receipt of this order.

6. The Inquiry Officer or Inquiry Committee shall submit his/its report and recommendations to the undersigned within sixty days of the initiation of inquiry in terms of Section 10 (6) of the Act *ibid*.

SIGNATURE OF THE COMPETENT AUTHORITY
NAME & DESIGNATION

Note: Model is only for guidance and may be modified keeping in view the requirements of the case.

**MODEL DRAFT SHOW CAUSE-CUM-PERSONAL HEARING NOTICE
UNDER SECTION 13 (4)**

To

_____ (name of the accused)

Subject: **SHOW CAUSE-CUM-PERSONAL HEARING NOTICE UNDER SECTION 13(4) OF THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006**

WHEREAS, disciplinary proceedings were initiated against you by the undersigned /competent authority under the provisions of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, on the charge(s) of (inefficiency, misconduct, corruption and engagement in subversive activities) vide Order

No. _____ dated _____.

2. AND WHEREAS, the Inquiry Officer/Committee submitted his/its inquiry report, according to which the following charge/charges have been proved against you:

Sr. No.	Charge No.	Extent to which charge proved
1.		(Fully proved or partially proved)
2.		(Fully proved or partially proved)

The inquiry Officer/Committee has recommended imposition of penalty (give details) upon you in terms of Section 4 of the Act. A copy of the inquiry report is enclosed.

3. AND WHEREAS, after perusal of the inquiry report and other relevant record, I have found no reason to differ/I have reasons to differ (give detailed reasons for differing) with the findings and recommendations of the Inquiry Officer/Committee. Hence the charge/charges leveled vide above referred order have been proved against you for which you are liable to be imposed the following penalty/penalties in terms of Section 4 of the Act *ibid*:

- i. _____ (specific penalty/penalties)
- ii. _____ -do-
- iii. _____ -do-

4. NOW, THEREFORE, in exercise of the powers conferred upon me as Competent Authority under Section 13(4) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, you are hereby called upon to show cause within seven days, of the receipt of this notice, as to why the above mentioned penalty/penalties may not be imposed upon you. You are also allowed to submit your additional defence in writing, if any.

5. You are also offered an opportunity of personal hearing and directed to appear before the undersigned {or before Mr. _____ Hearing Officer appointed by the competent authority (in case competent authority is Secretary to the Government of Punjab or above)} on _____ for this purpose.

**SIGNATURE OF THE COMPETENT AUTHORITY
NAME & DESIGNATION**

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Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

**MODEL SHOW CAUSE NOTICE UNDER SECTION 7 (b) READ WITH
SECTION 5(1)(a) OF THE PUNJAB EMPLOYEES EFFICIENCY,
DISCIPLINE AND ACCOUNTABILITY ACT 2006
TO BE ISSUED BY THE AUTHORITY**

SUBJECT: SHOW CAUSE NOTICE

WHEREAS, the undersigned as Competent Authority, under the Punjab Employees Efficiency, Discipline and Accountability Act 2006, in due consideration of the facts of the case is of the view that you, Mr. _____ while posted as _____ during the period from _____ to _____ have committed the following irregularities and there are sufficient grounds to proceed against you:

- i. _____ (give full description of the allegations)
- ii. _____ -do-
- iii. _____ -do-

2. AND WHEREAS, the undersigned is of the opinion that it is not necessary to hold an inquiry into the matter in view of the provisions contained in Section 5 (1)(b) of the Act *ibid*. It is, therefore, proposed to proceed against you under Section 7(b) read with Section 5(1)(a) of Punjab Employees, Efficiency, Discipline and Accountability Act 2006.

3. NOW, THEREFORE, you are hereby called upon to show cause in writing within seven days (or within such period as may be extended by the competent authority) of the receipt of this notice as to why one or more of the penalties as prescribed in Section 4 of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 should not be imposed upon you.

4. Your reply to this show cause notice should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer.

5. In case you desire to consult any record, on which the aforesaid charges are based or is relevant to the aforesaid charge(s) you may do so with prior arrangement with the undersigned within _____ days of the receipt of this notice.

SIGNATURE OF THE COMPETENT AUTHORITY
NAME & DESIGNATION

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

MODEL DRAFT OF PERSONAL HEARING NOTICE UNDER SECTION 7(d) OF THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006

To

(name of the accused)

Subject: PERSONAL HEARING NOTICE UNDER SECTION 7(d).

WHEREAS, inquiry proceedings were initiated against you by the undersigned as competent authority under the Punjab Employees Efficiency, Discipline and Accountability Act 2006, on the charge(s) of (inefficiency, misconduct, corruption and engagement in subversive activities) and it was decided to dispense with the inquiry in terms of Section 5(1)(b).

2. AND WHEREAS, a show cause notice was served upon you in terms of Section 7(b) read with Section 5(1)(a) of the Act *ibid*, bearing No. _____ dated _____ to submit your written reply within _____ days.

3. AND WHEREAS, your reply to the said show cause notice has been considered and it has been determined that the following charge(s) as contained in the show cause notice has/have been proved against you:

Sr. No.	Charge No.	Extent to which charge proved
1.		(Fully proved or partially proved)
2.		(Fully proved or partially proved)

Hence, it is proposed to impose the following penalty/penalties upon you in terms of Section 4 of the Act *ibid*:

- i. _____ (specific penalty/penalties)
- ii. _____ -do-
- iii. _____ -do-

4. NOW, THEREFORE, you are offered an opportunity of personal hearing in terms of Section 7(d) of the Act and directed to appear before the undersigned {or before Mr. _____ Hearing Officer appointed by the competent authority (in case competent authority is Secretary to the Government of Punjab or above)} on _____ for this purpose.

SIGNATURE OF THE COMPETENT AUTHORITY
NAME & DESIGNATION

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

No. SOR-I(S&GAD) 1-30/2003
dated Lahore the 6th Feb 2007

NOTIFICATION

In exercise of the powers conferred upon him under sub-clause (ii) of clause (f) of section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, the Chief Minister is pleased to authorize the officers/authorities shown in column 4 of the following Table to exercise the powers of the competent authority under the Act ibid in relation to an employee or class of employees shown in column 2 of the Table:

TABLE

Sr. No.	Employees/Class of Employees	Holder of the Post	Officer/Authority authorized to exercise powers of competent authority
1	2	3	4
1.	Employees placed in the Surplus Pool of S&GAD	(i) In BS-1 to 4	Deputy Secretary (Personnel), Services & General Administration Department
		(ii) In BS-5 to 15	Additional Secretary (Admin), Services & General Administration Department
		(iii) In BS-16 to 18	Additional Chief Secretary, Services & General Administration Department
		(iv) In BS-19 and above	Chief Minister
2.	Retired Employee of Government	In BS-1 and above	Appointing Authority at the time of retirement
3.	Retired Employee of Corporation	In BS-1 and above	Appointing Authority at the time of retirement

Explanation:

“BS” in the Table means the Pay Scale sanctioned for the post and does not include Pay Scale of a person on account of officiating/current charge appointment.

No. SOR-I(S&GAD) 1-30/2003
dated 13th February, 2013

Notification

In exercise of the powers conferred on him under sub-clause (ii) of clause (f) of Section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 and in supersession of this department's Notification No. SORI(S&GAD)1-30/2003, dated 24.12.2010, the Chief Minister is pleased to authorize the officers/authorities shown in column No. 4 of the following Table to exercise the powers of the Competent Authority under the Act ibid in relation to an employee or class of employees shown in column No. 2 of the Table:

TABLE

Sr. No.	Employees/Class of Employees	Holder of the Post	Officer/Authority authorized to exercise powers of competent authority
1.	2.	3.	4.
1.	Employee in the Government in a post, or belonging to a service, group or cadre in the Secretariat Departments controlled by the Government.	(i) Post in BS-19 and above.	Chief Minister
		(ii) in BS-16 to 18	Appointing Authority
		(iii) in BS-1 to 15	Appointing Authority in the S&GAD; and in case of other Departments of the Government, Additional Secretary (Administration) of the Department, or in his absence, Administrative Secretary of the Department.
ψ2.	Employee in an attached department or a subordinate office of the Government or District Government.	(i) in BS-19 and above	Chief Minister
		(ii) in BS-1 to 18	Appointing Authority Provided that the Medical Superintendent of a hospital, higher in rank than the employee, may exercise the powers of the competent authority for placing under suspension an

ψ Substituted in the table, in column Nos. 1 to 4, for Sr. No.2 vide Notification No. SOR-I (S&GAD)1-30/2003 (P-II) dated 03.08.2016

			employee in BS-1 to BS-17 time being serving in the hospital.
3.	Employee of a Corporation, Corporate Body, Autonomous Body, Statutory Body, Institution or Organization as defined in sub-clause (i) of clause (h) of section 2 of the Act ibid.	in BS-1 and above	Appointing Authority

Explanation:

The expression “BS” in the Table means the Pay Scale originally sanctioned for the post and does not include Pay Scale of a person on account of officiating/current charge appointment.

ANNEX-VII

No.SORI(S&GAD)1-86/2014

Dated the 11th August 2014

Subject:COMPLETION OF DISCIPLINARY PROCEEDINGS WITHIN THE STIPULATED PERIOD.

In continuation to this Department’s letters No.SORI(S&GAD)1-70/2011 dated 17.09.2011 and No.STO(O&M-M&E)2-1/2013 (Depts) dated 30.08.2013, I am directed to state that the Chief Minister Punjab has desired that while acting in different capacities with reference to disciplinary cases under the PEEDA Act, 2006, the timeframe given in the Act ibid should be observed strictly. It has also been observed by the Chief Minister that unnecessary delay in disposal of disciplinary cases not only benefits the accused persons but at the same time it perpetuates agony of the civil servants who are ultimately declared not guilty.

2. Kind attention is invited towards section 7(c), 10(6) and 13(7) of the Act ibid which read as under:

“Section 7(c)

On receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not;

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case,

which may direct the competent authority to decide the case within a specified period”

Section 10(6)

The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:

Provided that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:

Provided further that the inquiry shall not be initiated merely on the grounds of non-observance of the time schedule for completion of inquiry:

.....”

Section 13(7)

After receipt of inquiry report, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of @sixty days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

3. It is, therefore, requested to ensure that enquires initiated under the PEEDA Act, 2006 in departments / offices are completed by the relevant authorities / enquiry officers within the stipulated timeframe as provided under the Act ibid.
4. The above instructions may be implemented in letter and spirit.

ANNEX-VIII

No.SORI(S&GAD)1-37/2014

Dated the 10th September 2014

Subject: IMPROVEMENT OF QUALITY DISPOSAL OF DISCIPLINARY CASES

I am directed to refer to the subject noted above and to state that on a summary, the Chief Minister, Punjab observed that the provisions of PEEDA Act, 2006 are not being followed properly. Hence, in number of cases the orders passed against delinquent officers / officials, by the departments in the disciplinary cases are modified by the Punjab Service Tribunal in appeals.

2. The issue was further examined and it has generally been observed that:-
 - (a) The Competent Authorities instead of holding regular enquiries as provided in Section 9 of PEEDA Act, 2006, impose the penalties upon the accused after issuing show cause notice which are subsequently set aside / modified either by the appellate authority or by the PST / Supreme Court of Pakistan.

@ The words “ninety days” substituted with words ‘sixty days’ vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017.

- (b) Enquiry officers do not make specific recommendations to the competent authority as provided in law. They merely rely upon the pleas/defence statement of the accused instead of proper examination of the case with their independent mind.
 - (c) In most of the cases, the Punjab Service Tribunal observed that the enquiry officer or the enquiry committee recommended minor penalty to the accused whereas Competent Authority awarded major penalty without assigning any reason to disagree with the recommendations of the enquiry officer / enquiry committee.
 - (d) While disagreeing with the recommendations of the enquiry officer or the committee, the competent authorities did not mention in the show cause notices the penalties to be imposed upon the accused. Resultantly, the PST either modified the penalties or set aside the penalties.
 - (e) The competent authorities impose the penalties upon the accused which are not commensurate with the quantum of guilt e.g., in case of absence from duty for more than one year, minor penalty of withholding of one or more increments is imposed and on the other hand in case of absence from duty for one or two months, major penalty of dismissal or removal from service is imposed.
3. It has been decided that following directions may be complied with in letter and spirit:-
- (i) Provisions of the PEEDA Act, 2006 may be followed strictly by the Competent Authorities / Inquiry officers.
 - (ii) Self speaking orders may be issued with reasons to differ with the recommendations of the Enquiry Officer and detail grounds of awarding penalty by the Competent Authorities after fulfilling the necessary formalities and following the provisions of PEEDA Act 2006.
 - (iii) Technical Officers who are well conversant with the works of the Technical Departments should defend the cases in the Punjab Service Tribunal / Supreme Court of Pakistan instead of leaving them to law officers who have no technical background.
 - (iv) The Administrative Departments may take steps for capacity building of the officers at senior level in administrative matters either at MPDD or in their own training institutes. Training module may be arranged in consultation with the MPDD and it may be ensured that practical exercises are carried out by the officers during training after lectures.

ANNEX-IX

No.SORI(S&GAD) 17-10/2015

Dated the 30th April 2015

Subject: EXTENSION IN STUDY LEAVE

I am directed to refer to the subject noted above and to state that Sections 7(f)(ii) and 13(5)(ii) of the PEEDA Act, 2006 read as under:-

7(f)(ii)

“Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused”

(13)(5)(ii)

“impose any one or more of the penalties specified in section 4:

Provided that –

- (i) Where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused”.

2. As per above provisions of law, in case charge of absence from duty for more than one year is proved, no other penalty can be imposed except the penalties of compulsory retirement or removal from service or dismissal from service.

3. It has been observed that the competent authorities grant leave to the officers for one or two years to improve their studies during service like Ph.D., M.Phil, FCPS or other postgraduate qualification either under the Study Leave Rules or EOL (without pay) for the purposes of study. However, extension in leave for study purposes is not timely decided for one or the other reasons. In such cases, the officers submit applications for extension in leave in routine and continue their studies without extension in leave. On the other hand, the authorities do not decide cases timely. Subsequently, such officers are declared absent from duty and proceeded against under PEEDA Act, 2006. They are awarded one of the major penalties provided in section 7(f)(ii) and 13(5)(ii) of PEEDA Act, 2006 i.e., compulsory retirement, removal from service or dismissal from service. Due to such situation, professional / technical manpower diminished and the degrees acquired by them are become no more useful in the public sector. Such persons, after removal from service, join private sector. The public sector suffers on that account.

4. The provisions of awarding one of the three major penalties in the case of absence from duty for more than one year were included in the PEEDA Act, 2006 to enforce the discipline and to make the officers regular and punctual in their duties. However, where the officers have been allowed leave for the study purposes, their cases for extension in leave have to be decided on merit expeditiously and on time or at the very outset of the course or programme like Ph.D is allowed to be undertaken which in no case can be completed within one or two years.

5. The Competent Authority has accordingly directed that in future all cases of extension in leave for study purposes may be decided on merit timely to avoid administrative inconvenience, undue hardship to the scholars and harm to the public interest.

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AANNEX-X

No.SORI(S&GAD)4-46/2013

Dated the 09th October 2013

Subject: GUIDELINES FOR ADHERENCE TO LAW / RULES BY THE
HEARING OFFICERS, DESIGNATED UNDER DISCIPLINARY LAW /
RULES

I am directed to refer to S&GAD’s instructions circulated vide letter
No.PS/AS(G)2-24/04 dated 20.03.2004 and No.SOEI.1-24/2007 dated 01.09.2008

on the subject noted above and to state that Sections (7(d), 13(4)(c) and 16(2)(d)(ii) of the PEEDA Act, 2006 require that an accused must be given an opportunity of personal hearing by the Authority itself or through the Hearing Officer to be designated by the Authority before the penalty is imposed upon him. The hearing officers are required to provide an opportunity of personal hearing to the accused and to record his submissions during these proceedings and submit for consideration of the Authority.

2. It has been noticed that the above mentioned instructions are not being followed properly. The Hearing Officers instead of confining themselves to place the record of hearing before the Authority, are admitting additional evidence and commenting upon the conclusions and recommendations of the Inquiry officers. It is reiterated that the Hearing Officers shall confine themselves strictly to preparation of record of personal hearing. They shall not comment upon the conclusions, findings and recommendations of the Inquiry officers since the Authority is responsible for taking a final decision on merits of the case without any influence or bias which such unauthorized comments would create.

3. The Chief Minister Punjab has desired that statutory provisions regarding conducting personal hearing under the PEEDA Act, 2006 should be followed by all in letter and spirit, since deviation therefrom causes inordinate delay and potential grounds for unending litigation.

4. The above instructions may also be communicated to all concerned authorities for strict compliance.

ANNEX-XI

No.SORI (S&GAD)1-4/2011

Dated the 26th August 2014

Subject: PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND
ACCOUNTABILITY (AMENDMENT) ACT, 2014 (ACT XV OF 2014)

I am directed to refer to the subject noted above and to state that the Government of the Punjab has made the following amendments in the Punjab Employees Efficiency, Discipline and Accountability Act 2006, notified by the Law and Parliamentary Affairs Department vide Notification No. PAP/Legis-2(27)/2014/1089 dated 29.10.2014.

Preamble— whereas it is expedient further to amend the Punjab Employees Efficiency, Discipline and Accountability Act 2006(XII of 2006) for purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title, extent, commencement.** – (1) This Act may be called the Punjab Employees Efficiency, Discipline and Accountability (AMENDMENT) ACT, 2014 (ACT XV OF 2014).

(2) It shall come into force at once

2. Amendment in section 19 of Act XII of 2006.- In the Punjab Employees Efficiency and Accountability Act, 2006 (XII of 2006), for section 19 of the following shall be substituted:-

19. **Appeal before Punjab Service Tribunal.** (1) An employee, other than the employee mentioned in section 2 (h)(i), aggrieved by a final order passed under Section 16 or 17 may, within thirty days from the date of communication of the

order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act, 1974 (IX of 1974).

(2) If the Appellate Authority or the Chief Minister does not pass any final order on the departmental appeal or the review petition filed under section 16 within a period of sixty days from the date of filing of the departmental appeal or the review petition, the aggrieved employee, not being the employee mentioned in section 2(h)(i) may prefer an appeal to the Punjab Service Tribunal within ninety days of the filing of the departmental appeal or review petition.

(3) On the exercise of the option in terms of subsection (2), the appeal or, as the case may be, the review pending before the Appellate Authority or the Chief Minister shall abate to the extent of such employee.

ANNEX-XII

No.SOR-I(S&GAD)1-50/2003(P-III)

Dated the 24th February, 2007

Subject: IMPOSITION OF PENALTY OF WITHHOLDING OF INCREMENTS
UNDER E&D RULES, PRSO 2000 AND PEEDA 2006

I am directed to refer to the subject cited above and to state that competent authorities have been empowered to impose one or more of the penalties provided under the E&D Rules, PRSO, 2000 and Punjab Employees Efficiency, Discipline and Accountability Act 2006 (PEEDA). The competent authorities are expected to be cautious enough while exercising powers vested in them under the above-mentioned rules/laws in order to discipline the Government employees. However, it has been brought to the notice of the Government that the penalty of withholding of increments is sometimes imposed without considering all aspects of the case, especially when the employee is drawing pay at the maximum of his pay scale. In such situation, the penalty of withholding of increments cannot be enforced. Moreover, the penalty of withholding of increments remains effective for specific period and thereafter the withheld increments are restored. An employee may be at the fag end of his career and imposition of penalty of withholding of increments may cause undue hardship and eventually it may have a bearing upon his pension case. The competent authorities should, therefore, foresee that such a penalty expires well before the date of retirement/superannuation to save the employee from recurring loss.

2. In view of the above, I am directed to request that the penalty of withholding of increments may be imposed by the competent authorities after considering all aspects of the case.

ANNEX-XIII

No.SOR-I(S&GAD)1-50/2003(P-III)

Dated the 10th December 2010

Subject: CLARIFICATION REGARDING IMPOSITION OF PENALTIES
UNDER THE PROVISIONS OF PEEDA ACT 2006

Kindly refer to the subject noted above.

2. It has been brought to the notice of the Chief Secretary, Punjab that penalty of withholding of increment/increments is neither being recommended by the Enquiry Officers (EOs) nor awarded by the competent authorities as provided under section 4(a)(ii) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006. Some of the enquiry officers recommend award of penalty of withholding of 2/3 increments for a period of one year. It is worth mentioning that only one increment is earned in a calendar year. Therefore, withholding of one increment may be awarded for a period of one year. In case more than one increments are to be withheld then the same should correspond to the number of years. For example penalty of two increments may be awarded as under:

“withholding of annual increments for a period of two years.”

3. In view of the above, competent authorities are requested to award minor penalty of withholding of increment or increments strictly as provided under section 4(a)(ii) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006.

ANNEX-XIV

No.SOR-I(S&GAD) 1-111/2005

Dated the 10th July 2006

Subject: APPOINTMENT OF INQUIRY/HEARING OFFICERS BY
DESIGNATION INSTEAD OF BY NAME.

I am directed to refer to the subject noted above and to state that Section 5(1) and Section 8 of Punjab Removal from Service (Special Powers) Ordinance, 2000 governed the appointment of Inquiry Officer/Hearing Officer by the Competent Authorities, as mentioned hereunder:-

i. Section 5(1) If the competent authority considers that an inquiry is necessary it shall, before passing an order under section 3, appoint an Inquiry Officer who, or Inquiry Committee whose convener, shall be of a rank senior to that of the accused or if there are more than one accused, senior to all accused, 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. In case two or more accused are to be proceeded against jointly, the competent authority for the accused senior most in rank shall be the competent authority in respect of all such accused for holding the inquiry jointly.”

ii. Section 8 “Every finding recorded by the Inquiry Officer or Inquiry Committee under section 5 shall, with the recommendations 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 with the provisions of this Ordinance:

Provided that the Competent Authority, before passing any order under this section, shall, either itself or through any other officer senior in rank to the accused person, afford such person an opportunity of personal hearing:”

2. Both the above provisions of the law are however, silent about the appointment of Inquiry/Hearing Officers by name or by designation. It has been observed that the Inquiry/Hearing Officers are often nominated by name instead of by designation. Resultantly, when an Inquiry Officer or Hearing Officer nominated

by name ceases to hold his office as a result of his retirement, termination from service, transfer or death, the inquiry proceedings are considerably delayed.

3. It has, therefore, been decided that in order to circumvent the delays by re-nominating Inquiry/Hearing Officers, the Competent Authorities may resort to nominations of Inquiry/Hearing Officers by designation rather than by name.

4. I am, therefore, further directed to request that the above decision of the Government may strictly be followed by the Competent Authorities in letter and spirit, while appointing Inquiry/Hearing Officers under the relevant provisions of the PRSO, 2000.

ANNEX-XV

No.SOR-I(S&GAD) 1-3/90

Dated the 30th July 1991

Subject: **CONDUCTING OF SIMULTANEOUS INQUIRES**

I am directed to refer to the subject noted above and to say that the instructions issued vide this Department's letter No.SORI(S&GAD)1-3/90 dated 25.06.1990 are hereby withdrawn.

2. It is now clarified in consultation with the Law & Parliamentary Affairs Department that there is no bar for initiating proceedings under the E&D Rules against a Government servant who is also facing trial in the court of Special Judge, Anti-Corruption. This is for the reason that the jurisdiction of the Inquiry Officer and that of the ante-Corruption Judge is mutually exclusive and result of the findings in the disciplinary proceedings and in the criminal case could be different.

NOTIFICATION

18th September, 2000

No.Legis:3(IV)/2000. The following Ordinance promulgated by the Governor of the Punjab is hereby published for general information.

**THE PUNJAB REMOVAL FROM SERVICE
(SPECIAL POWERS) ORDINANCE, 2000**
(PUNJAB ORDINANCE NO. IV OF 2000)

AN

ORDINANCE

to provide for dismissal, removal, compulsory retirement from service, reduction to a lower post or pay scale and other penalties in respect of corrupt and inefficient persons in Government service and persons in Corporation service:

WHEREAS it is expedient to provide for dismissal, removal, compulsory retirement from service, reduction to a lower post or pay scale and other penalties in respect of corrupt and inefficient persons in Government service and persons in Corporation service:

AND WHEREAS the Provincial Assembly stands suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999:

AND WHEREAS the Governor of the Punjab is satisfied that circumstances exist which renders it necessary to take immediate action:

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution (Amendment) Order No.9 of 1999 on the instructions of the Chief Executive and in exercise of all powers enabling him in that behalf, the Governor of the Punjab is pleased to make and promulgate the following Ordinance:

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

- (2) It extends to the whole of Punjab.
- (3) It shall come into force at once and the provisions of sub clause (iv) of clause (C) of sub-section (1) of Section 3 and sub-section (5) shall be deemed to have taken effect from the 18th of September, 2000.
- (4) It shall apply to persons in Government service and Corporation service.

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

- a) ♣ “Chief Minister” means Chief Minister of the Punjab.

♣ Word “Governor” replaced with the words “Chief Minister” wherever occurring vide Ordinance dated 30.12.2002.

- aa) “competent authority” means the Chief Minister and where in relation to any person or class of persons, the Chief 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 a Tribunal functioning under the Punjab Government, the appointing authority or the Chairman or Presiding Officer of the Court or the Tribunal on being authorized by the appointing authority to exercise the powers of competent authority under this Ordinance.
- b) “misconduct” includes conduct prejudicial to good order or service discipline ♦ *or contrary to the Punjab Government Servants Conduct Rules, 1966* for the time being in force 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 official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons 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 organization or institution set up, established, owned, managed or controlled by the Punjab Government, or by or under any law for the time being in force or a body or organization in which the Punjab 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 a Civil Service of the Province or who holds a civil post in connection with the affairs of the province or any employee serving in any Court or Tribunal set up or established by the Punjab Government but does not include a Judge of the High Court or any Court subordinate to the High Court, or any employee of the said Courts thereof.

3. **Removal from Service:** (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 is guilty of being habitually absent from duty without prior approval of leave; or
- b) guilty of misconduct; 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 property, for which he cannot reasonably account for and which are disproportionate to his known sources of income; or

♦ Added vide Ordinance dated 09.10.2002.

- ii) he has assumed a style of living beyond his known sources of income; or
 - iii) he has a reputation of being corrupt; or
 - 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 unauthorized person, or
- e) found to have been appointed or promoted on extraneous grounds in violation of law.

*“the competent authority, after inquiry by the inquiry officer or committee constituted under section 5 may, notwithstanding anything contained in any law or the terms and conditions of service of such person by order in writing, impose one or more of the following 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) reduction to a lower post or pay scale or to a lower stage in a pay scale;
- iv) recovery from pay, pension or any other amount payable to him, the whole or a part of any pecuniary loss caused to the Government or the organization in which he was employed;
- v) compulsory retirement;
- vi) removal from service; and
- vii) dismissal from service.”

(2) Before passing an order under sub-section (1), the competent authority shall: by order in writing inform the accused of the action proposed to be taken with regard to him and the grounds of the action; and

- a) 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;
- b) 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:

*Substituted vide Ordinance dated 09.10.2002.

Provided further that no such opportunity shall be given where the accused is to be punished or removed from service or reduced in rank on the ground of having been convicted for an offence involving moral turpitude or financial irregularity which has led to a sentence of fine or of imprisonment 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 from service under this Ordinance shall disqualify the person for future employment under the Government or under any organization to which the provision of this Ordinance apply and;

(4) □“Any penalty under this Ordinance shall not absolve such person from liability to any punishment to which he may be liable for an offence, under any law, committed by him while in service.

(5) In case the amount due from any such person, cannot be wholly recovered from the pay, pension or any other amount payable to such person, the amount due shall also be recovered from such person under the law for the time being in force.”

4. **Suspension:** A person against whom action is proposed to be taken under sub-section (I) of Section 3 may be placed under suspension 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.

5. **Power to appoint an Enquiry Officer or Inquiry Committee:** ♦[(1) If the competent authority considers that an inquiry is necessary it shall, before passing an order under section 3, appoint an Inquiry Officer who, or Inquiry Committee whose convenor, shall be of a rank senior to that of the accused or if there are more than one accused, senior to all accused, 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. In case two or more accused are to be proceeded against jointly, the competent authority for the accused senior most in rank shall be the competent authority in respect of all such accused for holding the inquiry jointly. 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

♦Sub-section (3) substituted vide Ordinance dated 09.10.2002.

□Sub-section (4) & (5) added vide Ordinance dated 09.10.2002.

♦Para (1) of Section 5 replaced vide Ordinance dated 04.12.2001.

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.

♥**Explanation** – The order of inquiry and the statement of allegations specified in the said order shall be signed by the competent authority; provided that where the #Chief Minister is the competent authority, the same may be signed by such officer as may be authorized in that behalf, and such order and the statement of allegations so signed shall per se constitute the charge sheet for communication by the Inquiry Officer or the Inquiry Committee to the accused person; and

(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* forty five days of the initiation of inquiry:

Provided that the competent authority, for sufficient reasons, may extend the said period.

(4) The competent authority may dispense with the inquiry under subsection(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 him 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.

6. Powers of the Inquiry Officer or Inquiry Committee: (1) For the purpose of an inquiry under this Ordinance, 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 and examining him on oath;
- b) requiring the discovery and production of documents.
- c) receiving evidence on affidavits; and
- d) issuing commissions for the examination of witnesses or documents.

♥‘Explanation’ inserted vide Ordinance dated 09.10.2002.

#The words ‘the Governor or’ deleted vide Ordinance dated 30.12.2002.

*Added vide Ordinance dated 09.10.2002.

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

7. **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, including the fixing of place, time of its sitting and deciding whether to sit in public or in private, and in the case of a corporate committee, to act notwithstanding the temporary absence of any of its members.

♣7-A. **Procedure of enquiry against officers lent to other governments, etc.–** (1) Where the services of a government employee to whom this Ordinance applies are lent to any other government or to a local or other authority, in this Ordinance referred to as the borrowing authority, the borrowing authority shall have the powers of Competent Authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under this Ordinance:

Provided that the borrowing authority shall forthwith inform the Authority which has lent his services, hereinafter in this Ordinance referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be:

Provided further that the borrowing authority shall obtain prior approval of the Government of the Punjab before taking any action under this Ordinance against a civil servant holding a post in Basic Pay Scale 17 or above.

(2) In the light of the findings in the proceedings taken against a civil servant in terms of sub-section (1) above, if, the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and there-upon the lending authority shall take action as prescribed in this Ordinance.

(3) Notwithstanding anything to the contrary contained in sub-section (1) & (2), Government may, in respect of certain civil servants or categories of civil servants, authorize the borrowing authority to exercise all the powers of authority under these circumstances.

8. **Order to be passed upon a finding:** Every finding recorded by the Inquiry Officer or 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 with the provisions of this Ordinance:

♣Provided that the Competent Authority, before passing any order under this section, shall, either itself or through any other officer senior in rank to the accused person, afford such person an opportunity of personal hearing:

Provided further that where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of this Ordinance, or the facts and the merit of the case have been ignored, or there are other sufficient reasons, it may, within a period of thirty days and after recording reasons, either remand the inquiry to the Inquiry Officer or, as the case may be, the

♣ Added vide Ordinance dated 04.12.2001.

♣ Substituted vide Ordinance dated 09.10.2002.

Inquiry Committee with such directions as the competent authority may like to give, or may order a de novo inquiry.

9. **Representation and review:** (1) ♦The person who has been awarded any penalty under this Ordinance, may, within fifteen days from the date of communication of the order prefer a representation to ~~#the Governor or~~ such officer or authority as the *Chief Minister may designate:

Provided that where the order has been made by the □Chief Minister such person may, within the aforesaid period, submit a review petition to the same authority which had passed the original order.

(2) The Authority empowered under sub-section (1) may, on consideration of the representation or, as the case may be, the review petition, and any other relevant material, confirm, set aside, vary or modify the order in respect of which such representation or review petition was made.

(3) A representation or review preferred under this section shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the order appealed from and shall not contain disrespectful or improper language and shall be filed with the authority which passed the original order.

(4) The authority, receiving the representation or review under sub-section (3) shall, within fifteen days, forward the same, along with its comments, to the authority competent to decide the same.

*9-A. **Special Powers:** (1) The competent authority or the authority to which a representation or review lies under this Ordinance, may call for and examine the record of any proceedings before any authority for purposes of satisfying as to the correctness, legality or propriety of any finding, penalty or order recorded or passed and as to the regularity or any proceedings of such authority.

(2) On examining any record under this section, such authority may direct the authority concerned to make further inquiry into the charges of which the accused was acquitted or discharged and may, in its discretion, exercise any or all the powers of an authority under section 9 of this Ordinance:

Provided that no order prejudicial to the accused person shall be passed under this section unless such person has been given an opportunity to show cause against the proposed action:

Provided further that an order imposing punishment or exonerating the accused shall not be revised suo motu or otherwise after the lapse of period of one year from the date of communication of the order of the competent authority, and in case a representation or review is preferred, from the date of communication of the order on such representation or review.

♦Substituted vide Ordinance dated 09.10.2002.

#The words ‘the Governor or’ deleted vide Ordinance dated 30.12.2002.

*The word ‘Governor’ substituted with the words ‘Chief Minister’ vide Ordinance dated 30.12.2002.

□The word ‘Governor’ substituted with the words ‘Chief Minister’ vide Ordinance dated 30.12.2002.

*9-A & 9-B added vide Ordinance dated 09.10.2002.

9-B. **Appearance of counsel:** The accused person, at no stage of the proceedings under this Ordinance except proceedings under section 10, shall be represented by an advocate.

10. **Appeal:** Notwithstanding anything 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 from the date of communication of the order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act, 1974 (IX of 1974):

◆ Provided that if a decision on a representation or review petition under section 9 is not received within a period of sixty days, the affected person may file an appeal under this section within a period of thirty days of the expiry of the aforesaid period.

11. **Ordinance to override other laws:** The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Punjab Civil Servants Act, 1974 (VIII of 1974) and the rules made thereunder and any other law for time being in force.

12. **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:

*“Provided that the Provincial Government may, by notification in the official gazette, exempt any class or classes or employees of a corporation, a corporate body, authority, statutory body or other organization or institution set up, 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 any thing contained in this Ordinance, be proceeded against and dealt with under the laws and rules applicable to such employees before the commencement of this Ordinance.”

13. **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 Punjab Civil Servants Act, 1974 (VIII of 1974) and rules made thereunder, or any other law or rules shall continue under the said laws and rules, and as provided thereunder.

14. **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.

•14.A. **Indemnity:** No suit, prosecution or other legal proceedings shall lie against the competent authority or any 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.

♥14.B. **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

◆ Added vide Ordinance dated 09.10.2002.

* Added vide Ordinance dated 28.02.2002.

• Added vide Ordinance dated 28.02.2002.

♥ Added vide Ordinance dated 28.02.2002.

any decision made or proceedings taken in pursuance of any power conferred by, or under this Ordinance, or the rules made thereunder.

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

16. **Removal of difficulties:** If any difficulty arises in giving effect to any of the provisions of this Ordinance, the ♦Chief Minister 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.

♦The word ‘Governor’ substituted with the words ‘Chief Minister’ vide Ordinance dated 30.12.2002.

ANCILLARY INSTRUCTIONS

**THE PUNJAB REMOVAL FROM SERVICE
(SPECIAL POWERS) ORDINANCE, 2000**

Dated the 5th November 2001

In supersession of this Department's Notification of even No. dated 06.12.2000, Governor of the Punjab in exercise of the powers conferred by Section 2(aa) of the Punjab Removal from Service (Special Powers) Ordinance, 2000, has authorized the officers/authorities shown in Col-3 of the following Tables to exercise the powers of the Competent Authority under Section 3 of the said Ordinance in respect of Class of persons shown in Col-2 of the tables:

The proceedings initiated on the basis of notification dated 06.12.2000, shall, however, be deemed to have been initiated under this notification.

TABLE-I

- (a) For persons employed in the Punjab Government, in a post, or belonging to a service, group or cadre, in the Secretariat Departments controlled by Punjab Government.

Sr.No.	Class of Persons	Officers authorized to exercise the powers of Competent Authority
1.	2.	3.
1.	Holders of posts of Deputy Secretaries, Superintendents of Police in BS-18 and posts in BS-19.	♣Chief Minister of the Punjab.
2.	Holders of other posts in BS.18 and posts in BS-16 and 17.	Appointing Authority.
3.	Holders of posts in BS-1 to 15.	Appointing Authority or an officer not below the appointing authority to be notified by the Addl. Chief Secretary. ♣Administrative Secretary.

TABLE-II

- (b) For persons employed in an attached department or a subordinate office of the Punjab Government.

Sr. No.	Class of Persons	Officers authorized to exercise the powers of Competent Authority
1.	2.	3.
1.	Holders of posts in BS-19.	♣Chief Minister of the Punjab.

♣Word "Governor" replaced by the words "Chief Minister" vide Notification No. SOR-III-1-13/2000 dated 08.02.2003.

♣♣"Administrative Secretary" declared by Personnel Wing, S&GAD.

♣Word "Governor" replaced by the words "Chief Minister" vide Notification No. SOR-III-1-13/2000 dated 08.02.2003.

2.	Holders of posts in BS-16 to BS-18.	Appointing Authority.
3.	Holders of posts in BS-1 to 15.	An officer not below the appointing authority to be authorized by the Head of Department.

TABLE-III

(c) For Persons in Corporation Service

Sr. No.	Class of Persons	Officers authorized to exercise the powers of Competent Authority
1.	2.	3.
1.	Holders of posts of in BS-20 and above and equivalent.	Appointing Authority.
2.	Holders of other posts in BS-19 and equivalent	-do-
3.	Holders of posts in BS-16 to 18 and equivalent	Appointing Authority.
4.	Holders of posts in BS-1 to 15 and equivalent	-do-

Explanation: “BS” in all the above tables means the pay scale originally sanctioned for the post and does not include pay scale of a person on account of move-over.

No. SOR.III. 1-33/94(A)

Dated the 5th November 2001

In supersession of this Department’s Notification of even number dated 06.12.2000, Governor of the Punjab in exercise of the powers conferred by Section 2(aa) of the Punjab Removal from Service (Special Powers) Ordinance 2000, has authorized the officers/authorities next above the officers/authorities under Section 2 to exercise the powers of the Competent Authority under Section 9(1) of the said Ordinance.

No.SOR.III.1-33/94

Dated the 6th December 2000

Subject: GUIDELINES/PROCEDURE FOR TAKING ACTION UNDER THE
PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000

I am directed to refer to the above subject and to say that for the purpose of ensuring expeditious and orderly processing of cases under the Punjab Removal from Service (Special Powers) Ordinance, 2000, the Governor of the Punjab is pleased to lay down the following procedure for processing of cases under the aforesaid Ordinance:

Initiation of proceedings: The competent authority shall order initiation of proceedings against an officer of a Government Organization or corporation on the basis of his opinion that the Government servant or the corporation employee under him has prima facie, ceased to be efficient or is involved in misconduct or corruption, warranting action against him under the Punjab Removal from Service (Special Powers) Ordinance, 2000. The opinion of the competent authority may be formed on the basis of personal knowledge of the competent authority, or on the basis of information placed before him or recommendation of the Anti- Corruption Establishment.

The subordinate officer/ACE while submitting the case to the competent authority shall submit a report to the competent authority giving full facts of the case along with supporting documentary evidence, provided that in case where the competent authority is the Governor, the report shall be submitted to the Governor through the Secretary of the Administrative Department concerned.

While submitting cases to the Governor for seeking his orders regarding initiation of proceedings under the aforesaid Ordinance, the summary should invariably contain a concise statement giving specific allegations, and proposal in regard to appointment and composition or Inquiry Officer/Committee.

After approval of initiation of proceedings and appointment of Inquiry Officer/Committee under Section 5 of the Ordinance by the competent authority, the accused government servant or corporation employee, as the case may be, shall be conveyed a statement of allegations and order of appointment of Inquiry Officer/Committee. The Inquiry Officer/Committee shall submit its recommendations within the prescribed time (i.e. 30 days) to the competent authority:

Provided that where the competent authority is the Governor, the Inquiry Officer/Committee shall submit its recommendations to the Governor through the Secretary of the Administrative Department concerned.

2. It is requested that the above instructions may be brought to the notice of all concerned under your administrative control for strict compliance.

No.SOR.III. 1-13/2000

Dated the 14th May 2001

Subject: PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000

I am directed to say that the above-mentioned Ordinance has come into force w.e.f. 18.09.2000. Section 11 of this ordinance envisages that the provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Punjab Civil Servants Act, 1974, or the rules made thereunder and any other Law for the time being in force. Section 12, on the other hand, says that all proceedings initiated after 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.

2. It has come to the notice of Government that the competent authorities are still initiating proceedings against the persons under the E&D Rules, 1999, which is violation of the provisions of the said Ordinance. It is, therefore, clarified that initiation of proceedings against persons under E&D Rules, 1999, is violation of the provisions of Punjab Removal from Service (Special Powers) Ordinance, 2000.

3. I am to request you to bring the above provisions of the Ordinance to the notice of all concerned for strict compliance.

No.SOR.I (S&GAD)1-171/2001

Dated the 26th December 2001

Subject: IMPLEMENTATION OF THE ORDERS PASSED BY THE
AUTHORITIES UNDER E&D RULES/PUNJAB REMOVAL FROM
SERVICE (SPECIAL POWERS) ORDINANCE, 2000

I am directed to refer to the subject noted above and to state that a department of the Government of the Punjab raised a question as to whether the penalty imposed by the competent authority under E&D Rules, 1999 and Punjab Removal of Service (Special Powers) Ordinance, 2000 can be withheld for implementation, pending decision of appeal of the appellate authority. This question has been raised on the presumption that if the order is implemented immediately without waiting for the final fate of the appeal, etc., apparently there is no point/justification for making provision of appeal in the statute.

2. The question has been examined in detail by the Regulations Wing of S&GAD. The orders passed by the competent authorities under E&D Rules/PRSO, 2000, become operative/effective with effect from the date of issuance and no one is competent to stay/withhold the implementation of these orders. The appellate

authorities under Rule 17 of the E&D Rules, 1999 and Section 9(2) of the Punjab Removal from Service (Special Powers) Ordinance, 2000, are competent to confirm/set aside/vary or modify the order in respect of which such representation or review petition has been filed in accordance with these laws.

3. I am, therefore, directed to request that orders of competent authorities passed under E&D Rules/PRSO, 2000, should immediately be implemented without waiting for lapse of appeal period and fate of appeals/review/revision, etc., under E&D proceedings.

No.SOR.I(S&GAD)17-2/2002

Dated the 17th June 2002

Subject: IMPOSITION OF MAJOR PENALTY OF REDUCTION TO A LOWER PAY SCALE TO A CIVIL SERVANT BY THE AUTHORITIES UNDER PCS (E&D) RULES, 1975, 1999 AND PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000

I am directed to refer to the subject noted above and to state that a case has come to the notice of this Department wherein certain officers were proceeded against under the Punjab Removal from Service (Special Powers) Ordinance, 2000, on the charges of inefficiency and misconduct. The accused officers were visited with the imposition of major penalty of reduction to lower pay scale by the competent authority and necessary orders to this effect were issued by the administrative department. Subsequently, the Administrative Department also issued orders whereby the rank of the accused civil servants were reduced on the presumption that officers who have been awarded major penalty of reduction to the lower pay scale are also reduced to the lower post by implication.

2. Sub section (c) of Section 3 of the Punjab Removal from Service (Special Powers) Ordinance 2000 provides that:

“The competent authority, after enquiry by the Inquiry Officer or Committee constituted under section 5 may, notwithstanding any thing contained in 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 services or reduce him to lower post or pay scale.”

3. The above provisions of law, as evident from the text, indicate that reduction to lower post, or reduction to lower pay scale, are independent provisions. The competent authority may, in its own wisdom, choose any of them to impose upon the accused civil servant. When the penalty is imposed, the lower authority has no jurisdiction to change the nature of penalty imposed by the competent authority. Any order reducing the accused to the lower post, if issued by the Administrative Department, is without its jurisdiction and such order needs to be revised to restrict it to the penalty imposed by the competent authority. Imposition of penalty of reduction to the lower pay scale does not deprive the accused civil servant of his original status and his post does not fall vacant by implication.

4. This issues with the approval of Governor, Punjab.

Subject: DISCIPLINARY PROCEEDINGS AGAINST CIVIL SERVANTS ON
ACCOUNT OF UNAUTHORIZED ABSENCE FROM DUTY –
TREATMENT OF ABSENCE PERIOD

The instructions issued vide Regulations Wing of S&GAD's circular letter No. SOR-III(S&GAD) 2-37/89 dated 20.04.1989 and letter No. SORI(S&GAD) 16-15/90 dated 17.05.1990, have been re-examined in the light of the decisions of the Punjab Services Tribunal and it has been found that the said instructions are inconsistent with the rules and are, therefore, withdrawn with immediate effect.

2. The problem of unauthorized absence from duty is rampant in Government departments and it has been observed that despite clear rules and instructions on the subject, such cases are not dealt with appropriately in accordance with the rules by the relevant authorities. The Administrative Departments are, therefore, requested to follow the following instructions/guidelines, while dealing with the cases of unauthorized absence from duty:

- i) Competent authorities must ensure that disciplinary action is initiated against a person who absents himself from duty unauthorizedly, immediately on receipt of information to this effect.
- ii) Where disciplinary action could not be initiated against such person due to negligence or other reasons and such person reports for duty after his unauthorized absence, he shall not be assigned any duty until disciplinary proceedings have been completed against him. During the intervening period, he shall be treated to be under suspension.
- iii) The relevant authorities must ensure that disciplinary proceedings under the relevant Laws/Rules are initiated against such person within 30 days of his reporting for duty after unauthorized absence.
- iv) Officers/officials responsible for delay in submitting the case for initiation of action against such person to the competent authority shall be deemed to be guilty of misconduct and, therefore, shall be liable to be proceeded under the relevant disciplinary law/rules, for the time being in force.
- v) The competent authorities shall ensure that disciplinary proceedings in such cases are completed at the earliest possible time so that such persons do not remain under suspension for long periods, thus becoming a burden on the public exchequer.
- vi) The Competent Authorities under the relevant disciplinary law/rules shall confine themselves to taking disciplinary action in accordance with the rules. They must not make recommendations as to how the period of unauthorized absence shall be treated, as the leave sanctioning authority under the Leave Rules and the competent authority under E&D Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000, are usually not the same.
- vii) After the decision of the authorities under E&D Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000, etc.,

- absence period may be dealt with separately, in accordance with the provisions of Revised Leave Rules, 1981.
- viii) Relaxation of Revised Leave Rules, 1981 may only be granted in extremely genuine hardship cases of absence beyond the control of the employee.
 - ix) The period of absence from duty, if not regularized, constitutes break in service, as provided under Rule 2.11 of Pension Rules, 1967. This needs not and should not be specified in any orders, as such orders lead to unnecessary litigation. This implication is automatic under Rule 2.1 of the Pension Rules.
 - x) It has been observed that authorities generally tend to treat cases of absence from duty lightly and give minor punishments/penalties in cases where a person has remained absent from duty for long periods of time. It is clarified that absence from duty is a serious misconduct on the part of a person. The competent authorities must, therefore, ensure that penalties in such cases are commensurate with the gravity of the charge, proved against the accused person.
 - xi) The relevant authority must ensure that where a person remains on leave including absence for more than 5 years, the name of such person is removed from the seniority list and placed on separate static list as provided under proviso to Rule 8(3) of Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 and also instructions bearing No. SOR-II(S&GAD) 15-7/84 dated 14.7.1988.

2. This issues with the approval of the Chief Minister. All Administrative Departments/Authorities are requested to ensure strict application and compliance of the above instructions.

No.SOR.I(S&GAD)1-22/2003

Dated Lahore the 11th July 2003

Subject: REVIEW AND NOT APPEAL IN CERTAIN CASES

I am directed to refer to the subject noted above and to invite your attention to Rule 16 and 18 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975/1999, respectively, which provide that where the original order has been passed by the Government, no appeal shall lie and instead, a review petition shall lie to the Government and Government may, in its discretion, exercise any of the powers conferred on the appellate authority.

2. It has been observed that Administrative Departments are misconstruing the meaning of the said rules. The Administrative Secretaries, while exercising the powers of authority on behalf of the Government against the accused under the Punjab Civil Servants (E&D) Rules, 1975/1999, are also entertaining review petitions of the aggrieved, against their own orders. This is not a correct interpretation of the rules *ibid*. Where the Administrative Secretaries pass the order of penalty, they are not competent to entertain review petitions against their own orders, on the assumption that this order was passed by the Government.

3. It is, therefore, clarified that the Authority, for exercising the powers of the Government within the meaning of rule 16 and 18 of the Punjab Civil Servants (E&D) Rules, 1975/1999, respectively, would mean the Governor or the Chief

Minister, whichever the case may be, and not the Secretary to the Government. Review petition will lie only when the orders of penalties are issued after getting prior approval of the Governor/Chief Minister, in their capacity as Authority in the case. Where the orders have been passed by the Secretary to Government in that case, no review will lie but instead an appeal shall lie to the next higher authority i.e., Chief Secretary. Thus the Administrative Secretaries are required to treat the review petitions, if filed to them, as appeals and should pass them on to the Chief Secretary, along with their comments.

4. The Law Department is of the view that 'Government' can be located in a given context and the criteria would be as to who holds the ultimate decision-making powers because, for different persons and in different circumstances, the 'Government' may have a different connotation. The Administrative Secretary when imposes a penalty under E&D Rules, 1975, as 'Authority' or 'Authorized Officer', he is not a 'Government', therefore, an appeal shall lie to the next higher authority against such decision/orders.

5. I am, therefore, directed to request the Administrative Secretaries that the above clarifications may strictly be adhered to while entertaining review petitions from the aggrieved civil servants against their own order.

No.SOR.I(S&GAD)1-76/2003

Dated the 6th September 2003

Subject: GRANT OF AUTHORIZATION TO ADMINISTRATIVE SECRETARIES
AND SPECIAL SECRETARIES TO SIGN ORDER OF INQUIRY AND
STATEMENT OF ALLEGATIONS ON BEHALF OF CHIEF
MINISTER UNDER SECTION 5 OF THE PRSO, 2000

I am directed to invite your attention to Section 5(1) of the Punjab Removal from Service (Special Powers) Ordinance, 2000 which provides that if the competent authority considers that an inquiry is necessary, it shall, before passing an order under Section 3, appoint an inquiry officer or inquiry committee, whichever the case may be, to scrutinize the conduct of the accused civil servant. It has also been laid down in the "Explanation" given below Section 5(1)(d) that the order of inquiry and statement of allegations specified in the said order shall be signed by the competent authority, provided that where the Governor or the Chief Minister is the Competent authority, the same may be signed by such officer as may be authorized in that behalf.

2. It has been observed that while conducting disciplinary matters, strict application of the above referred provision in each and every case may create legal complications as the possibility/risk of leaving a lacuna in the proceedings on account of absence of such authorization by the Chief Minister cannot be ruled out.

3. In order to avoid any such lapses in future, the Chief Minister has been pleased to decide that in all the disciplinary cases in which he being the Competent Authority, approves the initiation of proceedings under Punjab Removal from Service (Special Powers) Ordinance, 2000 against delinquent civil servants, the

inquiry orders/statement of allegations would be signed by the concerned Administrative Secretaries/Special Secretaries, on his behalf.

No.SOR.I(S&GAD)1-13/2004

Dated the 16th March 2004

Subject: ACCEPTANCE OF RESIGNATION DURING PENDENCY OF ENQUIRY
PROCEEDINGS UNDER E&D RULES/PRSO, 2000

I am directed to refer to the subject noted above and to state that Administrative Departments approach the Regulations Wing, S&GAD, time and again to tender advice regarding the issue of acceptance of resignation of accused civil servants, during pendency of enquiry proceedings against them under Efficiency and Discipline Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000.

2. After having examined the matter thoroughly, the Regulations Wing sets forth the following guidelines for taking necessary action by the Administrative Departments/Competent Authorities on the subject:

- (i) Once disciplinary action is initiated by the Competent Authority, the same must reach its logical conclusion and resignation tendered by the accused, during the conduct or pendency of disciplinary/enquiry proceedings should not be accepted. Only after the conclusion of the disciplinary proceedings and issuance of final orders under the relevant laws/rules by the competent authority, necessary action regarding acceptance of resignation of the civil servant may be taken by the relevant appointing authority.
- (ii) Where the enquiry proceedings have not yet been formally started by the competent authority but certain charges have emerged against the accused civil servant which relate to serious misconduct such as embezzlement, causing financial loss to the Government on account of his acts and omissions or otherwise the charges are of serious in nature, the resignation tendered by the accused should not be accepted without having started and completed the disciplinary action against him under the law/rules.
- (iii) Where the disciplinary proceedings have not yet been initiated by the Competent Authority and the charges are not of very serious nature and do not involve any loss to the government or any other individual e.g., absence from duty, Administrative Departments/Appointing Authorities may, in their discretion, accept resignation of the civil servant and disciplinary proceedings may not be initiated against him, if deemed appropriate.

NO.SOR.I(S&GAD)1-76/2003

Subject: CHANGE OF PROCEDURE UNDER PUNJAB REMOVAL FROM
SERVICE (SPECIAL POWERS) ORDINANCE, 2000

The Punjab Removal from Service (Special Powers) Ordinance, 2000 was notified in the year 2000 and is operative for the last almost four years. However, many Competent Authorities and Inquiry Officers are still not taking cognizance of the changes in procedural formalities brought about by the PRSO, 2000. Some of these are highlighted below:

- (i) Under rule 6(3)(a) and (b) of the E&D Rules, 1975, the charge sheet and allegations were to be framed and signed by the authorized officer. The forum for Authorized Officer having been abolished under the E&D Rules, 1999, the responsibility of framing charges, (signing the same) and communicating them to the accused devolved on the Enquiry Officer {Rule 6(6)}. However, under the PRSO 2000, the statement of allegations is to be framed and signed by the Competent Authority in every case and the Enquiry Officer will communicate the same to the accused (explanation under Section 5);
- (ii) Under the E&D Rules, 1975, orders regarding minor penalties were passed by the Authorized Officer (Rule 7-A). Under the E&D Rules, 1999, the Enquiry Officer was empowered to issue orders where the minor penalties were to be awarded {Rule 7(7)(a)}. However, under the PRSO, 2000, the categorization of major and minor penalties have been dispensed with and now orders regarding:
 - a) awarding any one or more penalties; or
 - b) exonerating the accusedhave to be passed by the Competent Authority only (under Section 8):
- (iii) Under the E&D Rules, 1975, show cause notice was served on the accused by the Authorized Officer in case he decided that it was not necessary to hold an enquiry against the accused {Rule 6(3)}. Under the E&D Rule, 1999, this function was to be performed by the Authority in case the Authority decided not to hold an enquiry against the accused {Rule 6(6)}. However, under the PRSO, 2000, show cause notice has to be given by the Competent Authority in each and every case (except where a civil servant is accused of subversion or convicted of moral turpitude or financial irregularities leading to a sentence of fine or imprisonment) before inflicting any penalty on the accused {Section 3(2)}.

2. I am, therefore, directed to request that the provisions of the PRSO, 2000 may kindly be followed in letter and spirit in order to avoid further complications.

No.SOR.I(S&GAD)1-76/2003

Dated the 24th September 2005

Subject: CHANGE OF PROCEDURE UNDER PUNJAB REMOVAL FROM
SERVICE (SPECIAL POWERS) ORDINANCE, 2000 – ISSUANCE OF
SHOW CAUSE NOTICE UNDER SECTION 3(2)

I am directed to refer to this department's circular letter of even number dated 21.05.2005 on the subject noted above and to state that there have been instances where some of the departments are not observing requirements of Section 3(2) of the PRSO, 2000 and confine themselves to granting personal hearing only to the accused before imposing a penalty on him. Although the necessity of affording personal hearing to the accused in terms of Section 8 of the Ordinance is imperative, yet personal hearing notice cannot be substituted for the Show Cause Notice required to be issued under Section 3(2) of the Ordinance, wherein not only the proposed penalty is to be specified but also a chance of additional defence is to be provided to the accused. Non-observance of this legal requirement not only renders the final order illegal, it also cannot sustain judicial scrutiny of the higher judicial fora.

2. I am further directed to invite attention of the Competent Authorities concerned, to their legal obligation of adhering to the following requirements of Section 3(2) of the PRSO, 2000:

- i) Where the inquiry procedure is dispensed with by the Competent Authority under Section 5(4) of the Ordinance merely a show cause notice would be required to be served on the accused in terms of section 3(2)(a) of the Ordinance, before passing an order under sub section (1) of section 3. The Competent Authority shall specify the penalty/penalties to be imposed on the accused in the said show cause notice. Thereafter, the accused shall be afforded an opportunity of personal hearing by the Competent Authority under Section 8 of the Ordinance.
- ii) Where the inquiry proceedings are held under Section 5(1) of the Ordinance, the Competent Authority shall, in the light of findings and recommendations of the Inquiry Officer and other relevant record, issue a show cause notice to the accused under Section 3(2), specifying the penalty/penalties under Section 8 of the Ordinance.
- iii) The Competent Authority may issue show cause notice under Section 3(2) and hearing notice under Section 8 of the Ordinance either separately or jointly. In case issuing show cause-cum-personal hearing notice, the Competent Authority shall not only propose imposition of specific penalty/penalties on the accused but also direct him to appear before him or the designated hearing officer, as the case may be, for personal hearing.

3. I am, therefore, directed to request for adherence to the above provisions of law/procedure in letter and spirit, before imposing penalties upon the accused under the PRSO, 2000.

No.SOR.I(S&GAD)4-32/2004

Dated the 29th September 2004

Subject: CONTINUATION OF E&D PROCEEDINGS UNDER E&D RULES/

PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000 AGAINST CIVIL SERVANTS AFTER THEIR
RETIREMENT FROM GOVERNMENT SERVICE

I am directed to refer to the subject noted above and to state that the Provincial Ombudsman, Punjab has taken a serious view in a complaint case that the competent authorities are passing orders under PCS (E&D) Rules/PRSO, 2000 against the accused civil servants, even after their retirement from service on attaining the age of superannuation or otherwise. Such orders of penalty are not legally tenable under the law/rules.

2. It may be clarified that the disciplinary proceedings against the accused officers/officials can be instituted and continued under PCS (E&D) Rules, 1975/1999 or Punjab Removal from Service (Special Powers) Ordinance, 2000 only till they hold the status of civil servants within the meaning of Punjab Civil Servants Act, 1974. A civil servant on his retirement from Government services either on attaining the age of superannuation or otherwise, ceases to be a civil servant. As a result thereof, he cannot be proceeded against under the rules/Ordinance *ibid* and the pending disciplinary proceedings against him abate w.e.f. the date of his retirement from service. As such, the pending disciplinary proceedings under E&D Rules/PRSO, 2000 against him cannot continue further after his retirement from service.

3. However, the Pension Sanctioning Authority, with the approval of the appointing authority, can proceed against him afresh under rule 1.8 of the PCS Pension Rules, 1963, if the retired civil servant is found guilty of conviction of serious crime or grave misconduct either during or after his retirement from service. This will require an order under rule 1.8 of Pension Rules and not continuation of enquiry instituted under a different regime of law i.e. E&D Rules or Punjab Removal from Service (Special Powers) Ordinance, 2000.

4. Administrative Departments are, therefore, requested kindly to ensure that the competent authorities do not continue enquiry proceedings against the accused after their retirement from service under PCS (E&D) Rules, 1975/1999 or PRSO, 2000, whichever the case may be. After their retirement from service, they can proceed afresh against the delinquent retired civil servants under rule 1.8 of the PCS Pension Rules, 1963, if they are found guilty of conviction of serious crime or grave misconduct.

No.SOR.I(S&GAD)1-40/2002

Dated the 22nd September 2005

Subject: MAXIMUM PERIOD OF SUSPENSION UNDER SECTION 4 OF THE
PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000

I am directed to refer to the subject noted above and to state that various departments and offices of the Provincial Government have been approaching the Regulations Wing now and then to seek clarification as to what is the maximum period of suspension under Section 4 of the Punjab Removal from Service (Special Powers) Ordinance, 2000 and in case the suspension period exceeds three months, whether the suspension period is required to be extended after every three months as

in the case of the provisions under the erstwhile Punjab Civil Servants (E&D) Rules, 1975/1999.

2. An analysis of the relevant provisions of both the rules and ordinance *ibid* is as follows:

- i) Rule 6(1) of PCS (E&D) Rules, 1975/1999 *inter alia* provides that in case where a civil servant is accused of sub-version, corruption or misconduct, he may be placed under suspension by the authority provided that continuation of the suspension by the authority provided that continuation of the suspension shall require the prior approval of the authority after every three months, while
- ii) Section 4 of the Punjab Removal from Service (Special Powers) Ordinance, 2000 provides that a person against whom action is proposed to be taken under Sub Section (1) of Section 3 may be placed under suspension if, in the opinion of the competent authority, suspension is necessary or expedient.

3. It is clarified that Section 4 of the Punjab Removal from Service (Special Powers) Ordinance, 2000 does not specify any period of suspension. That means a civil servant will not be suspended for a specific period and extension in his/her suspension period will not be required. He will, therefore, remain under suspension till the conclusion of the disciplinary proceedings initiated against him under the Ordinance *ibid* or he is reinstated in service by the Competent Authority, whichever is earlier. Approval of the Competent Authority for extension in suspension period after every three months would not be required.

4. This clarification is being issued in consultation with the Establishment Division, Government of Pakistan and the Provincial Law & Parliamentary Affairs Department.

No.SOR.I(S&GAD)1-111/2005

Dated the 10th July 2006

Subject: APPOINTMENT OF INQUIRY/HEARING OFFICERS BY
DESIGNATION INSTEAD OF BY NAME

I am directed to refer to the subject noted above and to state that Section 5(1) and Section 8 of the Punjab Removal from Service (Special Powers) Ordinance, 2000 govern the appointment of Inquiry/Hearing Officer by the Competent Authorities, as mentioned hereunder:

- i. "Section 5(1). If the competent authority considers that an inquiry is necessary, it shall, before passing an order under section 3, appoint an Inquiry Officer who, or Inquiry Committee whose convenor, shall be of a rank senior to that of the accused or if there are more than one accused, senior to all accused, 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. In case two or more accused are to be proceeded against jointly . . . "

- ii. **Section 8.** Order to be passed upon a finding: Every finding recorded by the Inquiry Officer or 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 with the provisions of this Ordinance:

Provided that the Competent Authority, before passing any order under this section, shall, either itself or through any other officer senior in rank to the accused person, afford such person an opportunity of personal hearing: . . . "

2. Both the above provisions of the law are, however, silent about the appointment of Inquiry/Hearing Officers by name or by designation. It has been observed that the Inquiry/Hearing Officers are often nominated by name instead of by designation. Resultantly, when an Inquiry Officer or Hearing Officer nominated by name ceases to hold his office as a result of his retirement, termination from service, transfer or death, the inquiry proceedings are considerably delayed.

3. It has, therefore, been decided that in order to circumvent the delays by re-nominating Inquiry/Hearing Officers, the Competent Authority may resort to nominations of Inquiry/Hearing Officers by designation rather than by names.

4. I am, therefore, further directed to request that the above decision of the Government may strictly be followed by the Competent Authorities in letter and spirit, while appointing Inquiry/Hearing Officers under the relevant provisions of PRSO, 2000.

No.SOR.I(S&GAD)1-50/2003

Dated the 27th July 2006

Subject: INITIATION OF DEPARTMENTAL PROCEEDINGS UNDER THE PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000 – OBSERVANCE OF THE PROVISIONS OF RULE 4.12 OF CSR, VOLUME-I, PART-I BY THE COMPETENT AUTHORITIES

I am directed to refer to the subject noted above and to state that in a disciplinary case initiated under Punjab Removal from Service (Special Powers) Ordinance, 2000, the competent authority awarded major penalty of reduction in scale by two stages upon the accused, and on filing appeal, the Punjab Service Tribunal modified the penalty to reduction in scale by one stage. On filing CPLA No. 2348-L/2003, the Supreme Court ordered that the penalty of reduction in pay scale by one stage shall remain confined to one year.

2. The above orders of the Supreme Court are based on Rule 4.12 of the CSR, Punjab, Volume-I, Part-I, which reads as under:

"If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration, it shall operate to postpone future increments and if so to what extent."

3. It has been noticed that most of the Competent Authorities do not keep this rule in view while imposing penalty of reduction in grade or post of pay scale under PRSO, 2000.

4. I am, therefore, directed to request that the competent authorities may strictly comply with the provisions of Rule 4.12 of CSR Volume-I, Part-I, while imposing penalties on the accused under the PRSO, 2000.

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INTRODUCTION

Rules of 1975

1. The Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 were framed under the Punjab Civil Servants Act, 1974 to regulate departmental action against civil servants of the Punjab for lapses/irregularities amounting to inefficiency and misconduct committed by them in the performance of their duties. The inordinate delay in finalization of the enquiries under those rules, however, remained a matter of concern for the Government. Every effort in the form of monitoring proved of little help to solve the chronic problem of delay in finalization of disciplinary proceedings.

The very title of the rules implicit sought to promote efficiency in the public service and to inculcate discipline in the state functionaries. The retarded pace of enquiries frustrates these objectives. It has been noticed that delay in the finalization of departmental inquiries generally occurred due to the following reasons:

- i) Inadequacy of the relevant information and material made available to “Authority” and delay in the appointment of “Authorized Officer” and the “Inquiry Officer”;
- ii) Delay in framing the charge sheet and statement of allegations/list of witness and record to be produced;
- iii) Failure of the Inquiry Officer to hear the case on day-to-day basis;
- iv) Failure to promptly dispose of the objections raised by the accused on procedural or technical points;
- v) Failure to show the relevant record to the accused, if he so desired;
- vi) Ignorance of the “Authorized Officers” and “Inquiry Officers” about the rules and regulations governing the departmental inquiries and other procedural matters and transgression of one into the domain of the other;
- vii) Failure of the “Authorized Officer” or the “Inquiry Officer” to ensure that all the rules and regulations are followed strictly in letter and spirit;
- ix) Delay in furnishing of requisite advice from the S&GAD or the Law Department/Finance Department;
- x) Improper production of the prosecution evidence before the Inquiry Officer on behalf of the Government by the departmental representatives;
- xi) Non-maintenance of record of inquiries or probes in the departments to enable the Administrative Secretaries to supervise and monitor the proceedings of departmental inquiries;
- xii) Resultant effects of leaving the legal or procedural lacunae in the departmental enquiries necessitating de novo proceedings thereby prolonging enquiries for months and years on end.
- xiii) Ultimate reversal of the effects of disciplinary actions through Court Orders on account of legal and procedural lapses in the conduct of departmental proceedings.

Rules of 1999

2. The Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 have been framed to eliminate, as far as possible, chances of delay by removing bottlenecks. The usefulness of these rules will depend upon those who have to apply them after understanding the contents and procedures laid down thereunder. Procedural lapses causing miscarriage of justice to the accused lead to vitiation of proceedings resulting in not only unnecessary waste of time and effort, but also indiscipline and low morale amongst the personnel. This guidebook has been prepared with the objective to improve the understanding of rules and to facilitate task of the functionaries under these rules. Besides complete and up-to-date text of the Efficiency and Discipline Rule, 1999, it contains step-wise chronological detail of the procedure of departmental inquiry along with model drafts of charge-sheet and essential notices or orders required to be issued at different stages. It must, however, be clearly borne in mind that model drafts cannot be used as “fill in the blanks” formats. These shall have to be suitably adapted to suit the requirements of each case. It must also be clearly understood that this guidebook is not a substitute for the substantive laws/rules which should invariably be studied at every stage of the proceedings. This guidebook is intended merely to be an aid to better understanding of the rules.

Natural Justice

3. It hardly needs to be pointed out that many administrative orders have been quashed by the superior courts on the sole ground that they violated the principle of natural justice, although the orders in any way, did not contravene any of the statutory provisions. The concept of natural justice has meant many things but now, with the judicial pronouncements by superior courts of various countries, the term “natural justice” has attained a definite meaning; most important of these are:

- a) Audi Alteram Partem i.e. no body can be condemned unheard.
- b) Nemo Judex in cause sua potest i.e. no one can be a judge in his own cause.
- c) Action should not be mala fide.
- d) The party must in good time know the precise case he has to meet.

The procedures prescribed for various stages of action under these rules aim at observing the principles of natural justice. These principles are deeply associated with the proceedings undertaken by the departmental authorities and should be taken care of while deciding cases under the PCS (E&D) Rules, 1999.

Salient features of Rules 1999

4. Salient features of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 in comparison with the repealed rules are as under:

- a) The forum of “Authorized Officer” has been eliminated. His role has been bifurcated and assigned to the “authority” and “enquiry officer”/enquiry committee.
- b) The charge-sheet will be issued by the “enquiry officer”/enquiry committee.”
- c) The Enquiry Officer/Enquiry Committee has been vested with the power to impose minor penalty/penalties.
- d) The authority, if it so decides, will straightaway appoint enquiry officer/enquiry committee while ordering initiation of disciplinary proceedings.

- e) The statement of allegations has been dispensed with.
- f) The Anti-Corruption Establishment or the department/office at whose instance the proceedings under the Efficiency and Discipline Rules are to be initiated will be required to submit draft charge-sheet, etc. to the authority while suggesting such initiation.
- g) Right of representation has been given to the accused against whom summary proceedings under Rule 6(3) of the Efficiency and Discipline Rules are ordered to be initiated.
- h) The enquiry officer/enquiry committee shall, within 10 days of conclusion of the proceedings, determine whether the charge has been proved. If it is proposed to impose a minor penalty, the enquiry officer or the enquiry committee, as the case may be, shall, after affording the accused an opportunity of showing cause against the action proposed to be taken against him, pass order accordingly and inform the authority of the action taken by it and send the whole record of the case. The authority, if dissatisfied with the quantum of the punishment awarded to the accused, may, within 30 days of the receipt of the case. Order initiation of de-novo enquiry or it may enhance the penalty after affording the accused a chance of being heard in person.
- i) If it is proposed to impose a major penalty, the enquiry officer or enquiry committee shall, after affording the accused an opportunity to offer explanation against its recommendations for imposition of major penalty, forward the case to the authority along with the charge-sheet served on the accused, explanation of the accused, the findings of the inquiry officer or the inquiry committee as the case may be. The authority may order initiation of a de novo inquiry by passing a speaking order.
- j) The role of Departmental Representative has been introduced for the first time. The authority, while sending the record to the inquiry officer/inquiry committee, shall appoint a suitable officer to act as departmental representative to assist the enquiry officer/enquiry committee. The departmental representative shall be responsible for the following:-
- k) He shall assist the enquiry officer or the enquiry committee as the case may be on each day of hearing, as may be fixed by the enquiry officer or the enquiry committee.
- l) He shall render all other assistance to the enquiry officer/enquiry committee during the inquiry proceedings against the accused.
- m) He shall cross-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile.**
- n) Departmental enquiry proceedings or action under Efficiency and Discipline Rules, 1975, if any, pending immediately before the commencement of the Efficiency and Discipline Rules, 1999, shall be finalized in accordance with the provisions of Punjab Civil Servants (Efficiency and Discipline) Rules, 1975.
- o) Similarly, functionaries under different delegations of Power Rules of respective departments shall continue to perform their function as such as far as pending cases are concerned as provided in this department's notification No. SOR-IV(S&GAD)13-2/99 dated 27.05.1999.

5. Besides explanation of the procedure of departmental inquiries at Annexure I and II, it appears necessary to elaborate some points which generally arise in the minds of the functionaries handling departmental inquiries. These points, dealt with below under appropriate headings, are not exhaustive. Other points, if any, shall have to be taken care of in individual cases.

Applicability of Efficiency and Discipline Rules

6. The Punjab Civil Servants (Efficiency and Discipline) Rules 1999 apply to serving civil servants of Punjab Government whose terms and conditions of service are governed by the Punjab Civil Servants Act, 1974 and the rules framed thereunder. These do not apply to:

- i. Employees of Federal Government or other provincial Governments or Autonomous/Semi-Autonomous bodies on deputation to Punjab Government.
- ii. Persons employed on contract or on work-charge basis or paid from contingencies.
- iii. Persons who are “workers”, or “workmen”, as defined in the Factories Act, 1934 or the Workmen’s Compensation Act, 1923.

Disciplinary action against such persons has to be taken in accordance with the laws/ rules applicable to them.

Authorities under the Efficiency and Discipline Rules

7. There are two functionaries under the Efficiency and Discipline Rules which occupy pivotal position in the process of departmental inquiries. These are –

- i) Authority
- ii) Inquiry officer/Inquiry Committee

Inquiry Officer is appointed by the Authority and he has to be senior in rank to the accused.

8. Similarly, in cases of appointment of an Inquiry Committee which is to consist of two or more persons, who or one of whom has to be of a rank senior to that of the accused. If there are more than one accused, the Inquiry Officer, or the convener of the Inquiry Committee should be senior to all the accused.

Initiation of action and timeframe for completion of inquiries

9. Action is treated to have been initiated on the date the authority decides to proceed against a civil servant under the rules. In the cases where formal inquiry is conducted through an inquiry officer or inquiry committee, the Authority has to ensure that the entire proceedings are completed within a period of 90 days from the date of issue of directions by him to the Enquiry Officer/Enquiry Committee to proceed against the accused.

10. In the cases where summary procedure under Rule 6(3) is adopted, the proceedings must be finalized by the authority within a period of 45 days from the date of service of show cause notice.

Charge-sheet

11.
 - i) The process of enquiry starts from the charge sheet.
 - ii) The charge sheet should be specific and should set out all necessary particulars. Since the “statement of allegations” provided for in the previous rules has been dispensed with, the charge-sheet will, therefore, be required to provide all necessary charge-wise details.

Rules of procedure for the Inquiry Officer

12.
 - 1) No party to any proceedings is to be allowed to be represented by a lawyer.
 - 2) Where any witness is produced by one party, the other party must be allowed to cross-examine that witness.
 - 3) If the accused fails to submit his explanation within the period prescribed in the charge sheet the inquiry officer/inquiry committee shall proceed with the inquiry and hear the case on day-to-day basis.
 - 4) No adjournment can be given except for reasons to be recorded in writing.
 - 5) Every adjournment has to be reported to the authority and normally no adjournment shall be of more than a week.
 - 6) If the inquiry officer/inquiry committee finds that the accused is hampering the proceedings it should administer a warning and if even that is disregarded, the inquiry should be completed in such manner as the inquiry officer/inquiry committee may think best in the interest of justice.
 - 7) Absence from the inquiry on medical grounds. Unless medical leave is applied and is sanctioned on the recommendations of the Medical Board, absence from the enquiry proceedings shall be considered tantamount to hampering the progress of inquiry. The authority is, however, empowered to sanction medical leave up to 7 days without recommendations of the Medical Board.
 - 8) In conducting an enquiry, the enquiry officer/committee exercises judicial or quasi-judicial functions. The enquiry officer/enquiry committee must act in a judicial spirit and manner in conformity to well recognized principles of natural justice without fear, favour or bias.
 - 9) The enquiry officer/enquiry committee should not refuse to summon and examine the witnesses enlisted by the accused. All witnesses should be examined in the presence of the parties, enabling one party to cross-examine the witnesses of the other.

Task Force

13. In order to check delays in the completion of enquiries, Chief Minister has constituted a Task Force at the provincial level. Its constitution, role and responsibilities are contained at Annexure-VIII in this manual. All administrative departments and their subordinate offices shall extend maximum cooperation to the Task Force in the accomplishment of its chartered functions.

Placed at the succeeding pages are:

- i) Punjab Civil Servants Efficiency and Discipline Rules, 1999, (Annexure-I).
- ii) Step-wise chronological detail of the procedure of departmental inquiries in the cases where formal inquiry has to be conducted (Annexure-II).
- iii) Step-wise chronological detail of the procedure of departmental inquiries in the cases where formal inquiry is not considered necessary (Annexure-III).
- iv) Draft order of appointment of Inquiry Officer or Inquiry Committee by the Authority (Annexure-IV).
- v) Draft Model charge sheet (Annexure-V).
- vi) Draft Show Cause Notice under Rule 6(3) of the rules (Annexure-VI).
- vii) Draft notice for personal hearing by the authority under Rule 10 (Annexure-VII).

**GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT**

NOTIFICATION

Dated Lahore, the 21st June 1999

No. SORI(S&GAD)1-61/98-- In exercise of the powers conferred upon him by section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules, namely:

**THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1999**

CHAPTER I — PRELIMINARY

1. Short title, commencement and application -- (1) These Rules may be called The Punjab Civil Servants (Efficiency and Discipline) Rules, 1999.

(2) They shall come into force at once and apply to all civil servants except members of such services and holders of such posts, as may be specified by Government.

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

- (a) "accused" means a civil servant against whom action is taken under these rules;
- (b) "authority" means the Government or an officer or authority designated by it to exercise the powers of the authority under these rules;
- (c) "Enquiry Officer" means an officer appointed by the authority to perform the functions of an Enquiry Officer under these rules;
- (d) "Enquiry Committee" means a group of officers (headed by a convener) appointed by the authority to perform the functions of Enquiry Committee under these rules;
- (e) "misconduct" means conduct prejudicial to good order or service discipline or contrary to the Punjab Government Servants (Conduct) Rules, 1966 or conduct unbecoming of an officer and a gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a civil servant; and

(f) "Penalty" means a penalty which may be imposed under these rules.

(2) In case two or more civil servants are to be proceeded against jointly, the authority for the civil servant senior-most in rank, shall be the authority in respect of all such accused.

(3) Subject to these rules, the various authorities empowered to award major penalties under the various Delegation of Powers Rules, shall, in respect of the civil servants for whom they are authorities under the said rules exercise the powers of "the authority" under these rules.

(4) Words and expressions used but not defined shall bear the same meanings as they bear in the Punjab Civil Servants Act, 1974.

(5) Save in cases where the Government is to act as "the authority" and notwithstanding anything to the contrary contained in rule 2, where 'the authority would personally be interested in the result of the proceedings under these rules, it shall not proceed with the case and shall report the matter to the appellate authority to which the orders passed by 'the authority' are ordinarily appealable and such appellate authority shall appoint and authorize another officer of the corresponding rank and status to act as the 'authority'.

CHAPTER II – PENALTIES

3. Grounds for penalty -- A civil servant, who, --
- (a) is inefficient or has ceased to be efficient; or
 - (b) is guilty of misconduct; or
 - (c) is corrupt, or may reasonably be considered corrupt because:
 - (i) he is, or any of his dependents or any other person through him or on his behalf, is in possession of pecuniary resources or of property disproportionate to his known sources of income, which he cannot reasonably account for; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - (iii) he has a 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 unauthorized person, and his retention in service is, prejudicial to national security;

shall be liable to be proceeded against under these rules and one or more of the penalties hereinafter mentioned may be imposed on him.

4. Penalties -- (1) The following are the 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;
 - (b) Major Penalties:
 - (i) reduction to a lower post or pay scale or to a lower stage in a pay scale;
 - (ii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;
 - (iii) compulsory retirement;
 - (iv) removal from service; and
 - (v) 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 civil servant --

- (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.

CHAPTER III – INQUIRY AND IMPOSITION OF PENALTIES

5. Initiation of proceedings -- (1) If, on the basis of its own knowledge or information placed before it, or where the Anti-Corruption Establishment has, under Rule 15 (1) (b) of the Punjab Anti-Corruption Establishment Rules, 1985, recommended departmental action the authority is of the opinion that there are sufficient grounds for action against the accused, it shall either proceed itself or direct the inquiry officer/inquiry committee to proceed against the said accused.

(2) In case the proceedings are to be initiated at the instance of a department/office or the Anti-Corruption Establishment, the draft charge sheet, list of witnesses, and other relevant material shall be sent to the authority before initiation of proceedings.

6. Procedure to be observed by the authority -- (1) In a case where a civil servant is accused of subversion, corruption or misconduct, he may be placed under suspension by the authority or he may be required by the authority to proceed on leave; provided that the continuation of the suspension or grant of any extension in leave shall require the prior approval of the authority after every 3 months.

(2) The authority, in the light of the facts of the case, shall decide, whether in the interest of justice an inquiry is necessary.

(3) If the authority decides that it is not necessary to have an inquiry conducted against the accused, it shall:

- a) inform the accused forthwith by an order, in writing, 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 a period of 14 days from the date of receipt of order under clause (a);
- c) the accused may make a representation to the authority against the summary procedure adopted against him, within seven days of the receipt of the orders. In case the representation is preferred, the authority shall decide the same within seven days and communicate decision to the accused. In case of rejection of the representation, the accused shall be given seven days to show cause against the proposed action.

provided that no such opportunity as is referred to in clauses (b) & (c) shall be given where, in the interest of the security of Pakistan or any part thereof, it is not expedient to do so, the authority may proceed with the case but before denying the opportunity, the authority shall obtain prior approval of the Government, where the authority is not itself the Government.

(4) Within 7 days of the receipt of the explanation, if any, of the accused, the authority shall determine whether the charges have been

proved. If it is proposed to impose any of the penalties mentioned in rule 4, the authority shall, after affording the accused an opportunity of personal hearing against the proposed action, pass orders accordingly.

(5) If under sub rule (2) or (3) (c) the authority considers that an inquiry is necessary it shall appoint an inquiry officer who or an inquiry committee whose convener shall be of a rank senior to that of the accused or if there are more than one accused senior to all the accused.

(6) Where an inquiry officer or an inquiry committee is appointed under sub rule 5, the authority shall communicate necessary record to the inquiry officer or the inquiry committee enabling the inquiry officer or the inquiry committee to frame a charge and communicate it to the accused along with the list of witnesses/documents, if any, to be taken into consideration and require the accused, within a reasonable time which shall not be less than 7 days or more than 14 days from the day, the charge has been communicated to him, to put in a written defence before the inquiry officer or the inquiry committee, as the case may be.

(7) The authority while sending the record appoints a suitable officer to act as a departmental representative to assist the inquiry officer. The departmental representative shall be responsible for the following:-

- (i) He shall assist the Enquiry Officer or the Enquiry Committee as the case may be on each day of hearing, as may be fixed by the inquiry officer or the inquiry committee, as the case may be. He shall be personally present fully prepared, with all the relevant material on which the Charge Sheet is based.
- (ii) He shall render all other assistance to the inquiry officer/inquiry committee during the inquiry proceedings against the accused.
- (iii) He shall cross-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile, if so permitted by the inquiry officer/inquiry committee.

7. Procedure to be observed by the inquiry officer or inquiry committee -- (1) On receipt of the explanation of the accused or on the expiry of the stipulated period if there is no defence reply from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine that witness.

(2) If the accused fails to furnish his explanation within the period specified, the Inquiry Officer or the Inquiry Committee, as the case may be, shall proceed with the inquiry.

(3) The Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given, except for reasons to be recorded in writing. However, every adjournment, with reasons therefore, shall be reported forthwith to the authority. Normally, no adjournment shall be for more than a week.

(4) Where the Inquiry Officer or the Inquiry Committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the Inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) If the accused absents himself from the inquiry on medical grounds he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board. Where, in view of the serious condition of the accused, it may not be possible for him to appear before the Medical Board, the Board shall examine him at his residence of which complete address must always be given in the leave application and at which he must be available:

Provided that the authority may, in its discretion, sanction medical leave up to seven days without the recommendation of the Medical Board.

(6) The Inquiry Officer or the Inquiry Committee, as the case may be, shall complete the inquiry proceedings within a period of sixty days, commencing from the last date of submission of the written defence by the accused or within such further period as may be allowed by the authority.

7 (a) The Inquiry Officer/Inquiry Committee shall, within 10 days of the conclusion of the proceedings, in terms of sub rule 6, determine whether the charge has been proved. If it is proposed to impose a minor penalty, the inquiry officer or the inquiry committee, as the case may be, shall, after affording the accused an opportunity of showing cause against the action proposed to be taken against him, pass order accordingly and inform the authority of the action taken by it and send the whole record of the case. The authority, if dissatisfied, with the quantum of the punishment, awarded to the accused, may within 30 days of the receipt of the case, order initiation of de novo inquiry or it may enhance the penalty after affording the accused a chance of being heard in person. If no order is passed within the stipulated period, the minor penalty awarded by the inquiry officer/inquiry committee, as the case may be, shall attain finality.

(b) If it is proposed to impose a major penalty, the enquiry officer or the inquiry committee shall, after affording the accused an opportunity to offer explanation against its recommendations for imposition of major penalty, forward the case to the authority along with the charge-sheet, served on the accused, explanation of the accused, the findings of the inquiry officer or inquiry committee, with its recommendations regarding the penalty to be imposed.

(c) In case it is proposed to drop the proceedings, the inquiry officer or the inquiry committee shall, submit the case to the authority. The authority may, within a period of 15 days, either accept the recommendations of the inquiry officer or the inquiry committee, as the case may be, or it may order initiation of a de novo inquiry by passing a speaking order.

10(d) In case of joint inquiry if the Enquiry Officer reaches the conclusion to impose minor penalty/penalties on one or more of the accused and recommends imposition of major penalty/penalties in respect of the other(s) accused or to drop the proceedings against any of the accused, he shall send the whole case to the authority for taking a final decision.

8. Appearance of Counsel -- No party to any proceeding under these rules, before the authority, an inquiry officer, an inquiry committee or appellate authority shall be represented by a lawyer.

9. Expeditious disposal of proceedings -- (1) In a case where the authority decides not to have an inquiry conducted against the accused, the proceedings must be finalized by him within a period of forty-five days.

(2) In a case where the authority has appointed an Inquiry Officer or Inquiry Committee, the Inquiry Officer/Inquiry Committee should ensure that the entire proceedings are completed within a period of ninety days from the date of receipt of direction under rule 5 and shall submit a report thereof to the authority.

(3) Where inquiry proceedings are not completed by the inquiry officer or the inquiry committee, as the case may be, within the prescribed period the Inquiry Officer or the Inquiry Committee, as the case may be, shall report the position of the inquiry to the authority intimating the reasons why the inquiry could not be completed within that period and the approximate further time that is likely to be taken in the completion of the inquiry.

(4) The authority on receipt of report under sub rules (2) and (3), shall pass such orders for expeditious finalization of the proceedings as it may deem fit.

10. In the case of any proceedings the record of which has been reported for orders under sub rule 7(b) of rule 7, the authority may pass such orders as it deems fit but before imposing a major penalty, the authority shall afford the accused an opportunity of being heard in person either before himself or before an officer senior in rank to the accused designated for the purpose, after taking into consideration the record of such personal hearing prepared by the officer so designated.

Provided that where the authority is satisfied that inquiry proceedings have not been conducted in accordance with these rules or facts and merits of the case have been ignored, it may order initiation of de novo

inquiry through a speaking order by giving the reasons thereof within a period of 14 days.

11. Certain rules not to apply in certain cases -- (1) Where a civil servant is convicted of an offence involving moral turpitude which has led to a sentence of fine or imprisonment, he may, after being given a show cause notice, be dismissed, removed from service or reduced in rank without following the procedure laid down in rules 5, 6, 7 and 10.

(2) Where the authority is satisfied, that for reasons to be recorded in writing, it is not reasonably practicable to give the accused civil servant an opportunity of showing cause it may impose any of the penalties under these rules without following the procedure laid down in rules 5, 6, 7 & 10.

(3) Notwithstanding the other provisions of these rules where the Government or authority is satisfied that one or more civil servants, individually or collectively, have taken part in agitational and subversive activities, resorted to strike, abandoned their official duty or incited others to do so, the Government or the authority may after serving upon them a notice through a publication in a daily newspaper or in any other manner, asking them to resume duty, and on their failure or refusal to resume their duty impose upon the defaulting civil servant the penalty of dismissal or removal from service without following the procedure as laid down in rules 5, 6, 7 and 10.

12. Procedure of inquiry against officers lent to other Governments, etc. -- (1) Where the services of a civil servant to whom these rules apply are lent to any other Government or to a local or other authority, in these rules referred to as the borrowing authority, the borrowing authority shall have the powers of authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in these rules referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be:

Provided further that the borrowing authority shall obtain prior approval of the Government of the Punjab before taking any action under these rules against a civil servant holding a post in Basic Pay Scale 17 or above.

(2) If, in the light of the findings in the proceedings taken against a civil servant in terms of sub-rule (1) above, the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and there-upon the lending authority shall take action as prescribed in these rules.

(3) Notwithstanding anything to the contrary contained in sub-rule (1) and (2) Government may, in respect of certain civil servants or categories of civil servants, authorize the borrowing authority to exercise all the powers of authority under these rules.

13. Power to order Medical Examination as to mental or bodily infirmity -- (1) Where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority may, at any stage, whether or not an authority has been directed to proceed against him, require the civil servant to undergo a medical examination by a Medical Board or a Medical Superintendent as the authority may direct, and the report of the Board or the Medical Superintendent shall form part of the proceedings.

(2) If a civil servant refuses to undergo such an examination, his refusal may, subject to the consideration, of such grounds as he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result of the examination would prove unfavorable to him.

14. Powers of Inquiry Officer and Inquiry Committee -- (1) For the purpose of an 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 and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits; and
- (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).

CHAPTER IV — APPEALS, REVISIONS, ETC.

15. Appeal against Penalty -- Any civil servant on whom a penalty has been imposed under these rules, except where the penalty has been imposed by the Government, may within 30 days from the date of the communication of the order, appeal to such authority as may be prescribed:

Provided that if the appellate authority is satisfied that there is sufficient ground for extending the time it may entertain the appeal at any time.

16. Petition of appeal -- Every appeal preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the order appealed from, and shall not contain disrespectful or improper language and shall be filed with the authority or the inquiry officer who, as the case may be, passed the original orders. The authority or the inquiry officer, receiving the appeal, shall forward the same along with the comments within a fortnight, to the appellate authority.

17. Determination of appeal -- (1) The appellate authority shall cause notice to be given to the appellant and the authority or the inquiry officer imposing penalty, of the time and place at which such appeal will be heard. The appellate authority shall send for the record of the case, if such record is not already with it. After perusing such record and hearing the appellant, if he appears, and the representative of the punishing authority, if he appears, the appellate authority may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may --

- (a) reverse the finding and acquit the accused; or
- (b) order and direct that further or fresh inquiry be made; or
- (c) alter the finding maintaining the penalty or with or without altering the finding, reduce the penalty; or
- (d) subject to the provisions of sub-rule (2), enhance the penalty.

"Provided that where the Governor or the Chief Minister is the appellate authority, he may, in his discretion, designate any officer, except the one against whose orders the appeal has been preferred, for the purpose of affording the appellant an opportunity of being heard in person and submit the case to the Governor or Chief Minister for final determination of the appeal".

(2) Where the appellate authority proposes to enhance the penalty, it shall--

- (i) by order, in writing, inform the accused of the action proposed to be taken and the grounds of the action; and
- (ii) give him a reasonable opportunity to show cause against that action.

(3) In dealing with an appeal, the appellate authority, if it thinks additional evidence to be necessary, may either take such evidence itself or

direct it to be taken by the authority and when such evidence has been taken the appellate authority shall thereupon proceed to dispose of the appeal.

18. Review and not appeal in certain cases – (1) Where the original order has been passed by the Government, no appeal shall lie, and instead, a review petition shall lie to the Government and the Government may, in its discretion, exercise any of the powers conferred on the appellate authority:

Provided that it shall not be necessary for the Government to afford the accused an opportunity to be heard in person except where the Government proposes to increase the penalty, in which case he shall, by order in writing, inform the accused of the action proposed to be taken and the grounds of the action and give him a reasonable opportunity to show cause against that action.

♦(2) Where the original order imposing penalty upon a member of the subordinate judiciary, who is or has been working under the administrative control of the Lahore High Court, Lahore, has been passed by the High Court, no appeal shall lie and instead a review petition shall lie to the High Court.

19. No second appeal except in certain cases -- (1) No appeal shall lie against any order made by the appellate authority except in case the appellate authority enhances the penalty.

(2) In every case, in which the appellate authority enhances the penalty imposed by the authority or the inquiry officer, the accused may, within 30 days of the communication of the orders, appeal to the authority next higher thereto:

Provided, that if the second appellate authority is satisfied that there is sufficient ground for extending the time, it may entertain the appeal at any time.

(3) The appeal shall be filed in the manner indicated in rule 16 and the second appellate authority shall determine the appeal in the manner provided for the first appellate authority and may exercise any of the powers conferred on the first appellate authority.

20. Revision -- (1) The Government may call for and examine the record of any proceeding before any authority for the purpose of satisfying as to the correctness, legality or propriety of any finding, penalty or order recorded or passed and as to the regularity of any proceeding of such authority.

(2) On examining any record under this rule, the Government may direct the authority to make further inquiry into the charges of which the accused has been acquitted and discharged, and may, in its discretion, exercise any of the powers conferred on an appellate authority:

♦ Rule 18 shall be numbered as sub rule (1). After sub rule (1) a sub rule (2) added vide Notification No. SORI(S&GAD) 1-61/98 (PT-I) dated 15th August 2002

Provided any order under this rule made prejudicial to the accused shall not be passed unless he has been given an opportunity to show cause against the proposed action:

Provided further that an order imposing punishment or exonerating the accused shall not be revised suo moto or otherwise after the lapse of a period of one year from the date of its communication to the accused except in case where appeal is preferred against the punishment.

(3) No proceeding by way of revision shall be entertained at the instance of the accused who has a right of appeal under these rules and has not brought the appeal.

CHAPTER V — REPEAL

21. Repeal --- (1) The Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, in their application to the civil servants to whom these rules apply, are hereby repealed.

(2) Notwithstanding the repeal of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, hereinafter referred to in this sub-rule as the said rules-

- (a) Subject to the provisions of Chapter IV of these rules, any departmental inquiry or proceedings pending immediately before the coming into force of these rules, shall be completed and orders passed thereon as if the said rules had not been repealed; and
- (b) any notification or instructions issued thereunder so far as they are not inconsistent with these rules, shall be deemed to have been issued under these rules.

(3) Any person or authority, or the successor of the same, authorized to exercise powers by virtue of a delegation made by the Government from time to time subsisting immediately before the commencement of these rules, shall, to the extent of the powers delegated and so far as is not inconsistent with these rules, be deemed to be an authority designated under these rules.

Annexure-II

PROCEDURE FOR DEPARTMENTAL PROCEEDINGS UNDER EFFICIENCY AND DISCIPLINE RULES, 1999 IN CASES WHERE FORMAL ENQUIRY IS ORDERED

Step No. 1: Initiation of proceedings (Order by the Authority)

The authority shall proceed itself or direct the enquiry officer/enquiry committee, as the case may be, to proceed against a civil servant in respect of whom it stands designated as authority:

- a) **If, on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant.**
- b) If the Anti-Corruption Establishment has decided to take departmental action against a civil servant and the authority is of the opinion that there are sufficient grounds for action against the accused, it shall proceed itself or direct the enquiry officer or enquiry committee to proceed against the said accused. The authority, irrespective of the decision of Anti-Corruption Establishment, should apply its own mind.

Note: **Normally “authority” should have been designated as such under the relevant delegation of powers rules or by special order of the Government in respect of all posts under any department/office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such.**

Step No. 2: Suspension of the accused or sending him on forced leave

If the civil servant is accused of subversion, corruption or misconduct, the authority may suspend him or allow him to proceed on leave for an initial period of three months.

Note: Continuation of suspension or extension of leave, if intended, must be approved by the authority before expiry of every three months except where the accused has been arrested and is confined to prison. Suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No. 3: The authority, in the light of the facts of the case, shall decide whether in the interest of justice an inquiry is necessary

Step No. 4: Action in cases where formal enquiry is considered necessary

The authority shall:

- a) Appoint an Enquiry Officer who or Enquiry Committee whose convener shall be of a rank senior to that of the accused or if there are more than one accused senior to all the accused.
- b) Communicate necessary record to the Enquiry Officer or Enquiry Committee, and simultaneously appoint a suitable officer to act as a departmental representative to assist the enquiry officer/enquiry committee.

Step No. 5: Procedure to be observed by Enquiry Officer or Enquiry Committee

In addition to the procedure outlined in Rule 7, the Enquiry Officer or Enquiry Committee should take care of the following:

- a) The proceedings must be conducted on day to day basis and should be arranged as far as possible at or near the place of residence of defence witnesses
- b) In case the accused officer attempts to hamper the proceedings by delaying tactics the Inquiry Officer must take recourse to procedure prescribed in Rule 7(4) and 7 (5).
- c) The Inquiry Officer or Inquiry Committee shall complete the proceedings within a period of 60 days, from the date of receipt of direction from the authority.

Step No. 6: Action after conclusion of enquiry proceedings

The Enquiry Officer/Enquiry Committee shall within 10 days of the conclusion of the proceedings, determine whether charge has been proved.

Step No. 7: Action where charge stands proved

If all or any of the charges stand proved the Enquiry Officer/Enquiry Committee, as the case may be, shall, if it is proposed to impose a minor penalty, pass order accordingly after affording the accused an opportunity of showing cause against the action proposed to be taken against him and inform the authority of the action taken by it and send the whole record of the case to him. If it is proposed to impose a major penalty, the Enquiry Officer or the Enquiry Committee shall, after affording the accused to offer his explanation against its recommendations for imposition of major penalty, forward the case along with the charge-sheet, served on the accused, explanation of the accused, findings of the Enquiry Officer or the Enquiry Committee with its recommendations regarding the penalty to be imposed.

Step No. 8: Action where charge is not proved

In case it is proposed to drop the proceedings, the Enquiry Officer or the Enquiry Committee, shall submit the case to the authority.

Step No. 9: Finalization of enquiry proceedings by the authority

- a) Where minor penalty has been awarded.

The authority, if dissatisfied with the quantum of punishment awarded to the accused by the Enquiry Officer/Enquiry Committee in terms of rules 7 (7) (a), it may within 30 days of the receipt of the case, order initiation of de novo enquiry or it may enhance the penalty after affording the accused a chance of being heard in person.

Note: If no order is passed by the authority within the stipulated period, the minor penalty awarded by the Enquiry Officer/Enquiry Committee shall attain finality.

- b) Where major penalty is involved.

On receipt of the recommendations for award of major penalty from the Enquiry Officer/Enquiry Committee the authority shall give the accused an opportunity of personal hearing against the proposed action either before itself or an officer senior in rank to the accused and pass such orders as it may deem fit regarding the imposition of major penalty.

Annexure-III

PROCEDURE FOR DEPARTMENTAL PROCEEDING UNDER EFFICIENCY AND DISCIPLINE RULES, 1999 IN CASES WHERE FORMAL ENQUIRY IS NOT ORDERED

Step No. 1: Initiation of proceedings

The authority shall order initiation of proceedings:

- a) If on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant;
- or
- b) Where the Anti-Corruption Establishment has decided to take departmental action against a civil servant; and the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant, it shall order initiation of proceedings under the E&D Rules, 1999.

Note: Normally “authority” should have been designated as such under the relevant delegation of powers rules or special order of the Government in respect of all posts under any department/office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such.

Step No. 2: Suspension of the accused or sending him on forced leave

If the civil servant is accused of subversion, corruption or misconduct, the authority may suspend him or allow him to proceed on leave for an initial period of three months.

Note: Continuation of suspension or extension of leave, if intended, must be approved by the authority before expiry of three months except where the accused has been arrested and is confined to prison, suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No. 3: Decision whether enquiry is necessary

The authority, in the light of the facts of the case, shall decide whether in the interest of justice an inquiry is necessary.

Step No. 4: Action in cases where formal enquiry is not considered necessary

The authority shall:

- a) inform the accused forthwith by an order, in writing, 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 a period of 14 days from the date of receipt of order under clause (a) ;
- c) The accused may make a representation to the authority against summary procedure adopted against him, within seven days of the receipt of the orders. In case the representation is preferred, the authority shall decide the same within seven days and communicate decision to the accused. In case of rejection of the representation, the accused shall be given seven days to show cause against the proposed action.

Provided that no such opportunity as is referred to in clause (b) and (c), shall be given where, in the interest of the security of Pakistan or any part thereof, it is not expedient to do so, the authority may proceed with the case but before denying the opportunity, the authority shall obtain prior approval of the Government, where the authority is not itself the Government.

Step No. 5: Action after receipt of reply of accused

Within 7 days of the receipt of the explanation, if any, of the accused, the authority shall determine whether the charge stand proved. If it is proposed to impose any of the penalties mentioned in Rule 4, the authority shall, after affording the accused an opportunity of personal hearing against the proposed action, pass order accordingly.

MODEL DRAFT ORDER
(TO BE ISSUED BY THE AUTHORITY)
APPOINTING THE ENQUIRY OFFICER

O R D E R

Whereas the undersigned having been designated as Authority in terms of rule 2 (1) (b) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999, is of the opinion that there are sufficient grounds to proceed against

(full name and designation of the accused)

on the charges of misconduct, inefficiency and corruption, I hereby order initiation of action under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 against the accused.

Whereas on due consideration of the facts of the case, I have decided that an enquiry is necessary in the interest of justice.

Now, therefore, I hereby appoint _____ as enquiry officer/enquiry committee consisting of:

- | | |
|----|------------|
| 1. | (Convener) |
| 2. | (Member) |
| 3. | (Member) |

to proceed against the said civil servant in terms of sub rule 5 of rule 6 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 read with rule 7 of the rule ibid. I also appoint Mr. _____
Designation _____ to act as departmental representative in terms of sub rule 7 of rule 6 to assist the enquiry officer.

Necessary record of the case pertaining to the enquiry in terms of rule 6 (6) is being sent to the E.O. through the department representative.

(_____)
AUTHORITY

Caution:

- i) The model charge sheet is meant to be served in cases where the Authority considers an enquiry, through the inquiry officer/enquiry committee is necessary.
- ii) The model charge-sheet is designed to furnish essential guidelines only and it may be suitably amended, altered or added to keeping in view the circumstances of each case. The words, expressions or part not applicable may be carefully deleted. For example, an accused is not always required to be charged of all the components at a, b, c and d of para 2 of the model charge sheet. The relevant may be retained and others deleted.
- iii) Each case has to be examined in its own perspective with due care and charge sheet is not to be used mechanically. The underlying idea, in circulating it, is simply to provide general guidance.
- iv) It needs hardly be added that these caution notes are not to form part of the contents of the charge sheet meant to be actually served.

MODEL CHARGE SHEET

I, (name and full designation of the E.O.) _____ having been appointed as enquiry officer or convener of the Enquiry Committee by the Authority against you, to proceed against you, hereby charge-sheet you Mr. _____ (full designation of the accused) as under:

That while posted as _____

you committed the following irregularities;

- i) _____
- ii) _____
- iii) _____

2. By reasons of the above you appear to be:

- a) inefficient within the meaning of rule 3 (a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and or
- b) guilty of misconduct within the meaning of rule 2 (1) (e) and 3 (b) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and or
- c) corrupt or can reasonably be considered corrupt within the meaning of rule 3 (C) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and or
- d) engaged or are reasonably suspected of being engaged in subversive activities, or are reasonably suspected of being associated with others engaged in subversive activities or are guilty of disclosure of official secrets to unauthorized person(s) and your retention in service is, therefore, considered prejudicial to the national security within the meaning of rule 3 (d) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999.

and as such, are liable to disciplinary action under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999, which may include imposition of one or more of the penalties prescribed by rule 4 of the said rules.

3. **You are hereby required to submit your written defence within days of the receipt of this charge-sheet, as to why disciplinary action as aforesaid may not be taken against you.**
4. **Your written defence should reach the undersigned within the aforesaid period along with a list of defence witnesses you may wish to produce in support of your defence. In case of your failure to do so, it shall be presumed that either you have no defence to offer or you have declined to offer the same, and you accept the charges.**
5. **In case you desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the undersigned within 7 days of the receipt of this charge sheet.**

Dated: _____

Officer _____

Designation
Enquiry Officer/Convener of the Enquiry Committee

The days allowed are to be not less than seven (7) and not more than fourteen (14) from the day the charge sheet is served.

**MODEL SHOW CAUSE NOTICE UNDER RULE 6 (3) OF THE
EFFICIENCY AND DISCIPLINE RULES, 1999
TO BE ISSUED BY THE AUTHORITY**

Whereas the undersigned, as Authority, under Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 in due consideration of the facts that you, Mr. _____ While posted as _____ committed the following irregularities and there are sufficient grounds to proceed against you.

- i) _____
- ii) _____
- iii) _____

And whereas the undersigned has decided that it is not necessary to have an enquiry conducted in proof thereof and whereas it is proposed to proceed against you under sub rule (3) of Rule 6 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999.

Now, therefore, you are hereby called upon to show cause in writing within _____ days of the receipt of this communication as to why one or more of the penalties as prescribed in Rule 4 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 should not be imposed upon you.

Your explanation (in duplicate) should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer, and do not wish to be heard in person.

In case you may desire to consult any record, on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the undersigned within 7 days of the receipt of this notice.

(_____)
AUTHORITY

**MODEL DRAFT OF NOTICE OF PERSONAL HEARLING,
UNDER RULE 10 OF THE PUNJAB CIVIL SERVANTS (E&D) RULES, 1999**

Memo

To

(give here full name & designation and address of the accused civil servant).

***Subject: PERSONAL HEARING UNDER RULE 10 OF THE PCS
(E&D)
RULES, 1999***

On the basis of the enquiry conducted against you, the undersigned has determined that the following charges (give here full designation) stand proved against you:

- 1) _____
- 2) _____
- 3) _____

(give here the brief description of the charges proved).

A copy of the enquiry report is enclosed. It is proposed to impose on you the penalty of _____(state here the proposed penalty).

You are hereby offered the opportunity of personal hearing before Mr. _____ F
or this purpose you are hereby advised in your own interest, to appear before the aforesaid officer on _____.

AUTHORITY

NOTIFICATION

Dated the 15th June 1999

NO. SORI(S&GAD)1-60/99. The Chief Minister, Punjab, is pleased to constitute the following Task Force for ensuring finalization of enquiries within the prescribed time limits:

- | | | |
|----|---|----------------------|
| 1. | Mr. Asif Ali Malik, MPA | Convener |
| 2. | Mr. Zahoor-ul-Haq Shaikh
Secretary, Planning & Development Board, Punjab | Member |
| 3. | Secretary (Imp. & Coord.)
Government of the Punjab, S&GAD | Member |
| 4. | Secretary (Regulations),
Government of the Punjab, S&GAD | Member/
Secretary |

The role and responsibilities of the Task Force shall be as follows:

- i) Guiding, monitoring and judging the progress of enquiries;
 - ii) Ensuring the finalization of enquiries within the stipulated time limits;
 - iii) Accounting for the reasons of delay to be recorded in writing by the enquiry officers/enquiry committees and the authorities, as the case may be;
 - iv) Counseling and guiding the relevant authorities and others concerned to facilitate the process at every stage.
- 2. For the accomplishment of its assignments, the Task Force may hold periodical review meetings at divisional headquarters depending upon the number of reported pending cases. The relevant authorities and enquiry officers/enquiry committees stationed at divisional headquarters related with the pending enquiries in the divisions shall fully cooperate with the Task Force. The monitoring Cell of the S&GAD (O&M Wing) shall act as secretariat of the Task Force.**

ANCILLARY INSTRUCTIONS

Subject: PROCEEDINGS UNDER THE PUNJAB CIVIL SERVANTS (E&D) RULES, 1999 – MEDICAL EXAMINATION AS TO MENTAL OR BODILY INFIRMITY OF A CIVIL SERVANT

I am directed to refer to the subject noted above and to say that according to the provisions of rule 13 of Punjab Civil Servants (E&D) Rules, 1999, where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority may, at any stage, require the civil servant to undergo a medical examination by a Medical Board or a Medical Superintendent, as the authority may direct. The report/certificate of the Board or the Medical Superintendent, as the case may be, shall form a part of such proceedings under the rules *ibid*.

2. It is clarified that such a medical certificate/report in itself does not furnish a foundation for dispensing with the procedure laid down in rule-6 and 7 of the rules *ibid*. The course of action laid down in the said rules may appropriately be followed before the proceedings are taken to their logical conclusion.

No.SORI(S&GAD)1-61/98 (Provl)
Dated Lahore the 7th March 2000

Subject: ENFORCEMENT OF PENALTY OF REDUCTION TO A LOWER POST IN THE CASE OF DIRECTLY RECRUITED CIVIL SERVANTS

I am directed to refer to the subject noted above and state that a question has arisen as to whether the penalty of “reduction to a lower post” under E&D Rules could be imposed on a civil servant who has been appointed by initial recruitment to that post or not.

2. It is clarified, in consultation with the Law & P.A. Department, that the Punjab Service Tribunal, in a case titled “Malik Muhammad Shafi and 3 others Vs. Government of the Punjab and others” reported in 1985 PLC(CS)548 has held that a penalty of reduction to a lower post cannot be imposed on the accused civil servant who has been appointed to the post, occupied by him at the time of imposition of penalty, by initial recruitment. Such a penalty could, however, be imposed on the accused civil servant who is holding a higher post by promotion.

3. I am further directed to request you that the contents of this letter may be brought to the notice of all concerned for compliance.

No.SORI(S&GAD)1-171/2001
Dated Lahore the 26th December 2001

Subject: IMPLEMENTATION OF THE ORDERS PASSED BY THE AUTHORITIES UNDER E&D RULES/PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000

I am directed to refer to the subject noted above and to state that a Department of the Government of the Punjab raised a question as to whether the penalty imposed by the competent authority under E&D Rules, 1999 and Punjab Removal from Service (Special Powers) Ordinance, 2000, can be withheld for implementation pending decision of appeal of the appellate authority. This question has been raised on the presumption that if the order is implemented immediately without waiting for the final fate of the appeal, etc. apparently there is no point/justification for making provision of appeal in the statute.

2. The question has been examined in detail by the Regulation Wing of S&GAD. The orders passed by the competent authorities under E&D Rules/PRSO 2000, become operative/effective with effect from the date of issuance and no one is competent to stay/withhold the implementation of these orders. The appellate authorities under rule 17 of the E&D Rules, 1999 and Section 9 (2) of the Punjab Removal from Service (Special Powers) Ordinance, 2000, are competent to confirm/set aside/vary or modify the order in respect of which such representation or review petition has been filed in accordance with these laws.

3. I am, therefore, directed to request that orders of the competent authorities passed under E&D Rules/PRSO, 2000 should immediately be implemented without waiting for lapse of appeal period and fate of appeals/review/revision, etc. under E&D proceedings

No.SORI(S&GAD)1-22/2003
Dated Lahore the 11th July 2003

Subject: REVIEW AND NOT APPEAL IN CERTAIN CASES

I am directed to refer to the subject noted above and to invite your attention to Rule 16 and 18 of the Punjab Civil Servants (E&D) Rules, 1975/1999 respectively, which provide that where the original order has been passed by the Government, no appeal shall lie and instead, a review petition shall lie to the Government and Government may, in its discretion, exercise any of the powers conferred on the appellate authority.

2.It has been observed that the Administrative Departments are misconstruing the meaning of the said rules. The Administrative Secretaries, while exercising the powers of authority on behalf of the Government against the accused under the Punjab Civil Servants (E&D) Rules, 1975/1999 are also entertaining review petitions of the aggrieved, against their own orders. This is not a correct interpretation of the rules *ibid*. Where the Administrative Secretaries pass the order

of penalty, they are not competent to entertain review petitions against their own orders, on the assumption that this order was passed by the Government.

3. **It is, therefore, clarified that the Authority for exercising the powers of the Government within the meaning of rule 16 and 18 of the Punjab Civil Servants (E&D) Rules, 1975/1999 respectively would mean the Governor or the Chief Minister, whichever the case may be, and not the Secretary to the Government. Review petition will lie only when the orders of penalties are issued after getting prior approval of the Governor/Chief Minister, in their capacity as Authority in the case. Where the orders have been passed by the Secretary to Government, in that case, no view will lie but instead an appeal shall lie to the next higher authority i.e. Chief Secretary. Thus the Administrative Secretaries are required to treat the review petitions if filed to them, as appeals and should pass them on to the Chief Secretary, alongwith their comments.**

4. The Law Department is of the view that 'Government' can be located in a given context and the criteria would be as to who holds the ultimate decision making powers because for different persons and in different circumstances, the 'Government' may have a different connotation. The Administrative Secretary when imposes a penalty under E&D Rules, 1975, as 'Authority' or 'Authorized Officer' he is not a "Government", therefore, an appeal shall lie to the nest higher authority against such decision/order.

5. I am, therefore, directed to request the Administrative Secretaries that the above clarifications may strictly be adhered to while entertaining review petition from the aggrieved civil servants against their own orders.

GOVERNMENT OF THE PUNJAB
SERVICES, GENERAL ADMINISTRATION &
INFORMATION DEPARTMENT

NOTIFICATION

The 12th March 1975

No. SORI(S&GAD)1-65/73-- In exercise of the powers conferred by section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules, namely:

**THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1975**

CHAPTER - I PRELIMINARY

1. Short title, commencement and application -- (1) These Rules may be called the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975.

(2) They shall come into force at once and apply to all civil servants except members of *such services and holders of such posts, as may be specified by Government.

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

- (a) "accused" means a civil servant against whom action is taken under these rules;
- (b) "authority" means the Government or an officer or **authority designated by it to exercise the powers of the authority under these rules;
- # (c) "authorized officer" means an officer authorized or designated by Government to perform the functions of an authorized officer under these Rules:

Provided that where in the case of a civil servant no authorized officer has been so authorized or designated, the authority shall have power to appoint an officer to act as authorized officer in that case:

*The provisions of these Rules shall not apply to the subordinate Executive Officers of Prisons other than the Superintendents, Assistant Medical Officers, Medical Officers and the ministerial staff thereof. (See Notification No.SORI(S&GAD) 1-87/81 dated 18.10.1982).

**In matters of disciplinary action against officers in whose case Government is designated in the relevant Delegation of Powers Rules as "authority", the Chief Secretary shall be the "authority" for officers in BPS-18 (See Notification No.SORI(S&GAD)1-50/82 dated the 19th September 1982).

Substituted vide Notification No.SORI(S&GAD)1-55/81 dated the 1st April 1982. Previous version is available at page 16.

Provided further that in relation to a civil servant, the authority may be authorized to act as authorized officer:

** Provided further that the authority in its discretion shall act as authorized officer where it deems appropriate.

- (d) "misconduct" means conduct prejudicial to good order or service discipline or contrary to the West Pakistan Government Servants (Conduct) Rules, 1966 as applicable to the Province of the Punjab or conduct unbecoming of an officer and a gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a civil servant; and
- (e) "Penalty" means a penalty which may be imposed under these rules.

(2) In case two or more civil servants are to be proceeded against jointly, the authority or, as the case may be, the authorized officer for the civil servant senior-most in rank, shall be the authority or, as the case may be, the authorized officer in respect of all such accused.

(3) The various authorities empowered to award major punishments under the various Delegation of Powers Rules, shall, in respect of civil servants to whom they are competent to award major punishment, exercise the powers of "the authority" under these rules and the authorities empowered to award minor punishment under the said Delegation of Powers Rules are, in respect of the civil servants to whom they are competent to award minor punishment, authorized to exercise the powers of "Authorized Officer" under these rules.

(4) Words and expressions used but not defined shall bear the same meanings as they bear in the Punjab Civil Servants Act, 1974.

2-A. Save in cases where Government is to act as 'the authority' or 'the authorized officer', notwithstanding anything to the contrary contained in rule 2, where 'the authority' or 'the authorized officer' would personally be interested in the result of proceedings under these rules, 'the authority' or 'the authorized officer' shall not proceed with the case and shall --

- (i) in the case of 'authorized officer' report the matter to 'the authority' which shall appoint and authorize another officer of the corresponding rank or status to act as 'authorized officer'; and
- (ii) in the case of 'authority', report the matter to the appellate authority to which the orders passed by 'the authority' are ordinarily appealable

** Added vide Notification No. SOR.I (SGA&ID) 1-7/86 dated 6th June 1993.

Added vide Notification No.SORI(S&GAD)1-5/75 dated the 10th of July 1975.

and such appellate authority shall appoint and authorize another officer of the corresponding rank and status to act as the 'authority'.

CHAPTER II -- PENALTIES

3. Grounds for penalty -- A civil servant, who, --
- (a) is inefficient or has ceased to be efficient; or
 - (b) is guilty of misconduct; or
 - (c) is corrupt, or may reasonably be considered corrupt because :
 - (i) he is, or any of his dependents or any other person through him or on his behalf, is in possession of pecuniary resources or of property disproportionate to his known sources of income, which he cannot reasonably account for; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - *(iii) he has a 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 unauthorized person, and his retention in service is, prejudicial to national security;

shall be liable to be proceeded against under these rules and one or more of the penalties hereinafter mentioned may be imposed on him.

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)

- (b) Major Penalties:

*Added vide Notification No.SORI(S&GAD)1-65/73 dated 7th October 1976.

**Omitted vide Notification No.SORI(S&GAD)1-55/81 dated 01.04.1982. Previous version is available at page 16.

- (i) reduction to a lower grade or post or time-scale or to a lower stage in a time-scale;
 - ** (i-a) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;
 - (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 civil servant --
- (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.

**Added vide notification No.SORI(S&GAD) 1-55/81 dated 1st April, 1982.

CHAPTER III -- INQUIRY AND IMPOSITION OF PENALTIES

*5. Initiation of proceedings -- (1) If, on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against a civil servant, or where the Anti-Corruption Establishment has, under Rule 15(1)(b) of the Punjab Anti-Corruption Establishment Rules, 1985, recommended departmental action, it shall direct the authorized officer to proceed against the said civil servant.

(2) Where no authorized officer stands designated in respect of the accused civil servant, the authority shall simultaneously appoint an officer senior in rank to the accused, to perform the functions of an authorized officer.

**6. Procedure to be observed by the authorized officer --

(1) In a case where a civil servant is accused of subversion, corruption or misconduct, he may be placed under suspension by the authority, or with the prior approval of the authority, by the authorized officer, or he may be required by the authorized officer to proceed on leave:

***Provided that the continuation of suspension or grant of any extension in leave shall require the prior approval of authority after every three months.

(2) Within three days of the receipt of the direction from the authority under rule 5, or within such further period as may be allowed by the authority at the written request of the authorized officer, the authorized officer shall decide whether in the light of the facts of the case or in the interest of justice, an inquiry is necessary.

(3) If the authorized officer decides that it is not necessary to have an inquiry conducted against the accused, he shall --

- (a) inform the accused forthwith, by an order in writing, 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 a period of fourteen days from the date of receipt of the order under clause (a):

Provided that no such opportunity shall be given where, in the interest of security of Pakistan or any part thereof, it is not expedient to do so but before denying this opportunity, the authorized officer shall obtain the prior approval of the authority.

(4) Within 7 days of the receipt of the explanation, if any, of the accused, or within such further period as may be allowed by the authority at the written

*Substituted vide Notification No.SORI(S&GAD)1-66/83 dated 19th of January 1986.

**Substituted vide Notification No.SOR-I(S&GAD)1-55/81, dated 1st of April 1982.

***Substituted vide Notification No.SOR-I(S&GAD)1-65/73, dated 29th of November 1984.

request of the authorized officer, the authorized officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty the authorized officer shall, after affording the accused an opportunity of personal hearing, pass orders accordingly. If, however, the authorized officer considers it to be a case for major penalty, he shall, after affording the accused an opportunity to offer his explanation against his recommendations for imposition of major penalty, forward the case to the authority along with the explanation of the accused and his own recommendations regarding the penalty to be imposed.

* Provided that in case of joint inquiry if the authorized officer reaches the conclusion to impose minor penalty/penalties on one or more of the accused and recommends imposition of major penalty/penalties in respect of the other(s) accused, he shall send the whole case to the authority for taking a final decision.

(5) If under sub-rule (2) the authorized officer considers that an inquiry is necessary, he shall appoint an Inquiry Officer or an Inquiry Committee consisting of two or more persons who or one of whom shall be of a rank senior to that of the accused or if there are more than one accused, senior to all the accused.

(6) Where an Inquiry Officer or an Inquiry Committee is appointed under sub-rule (5), the authorized officer shall simultaneously frame a charge and communicate it to the accused together with a statement of allegations explaining the charge and other relevant circumstances which are proposed to be taken into consideration and 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 directly before the Inquiry Officer or the Inquiry Committee, as the case may be.

(7) The authorized officer, immediately after communicating the charge to the accused under sub-rule (6), shall forward such record or copies thereof and such other material as is necessary for the conduct of the inquiry to the Inquiry Officer or the Inquiry Committee, as the case may be.

** 7. Procedure to be observed by the Inquiry Officer or Inquiry Committee --

(1) On receipt of the record and the explanation of the accused referred to in the preceding rule, the Inquiry Officer or the Inquiry 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 where any witness is produced by one party, the other party shall be entitled to cross-examine that witness.

(2) If the accused fails to furnish his explanation within the period specified, the Inquiry Officer or the Inquiry Committee, as the case may be, shall proceed with the inquiry.

Substituted vide Notification No.SORI(S&GAD)1-65/73 dated 29th of November 1984. Previous version is available at page 18.

* Added vide Notification No. SOR.I (SGA&ID) 1-7/86 dated 6th June 1993.

**Substituted vide Notification No. SORI (SGA&ID) 1-55/81 dated 1st April 1982. Previous version is at page 18.

(3) The Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given, except for reasons to be recorded in writing. However, every adjournment, with reasons therefore, shall be reported forthwith to the authorized officer. Normally, no adjournment shall be for more than a week.

(4) 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 inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) If the accused absents himself from the enquiry on medical grounds he shall be deemed to have hampered or attempted to hamper the progress of the enquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board. Where, in view of the serious condition of the accused, it may not be possible for him to appear before the Medical Board, the Board shall examine him at his residence of which complete address must always be given in the leave application and at which he must be available:

Provided that the authorized officer may, in his discretion, sanction medical leave upto seven days without the recommendation of the Medical Board.

(6) The Inquiry Officer or the Inquiry Committee, as the case may be shall complete the inquiry proceedings within a period of sixty days, commencing from the last date of submission of the written defence by the accused and shall, within ten days of the expiry of the said period of sixty days or within such further period as may be allowed by the authorized officer, submit his or its findings and the grounds thereof to the authorized officer.

* 7-A. The authorized officer, on receipt of the report of the Inquiry Officer or Inquiry Committee, shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall, after affording the accused an opportunity of showing cause against the action proposed, pass order accordingly. If it is proposed to impose a major penalty, he shall, after affording the accused an opportunity to offer his explanation against his recommendations for imposition of major penalty, forward the case to the authority along with the charge sheet, a statement of allegations served on the accused, explanation of the accused, the finding of the Inquiry Officer or the Inquiry Committee, as the case may be and his own recommendations regarding the penalty to be imposed. In case it is proposed to drop the proceedings, the authorized officer shall submit the case with all relevant material/documents to the authority for appropriate orders.

* 7-B. Appearance of Counsel -- No party to any proceeding under these rules before the authority, the authorized officer, an inquiry officer, an inquiry committee or appellate authority shall be represented by a lawyer.

* Substituted vide Notification No. SOR-I (SGA&ID) 1-65/73 dated 29.11.1984. Previous version is available at page 20.

* Added vide Notification No.SORI(S&GAD)1-55/81 dated 01.04.1982.

7-C. Expeditious disposal of proceedings --

(1) In a case where the authorized officer decides not to have an inquiry conducted against the accused, the proceedings must be finalized by him within a period of forty-five days from the date of receipt of the direction under rule 5 and a report to that effect submitted to the authority.

(2) In a case where the authorized officer has appointed an Inquiry Officer or Inquiry Committee, he should ensure that the entire proceedings are completed within a period of ninety days from the date of receipt of direction under rule 5 and shall submit a report thereof to the authority.

(3) Where inquiry proceedings are not completed by the inquiry officer or the inquiry committee, as the case may be, within ** (the prescribed period) the Inquiry Officer or the Inquiry Committee, as the case may be, shall report the position of the inquiry to the authorized officer intimating the reasons why the inquiry could not be completed within that period and the approximate further time that is likely to be taken in the completion of the inquiry and the authorized officer shall immediately cause the same to be produced before the authority.

(4) The authority on receipt of report under sub rules (2) and (3), shall pass such orders for expeditious finalization of the proceedings as it may deem fit.

*** 8. In the case of any proceedings the record of which has been reported for orders under sub-rule (4) of rule 6 or ~~## (sub-rule (8) of rule 7~~ rule 7-A) the authority may pass such orders as it deems fit but before imposing a major penalty, the authority shall afford the accused an opportunity of being heard in person either before himself or before an officer senior in rank to the accused designated for the purpose, after taking into consideration the record of such personal hearing prepared by the officer so designated.

* Provided that where the authority is satisfied that inquiry proceedings have not been conducted in accordance with these rules and/or facts and merits of the case have been ignored it may order initiation of de novo inquiry.

9. * Certain rules not to apply in certain cases -- (1) Where a civil servant is convicted of an offence involving moral turpitude which has led to a sentence of fine or imprisonment, he may, after being given a show cause notice be dismissed, removed from service or reduced in rank without following the procedure laid down in rules 5, 6, 7 and 8.

(2) Where the authority is satisfied, that for reasons to be recorded in writing, it is not reasonably practicable to give the accused civil servant an

Added vide Notification No.SORI(S&GAD)1-55/81 dated 01.04.1982.

**Substituted for the words "a period of forty-five days of the date on which the accused puts in his written defence, if any" vide Notification No.SORI (S&GAD) 1-65/73(P.III) dated 30th September 1985.

***Substituted vide Notification No.SORI(S&GAD)1-36/80 dated 18.06.1980. Previous version is available at page 20.

Substituted vide Notification No.SORI(S&GAD)1-55/81 dated 23rd November 1982.

* Added vide Notification No. SOR.I(SGA&ID) 1-7/86 dated 6th June 1993.

* Substituted vide Notification No.SORI(S&GAD)1-55/81 dated 01.04.1982.

opportunity of showing cause it may impose any of the penalties under these rules without following the procedure laid down in rules 5, 6, 7 and 8.

♥(3) Notwithstanding the other provisions of these rules where the Government or authority is satisfied that one or more civil servants, individually or collectively, have taken part in agitational and subversive activities, resorted to strike, abandoned their official duty or incited others to do so, the Government or the authority may after serving upon them a notice through a publication in a daily newspaper or in any other manner, asking them to resume duty, and on their failure or refusal to resume their duty impose upon the defaulting civil servant the penalty of dismissal or removal from service without following the procedure as laid down in rules 5, 6, 7 and 8 *ibid*.

10. Procedure of inquiry against officers lent to other Governments, etc.-- (1) Where the services of a civil servant to whom these rules apply are lent to any other Government or to a local or other authority, in these rules referred to as the borrowing authority, the borrowing authority shall have the powers of authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in these rules referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.

Provided further that the borrowing authority shall obtain prior approval of the Government of the Punjab before taking any action under these rules against a civil servant holding a post in ** (Basic Pay Scale) 17 or above.

(2) If, in the light of the findings in the proceedings taken against a civil servant in terms of sub-rule (1) above, the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

* (3) Notwithstanding anything to the contrary contained in sub-rule (1) and (2) Government may, in respect of certain civil servants or categories of civil servants, authorize the borrowing authority to exercise all the powers of authority and authorized officer under these rules.

11. Power to order Medical Examination as to mental or bodily infirmity -- (1) Where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority may, at any stage, whether or not an authorized officer has been directed to proceed against him, require the civil servant to undergo a medical examination by a Medical Board or a Medical Superintendent as the authority may direct, and the report of the Board or the Medical Superintendent shall form part of the proceedings.

♥ Added vide Notification No.SORI(S&GAD)1-55/81(p) dated 31.05.1986.

** Substituted for the word "Grade" vide Notification No. SOR.I (S&GAD) 1-65/73 dated 29th November 1984.

*Added vide Notification No.SORI(S&GAD)1-21/82 dated 03.03.1982.

(2) If a civil servant refuses to undergo such an examination, his refusal may, subject to the consideration, of such grounds as he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result of the examination would prove unfavorable to him.

12. Powers of Inquiry Officer and Inquiry Committee -- (1) For the purpose of an 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 and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits; and
- (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).

CHAPTER IV -- APPEALS, REVISIONS, ETC.

13. Appeal against Penalty -- Any civil servant on whom a penalty has been imposed under these rules, except where the penalty has been imposed by the Government, may within 30 days from the date of the communication of the order, appeal to such authority as may be prescribed:

Provided if the appellate authority is satisfied that there is sufficient ground for extending the time it may entertain the appeal at any time.

14. Petition of appeal -- Every appeal preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the order appealed from, and shall not contain disrespectful or improper language and shall be filed with the authority which or the authorized officer who, as the case may be, passed the original orders. The authority or the authorized officer, receiving the appeal, shall forward the same along with the comments within a fortnight, to the appellate authority.

15. Determination of appeal -- (1) The appellate authority shall cause notice to be given to the appellant and the authority or the authorized officer imposing penalty, of the time and place at which such appeal will be heard. The appellate authority shall send for the record of the case, if such record is not already with it. After perusing such record and hearing the appellant, if he appears, and the representative of the punishing authority, if he appears, the appellate authority may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may --

- (a) reverse the finding and acquit the accused; or
- (b) order and direct that further or fresh inquiry be made; or
- (c) alter the finding maintaining the penalty or with or without altering the finding, reduce the penalty; or
- (d) subject to the provisions of sub-rule (2), enhance the penalty.

*"Provided that where Governor or **Chief Minister is the appellate authority, he may, in his discretion, designate any officer, except the one against whose orders the appeal has been preferred, for the purpose of affording the appellant an opportunity of being heard in person and submit the case to the Governor or Chief Minister for final determination of the appeal".

(2) Where the appellate authority proposes to enhance the penalty, it shall--

- (i) by order, in writing, inform the accused of the action proposed to be taken and the grounds of the action; and

*Added vide Notification No.SOR-I(S&GAD)1-98/83 dated 01.04.1985

**The words "or Chief Minister" were added vide Notification No.SOR-I (S&GAD) 4-10/83 dated 06.11.1985.

- (ii) give him a reasonable opportunity to show cause against that action.

(3) In dealing with an appeal, the appellate authority, if it thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by the authorized officer and when such evidence has been taken the appellate authority shall thereupon proceed to dispose of the appeal.

16. Review and not appeal in certain cases -- Where the original order has been passed by the Government, no appeal shall lie, and instead, a review petition shall lie to the Government and the Government may, in its discretion, exercise any of the powers conferred on the appellate authority:

Provided that it shall not be necessary for the Government to afford the accused an opportunity to be heard in person except where the Government proposes to increase the penalty, in which case he shall, by order in writing, inform the accused of the action proposed to be taken and the grounds of the action and give him a reasonable opportunity to show cause against that action.

17. No second appeal except in certain cases -- (1) No appeal shall lie against any order made by the appellate authority except in case the appellate authority enhances the penalty.

(2) In every case, in which the appellate authority enhances the penalty imposed by the authority or the authorized officer, the accused may, within 30 days of the communication of the orders, appeal to the authority next higher thereto:

Provided if the second appellate authority is satisfied that there is sufficient ground for extending the time, it may entertain the appeal at any time.

(3) The appeal shall be filed in the manner indicated in rule 14 and the second appellate authority shall determine the appeal in the manner provided for the first appellate authority and may exercise any of the powers conferred on the first appellate authority.

18. Revision -- (1) The Government may call for and examine the record of any proceeding before any authority for the purpose of satisfying as to the correctness, legality or propriety of any finding, penalty or order recorded or passed and as to the regularity of any proceeding of such authority.

(2) On examining any record under this rule, the Government may direct the authority to make further inquiry into the charges of which the accused has been acquitted and discharged, and may, in its discretion, exercise any of the powers conferred on an appellate authority:

Provided any order under this rule made prejudicial to the accused shall not be passed unless he has been given an opportunity to show cause against the proposed action:

* Provided further that an order imposing punishment or exonerating the accused shall not be revised suo moto or otherwise after the lapse of a period of one year from the date of its communication to the accused except in case where appeal is preferred against the punishment.

(3) No proceeding by way of revision shall be entertained at the instance of the accused who has a right of appeal under these rules and has not brought the appeal.

* Substituted vide Notification No. SOR.I (SGA&ID) 1-7/86 dated 6th June 1993. Original version is available at page 21.

CHAPTER V -- REPEAL

19. Repeal -- (1) The West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, in their application to the civil servants to whom these rules apply, are hereby repealed.

(2) Notwithstanding the repeal of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, hereinafter referred to in this sub-rule as the said rules-

- (a) Subject to the provisions of Chapter-IV of these rules, any departmental inquiry or proceedings pending immediately before the coming into force of these rules, shall be completed and orders passed thereon as if the said rules had not been repealed; and
- (b) any notification or instructions issued thereunder so far as they are not inconsistent with these rules, shall be deemed to have been issued under these rules.

(3) Any person or authority, or the successor of the same, authorized to exercise powers by virtue of a delegation made by the Government from time to time subsisting immediately before the commencement of these rules, shall, to the extent of the powers delegated and so far as is not inconsistent with these rules, be deemed to be an authority designated under these rules.

ANCILLARY INSTRUCTIONS

NOTIFICATION

The 24th February 1973

No. SORI (S&GAD) 1-36/65-- In exercise of the powers conferred by sub-rule (2) of rule 1 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, the Governor of the Punjab is pleased to direct that --

- (i) the said Rules shall not apply to the members of Subordinate Police Service up to the rank of Inspector:

Provided that an enquiry started under the said Rules shall be completed under these Rules; and

- (ii) the members of the Subordinate Police Service upto the rank of Inspector shall be governed by the Punjab Police Rules, 1934.

NOTIFICATION

Dated the 18th October 1982

No. SOR-I(S&GAD) 1-87/81-- In exercise of the powers conferred by sub-rule (2) of rule 1 of the Punjab Civil Servants (Efficiency and Discipline), Rules, 1975 and in supersession of Government of the Punjab, SGA&ID Notification No. SOR-I (S&GAD)1-51/72 dated 19.03.1974, the Governor of the Punjab is pleased to direct that the provisions of Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 shall not apply to the subordinate Executive Officers of Prisons other than the Superintendents, Assistant Medical Officers, Medical Officers and the ministerial staff thereof.

NOTIFICATION

The 19th September 1982

No. SORI (S&GAD) 1-50/82-- In exercise of the powers vested in him under section 23 of the Punjab Civil Servants Act, 1974 and clauses (b) and (c) of rule 2 (1) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, the Governor of the Punjab is pleased to direct that in matters of disciplinary action against Officers in whose case Government is designated in the relevant Delegation of Powers Rules as "authority", the Chief Secretary shall be --

- (i) the authority for officers in grade-18.

* No.SORI(S&GAD)1-36/80
The 11th September 1980

* Withdrawn vide Notification No. SORI(S&GAD)1-36/80 dated 1st November 1997.

Subject: THE PUNJAB CIVIL SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1975

I am directed to say that the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960 have been replaced by the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 of which a copy with some spare copies is enclosed for use in your Department and the attached Departments and subordinate offices under your administrative control. More copies will be supplied in due course according to your requirements, which may be intimated.

2. The salient features of the new Rules are --

- (i) Enquiry procedure was previously different for--
 - 1. cases of subversion;
 - 2. cases of inefficiency or misconduct calling for minor penalties; and
 - 3. cases calling for major penalties.

This has been made continuing process of action for all types of cases. The enquiry in all cases would be initiated by the "Authorized Officer". It would be finalized at his level if the resultant penalty is to be one of the minor penalties. The case would be referred to the "authority", if any of the major penalties may have to be imposed.

- (ii) the various authorities empowered to award major punishment under the various Delegation of Powers Rules, are, in respect of civil servants to whom they are competent to award major punishment, competent to exercise the powers of the "authority" and the authorities empowered to award minor punishment in respect of the civil servants to whom they are competent to award minor punishment, authorized to exercise the powers of the "authorized officer";
- (iii) the definition of "misconduct" has been elaborated to include conduct unbecoming of an officer and a gentleman, as also any act on the part of a civil 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;
- (iv) the provisions about (1) notice of proposed penalty and (2) consultation with the Public Service Commission, have been omitted;

- (v) previously only a Government servant charged of subversion could be forced to proceed on leave. This provision now applies to all cases subject to entitlement of leave;
- (vi) "Appeal Rule" has been made self-contained;
- (vii) suo moto reversionary powers, previously available under rule 14.18 of the CSR (Punjab) Volume I, Part-I, have been revived subject to certain conditions and limitations of time (3 months beginning from the date of the final order in a case);
- (viii) the provisions already existing in the West Pakistan Enquiries (Powers) Act, 1958 have been incorporated in the new rules so as to have the Enquiry Officer and the Enquiry Committee, as the case may be, to exercise the powers of a Civil Court, in respect of specified matters in connection with departmental enquiry;
- (ix) Where the accused absents himself from the enquiry on medical grounds he is to be deemed to have hampered or attempted to hamper the progress of the enquiry, unless medical leave applied for by him, is sanctioned on the recommendation of a Medical Board. Where in view of his serious condition, it may not be possible for him to appear before the Medical Board, the Board shall arrange to examine him at the place of his residence, of which he will have to mention complete address in his leave application.

3. I am to request that the provisions of the new Efficiency and Discipline Rules may be brought to the notice of all concerned, for information and guidance.

No.SORI(S&GAD)1-71/74
Dated the 26th June 1975

Subject: IMPOSITION OF PENALTY ON CIVIL SERVANTS CONVICTED
IN A COURT OF LAW

I am directed to refer to rule 9(a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, [the corresponding rule in the West Pakistan (Efficiency and Discipline) Rules, 1960 was rule 6B(a)] according to which a person is not entitled *to the reasonable opportunity of showing cause if he may have to be dismissed or removed from service or reduced in rank on the ground of conduct, which has led to sentence of fine or imprisonment. A question has been raised whether this exemption from observance of the prescribed enquiry procedure can be availed of in the case of a civil servant convicted by a court of law and sentenced to imprisonment or fine, but who may have gone in appeal to the next appellate court and the appellate court may have suspended operation of the sentence and directed the accused to be released on bail.

*Rule 9 stands amended w.e.f 01.04.1982 and issuance of show cause notice is now required.

2. There can be no doubt that the exemption provided for in rule 9(a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 can be invoked straight away, because suspension of the operation of sentence does not take away the conviction and during the pendency of the appeal only the operation of the sentence remains suspended.

3. In this connection, I am also to invite attention to para 3 of this Department's circular Memo. No.S.O.XII- 2-22/60, dated the 13th August, 1960, in which it has been stated that if a civil servant is convicted in a court of law, he does not automatically lose his employment under Government but if, in the opinion of the authority competent to pass the order of dismissal, removal or reduction in rank, the grounds which led to his conviction justify the imposition of any of these penalties, that authority can pass such an order and where such a decision is taken on the ground of conduct, which led to the conviction of the person concerned in a court of law, the order can be passed without giving the person concerned a show-cause notice. Such an order is to take effect from the date of the order, if passed, in availing the exemption under rule 9(a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 and the provisions of the "note" below rule 7.5 of the C.S.R. (Punjab), Vol.I, would not be attracted. Necessary action for amendment of this "note" is being taken separately.

No.SORI(S&GAD)-1-65/73
Dated the 10th September 1979

Subject: PUNJAB CIVIL SERVANTS (E&D) RULES, 1975 CLARIFICATION

The following questions have cropped up in connection with the application of various provisions of the Punjab (Efficiency and Discipline) Rules, 1975:

- i) Whether a copy of the inquiry report should be supplied to the accused officer/official while affording him an opportunity of personal hearing under rule 8 of the Efficiency and Discipline Rules, 1975.
- ii) Whether opportunity of personal hearing should be afforded in case it is proposed to impose a minor penalty under rule 7(8) of the Efficiency and Discipline Rules, 1975.
- iii) Whether the notice under clause (a) of rule 6(3) of the Efficiency and Discipline Rules, 1975 should contain full information about the evidence proposed to be relied upon for action under the said provision.

2. As regards point No. (i) it is clarified that under the existing rules, a copy of the inquiry report or other record cannot be claimed by an accused as a matter of right. However, if it is proposed to take action against him on the basis of such report or record, copies thereof should be supplied to him, if he so demands.

3. With regard to point No. (ii) it is necessary to appreciate the fact that even a minor penalty carries with it a stigma and constitutes a barrier in career advancement

of the accused and justice demands that he should also be given an opportunity of personal hearing by the authorized officer.

4. As regards point No. (iii) rule 6(3) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 requires the authorized officer to inform the accused Government servant of the action proposed to be taken against him and the grounds of the action and give him a reasonable opportunity of showing cause against that action. The expression "reasonable opportunity" has not been defined in the Efficiency and Discipline Rules or in the substantive law, but it has acquired a legal connotation in the sense that superior courts have held it to mean an opportunity according to rules of natural justice. Two widely accepted principles of natural justice are (a) a person must clearly be apprised of the offences with which it is intended to charge him, and (b) he must not be condemned unheard. On the basis of these principles the show cause notice served on a person proposed to be proceeded against under rule 6(3) of the Efficiency and Discipline Rules, 1975, must contain complete information about the grounds on which action is proposed to be taken against him and he must except as provided otherwise, be given reasonable opportunity to defend himself.

No. SORI(S&GAD)1-55/81

Dated the 18th August 1981

Subject: INQUIRIES UNDER THE E&D RULES, 1975

I am directed to say that delay in finalization of departmental inquiries under the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 has been engaging the attention of Government for quite some time. The Governor Punjab has taken a serious notice of such delays and has been pleased to direct that departmental inquiries should be finalized within the shortest possible time. Delay in completion of proceedings adversely affects the working of the office or the department to which the accused officer belongs because he does not vacate the post held by him and nor replacement can be made till he remains under suspension or otherwise remains preoccupied with the proceedings.

2. In order to speed up the process of departmental inquiries it has been decided to lay down the following guidelines:

- (a) While submitting the case for approval of the authority to initiate proceedings against a civil servant under rule 5 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 it should be ensured that a proposal is also submitted for appointment of authorized officer in cases where no one has been appointed as such or it is intended to appoint an officer other than the officer already designated under the relevant Delegation of Powers Rules. The authority if in the Administrative Department should appoint the authorized officer in such cases simultaneously with its directions to him to proceed under the said rules.
- (b) Draft charge sheet and statement of allegations should invariably be submitted to the authority while seeking its approval to initiate proceedings under rule 5 *ibid*.

- (c) In case the accused officer attempts to hamper the proceedings by delaying tactics the inquiry officer and the authorized officer must follow the procedure prescribed in Rule 7(5) and 7(6) of the Rules.
- (d) Where ex-parte proceedings have been taken by the Inquiry Officer under the rules denovo inquiry on grounds of lack of adequate opportunity for defence should not normally be ordered. As a matter of Policy extreme caution should be exercised in such cases and fresh inquiry should be discouraged.

3. The above instructions may kindly be brought to the notice of all concerned for strict compliance in future.

No.SOXII(S&GAD)5-2/62
Dated the 16th February 1962

Subject: FRAUD OR EMBEZZLEMENT OF GOVERNMENT MONEY

It has been brought to the notice of Government that in cases of fraud or embezzlement of Government money in which a Government servant is involved, no departmental inquiry is held once a case has been handed over to the Police. Cases of financial loss to Government need utmost attention and care. In view of the financial implications, it is necessary that every attempt should be made to fix responsibility for such losses.

2. In this connection, attention is invited to paragraph 3 (1) of Appendix 2 to Financial Handbook No.2, Punjab Financial Rules, Volume II (copy enclosed). The intention seems to be that the head of office or Department should also reach departmental conclusions about such cases, although there is nothing to stop him from using the material collected by the police or the finding reached by the criminal Court. I am to request that the instructions in the Financial Handbook may please be strictly followed in all cases of fraud or embezzlement of Government money.

PARA 3 (1) OF APPENDIX 2 FROM FINANCIAL
HANDBOOK NO.2, PUNJAB FINANCIAL RULES

VOLUME-II

There is a tendency for the head of office or department to regard the institution of criminal proceedings as absolving him from the task of conducting an immediate and thorough departmental inquiry. Reluctance may be enhanced by the apprehension that an inquiry may prove prejudicial to the result of the trial in a Court of Law. As a result there has sometime been a great delay in taking departmental proceedings and the results have been inconclusive. The departmental inquiry should

not, therefore, be delayed pending the decision of the criminal case, as at a later stage of the evidence might disappear and departmental inquiry may not be brought to any conclusion at all.

NO. SORI(S&GAD)-1-65/73-P-III

Dated the 13th September 1981

Subject: SUMMONING OF WITNESSES IN DEPARTMENTAL INQUIRIES
UNDER THE EFFICIENCY & DISCIPLINE RULES, 1975

It has come to the notice of the Government that at times when it becomes necessary to summon some private persons or retired Government servants as witnesses in connection with an inquiry under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 for the prosecution or defence, the Inquiry Officer encounters difficulty in ensuring the appearance of such witness before him. Such witnesses claim traveling expenses if they have to undertake a journey from their place of residence to the place of inquiry proceedings. There is no provision in any rule for payment of such expenses. Absence of necessary witnesses apart from delaying the final disposal of the inquiry has the effect of vitiating the proceedings on the ground that the accused does not get an adequate opportunity of defence. In order to avoid such situations the Governor Punjab has been pleased to direct that the Inquiry Officer must reach out to the witnesses and arrange hearing at or near the place of their residence. This may please be brought to the notice of all concerned for strict compliance.

NO. SORI(S&GAD)-1-93/84

Dated the 13th December 1984

Subject: DISCIPLINARY ACTION AGAINST CIVIL SERVANTS CONVICTED
BY MILITARY COURTS

In pursuance of Govt. of Pakistan, Cabinet Secretariat, Establishment Divisions, Office Memo. No.3/6/82-D.2(Pt), Rawalpindi on the subject noted, I am directed to bring to your notice the following excerpts of the directions issued by the CMLA's Secretariat Rawalpindi, for information and strict compliance:

- I. CMLA's Secretariat Rawalpindi No.57/29(1)/IB/AJAG/-CMLA/83, dated the 16th March 1984.
 1. "Instances have come to notice of this Secretariat where certain public servants not falling within the purview of the Pakistan Army Act, 1952 convicted by Military Courts and subsequently granted pardon were reinstated perhaps on the plea that pardon takes away the conviction.
 2. The issue was however examined in consultation with the Law Division who have advised that a free pardon does not restore convicted person to public office forfeited in consequence of a conviction though it may remove disability for fresh grant of

employment. A copy of Law Division U.O. Note No. 593/82 dated 20th January 1982 is enclosed for guidance/compliance.

3. Zone Heads are requested not to order reinstatement while granting pardon to convicts."
- II. Office of the Chief Martial Law Administrator Pakistan: Order under Martial Law Order No.10 issued by the Chief Martial Law Administrator Rawalpindi dated 31st July 1984.
1. "In exercise of the powers conferred by the Martial Law Administrator is pleased to interpret and decide that for the Chief Martial Law Administrator Order No.1 of 1981 the word "Court" shall include "A Service Tribunal" and other similar bodies".
- III. CMLA Secretariat Rawalpindi No.57/29(I)AJAG/CMLA 27th August 1984.
1. "Some doubts have arisen as to whether a pardoned convict could be reinstated or not. These doubts were mainly created due to the note given under PAA Sec 143 (Pardon takes away the conviction). Instructions have already been issued on the subject vide this Sectt. letter No.57/29(1)IB/AJAG/CMLA/83, dated 16th March, 1983 and all Zones were required not to issue orders for reinstatement of such convicted civil servants who had been granted pardon by the competent ML Authorities.
 2. The matter has been re-examined and it has been decided that the instructions already issued vide our above said letter are required to be strictly complied with. In case there is any Court/Tribunal order for reinstatement of a civil servant on the strength of previous pardon cases the Government should prefer an appeal and if the appeal is already time barred, a petition for condonation of delay may be moved in the appellate court at an early date.
 3. It may be appreciated that the term "Service Tribunal" has already been included in the term "Court" as find mention in clause (5) and (6) of Act 15 of the CMLA's order No.1 of 1981, (CMLA's Office Order dated 31st July 1984 refers).
- IV. CMLA's Secretariat Rawalpindi No.57/29(I)AJAG/CMLA dated 25th September 1984.
1. "This Secretariat letter No.57/29(I)AJAG/CMLA 27th August 1984 refers. Above quoted letter is amended as under:
 4. "However, in cases where while granting pardon to a Government Servant as MLA directs that the person be reinstated in service, the directions shall be implemented".
2. I am to request that the above instructions may please be brought to the notice of all concerned for strict compliance.

CORRIGENDA

NO. SORI(S&GAD)-1-93/84
Dated the 16th December 1984

Subject: DISCIPLINARY ACTION AGAINST CIVIL SERVANTS CONVICTED
BY MILITARY COURTS

I am directed to refer to this Department's circular letter No.SORI (S&GAD) 1-93/84, dated the 13th December 1984 on the subject cited above and to request that clause (1) of sub para II of Para 1 may be read as under:

"In exercise of the powers conferred by the Martial Law Order No.10, the Chief Martial Law Administrator is pleased to interpret and decide that for the purposes of clause (5) and (6) of Article 15 of the Chief Martial Law Administrator Order No.1 of 1981 the word "Court" shall include "A Service Tribunal" and other similar bodies ".

No. SOXI(S&GAD)5-7/62,
Dated the 24th August 1962

Subject: SUSPENSION OF GOVERNMENT SERVANTS

I am directed to refer to this Department's instructions for the speedy disposal of disciplinary cases issued in this Department's memorandum No.S(R)-21-43/57-SOXIII, dated the 16th November 1957. The position has been reviewed by Government in the light of experience gained during this period. It has been found that a large number of Government servants remain suspended for periods longer than 6 months and most of them get reinstated, which results in financial loss to Government and causes unnecessary inconvenience to Government servants concerned. Suspension should only be resorted to where it is essential.

SUSPENSION IN THE CASE OF DEPARTMENTAL INQUIRY

2. Recourse to suspension should not be made at the time of preliminary inquiry as the situation can be met, if necessary, by transfer of a Government servant from the station of posting. The question of suspension should only be considered when a formal inquiry is to be undertaken by the Inquiry Officer under rule 8 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960. The suspension for corruption or misconduct should only be ordered where it is likely that one of the following penalties can be imposed:

- (a) Reduction to a lower post or time-scale or to a lower stage in time-scale.
- (b) Compulsory retirement.
- (c) Removal from service.
- (d) Dismissal from service.

SUSPENSION IN THE CASE OF POLICE CHALLANS

3. Suspension need not be ordered in all cases when a Government servant is challaned. The criterion should be the same as in the case of departmental inquiry. Normally in court cases it should follow conviction and should be discretionary at other stages. Moreover, a Government servant need not be suspended merely for being in Police custody unless he is convicted and the conditions as laid in the case of departmental inquiry are fulfilled.

4. A Government servant may, however, be suspended on obstinate refusal to carry out an order. This provision is essential. Otherwise, there will be no peremptory remedy available to Government in such cases.

5. The existing policy about station leave as mentioned in paragraph 4 of the letter under reference may be maintained.

No.SO-IV(S&GAD)-1-15/61
Dated the 24th May 1966

Subject: SUSPENSION OF GOVERNMENT SERVANTS

I am directed to refer to this Department's letter No.SOXII(S&GAD) 5-7/62 dated the 24th August 1962, in which instructions were issued about the nature of cases in which a person can be suspended. It has been brought to the notice of Government that inquiries held by the Anti-Corruption Establishment and the inquiries under the West Pakistan Government Servants (Efficiency & Discipline) Rules, 1960, are delayed because the person against whom allegations are made does not furnish necessary record or answer queries or charge-sheet within the specified time limit. It hampers the very object of making the inquiries which are killed by the process of time. It has, therefore, been decided that if a person deliberately delays answering queries of the Anti-Corruption Establishment or the furnishing of record, called for by them, or fails to furnish replies to the charge-sheet or other queries made under the West Pakistan Government Servants (Efficiency & Discipline) Rules, 1960, within the specified time limit, he shall be liable to be suspended from Government service.

2. On the other hand, the appointing authorities are requested to take care that this measure should only be adopted, when it is proved that the delay is deliberate and without any reason.

No.SORI(S&GAD)1-65/73(Vol.II)-A
Dated the 26th March 1977

Subject: NEED FOR PROPER ENFORCEMENT OF EXISTING PROVISIONS IN
LAW/RULES IN CASES OF OFFICERS UNDER SUSPENSION

It has come to the notice of Government that some officials placed under suspension indulge in acts of indiscipline but the competent authority does not take any effective action against them.

2. In this connection, attention of all concerned is invited to the following:

- (a) Under Rule 6(1), PCS (Efficiency and Discipline) Rules, 1975, initial suspension period of a civil servant is limited to three months. This indicates that suspension should be resorted to sparingly and where an official has been suspended, his case should be finalized within three months, as far as possible. If the spirit of these Rules is observed properly, the problems of suspended officers would be solved to a considerable extent.
- (b) An officer under suspension is required to be given reasonable opportunity to prepare his defence during investigation and trial subject to this condition, there is nothing to prevent competent authority from directing him to attend office or transferring him to a far off place.
- (c) A civil servant does not cease to be a civil servant merely because he has been suspended. Although, his powers, functions and privileges are in abeyance during the suspension period, he continues to be subject to the same discipline and penalties as if he had not been suspended. Therefore, if a suspended officer indulges in indiscipline or attempts to influence the course of investigation or trial in his favour by questionable methods, he can be hauled up under PCS (Efficiency and Discipline) Rules, 1975 by the competent authority and charge sheeted. In the alternative, in appropriate cases, the investigating agency can register a criminal case against him after observing prescribed procedure.

3. In view of the position explained above, all concerned are requested to make full and proper use of the existing provisions of law and rules while dealing with cases of indiscipline and misconduct on the part of officers under suspension.

NOTIFICATION

21st January 1982

No. FD-SRI-3-45/81. In exercise of the powers conferred on him under Section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to direct that in the Civil Service Rules, Punjab, Volume I, Part I, the following further amendments shall be made:

AMENDMENT

For rule 7.5 and the Note thereunder, the following shall be substituted:

7.5. A Government servant committed to prison either for debts or on criminal charge should be considered as under suspension from the date of his arrest and should be allowed only those payments as are laid down in rule 7.2 until the decision of his case by the trial court, unless, however, on being released on bail during the course of trial, the authority concerned reinstates him keeping in view the nature of offence or the grounds for his commitment to prison.

If the Government servant is acquitted or is finally released as a result of the decision of his case by the trial court, an adjustment of his pay and allowances should be made according to the circumstances of the case, the full amount being given only in the event of his being acquitted of the blame or, if imprisonment was for debt, of its being proved that the Government servant's liability arose from circumstances beyond his control. In other cases, the authority shall decide as to whether any penalty should follow as a result of the decision of the case and if so, he may be punished in accordance with the Rules applicable to him and the punishment should be ordered with retrospective effect from the date of trial court's order of conviction. If the authority decides not to impose any penalty the Government servant shall be deemed to be on extraordinary leave for the period he was unable to perform his functions as a result of his conviction by the trial court.

No.SORI(SGA&ID)1-90/87
Dated the 14th February 1988

Subject: TREATMENT OF PERIOD UNDER SUSPENSION

I am directed to say that the question whether acquittal of a civil servant facing criminal or civil proceedings before a court of law with benefit of doubt, should be considered to have been honourable acquittal for the purposes of re-instatement and grant of consequential benefits has been examined in consultation with the Law & Parliamentary Affairs and Finance Deptt. It has been decided that since a person acquitted by the Court by giving him benefit of doubt has no judicial remedy available to him to get such acquittal declared as honourable, all acquittals including those based on benefit of doubt should be treated as honourable for all purposes.

No.SORI(S&GAD)4-4/75
Dated the 19th July 1977

Subject: GRANT OF LPR TO GOVERNMENT SERVANTS COMPULSORILY
RETIRED FROM SERVICE UNDER THE PUNJAB CIVIL SERVANTS
(E&D) RULES, 1975

It has been decided that Government servants compulsorily retired from service as a measure of punishment under the PCS (E&D) Rules, 1975 should not be granted leave preparatory to retirement.

No.SORI(S&GAD)1-16/76
Dated the 10th July 1978

Subject: EXPEDITIOUS FINALIZATION OF DISCIPLINARY CASES

Attention is invited to the instructions issued on the subject as detailed at the bottom*.

2. In many cases, Government servants under suspension are reinstated after completion of enquiry. Consequently they have to be paid salary for which they did no work.

3. Suspension should be resorted to only when it is not possible to meet the situation otherwise or where it is likely to result in the imposition of a major penalty keeping in view the gravity of allegations.

4. The 'Authority' should make personal assessment of each case in which a Government servant has been suspended to ensure that suspension is allowed to continue beyond 3 months only where it is absolutely necessary. In this connection attention is invited to Rule 6(1) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975.

5. As regard the case under investigation or trial, suspension need not be ordered indiscriminately in all cases where Government servants are challaned. The criterion should be the same as in the case of Departmental inquiry.

6. A Government servant may, however, be suspended for refusal to carry out an order if he does not cooperate during an inquiry against him and causes delay without any justifiable reasons.

7. To enable higher authorities to exercise proper check on disposal of cases under the Efficiency and Discipline Rules where orders have been passed by authority other than Government in Court, Police and Anti-Corruption cases involving suspension of Government servants should be reported to the Commissioners concerned who will take up the matter with authorities concerned to secure expeditious completion of investigation of cases. Similar progress report should also be furnished by the Anti-Corruption Department and the Enquiry Officers conducting the cases of suspended Government servants to the authorized officer.

8. I am directed to request that these instructions may be followed in letter and spirit.

NO. SORI(S&GAD)-1-93/81
Dated the 30th November 1981

* (1. No.SOXII(S&GAD)5-7/86, dated 24.08.1962
2. No. SOIV(S&GAD)1-29/74, dated 13.10.1964
3. No. SOIV(S&GAD)1-29/64, dated 09.02.1962
4. No. SOIV(S&GAD)1-15/64, dated 24.05.1966
5. No. SOIV(S&GAD)1-15/64, dated 05.11.1966
6. No. SOIV(S&GAD)1-15/64, dated 20.01.1968
7. No. SOR-I(S&GAD)1-74/72, dated 18.10.1972
8. No. SOR-I(S&GAD)1-65/73-VOL-A, dated 02.01.1976)

Subject: ARRANGEMENTS FOR MONITORING THE PROGRESS OF
DEPARTMENTAL ENQUIRIES UNDER THE EFFICIENCY AND
DISCIPLINE RULES

I am directed to refer to this Department's letter No. SORI(S&GAD) -1-15/64(Policy), dated 17th January 1970, 25th March 1970 and 24th June 1970 stressing expeditious finalization of departmental enquiries and calling upon all the appointing authorities to be vigilant in checking delays in these cases. The Government have observed that these instructions are not being followed. To meet the situation, amendments in the Punjab Civil Servants (Efficiency and Discipline) Rules 1975, to prescribe definite * time-limits for various functions assigned to the "Authority", "Authorized Officer" and "Inquiry Officer" are under consideration.

2. In order to ensure expeditious completion of disciplinary proceedings against Government servants, the Governor of the Punjab has been pleased to give the following directions besides other steps under consideration:

- (i) Each Administrative Department should prepare returns on the pro forma annexed hereto. Such returns should be placed before the Administrative Secretary and the Head of the Attached Department, every month and they should issue necessary directions in each case. They should ensure that such directions are complied with.
- (ii) Quarterly returns of departmental enquiries/cases pending for more than six months should be submitted to the Chief Secretary by the 10th of January, April, July and October.
- (iii) The "Authorized Officer" should enquire from the Enquiry Officer/ Enquiry Officers in the first week of every month about the progress of inquiries pending with them and ensure their expeditious finalization. It is only when the Authorized Officer takes interest that finalization of disciplinary case can be ensured.
- (iv) Rule 7(4) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, provides for hearing of the case on "day to day basis" and Rule 7(7) *ibid* provides for completion of the report within 10 days of the conclusion of the proceedings. Authorized Officer should particularly check whether the schedule has been observed.
- (v) Presently most of the enquiries are entrusted to the O.S.Ds (Enquiries) in the S&GAD. While cases of serious nature should continue to be sent to the O.S.Ds, all other enquiries should be entrusted to and conducted by departmental officers carefully selected.

3. The Governor has further been pleased to direct that in exceptional cases where there has been inordinate delay which cannot be explained, a mention should be made in the A.C.R. of the Inquiry Officer concerned. Where it is established that the "Authorized Officer" has not exercised adequate control and supervision, the "Authority" if it is also the Reporting Officer, may make a note in his A.C.R., otherwise the matter may be intimated to the Reporting Officer for reflecting this in

*Amended vide Notification No.SORI(S&GAD)1-55/81 dated 01.04.1982.

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the A.C.R. on the performance of "Authorized Officer". These are, however, extreme measures and should be taken with utmost caution.

PROFORMA FOR WATCHING THE PROGRESS OF INQUIRY CASES UNDER
THE PUNJAB CIVIL SERVANTS (E&D) RULES, 1975

Sr. No.	Name, designation & grade of accused civil servant	Date of approval by authority for initiation of disciplinary action	Date of appointment of authorized officer if none has already been designated as such under the delegation of powers rules	Date of appointment of enquiry officer/ enquiry committee	Date of service of charge-sheet and statement of allegation on the accused	Due date of submission of explanation of accused civil servants
1	2	3	4	5	6	7

Date of actual submission of reply by the accused	Date of supply of record relating to the inquiry by the authorized officer to the inquiry officer	Enquiry		Due date of submission of inquiry report	i)date of issue of show cause notice by the authorized officer. ii)Date of grant of personal hearing	Date of decision/ recommendations by authorized officer	Reasons for delay at any of the stages in column 3 to 14
		Due Date	Commen- cement				
8	9	10	11	12	13	14	15

Subject: ARRANGEMENTS FOR MONITORING THE PROGRESS OF
DEPARTMENTAL ENQUIRIES UNDER THE EFFICIENCY AND
DISCIPLINE RULES

I am directed to refer to this Department's circular letter of even number dated 30th November 1981, on the above subject and to state that Government have decided that the information indicated in the pro forma should be maintained by all authorized officers designated as such in the form of a pacca register as permanent record. This shall be subject to examination and inspection by the Inspecting Officers/Authorities.

NO. SOR-I (S&GAD)1-93/81

Dated the 7th August 1982

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL AND
ANTI-CORRUPTION INQUIRIES, INDIFFERENCE TO COURT CASES
AGAINST GOVERNMENT

This is to bring to your notice some matters of very serious concern to Punjab Government. These pertain to handling of inquiries under the Efficiency and Discipline Rules, 1975 and judicial proceedings filed in Courts against or on behalf of Government.

2. In spite of provision of a time frame for departmental inquiries in the E&D Rules 1975 and repeated instructions about the manner of conducting such inquiries, no visible difference appears to have occurred in timely finalization of such proceedings. The inquiries still drag on for long periods causing prolonged mental agony and torture to the accused who may turn out to be innocent, or resulting in loss to Government and indiscipline among employees. Main reasons for erratic handling of departmental inquiries are:

- a) Delay in the appointment of "Authorized Officer" and the "Inquiry Officer".
- b) Delay in framing the charge-sheet and statement of allegations.
- c) Failure of the Inquiry Officer to hear the case on day-to-day basis.
- d) Failure to dispose off the objections raised by the accused on some procedural or technical points.
- e) Failure to show the relevant record to the accused, if he wishes to do so.
- f) The prosecution evidence on behalf of the Government is not placed properly and by an officer of suitable seniority before the Inquiry Officer.

3. The provisions of E&D Rules are clear in the matter of time limits for various stages of proceedings and for completion of inquiries and the procedure to be observed for conducting these. A person not observing these time limits and

procedures renders himself liable to action for violation of rules. In order to facilitate disposal of inquiries step-wise chronological detail of the procedure for the guidance of authorities under the E&D Rules, Model draft charge sheet, and notices to be issued under rule 6(3) and rule 8 of the E&D Rules, and draft orders of appointment of " authorized officer " and "inquiry officer" are enclosed as Annexure I to VIII. These model drafts and stage-wise details of the procedure will, it is hoped take care of technical flaws in the procedure pointed out above. Copies of this letter may, therefore, be supplied to all offices under your administrative control.

4. In order to check the chronic problem of delay in completion of inquiries this Department has at times been constrained to take over monitoring of progress of inquiries, although this should in fact be done by the administrative Departments. Through a circular of even number dated 30th November 1981 all concerned were last requested to furnish quarterly returns of departmental inquiries pending for more than six months by the 10th of every January, April, July and October. Progress of inquiries pending for less than that was required to be watched by the Secretaries and Heads of Attached Departments. The fact that return due on 10th July 1982 has been received only from a few quarters indicates that instructions have not been taken seriously. I would like to point out that since monitoring has been reintroduced under express orders of the Governor, any lapses in this regard will have to be brought to his notice. The Departments would be well advised to give serious attention to this work. Format of the register to be maintained for watching progress of inquiries has already been circulated with the letter referred to above.

5. Another matter of concern to Government is that litigation for or against Government Departments/Agencies generally suffer by default. Instead of taking interest in such Court cases as one would do in the case of his personal litigation, the concerned authorities tend to treat this work as of minor importance leaving it to be attended by junior officials. This indifference at supervisory level results in lack of proper interest at all levels down the line and for obvious reasons culminates, more often than not, in judgments against the Government. In order to arrest the adverse tendency it has been decided that in future the grounds of action in cases on behalf of Government shall invariably be signed by the head of department or office responsible for piloting the case of Government. He shall also maintain a register of all pending cases in which he is representing the Government. The register shall be maintained as indicated in the format at slip 'B'. The cases lost in the Courts shall be reviewed every year in December and a report submitted to the Chief Secretary through Law Department along with the views of the Head of Department/ Office concerned about lapses, if any, on the part of any Government functionary. The report shall be furnished to the Law Department by first week of January every year.

6. I would like to request you to make the above mentioned registers a compulsory item of inspection by all inspecting officers of your Department/Office who must record their remarks about proper handling or otherwise of these matters.

7. The receipt of this letter should please be acknowledged.

ANNEXURE-I

**PROCEDURE FOR DEPARTMENTAL PROCEEDINGS
UNDER EFFICIENCY AND DISCIPLINE RULES 1975 IN CASES WHERE
FORMAL INQUIRY IS ORDERED**

Step No. 1 **Initiation of proceedings**

In the following circumstances the authority shall direct the authorized officer to proceed against a civil servant in respect of whom it stands designated as authority:

- a) On the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant.

**"Action by
Authority"**

- b) The Anti-Corruption Committee No. 1 has decided to take departmental action against a civil servant.

Note: Normally "authority" and authorized officer should have been designated as such under the relevant Delegation of Powers Rules in respect of all posts under any Department/Office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such. Besides taking the decision for initiation of action the authority should simultaneously direct the authorized officer to proceed against the accused. Where no authorized officer has already been designated the authority should immediately appoint an officer senior in rank to the accused to perform the functions of authorized Officer. Draft order of appointment of authorized officer is at Annexure-III.

Step No.2. **Suspension of the accused or sending him on
forced leave**

**"Action by
Authority"**

If the civil servant is accused of subversion, corruption or misconduct the authority may suspend him or allow the authorized officer to do so for an initial period of three months.

*"Action by
Authorized
Officer"*

If it is not considered necessary to suspend the accused the authorized officer may require the accused to proceed on leave.

Note: Continuation of suspension or extension of leave, if intended, must be approved by the authority after every three months. Except where the accused has been arrested and is confined to prison, suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No.3. **Decision whether inquiry is necessary**

**"Action by
Authorized
Officer"**

The authorized officer should decide within three days of the receipt of direction of the authority given under Step No.1, or such extended period as may be allowed by the authority on the written request of authorized officer, whether formal inquiry is necessary.

Step No.4. **Action in cases where formal inquiry is considered necessary**

*"Action by
Authorized
Officer"*

The authorized officer shall do the following things simultaneously:

- i) Appoint an Inquiry Officer or an Inquiry Committee consisting of two or more persons who or one of whom shall be of the rank senior to the accused. If there are more than one accused the Inquiry Officer or one of the members of the Inquiry Committee must be senior in rank to all the accused. A model draft order of appointment of inquiry officer-inquiry committee is at Annexure-IV.
- ii) Frame a charge sheet along with statement of allegations. A Model Draft Charge Sheet is at Annexure-V. Since statement of allegations differs from case to case no draft has been drawn up for that.
- iii) Communicate the charge sheet to the accused together with a statement of allegations explaining the charge and other relevant circumstances which are proposed to be taken into consideration. The communication shall require the accused to put in a written defence directly before the Inquiry Officer or the Inquiry Committee within a reasonable time not less than seven days or more than fourteen days from the date the charge-sheet has been communicated to the accused.
- iv) Forward such record or copies thereof and such other material as is necessary for the conduct of inquiry to the Inquiry Officer or the Inquiry Committee along with a list of prosecution witnesses, if any.
- v) Appoint an officer well conversant with the facts of the case to assist the Inquiry Officer/Inquiry Committee in conducting the inquiry.

Step No.5. **Procedure to be observed by the Inquiry Officer or Inquiry Committee**

In addition to the procedure outlines in rule 7 the Inquiry Officer or Inquiry Committee should take care of the following:

- i) The proceedings must be conducted on day-to-day basis and should be arranged as far as possible at or near the place of residence of defence witnesses.
- ii) In case the accused officer attempts to hamper the proceedings by delaying tactics the Inquiry Officer must have recourse to procedure prescribed in rule 7(4) and 7(5).
- iii) The Inquiry Officer or Inquiry Committee should complete the proceedings within a period of 60 days.

Step No.6. Action after receipt of the Inquiry Report

On receipt of the report of findings of Inquiry Officer/Inquiry Committee the "Authorized Officer" shall determine whether all or any of the charges stand proved.

Step No.7. Action where charges stand proved

If all or any of the charges stand proved the authorized officer has to decide whether the charge calls for imposition of:

- a) One or more of the minor penalties listed in rule 4(a), or
- b) One or more of the major penalties listed in rule 4(b).

Step No.8. Finalization of the proceedings by the Authorized Officer where one or more of the minor penalties is called for

"Action by Authorized Officer"

If the case calls for one or more of the minor penalties the authorized officer shall impose the same after giving the accused an opportunity of showing cause against that action.

If the case calls for a major penalty the authorized officer shall forward the case to the authority along with:

- i) Charge Sheet
- ii) Statement of allegations
- iii) Findings of the inquiry officer/inquiry committee
- iv) His own recommendations

If it is proposed to drop the proceedings the authorized officer shall submit the case with all relevant record to the "authority" for orders.

Step No.9. Decision of Authority

On receipt of recommendations and record from the authorized officer the authority shall give the accused an opportunity of personal hearing and pass such orders as it may deem fit.

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Note: Draft notice for personal hearing is at Annexure-VIII.

**PROCEDURE FOR DEPARTMENTAL PROCEEDINGS
UNDER EFFICIENCY AND DISCIPLINE RULES, 1975, IN CASES
WHERE FORMAL INQUIRY IS NOT ORDERED**

Step No.1. Initiation of proceedings

In the following circumstances the authority shall direct the authorized officer to proceed against a civil servant in respect of whom it stands designated as authority:-

**"Action by
Authority"**

- a) On the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant.
- b) The Anti-Corruption Committee No.1 has decided to take departmental action against a civil servant.

Note: Normally "authority" and "authorized officer" should have been designated as such under the Delegation of Powers Rules in respect of all posts under any Department/Office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such. Besides taking the decision for initiation of action the authority should simultaneously direct the authorized officer to proceed against the accused. Where no authorized officer has already been designated the authority should immediately appoint an officer senior in rank to the accused to perform the functions of authorized officer. Draft order of appointment of authorized officer is at Annexure-III.

Step No. 2. Suspension of the accused for sending him on forced leave

**"Action by
Authority"**

If the civil servant is accused of subversion, corruption or misconduct the authority may suspend him or direct the authorized officer to do so, initially for a period of three months.

**"Action by
Authorized
Officer"**

If it is not considered necessary to suspend the accused, the authorized officer may require the accused to proceed on leave.

Note: Continuation of suspension or extension or leave, if intended, must be approved by the authority after every three months. Except where the accused has been arrested and is confined to prison,

suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No.3. Decision whether inquiry is necessary

**"Action by
Authorized
Officer"**

The authorized officer should decide within three days of the receipt of direction of the authority (see Step No. 1), or such extended period as may be allowed by the authority on the written request of authorized officer, whether formal inquiry is necessary.

Step No.4. Action in cases where formal inquiry is not considered necessary

**Action by
Authorized
Officer"**

The authorized officer shall immediately inform the accused by order, in writing, of the action proposed to be taken against him and the grounds of that action and give him a reasonable opportunity of showing cause against that action. A model draft note is at Annexure-VI.

Note: Reasonable opportunity would mean such opportunity which enables the accused to present his defence adequately. This opportunity can, however, be refused where it is not expedient to extent it in the interest of security of Pakistan or any part thereof. Before conveying the refusal, approval of the "authority" must be obtained.

Step No.5. Action after receipt of reply of the accused

On receipt of explanation of the accused, the "authorized officer" shall determine whether or not the charge has been proved.

Step No.6. Determination of proof of charge and quantum of punishment called for

[If the charge stands proved, the authorized officer has to decide whether the charge calls for imposition of:](#)

- a) One or more of the minor penalties listed in rule 4 (a); or
- b) One or more of major penalties listed in rule 4 (b).

Step No.7. Imposition of penalty by the Authorized Officer

**"Action by
Authorized**

Officer"

If the case calls for a minor penalty the authorized officer shall impose it after giving the accused an opportunity of showing cause against that action.

If the case calls for a major penalty the authorized officer shall forward the case to the authority along with:

- i) Show Cause Notice
- ii) Written defence of the accused in reply to the show cause notice
- iii) His own recommendations

If it is proposed to drop the proceedings the authorized officer shall submit the case with all relevant record to the "authority" for orders.

Step No.8. Imposition of penalty by the Authority

On receipt of recommendation and record from the authorized officer the authority shall give the accused an opportunity of personal hearing and pass such orders as it may deem fit.

[Note: Draft notice for personal hearing is at Annexure-VII.](#)

ANNEXURE-III

MODEL DRAFT ORDER

(TO BE ISSUED BY THE AUTHORITY) APPOINTING THE AUTHORISED OFFICER UNDER THE FIRST PROVISIO BELOW CLAUSE (c) OF THE SUB RULE (1) OF RULE 2 OF THE PUNJAB CIVIL SERVANTS (E&D) RULES 1975 (WHERE ONE IS NOT ALREADY SO AUTHORISED OR DESIGNATED)

ORDER

Whereas in the opinion of the "Authority" _____
(state here the full designation)

_____, there are sufficient

grounds for proceeding against _____
(give here full name and designation of the accused
civil servant)

on the charge of in-efficiency/misconduct/corruption or reasonably being considered corrupt/subversive activities;
(score out which is not applicable)

And whereas in the case of the said accused civil servant no Authorized Officer has been so authorized or designated within the meanings of Rule 2(1)(c) read with Rule 2(3) of the Punjab Civil Servants (E&D) Rules, 1975.

Now, therefore, in exercise of the powers delegated to me under the first proviso below Rule 2 (1) (c) of the Punjab Civil Servants (E&D) Rules, 1975, I, as the Authority in respect of the said accused civil servant, hereby appoint _____ to act as the Authorized (give here full name & designation) officer under and in accordance with Rule 6 and 7-A of the Efficiency and Discipline Rules, 1975.

AUTHORITY

ANNEXURE-IV

MODEL DRAFT ORDER

(TO BE ISSUED BY THE AUTHORISED OFFICER UNDER RULE 6 (5) OF THE PUNJAB CIVIL SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1975 APPOINTING AN ENQUIRY OFFICER OR ENQUIRY COMMITTEE CONSISTING OF TWO OR MORE PERSONS WHO OR ONE OF WHOM SHALL BE OF A RANK SENIOR TO THAT OF THE ACCUSED CIVIL SERVANT OR IF THERE ARE MORE THAN ONE ACCUSED CIVIL SERVANT SENIOR TO ALL THE ACCUSED

ORDER

Where the Authority _____
(give here full designation)
has directed under Rule 5 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, the undersigned, as the Authorized officer, to proceed against _____
(give here full name and designation of the accused civil servant)

And whereas I, _____
(give here full name & designation)
as the Authorized Officer, on due consideration of the facts of the case, have decided under Rule 6 (2) of the Punjab Civil Servants (E&D) Rules, 1975 that an enquiry is necessary in the interest of justice.

*Substitute the following for the portion in parenthesis where an Enquiry Committee may have to be appointed. "The Enquiry Committee consisting of:

1. _____ (Convener)
 2. _____ (Member)
 3. _____ (Member)
- (give full name & designation of each)"

Now, therefore, I hereby appoint /*[_____
(give here full name and designation) as the Enquiry Officer] to enquire into the charges as set forth in the enclosed charge-sheet served on the accused civil servant on _____
(give here the date on which the charge sheet is served);

The accused civil servant has been directed to put in his written defence directly before the Enquiry Officer/ Enquiry Committee. The relevant record or copies thereof or such other material as is necessary for the conduct of the enquiry is enclosed herewith.

The Enquiry Officer/Enquiry Committee shall proceed under and in accordance with the provisions of Rule 7 of the Punjab Civil Servants (E&D) Rules, 1975 and submit to the undersigned a report of his/its findings within the period specified therein.

AUTHORISED OFFICER

ANNEXURE-V

- Caution:
- i) The model charge-sheet is meant to be served in cases where the Authorized Officer considers an enquiry, through the Enquiry Officer or Enquiry Committee, necessary.
 - ii) The model charge sheet is designed to furnish essential guidelines only and it may be suitably amended, altered or added to keeping in view the circumstances of each case. The words, expressions or parts not applicable may be carefully deleted.
 - iii) Each case has to be examined in its own perspective with due care and proper application of mind. The model charge-sheet is not to be used mechanically. The underlying idea, in circulating it, is simply to provide general guidance.
 - iv) It needs hardly be added that these caution notes are not to form part of the contents of the charge-sheet meant to be actually served.

MODEL CHARGE SHEET

I, (name & full designation _____ hereby
of authorized officer)
charge-sheet you Mr. _____ (full designation
of the accused)
_____ as under:

That while posted as _____
you _____
_____.

- I) _____
- II) _____
- III) _____

2. By reason of the above you appear to be:

- a) inefficient within the meaning of rule 3 (a) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 and/or,
- b) guilty of misconduct within the meaning of rule 2(1) (d) and 3(b) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 and/or,
- c) corrupt or can reasonably be considered corrupt within the meaning of rule 3(c) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, and/or
- d) engaged or are reasonable suspected of being engaged in subversive activities, or are reasonably suspected of being associated with others engaged in

subversive activities, or are guilty of disclosure of official secrets to unauthorized person(s), and your retention in service is, therefore, considered prejudicial to the national security within the meaning of rule 3(d) of the Punjab Civil Servants (E&D) Rules, 1975;

and as such, are liable to disciplinary action under Rule 3 of the Punjab Civil Servants (E&D) Rules, 1975 which may include imposition of one or more of the penalties prescribed by rule 4 of the said rules

*The days allowed are to be not less than seven(7) and not more than fourteen (14) from the day the charge sheet is served.

3. You are hereby required to submit your written defence within * _____ days of the receipt of this charge sheet, as to why disciplinary action, as aforesaid may not be taken against you.
4. Your written defence should reach the Inquiry Officer/Inquiry Committee within the aforesaid period along with a list of defence witnesses you may wish to produce in support of your defence. In case of your failure to do so, it shall be presumed that either you have no defence to offer or you have declined to offer the same, and you accept the charges.
5. A statement of allegations in support of this charge-sheet is enclosed.
6. In case you may desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the Authorized Officer, within 7 days of the receipt of this Notice/Charge-sheet.

Dated _____

OFFICER
DESIGNATION _____
(AUTHORIZED OFFICER)

ANNEXURE-VI

MODEL SHOW CAUSE NOTICE

To

No.

Date

Subject: SHOW CAUSE NOTICE

Whereas the undersigned, as Authorized Officer in your case, has been directed by the Authority to proceed against you under the Punjab Civil Servants (E&D) Rules, 1975 (on the following allegations:

- i)
- ii)
- iii)

as further detailed in the enclosed statement of allegations).

And whereas the undersigned has decided that it is not necessary to have an inquiry conducted in proof thereof and whereas it is proposed to proceed against you under sub-rule(3) of rule 6 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975.

Now, therefore, you are hereby called upon to show cause in writing within _____days of the receipt of this communication as to why one or more of the penalties as prescribed in rule 4 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, should not be imposed on you.

Your explanation (in duplicate) should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer, and do not wish to be heard in person.

In case you may desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the undersigned within 7 days of the receipt of this Notice/Charge Sheet.

AUTHORISED OFFICER

ANNEXURE-VII

**MODEL DRAFT OF NOTICE OF PERSONAL HEARING
UNDER RULE 8 OF THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1975**

MEMO

To

(give here full name, designation
& address of the accused civil servant)

Subject: PERSONAL HEARING UNDER RULE 8 OF THE PUNJAB CIVIL
SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1975

On consideration of the report of the Enquiry officer/Enquiry Committee, the
Authorized officer _____ has determined that the following
changes (give here full designation) stand proved against you:

- 1) _____
- 2) _____
- 3) _____

(give here the brief description of the charges proved).

A copy of the report of Enquiry Officer/Enquiry Committee is enclosed. It is proposed
to impose on you the penalty of _____
(state here the proposed penalty)

You are hereby offered the opportunity of personal hearing

(give here the name and full designation of the Authority if the
personal hearing is to be given by him or of the officer senior in rank
to the accused as may be designated for the purpose).

For this purpose, you are hereby advised, in your own interest, to appear
before the aforesaid officer on _____
(give here the date, time and place of personal hearing)
to offer your additional defence, if any, during the said
personal hearing.

ANNEXURE-VIII

MODEL DRAFT OF NOTICE OF PERSONAL HEARING
UNDER RULE 8 OF THE PUNJAB CIVIL SERVANTS
(EFFICIENCY & DISCIPLINE) RULES, 1975

MEMO

To

(give here full name & designation &
address of the accused civil servant)

Subject: PERSONAL HEARING UNDER RULE 8 OF THE PUNJAB CIVIL
SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1975

On consideration of the written defence offered in your letter dated _____,
to show cause against the action proposed to be taken in regard to you, as spelt out in
memo No. _____

(give here the time and place of personal hearing) to offer your
additional defence if any, during the said personal hearing
before _____

(give here the name and full designation of the Authority, if personal hearing
is to be given by him or of the officer senior in rank to the accused
designated for the purpose).

For this purpose, you are hereby advised, in your own interest, to appear
before the aforesaid officer on _____

(give here the time and place of personal hearing) to
offer your additional defence if any, during the said
personal hearing.

CASES PENDING IN CIVIL/CRIMINAL COURTS
ON BEHALF OF THE GOVERNMENT

Sr. No.	Subject matter of the case	Date of Institution	Court in which pending	Interim injunction if any with date of injunction and the statement whether an appeal was filed for its vacation	The Counsel representing Government	List of dates of hearing up-to- date
1.	2.	3.	4.	5.	6.	7.

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL AND
ANTI-CORRUPTION INQUIRIES, INDIFFERENCE TO COURT CASES
AGAINST GOVERNMENT

I am directed to refer to circular of even number dated 7th August, 1982 on the subject noted above and to enclose a new model charge sheet to be read instead of that previously attached to the above mentioned circular under Annexure-V.

MODEL CHARGE SHEET

To

WHEREAS I _____ (Name and full designation) as Authorized Officer in your case, have been directed by the Authority under rule 5 of Punjab Civil Servants (E&D) Rules, 1975 to proceed against you.

AND WHEREAS I consider that in the light of facts of the case and in the interest of justice, it is necessary to hold an inquiry and to appoint an inquiry officer/inquiry committee:

NOW THEREFORE you Mr. _____ (full designation) _____ are hereby charged as under:

That while posted as _____ you

(I) _____

(II) _____

(III) _____

2. By reason of the above you appear to:

- (a) be inefficient or have ceased to be efficient within the meaning of rule 3(a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 and/or
- (b) be guilty of misconduct within the meaning of rules 2(I)(d) and 3(b) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, for the said omissions/commissions on your part and/or
- (c) be corrupt or may reasonably be considered as corrupt within the meaning of rule 3(c) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, in as much as you or any of your dependents or any other person through you or on your behalf are in possession of pecuniary resources or of property disproportionate to your known

sources of income which you cannot reasonably account for or you have assumed a style of living beyond your ostensible means or you have a persistent reputation of being corrupt and/or

- (d) be engaged or are reasonably suspected of being engaged in subversive activities, or are reasonably suspected of being associated with others engaged in subversive activities, or/are guilty of disclosure of official secrets to unauthorized person(s), and your retention in service is prejudicial to the national security within the meaning of rule 3(d) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975.

As detailed in the enclosed statement of allegations and as such you are liable to disciplinary action under Rule 3 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 which may involve imposition of one or more of the penalties prescribed by rule 4 of the said rules.

3. You are hereby required to submit your written defence to the above charges within *days of the receipt of this charge sheet, explaining as to why disciplinary action, as aforesaid, may not be taken against you, and stating at the same time, whether you also desire to be heard in person.

4. Please take notice that your written defence should reach the undersigned within the aforesaid period, failing which it shall be presumed that either you have no defence to offer or you have declined to offer the same and you accept the charges.

Enclosures
Statement of
allegation in
_____pages.
Dated _____

FULL NAME _____
DESIGNATION _____
(AUTHORISED OFFICER)

=====

No.SORI(S&GAD) 7-1/72
Dated the 23rd October 1973

**Subject: WITHHOLDING/WITHDRAWAL OF PENSION OR ANY PART
OF IT FOR GRAVE MISCONDUCT DURING SERVICE**

I am directed to refer to para, 3 of this Department's Letter of even number dated the 20th April, 1972 (as subsequently amended, - vide letter of even number dated the 9th August, 1972) on the subject and to say that the High Court's pronouncement in "Mr. Muhammad Saeed Khan vs. West Pakistan" reported as P.L.D. 1969 Peshawar - 147 has been set aside by the Supreme Court in their decision of the Government appeal entitled "the Government of N.W.F.P. vs. Mr. Muhammad Saeed Khan and another", -- vide# P.L.D. 1973-SC514. Consequently, the instructions contained in the letters referred to above are hereby superseded. Keeping in view the interpretation given by the Supreme Court, the provisions of

*The days allowed are to be not less than seven (7) and not more than fourteen (14) from the day the charge-sheet is served.

rule 1.8 of the West Pakistan Civil Services Pension Rules, 1963 are explained below:

- (a) Each of the clauses (a) and (b) of this rule is a self contained and independent provision, designed to cater for two different situations. Under Clause (a), maintenance of "Good Conduct" is made an inseparable condition for the grant or continuance of pension to a Government servant and the Government reserves to itself the plenary power to withhold or withdraw a pension or any part thereof if the pensioner is convicted for serious crime or is found guilty of grave misconduct whether during or after completion of his service. However, clause (b) cannot be used to effect a penal recovery if there be a case of fraud or negligence during the service though it may be made a ground for a finding that the service has not been thoroughly satisfactory.
- (b) Clause (b) ibid empowers the Government to order recovery from the Pension, of the whole or part of any pecuniary loss, caused to the Government if the Pensioner is found in departmental or judicial proceedings to have been guilty of grave misconduct or negligence during his service. Under clause (b) the Government reserves to itself the right to recover from the pension the amount of any pecuniary loss which it has suffered while the Pensioner was in service. It is however, to be noted that this power cannot be resorted to after efflux of one year from the date of retirement of the Pensioner.
- (c) On general principles as also on the wording of rule 1.8 (a), the Executive has the exclusive power to determine whether on the facts of the case the officer concerned was guilty of gross misconduct and this applies equally to the serving officers as well to those who have retired but whose pensionary claims are yet to be settled.
- (d) Except as a result of the inquiry contemplated under clause (a), the Government has no power under the rules to suspend the payment of whole or any part of the pension of a Government servant otherwise admissible, pending inquiry against him. It follows that any order in that behalf in anticipation of the result of the inquiry will be without any valid basis.

No. SORI(SGA&ID)1-60/70
Dated the 11th April 1974

Subject: WITHHOLDING/WITHDRAWAL OF PENSION OR ANY PART
OF IT, FOR GRAVE MISCONDUCT DURING SERVICE

I am directed to refer to clause (a) of rule 1.8 of the West Pakistan Civil Services Pension Rules which reads as follows:

"Good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be convicted of serious crime or be found to have been guilty of grave

misconduct, either during or after the completion of his service, provided that before any order to this effect is issued, the procedure regarding imposition of the penalty of removal from service shall be followed."

Government have decided that the provision of this rule should be strictly enforced in all cases and that where a pensioner commits "misconduct", the Pension sanctioning Authorities should take prompt action to withhold or withdraw his pension or any part of it.

2. "Misconduct" in such cases would mean conduct prejudicial to good behaviour or unbecoming of a gentleman. On any question whether any act on the part of the pensioner is misconduct or not, the decision of the Governor shall be final and binding. In this connection, the instructions contained in this Department's circular letter No.SORI(S&GAD) 7-1/72 dated the 23rd October 1973 may also kindly be kept in view.

No.SORI(S&GAD)1-54/77
Dated the 2nd February 1978

Subject: CONDUCTING OF ENQUIRIES AGAINST RETIRED GOVERNMENT
SERVANTS UNDER THE E&D RULES

Please refer to this Department's letter No.SORI(S&GAD)-7-1972 dated 23rd October 1973 and SORI(S&GAD)1-60/70 dated 11th April 1974.

2. In consultation with the Law Department it is further clarified that clause (a) of Rule 1.8 of the West Pakistan Civil Services Pension Rules is self contained and an independent provision designed to cover a different situation. In PLD1973, SC.514, in a case under Pakistan Civil Service (Pension) Rules, 1973, it was observed that it would be doing violence to the plain language of clause (b) of Rule 1.8 the so-called provision in it is also to be construed as a proviso to clause (a). It would thus appear that the time limit as incorporated in clause (b) does not exist in clause (a) wherein only maintenance of good conduct has been made an inseparable condition for the grant or continuance of pension to a Government servant and the Government reserves to itself power to withhold or withdraw a pension or any part thereof if the pensioner is convicted for serious crime or found guilty of grave misconduct whether during or after completion of his service. Accordingly if the circumstances of the case so warrant the A.D. can proceed with action under clause (a) of Rule 1.8 after observing the procedure provided therein notwithstanding the time lag after the retirement of the civil servant.

NO. SOR.III-2-37/89
Dated the 24th April 1989

Subject: REINSTATEMENT OF GOVERNMENT SERVANTS AFTER
UNAUTHORIZED ABSENCE FROM DUTY

I am directed to say that instances have come to the notice of Government that civil servants granted leave ex-Pakistan for short period on personal grounds like meeting their relatives, visiting holy places etc., do not return to duty on the expiry of such leave. Disciplinary action against them resulting in removal from service has in some cases been reversed by the Appellate Authorities even very long after the limitation for appeal. Re-instatement in such cases on technical grounds obviously causes hardship to those who stay back in the country and also creates belated financial liability for the Government.

2. In a particular case, a Forest Ranger was allowed leave-ex-Pakistan in 1974, ostensibly to enable him to see his ailing relatives abroad and he was due to come back in 1976. Failing that he was removed from service on the charge of willful absence, but after a lapse of 9 years the Appellate Authority re-instated him in service in 1985 by treating the period of absence from duty from 1976 to 1985 as Extraordinary leave. Obviously such order was ab initio void as being ultra vires of the Revised Leave Rules 1981 issued vide Finance Department's Notification No. FD.1-85/78 dated 13.07.1981 according to which the maximum period of Extraordinary Leave without pay cannot exceed five years at a time. In the said case it has been decided that:

- i) The period of absence from duty 21.01.1976 to 18.11.1985 will constitute break in service and result in forfeiture of the past service for purposes of pension.
- ii) Reinstatement will be deemed as fresh appointment for all purposes.

3. I am accordingly directed to request that provisions of Revised Leave Rules, 1981 may please be strictly adhered to while dealing with the cases of civil servants who come after un-authorized absence from abroad

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

No.SORI(S&GAD) 16-15/90
Dated the 17th May 1990

Subject: REGULARIZATION OF THE PERIOD OF OVERSTAY/ABSENCE
ABROAD THE TREATMENT OF THE PERIOD OF ABSENCE FROM
DUTY

I am directed to say that instances have come to the notice of Government that civil servants granted deputation abroad or ex-Pakistan Leave for short period on personal grounds, do not return on the expiry of permissible period of deputation or leave. In disciplinary action under Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 initiated against such officials they are let off with minor penalties by the authority with recommendations to the Government for treating the period of absence as extraordinary leave without pay in relaxation of the rules etc.

2. When a case of this nature was submitted to the Chief Minister, he has been pleased to decide as under:

- i) No officer, who remains on un-authorized absence, should be allowed to join duty until disciplinary proceedings have been completed against him. During the intervening period he/she shall be treated to be under suspension.
- ii) Authorities under the Punjab Civil Servants (E&D) Rules, 1975 should confine themselves to taking disciplinary action in accordance with the rules. They should avoid making recommendations as to how the period of un-authorized absence should be treated/ regularized. This question should be left to be decided separately by the competent authority under the rules.

3. Chief Minister has further observed that since grant of leave of any kind implies permission of the competent authority to stay away from the job it can be construed to take away the charge of unauthorized absence from duty and can imply exoneration of the accused. The period should be treated as unauthorized absence. However, in genuine cases of absence due to circumstances beyond the employee's control, if the officer is subsequently reinstated in service, the period of unauthorized absence will qualify for condonation of break in service without any financial benefits.

4. I am accordingly directed to request that the provisions of Punjab Civil Servants (E&D) Rules, 1975 and Revised Leave Rules, 1981 may please be strictly adhered to while dealing with cases of civil servants who come after unauthorized absence from abroad.

5. The instructions referred above may kindly be strictly adhered by all concerned.

NO. SOR.I-1-25/2001
Dated the 10th July 2003

Subject: DISCIPLINARY PROCEEDINGS AGAINST CIVIL SERVANTS ON
ACCOUNT OF UNAUTHORIZED ABSENCE FROM DUTY –
TREATMENT OF ABSENCE PERIOD

The instructions issued vide Regulations Wing of S&GAD's circular letter No. SOR-III-2-37/89 dated 24.04.1989 and letter No. SORI(S&GAD)16-15/90 dated 17.05.1990 have been re-examined in the light of decisions of the Punjab Service Tribunal and it has been found that the said instructions are inconsistent with the rules and are therefore, withdrawn with immediate effect.

2. The problem of unauthorized absence from duty is rampant in Government departments and it has been observed that despite clear rules and instructions on the subject such cases are not dealt with appropriately, in accordance with the rules, by the relevant authorities. The Administrative Departments are therefore, requested to follow the following instructions/guidelines, while dealing with the cases of unauthorized absence from duty:

- i) Competent authorities must ensure that disciplinary action is initiated against a person who absents himself from duty un-authorizedly, immediately on receipt of information to this effect.
- ii) Where disciplinary action could not be initiated against such person due to negligence or other reasons, and such person reports for duty after his un-authorized absence, he shall not be assigned any duty until disciplinary proceedings have been completed against him. During the intervening period he shall be treated to be under suspension.
- iii) The relevant authorities must ensure that disciplinary proceedings under the relevant Laws/Rules are initiated against such person, within 30 days of his reporting for duty after unauthorized absence.
- iv) Officers/officials responsible for delay in submitting the case for initiation of action against such person to the competent authority, shall be deemed to be guilty of misconduct and therefore, shall be liable to be proceeded under the relevant disciplinary law/rules, for the time being in force.
- v) The competent authorities shall ensure that disciplinary proceedings in such cases are completed at the earliest possible time so that such persons do not remain under suspension for long periods, thus becoming a burden on the public exchequer.
- vi) The Competent Authorities under the relevant disciplinary law/rules, shall confine themselves to taking disciplinary action in accordance with the rules. They must not make recommendations as to how the period of unauthorized absence shall be treated, as the leave sanctioning authority under the Leave Rules and the competent authority under E&D Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000, are usually not the same.
- vii) After the decision of authorities under E&D Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000 etc., absence period may be dealt with separately, in accordance with the provisions of Revised Leave Rules, 1981.
- viii) Relaxation of Revised Leave Rules, 1981 may only be granted in extremely genuine hardship cases of absence beyond the control of the employee.
- ix) The period of absence from duty, if not regularized, constitutes break in service, as provided under Rule 2.11 of Pension Rules, 1967. This need not and should not be specified in any orders, as such orders lead to unnecessary litigation. This implication is automatic under Rules 2.11 of the Pension Rules.
- x) It has been observed that authorities generally tend to treat cases of absence from duty lightly and give minor punishments/penalties in cases where a person has remained absent from duty for long periods of time. It is clarified that absence from duty is a serious misconduct on the part of a person. The competent authorities must, therefore, ensure that penalties in such cases are commensurate with the gravity of the charge, proved against the accused persons.

- xi) The relevant authority must ensure that where a person remains on leave including absence for more than 5 years, the name of such person is removed from the seniority list and placed on separate static list as provided under proviso to Rule 8(3) of Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and also instructions bearing No. SOR-III(S&GAD)15-7/84 dated 14.07.1988.

3. This issues with the approval of the Chief Minister. All the Administrative Departments/Authorities are requested to ensure strict application and compliance of the above instructions.

NO.SORI(S&GAD)14-1/67
Dated the 24th March 1980

Subject: DISPOSAL OF ANONYMOUS/PSEUDONYMOUS
COMMUNICATIONS RECEIVED IN VARIOUS GOVERNMENTS
OFFICES FROM MEMBERS OF THE PUBLIC

I am directed to invite your kind attention to the subject cited above and the former West Pakistan Government Circular letter No. S(R) 12-16/58- SOXIII dated 16.02.1960 and subsequent circular letter No. SORI(S&GAD) -14-1/67(XIII) dated 04.04.1970 on the same subject and to state that the question of disposal of anonymous/pseudonymous communications received from various quarters regarding the conduct and personal life of the public functionaries, has been engaging the attention of the Provincial Government for quite some time.

2. It is a long and standing practice that anonymous/ pseudonymous communications should be destroyed without any action being taken on them. The position has been laid down in paragraph 84 of the Posts and Telegraph Manual Vol.II, which is reproduced below:

"Anonymous communications must invariably be destroyed by their recipients. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If a communication is found to be pseudonymous, it (and any previous notes, etc. connected with it) must similarly be destroyed. There is no exception to this rule".

3. In view of the fact that the public servants feel extremely demoralized and insecure on account of direct or indirect action which is initiated on receipt of anonymous/pseudonymous complaints against them by the Competent Authority, the matter has been reconsidered and it has been decided with the approval of M.L.A./Governor that the practice of taking action on such complaints, should be stopped forthwith by all Competent Authorities, who receive such petitions. It has also been observed that even if certain Authorities decide not to take action on such complaints but allow such complaints to come on record or on the personal file of the officer concerned, at one time or the other the file of such complaints definitely create a negative impression on the successor officers.

4. I am, therefore, directed to state that the M.L.A/ Governor has been pleased to direct that in no case, any notice of such complaints, either anonymous/pseudonymous should be taken by any Competent Authority and without any examination or without any remarks, such complaints should be destroyed straightway and no record of these complaints should be kept in any office.

5. I am further directed to state that these instructions are being issued to you for strict compliance in future.

NO.SORI(S&GAD)1-81/2002
Dated the 27th September 2002

Subject: DISPOSAL OF COMPLAINTS/ALLEGATIONS RECEIVED IN THE
GOVERNMENT DEPARTMENTS/OFFICES AGAINST PUBLIC
SERVATNS

I am directed to refer to the subject noted above and to state that it has been brought to the notice of this Department that in most of the complaint cases, the complaints/petitioners do not bother to join the enquiry proceedings or during the process of proceeding they come up with the statement that the complaint was lodged through misunderstanding and the same is withdrawn. Some times the complaints try to bribe the Government officials to achieve their nefarious designs and in case of failure they become complainants. Such undesirable activities create a very unhappy and embarrassing situation for the Government functionaries besides wastage of their time. This state of affairs warrants to take punitive action against such false complainants in the public interest as well as for the safety/protection of honest Government functionaries against baseless allegations.

2. In this connection, attention is invited to the instructions issued on the subject vide this department circular letter No. SORI(S&GDA) 14-1/67 dated 24.03.1980 and No. PA/AS(I&C) 127/80 dated 09.07.1980 which provide guidelines for disposal of such complaints. These instructions are reiterated below for information and strict compliance:

- a) Complaints received through anonymous or pseudonymous sources should be ignored;
- b) Antecedents and credentials of a complainant should be verified before an inquiry is instituted against the official concerned;
- c) No applications containing allegations should be entertained unless the complainant owns the contents of his application and it is accompanied by an affidavit that all the facts stated therein are true, and if his affidavit is proved false, legal action should be taken against him, and
- d) The newspapers publishing allegations, which are proved to be baseless should be dealt with according to the law.

Subject: APPOINTMENT OF ENQUIRY OFFICER UNDER RULE 6(5) OF THE
PUNJAB CIVIL SERVANTS (E & D) RULES, 1975

I am directed to refer to the subject noted above and to say that under Rule 6(5) of the Punjab Civil Servants (E&D) Rules, 1975, the Authorized officer is empowered to appoint an Enquiry Officer or Enquiry Committee as the case may be. A question has arisen whether the Enquiry Officer can be appointed from outside the Department. Instances have come to the notice of this Department that Enquiry Officer is appointed by the Authorized Officer from outside the chain of his command. Besides being inadvisable such order is administratively impracticable because, if the Authorized officer does not have any administrative control over the officer proposed to be appointed as Enquiry Officer, nor has the latter's controlling authority been consulted for concurrence, he can rightly refuse to act as such. The argument that since the rules do not place any embargo against such arrangement, the Authorized Officer can appoint any person as Enquiry Officer is fallacious. Its acceptance would tantamount to investing the Authorized Officer with administrative control over all officers of the Punjab Government senior in rank to the accused.

2. Moreover rationale of the general condition of rule 6(5) of the Punjab Civil Servants (E&D) Rules, 1975 that the Enquiry Officer should be senior in rank to the accused is that the former should be able to understand and appreciate the circumstances in which the accused committed the alleged irregularity and the nature of irregularity itself. It is clarified that except with the approval of Chief Minister or Chief Secretary, the Authorized Officer in a case under the Punjab Civil Servants (E&D) Rules, 1975 shall, if necessary, appoint as Enquiry officer a person who is under his own administrative control.

Subject: PUNJAB CIVIL SERVANTS (EFFICIENCY AND DISCIPLINE) RULES
1975 - INSTRUCTIONS THEREOF

I am directed to refer to the subject noted above and to state that according to Rule 6 (3) of Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 where keeping in view the facts and circumstances of a case the "Authorized Officer" decides that it is not necessary to have a full fledged inquiry conducted, he may adopt summary procedure as envisaged in the rule *ibid* by informing the accused of the proposed action to be taken in regard to him and the grounds of the action. In such cases no formal charge sheet and statement of allegations is necessary but instead a show cause is served straightway on the accused. However, it has been observed that the show cause is vague and does not contain all the necessary details of the allegations which deprive the accused of reasonable opportunity to defend himself.

2. It has been decided that even in cases where the authorized officer does not have a formal enquiry conducted but to adopt a summary procedure under Rule 6 (3) of the rules *ibid* he should ensure that show cause should contain all the necessary details of the allegations/charges.

3. These instructions may kindly be brought to the notice of all concerned for compliance.

No.SOR.I (S&GAD)1-7/86

Dated the 6th June 1993

Subject: PUNJAB CIVIL SERVANTS (EFFICIENCY & DISCIPLINE) RULES,
1975 - INSTRUCTIONS THEREOF

I am directed to refer to the subject noted above and to state that according to Rule 7(5) of Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, if during pendency of enquiry proceedings the accused applies for leave on medical grounds the present provisions are not very clear as to who will refer his case to the Medical Board for further medical examination. It has now been decided that the Enquiry Officer/Chairman Enquiry Committee, as the case may be, shall refer such cases to Medical Board.

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

No.SOR.I (S&GAD)1-7/86

Dated the 6th June 1993

Subject: PUNJAB CIVIL SERVANTS (EFFICIENCY AND DISCIPLINE) RULES,
1975 MEASURES FOR PREVENTING DELAY IN DEPARTMENTAL
INQUIRIES

I am directed to refer to the subject noted above and to state that in order to remove the causes of delay and bottlenecks impeding progress of disciplinary proceedings at different stages under Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, it has been decided that:

- a) At the time of appointment of Enquiry Officer a departmental representative, well conversant with the case, should also be nominated by the Administrative Department.
- b) A list of witnesses who have to prove prosecution version be provided to the authority at the time of initiation of enquiry.

- c) Draft charge sheet and statement of allegations be prepared before the authority passes the orders for initiation of enquiry.

2. It is requested that these instructions may be followed in letter and spirit.

No.SOR.I (S&GAD)1-3/90

Dated the 20th July 1991

Subject: CONDUCTING OF SIMULTANEOUS INQUIRIES

I am directed to refer to the subject noted above and to state that the instructions issued vide this department's letter No. SOR.I (S&GAD)-1-3/90 dated 26.06.1990 are hereby withdrawn.

2. It is now clarified in consultation with the Law and Parliamentary Affairs Department that there is no bar for taking proceedings under the E&D Rules against Government servant who is also facing trial in the Court of Special Judge, Anti-Corruption. This is for the reason that the jurisdiction of the Inquiry Officer and that of the Anti-Corruption Judge is mutually exclusive and that result of the findings in the disciplinary proceedings and in the criminal case could be different.

No.SORI (S&GAD)1-9/98

Dated the 9th June 1998

Subject: PROCEDURE TO BE OBSERVED BY THE ENQUIRY
OFFICER/ENQUIRY COMMITTEE

I am directed to refer to Rule 7 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 which lays down the procedure to be observed by the Enquiry Officer/Enquiry Committee. Under this rules, where any witness is produced by one party, the "other party" is entitled to cross-examine that witness. A question has arisen as to who will be the "other party" to cross-examine the witness produced by the accused. Usually, this function is performed by the departmental representative who and whose role has, however, not been specifically defined in the rules/instructions except the instructions contained in this Department's letter No. SORI(S&GAD)1-3/90 dated 20.07.1991. These instructions too, do not elaborately defined the scope of functions which the said departmental representative is to perform during the disciplinary proceedings. Since, under the above mentioned provisions of the E&D Rules, right to cross-examine is provided to both the parties i.e. the prosecution and the defence, it has been observed that defence side invariably fully utilizes this opportunity, whereas the prosecution side, in the absence of a well defined role of the Departmental Representative shall be responsible for the following:

- i) He shall act "Prosecutor" on behalf of the Department.
- ii) On each and every date of hearing as may be fixed by the Inquiry Officer or the Inquiry Committee, as the case may be, he shall be

personally present fully prepared and with all the relevant material on which the case of the prosecution is based.

- iii) He shall render all other possible assistance to the Inquiry Officer/Committee during disciplinary proceedings against the accused.
- iv) He shall corss-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile, if so permitted by the Enquiry Officer/Committee.

2. The above instructions may kindly be circulated to all concerned for guidance/information.

No.SORI (S&GAD)1-63/97
Dated the 24th September 1997

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL ENQUIRIES
UNDER PCS (EFFICIENCY & DISCIPLINE) RULES, 1975

I am directed to say that the delay in finalization of departmental enquiries has remained a matter of concern for the Government. In view of the fact that any delay in completion of proceedings adversely affects the working of the offices or the departments to which the accused belongs. Government issued various instructions suggesting steps to minimise the delay. Results are, however, not encouraging.

2. The provisions of E&D Rules are clear in the matter of time limits for various stages of proceedings and for completion of enquiries and the procedure to be observed for conducting these. Any person not observing these time limits and procedure renders himself liable to action for violation of rules. In order to facilitate the disposal of enquiries, step-wise details of the procedure for the guidance of all concerned officers under the E&D Rules was circulated vide this department's letter No. SORI(S&GAD)1-93/81 dated 07.08.1982. Model draft charge sheets and notices to be issued were enclosed for facility of reference.

3. In a case recently submitted by a department seeking approval of the Chief Minister to initiate proceedings under the E&D Rules, sufficient material was not placed before the authority to determine whether or not a prima facie case was established against the accused. The authorized officer, as per Rule 6 of the E&D Rules, has to frame a charge sheet within a specified period and communicate it to the accused. If sufficient material is not supplied, on which the charges are based, the authorized officer will not be in a position to frame charge sheet against the accused with accuracy, resultantly the purpose of E&D proceedings is frustrated.

4. It is, therefore, once again emphasized that the acts of omissions and commissions on the part of the accused should be adequately brought out to facilitate the authority and authorized officer in the decision making and the framing of the charge sheets, etc. within the stipulated period.

No.SORIII/1-1/84 (Policy)

Dated the 27th December 1997

Subject: ARRANGEMENTS FOR MONITORING/REVIEWING DELAYED
ENQUIRY/DISCIPLINARY CASES UNDER (E&D) RULES, 1975

I am directed to refer to this Department's letter bearing No. O&M-VIII-1-1/84 (Policy) dated 30.03.1995 and to state that the Chief Minister has taken very serious view of the inordinate delays in the finalization of enquiry cases under E&D Rules, on the part of Authority, Authorized Officers/Enquiry Officers. He has desired to ensure that the enquiries against the Civil Servants, under E&D Rules, 1974 are finalized within the stipulated time.

2. The Chief Minister, Punjab has further been pleased to direct that:
 - i) All the officers designated as Authority, Authorized Officer and Enquiry Officer may be impressed upon not to treat this aspect of their duty in a routine manner.
 - ii) A large number of enquiry proceedings get delayed or fail to produce timely results because of procedural and technical lacunae left in them by the dealing officers. While an element of deliberate mischief cannot be ruled out at the lower level, there is also an urgent need to train senior officers working in various departments with the mandatory provisions of the E&D Rules and to make them fully responsible for ensuring that these provisions are strictly adhered to so that the procedural lapses do not subsequently become an excuse for delaying the enquiry proceedings.
 - iii) All officers may also be required to submit a monthly statement of the enquiry proceedings pending with them to their immediate superiors who should hold a monthly monitoring session and expedite the proceedings.
3. It is, therefore, requested to kindly ensure that the above instructions are complied with in letter and spirit.

Govt. of the Punjab
Dated the 27th December 1997

NOTIFICATION

No. O&M-III/1-1/84 (Policy). The Chief Minister, Punjab, has been pleased to establish a Monitoring cell in the Services & General Administration Department to monitor the progress of the enquiries under E&D Rules against officers in BS-17 and above, comprising the following:

- | | | |
|----|---|----------|
| 1. | D.G. (O&M)/Secretary (Regulation),
Govt. of the Punjab S&GAD | Chairman |
| 2. | Addl. Secretary (O&M)
Govt. of the Punjab S&GAD | Member |
| 3. | Addl. Secretary (I&C), | Member |

Govt. of the Punjab, S&GAD

4. Deputy Secretary (O&M-III) Member/
Govt. of the Punjab, S&GAD Secretary

Govt. of the Punjab
Dated the 27th December 2001

NOTIFICATION

No. DS (M&E) 1-1-84. The Governor of the Punjab has been pleased to constitute District Monitoring Cells in the District Governments to monitor the progress of the enquiries of the officers/officials of the departments working in the districts comprising the following:

- | | | |
|------|---------------------------------|----------|
| i) | District Coordinatio Officer | Chairman |
| ii) | Executive District Officer (CD) | Member |
| iii) | District Officer (Coordination) | Member |

No.SORI(S&GAD)1-32/98
Dated the 19th June 1998

Subject: PUNJAB CIVIL SERVANTS (E&D) RULES, 1975 – EXTENSION IN
THE SUSPENSION PERIOD

I am directed to state that instances have come to the notice of the Government in which orders for extending period of suspension of accused civil servants were not issued in time, due to which the accused involved in serious irregularities were reinstated merely on technical grounds. The Government has taken a serious view of this lapse on the part of the concerned officers.

2. It has, therefore, been decided that in future the Administrative Departments shall ensure that the necessary orders for extending the period of suspension, if required, shall be obtained from the competent authority before expiry of the suspension period and issued expeditiously.

3. You are, accordingly requested to please bring the above instructions to the notice of all concerned for strict compliance.

No.SORI(S&GAD)1-12/98
Dated the 10th March 1998

Subject: APPOINTMENT OF AUTHORISED OFFICER AND ENQUIRY
OFFICER UNDER PUNJAB CIVIL SERVANTS (EFFICIENCY
&
DISCIPLINE) RULES, 1975

I am directed to invite attention to the subject noted above and to state that under Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, an “authorized officer” is appointed by the Government and where it has not been designated by the Government, it is designated by the Authority so designated by the Government for the purposes of E&D Rules. The “enquiry officer” is appointed by the “authorized officer”. The enquiry officer conducts enquiry proceedings and at times is required to seek guidance/instructions from the authorized officer. On completion of enquiry proceedings the report is submitted to authorized officer. Powers vest with authorized officer to award minor penalty/penalties or to recommend for major penalty to Authority. The authorized officer directs the enquiry officer to finalize the enquiry expeditiously if it is delayed. The spirit of the rules *ibid* implies that the authorized officer should be senior in rank to that of the enquiry officer.

2. Instances have come to notice where officers senior in rank/status are appointed as enquiry officers under the authorized officers who are junior in rank. Under the rules *ibid*, the rank is determined by substantive rank and status. The mere posting and pay scales, therefore, have no relevance to this effect.

3. Appointment of an officer of senior rank as enquiry officer under an authorized officer of junior rank, is, therefore, against the spirit of the rules *ibid*. Resultantly legal complications can arise. It is, therefore, required that while designating authorized officers and appointing enquiry officers, the importance of the rules *ibid* should be kept in view. Officers senior in rank should not be made to act as enquiry officers under the junior authorized officers, whatever the circumstances may be.

4. Services of the Members (Enquiries), S&GAD are only made available to the Administrative Secretaries on demand for appointment as enquiry officers under the above said rules, where the Secretaries themselves are authorized officers. Members (Enquiries) are normally equal in rank/status to Secretaries to Government of the Punjab. Therefore, they should not be made to act as enquiry officers under the authorized officers of lower ranks/positions.

5. These instructions may kindly be strictly followed in letter & spirit and brought to the notice of all concerned under your administrative control. These issue with the approval of the competent authority.

No.SORI(S&GAD)1-63/97
Dated the 20th March 1998

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL ENQUIRIES
UNDER PUNJAB CIVIL SERVANTS (EFFICIENCY &
DISCIPLINE) RULES, 1975

I am directed to invite reference to this Department's instructions of even number dated 24th September, 1997 on the subject noted above, wherein it was pointed out, inter alia, that sufficient material is not placed before the Authority enabling him to determine whether or not a prima facie case is made out against the accused for initiating proceedings against him under the Punjab Civil Servants (E&D) Rules, 1975.

2. According to Rule 6 of the rules *ibid*, the Authorized Officer has to frame a charge sheet and communicate it to the accused. In many such cases which are sent to the Authority for permission to start E&D proceedings, on scrutiny, are found to be defective/inadequate. The Authorized Officer is also unable to frame charge sheet on the basis of such defective information.

3. In order to obviate this difficulty, it has been decided that the Department should first call for the explanation of the accused and if it is found un-satisfactory, then further proceedings under E&D Rules should be initiated.

4. You are, therefore, requested kindly to bring the contents of these instructions to the notice of all concerned for compliance.

No.SORI(S&GAD)1-63/97
Dated the 13th May 1999

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL ENQUIRIES
UNDER PCS (E&D) RULES, 1975 – EXTENSION IN SUSPENSION
PERIOD

I am directed to invite attention to the provisions of rule 6(1) of the Punjab Civil Servants (E&D) Rules, 1975 whereby a civil servant is accused of subversion, corruption or misconduct may be placed under suspension by the authorized officer for a period of three months, with the approval of the authority. Rule 7-C(2) of the rules *ibid* prescribes a time frame of 90 days for the completion of E&D proceedings and if this time limit is adhered to, there is hardly any need to seek extension of the suspension period from the authority.

2. It has been noticed with concern that the time limits prescribed by the Punjab Civil Servants (E&D) Rules, 1975 for the finalization of the E&D proceedings are seldom kept in view. Even the mandatory provisions of seeking prior approval of the authority for extension of the suspension period is also taken lightly and then a request is placed with the authority for granting ex-post facto sanction to the extension of the suspension period. Superior Courts have repeatedly observed against grant of ex-post facto sanction of extension in suspension period. Administrative Departments have, number of times, been advised to devise an effective mechanism for monitoring pending disciplinary proceedings and ensuring process for interim orders, wherever required.

3. I am further directed to request that the suspension of an accused should be extended before the expiry of the three months term of suspension by the authority. For this purpose the Authorized Officer should move the authority well in time to extend the suspension period. If the Authorized Officer somehow fails to move the authority for the purpose, the Administrative Department should immediately remind the Authorized Officer to intimate the progress made in the departmental proceedings and also initiate a reference for extension of the suspension period of the accused Civil Servant well in time.

4. You are requested to kindly bring the above instructions to the notice of all concerned for strict compliance.

NOTIFICATION
Dated the 15th June 1999

No.SORI(S&GAD)1-60/99. The Chief Minister Punjab, is pleased to constitute the following Task Force for ensuring finalization of enquiries within the prescribed time limits:

- | | | |
|----|--|----------------------|
| 1. | Mr. Asif Ali Malik, MPA | Convenor |
| 2. | Mr. Zahoor-ul-Haq Shaikh,
Secretary, Planning & Development
Board, Punjab. | Member |
| 3. | Secretary (Imp. & Coord.)
Government of the Punjab, S&GAD. | Member |
| 4. | Secretary (Regulations),
Government of the Punjab, S&GAD. | Member/
Secretary |

The role and responsibilities of the Task Force shall be as follows:

- i) Guiding, monitoring and judging the progress of enquiries.
- ii) Ensuring the finalization of enquiries within the stipulated time limits.
- iii) Accounting for the reasons of delay to be recorded in writing by the enquiry officers/enquiry committees and the authorities, as the case may be.
- iv) Counseling and guiding the relevant authorities and others concerned to facilitate the process at every stage.

2. For the accomplishment of its assignments, the Task Force may hold periodical review meetings at divisional headquarters depending upon the number of reported pending cases. The relevant authorities and enquiry officers/enquiry committees stationed at divisional headquarters related with the pending enquiries in the divisions shall fully cooperate with the Task Force. The monitoring Cell of the S&GAD (O&M Wing) shall act as secretariat of the Task Force.

No.SORI(S&GAD)1-61/98 (Pt.I)
Dated the 20th August 1999

Subject: EXPEDITIOUS DISPOSAL OF DISCIPLINARY CASES UNDER THE
PUNJAB CIVIL SERVANTS (E&D) RULES

In continuation of the instructions issued regarding the subject noted above from time to time, I am directed to say that the Chief Minister, Punjab has been pleased to establish a 4-tier system, as under, for monitoring the progress and ensuring finalization of disciplinary cases/enquiries under the E&D Rules within the given timeframe:

- i) Cases against the civil servants in BS-1 to 16 will be monitored by the Divisional Commissioners in accordance with the directions already given in para 2 of the S&GAD (O&M Wing) notification No. O&M-III/1-1/84 (Policy) dated 27th December 1997.
- ii) Cases of employees up to BS-17 of a department (except those belonging to the S&GAD) will be monitored by the Administrative Departments concerned Monitoring Cells in the departments under the Administrative Secretaries or at least the Additional Secretaries dealing with administration will be established.
- iii) Cases in BS-18 and above of all departments will be monitored by the Monitoring Cell already established in the S&GAD vide notification No. O&M-III/1-1/84(Policy) dated 27th December 1997.
- vi) A special Task Force has been constituted by the Chief Minister vide notification No.SORI(S&GAD)1-60/99, dated 15.06.1999 under the chairmanship of Mr. Asif Ali Malik, MPA. The Task Force will monitor overall performance at all monitoring levels and will perform the role assigned to it under the notification referred to above, briefly stated as under:
 - a) Guiding, monitoring and judging the progress of enquiries.
 - b) Ensuring the finalization of enquiries within the stipulated time limits.
 - c) Accounting for the reasons of delay to be recorded in writing by the enquiry officers/enquiry committees and the authorities, as the case may be.
 - d) Counseling and guiding the relevant authorities and others concerned to facilitate the process at every stage.

For the accomplishment of its assignments, the Task Force may hold periodical review meetings at divisional headquarters depending upon the number of reported pending cases. The relevant authorities and enquiry officers/enquiry committees stationed at divisional headquarters related with the pending enquiries in the divisions (in respect of employees of all scales) shall fully cooperate with the Task Force. The Monitoring Cell of the S&GAD (O&M Wing) shall act as Secretariat of the Task Force.

2. The Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 have been repealed and new rules of 1999 have been enforced w.e.f. 21.06.1999. The cases initiated under the old rules should be brought to their logical ends and finalized under the previous rules by the authorities, authorized officers/enquiry officers/Committees and other functionaries concerned. All the Administrative Departments are requested to ensure finalization of pending cases under the previous rules expeditiously.

3. In order to familiarize the authorities/enquiry officers/Committees and all other functionaries concerned with the new rules, a guidebook is being prepared and will be issued by the Regulation Wing, S&GAD and supplied to all Administrative Departments in the near future for further distribution.

4. The Monitoring Cell of the S&GAD and the Task Force will seek periodical reports from the Administrative Departments and others concerned in the enclosed proforma. It is, accordingly, requested that the requisite information till the period ending 31.07.1999 may kindly be furnished to the S&GAD in the enclosed proforma in respect of all the pending cases in all scales/ranks by the Administrative Departments within a fortnight positively. The process of monitoring by the Monitoring Cell and the Special Task Force will start in the month of September 1999.

**PROFORMA CALLING FOR INFORMATION IN RESPECT OF
ENQUIRY CASES UNDER E&D RULES**

Sr. No.	Name, designation and rank of the accused civil servant	Date of Authority's direction for initiating of action and appointment of Authorized Officer	Date of appointment of enquiry officer/ committee	Date of service of charge sheet on the accused	Date of submission of enquiry report or disposal of case by the EO/ Enquiry Committee	Date of decision/ recommendation by authorized officer or disposal of case at his level.	Date of Authority's decision	Result of appeal etc.	Reasons for delay at various stages
1	2	3	4	5	6	7	8	9	10

NOTIFICATION

The 1st September 1966

No.S(R)2173/1-10/66-S.O.XIII – In exercise of the powers conferred by paragraph (b) of clause (2) of Article 178 and clause (1) of Article 179 of the Constitution of the Islamic Republic of Pakistan, and of all powers enabling him in that behalf, the Governor of •Punjab is pleased to make the following rules, namely:

THE •PUNJAB GOVERNMENT SERVANTS (CONDUCT) RULES, 1966

1. **Short title and commencement** – (1) These rules may be called the •Punjab Government Servants (Conduct) Rules, 1966.

(2) They shall come into force at once.

2. **Extent of application** – These rules apply to all persons, whether on duty or on leave, within or without •Punjab, serving in connection with the affairs of the Province of •Punjab, including the employees of the Provincial Government deputed to serve ♦(under the Central Government or) with a Statutory Corporation or with a non-Government employer, but excluding –

(a) members of an All-Pakistan Service serving in connection with the affairs of the Province;

** (b) Deleted.

(c) holders of such posts in connection with the affairs of the Province of •Punjab, as the Provincial Government may, by a notification in the official Gazette, specify in this behalf.

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

(a) “Government” means the Government of •Punjab;

(b) “Government servant” means a person to whom these rules apply;

(c) “member of a Government servant’s family” includes –

* (i) his wife, children and step children whether residing with the Government servant or not; and

• The words ‘West Pakistan’ substituted with word ‘Punjab’ vide Notification No. SOR-IV (S&GAD)1-4/978 dated 20.06.1998.

♦ Deleted vide Notification No.SORI(S&GAD)-1-5/69(XIII) dated 27.05.1970.

** Deleted vide Notification No.SORI(S&GAD)-1-5/69 (XIII) dated 27.05.1970.

* Substituted vide Notification No.SOR-IV(S&GAD)1-6/78 dated 26.12.1982.

(ii) any other relative of the Government servant or his wife, when residing with and wholly dependent upon him;

But does not include a wife legally separated from the Government servant, or a child or step-child who is no longer in any way dependent upon him, or of whose custody the Government servant has been deprived by law; and

(d) "Province" means the Province of • Punjab.

(2) Reference to a wife in clause (c) of sub-rule (1) shall be construed as reference to the husband where the Government servant is a woman.

4. **Repeal of previous Conduct Rules** – The following rules in so far as they applied to the persons to whom these rules apply are hereby repealed but such repeal shall not affect anything done or suffered under those rules:-

- (i) The Government Servants Conduct Rules, issued by the late N.W.F.P. Government;
- (ii) The Government Servants Conduct Rules 1950, issued by the late Punjab Government;
- (iii) The Bahawalpur State Servants Conduct Rules;
- (iv) The Sind Civil Services Conduct, Discipline and Appeal Rules in so far as they concern the Conduct of Government Servants.

5. **Gifts** – *(1) Save as otherwise provided in this rule and instructions issued from time to time, no Government servant shall, except with the previous sanction of Government, accept, or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without giving undue offence, it may be accepted and delivered to Government for decision as to its disposal.

(2) If any question arises whether receipt of a gift places a Government servant under any form of official obligation to the donor, the decision of Government thereon shall be final.

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

• The words 'West Pakistan' substituted with word 'Punjab' vide Notification No. SOR-IV (S&GAD)1-4/978 dated 20.06.1998.

**Substituted vide Notification No.SOR-IV(S&GAD)1-28/74-A, dated 17.01.1979. (Original version is available at page 12).

♣(4) Officers of the rank of Secretaries to the Central Government may accept gifts offered abroad or within Pakistan by institutions or official dignitaries of foreign Governments of comparable or higher level. If the gift is capable of being used in a Government office or department or at official residence, it should be used accordingly. If the gift cannot be so used, the Government servant may retain it for his own use. The monetary limits up to which the gifts could be retained by the recipient are as follows:

*** (a) Gifts up to a value of Rs. 10,000/- (Rupees ten thousand only) may be retained (free of cost) by the recipient. In case of low-paid Government employees (BPS-1 to 10) the gift may be retained by the recipient irrespective of the value assessed.

(b) Gifts valued above Rs. 10,000/- may be allowed to be retained by the recipient on payment of 15% of the value exceeding Rs. 10,000/-.

(c) Gifts valuing Rs. 400,000/- more shall not be retained by the recipients. Such gifts shall be deposited in Toshakhana, maintained by the Cabinet Division, Cabinet Secretariat, Islamabad.

(d) The value of the gifts will be assessed by the Cabinet Division, Government of Pakistan.

(e) The Head of Account of Toshakhana in which the amounts are to be deposited is 1300000/-Others/Nes/Misc. Receipt Of Darbar Presents (Central).

6. **Acceptance of foreign awards** – No Government servant shall except with the approval of the *Chief Minister of • Punjab accept a foreign award, title or decoration.

Explanation – For the purpose of this rule, the expression “approval of the *Chief Minister” means prior approval in ordinary cases and ex post facto approval in special cases where sufficient time is not available for obtaining prior approval.

7. **Public demonstration in honour of Government servants** – No Government servant shall encourage meetings to be held in his honour or presentation of addresses of which the main purpose is to praise him.

8. **Gift to medical officers** – Subject to the departmental rules in this behalf, a medical officer may accept any gift of moderate value offered in good faith by any person or body of persons in recognition of his professional services.

♣Substituted vide Notification No.SOR-IV(S&GAD)1-28/74-A dated 17.01.1979.

***Sub-rule (4) of Rule 5 substituted by inserting (a), (b), (c), (d) and (e), respectively, vide Notification No. SOR-IV(S&GAD)1-28/74 (A) dated 15.09.2001.

*In rule 6 the word “Governor”, was substituted with the words “Chief Minister” vide Notification No.SOR-IV(S&GAD)15-4/85 dated 24.12.1985.

• The word ‘Punjab’ inserted vide Notification No. SOR-IV(S&GAD)1-4/978 dated 20.06.1998.

9. **Subscriptions** – No Government servant shall, except with the previous sanction of Government, ask for or accept or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

10. **Lending and borrowing** – (1) No Government servant shall lend money to, or borrow money from, or place himself under any pecuniary obligation to, any person within the local limits of his authority or any person with whom he has any official dealings:

Provided that a Government servant may –

(i) Deal in the ordinary course of business with a Joint Stock Company, bank or a firm of standing or the House Building Finance Corporation;

(ii) Accept a purely temporary loan of small amount, free of interest, from a personal friend or the operation of a credit account with a bona fide tradesman.

(2) When a Government servant is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under 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, the Government servant shall forthwith declare the circumstances, when he is a Gazetted Officer, to Government through the usual channel, and where he is a non-gazetted Government servant, to the Head of his office.

(3) This rule, in so far as it may be construed to relate to loans given to or taken from Co-operative Societies registered under the Co-operative Societies Act, 1925 (*Sind Act VII of 1925*), or under any law for the time being in force relating to the registration of Co-operative Societies, by the Government servants shall be subject to any general or special restrictions or relaxation made or permitted by Government.

*11. Omitted.

11-A. Omitted.

Rule 11 and 11-A shall remain intact for Judicial Officers/Lower Courts Establishment/Lahore High Court Establishment, Lahore (amended vide Notification No. SOR-IV(S&GAD) 1-6/90 dated 18.08.2009).

♦12. **Declaration of Property** – (1) Every Government Servant shall, at the time of entering Government service make a declaration to Government, ♥in the prescribed proforma through the usual channel, of all immovable and moveable properties including shares, certificates, securities, insurance policies, cash and

*Rule 11 and 11-A, omitted vide Notification No.SOR-IV(S&GAD)1-6/90 dated 12.05.2005. (Previous versions are available at pages 12 & 13).

♦Rule 12 substituted vide Notification No.S(R)-3110/ 1-19/68-SOXIII dated 24.02.1969. (Original version is available at page 13).

♥In Rule 12, sub rule (1), the words “in the prescribed proforma” added vide Notification No.SOR-IV(S&GAD)1-6/90 dated 12.05.2005.

jewelry having a total value of **Rs.50,000 (fifty thousand rupees) or more belonging to or held by him or by a member of his family individually or collectively and such declaration shall –

- (a) State the district within which the property is situated;
- (b) Show separately individual items of jewelry exceeding **Rs.50,000 (fifty thousand rupees) in value; and
- (c) Give such further information as Government may, by general or special order, require.

♦(2) Every Government Servant shall submit to the Government in the prescribed proforma through the usual channel, an annual declaration of income, assets and expenses for the financial year, ending on 30th June, showing any increase or decrease of property as shown in the declaration under sub rule (1) for the last annual return, as the case may be.

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

♠13. **Disclosure of assets, immovable, movable and liquid** – A Government servant shall, as and when he is so required by Government by a general or special order, furnish information as to his assets disclosing liquid assets and all other properties, immovable and movable, including shares, certificates, insurance policies, cash, jewelry #and expenses during any period specified by such order in the form specified therein.

14. **Speculation and investment** – (1) No Government servant shall speculate in investments. For the purpose of this sub rule, the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

(2) No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

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

**In Rule 12, in sub-rule(1) and in its clause(b), for the figure and words “Rs.10,000/- (ten thousand rupees)” the figure and words “Rs.50,000/- (fifty thousand rupees)” substituted vide Notification No.SOR-IV(S&GAD)1-6/78 dated 18.11.1985.

♦ Sub-rule (2) of rule 12 substituted vide Notification No.SOR-IV (S&GAD) 1-6/90 dated 12.05.2005. (Original version is available at page 13).

♣ After sub rule (2), a new sub rule (3) added vide Notification No.SOR-IV (S&GAD) 1-6/90 dated 12.05.2005.

♠ Substituted vide Notification No.S(R)-3110/1-19/68- SOXIII dated 24.02.1969. (Original version is available at page 13).

#Added vide Notification No.SOR.IV (S&GAD) 1-4/92 dated 27.07.1992.

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

15. **Promotion and management of companies, etc.** – No Government servant shall, except with the previous sanction of Government, take part in the promotion, registration or management of any bank or company:

Provided that a Government servant may, subject to the provisions of any general or special order of Government, take part in the promotion, registration or management of a Co-operative Society registered under the Co-operative Societies Act, 1925 (*Sind Act VII of 1925*), or under any similar law.

16. **Private trade, employment or work – (1) No Government servant shall, except with the previous sanction of Government, engage in any trade or undertake any employment or work, other than his official duties:

Provided that he may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position or obligation as a Government servant; but he shall not undertake or shall discontinue such work if so directed by Government. A Government servant who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of Government:

*Provided further that a non-Gazetted Government servant may, without such sanction, undertake as small enterprise which absorbs family labour and where he does so shall file details of the enterprise along with the declaration of assets.

(2) Notwithstanding anything contained in sub-rule(1), no Government servant shall associate himself with any private trust, foundation or similar other institution which is not sponsored by Government.

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

♦ 16-A. **Subletting of residential accommodation allotted by Government** – No Government servant shall, except with the prior permission of the Head of the Department, sublet residential accommodation or any portion thereof let to him by Government.

16-B. **Government servant not to live beyond his means, etc. – No Government servant shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.

***Related instructions may be seen at page 19.*

*Added vide Notification No.S(R)-3110/1-19/68-SO-XIII dated 24.02.1969. Further clarification, may be read with letter No. SOR.I (SGA&ID) 1-35/74 dated 26.08.1974 (*page 18*).

♦ Added vide Notification No.S(R)3110/1-19/68-SOXIII dated 24.02.1969.

17. **Insolvency and habitual indebtedness** – (1) A Government Servant shall avoid habitual indebtedness. If a Government servant is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt has been continuously so attached for a period of two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened this rule unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits.

(2) A Government servant who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Head of the Office or Department or to the Secretary of the Administrative Department, as the case may be, in which he is employed.

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

19. **Approach to Members of the Assemblies, etc.** – No Government servant shall, directly or indirectly, approach any Member of the National Assembly or a Provincial Assembly or any other non-official person to intervene on his behalf in any matter.

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

♥21. **Radio Broadcast, Television Programme and Communication to the Press** – No Government servant shall, except with the previous sanction of Government or any other authority empowered by it in this behalf, or in the bona fide discharge of his duties, participate in a radio broadcast or television programme, or contribute any article or write any letter, either anonymously or in his own name or in any other name, to any newspaper or periodical:

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

Provided further that no such sanction shall be required if such broadcast, television programme, contribution or letter is of a purely literary, artistic or scientific character or, in the case of a member of the teaching profession, relates to his specialized discipline.

♥Substituted vide Notification No.SORI(S&GAD)1-1/71 dated 25.05.1971. (Original version is available at page 14).

***22. Publication of Information, Public speeches and Television programme capable of embarrassing Government** – No Government servant shall, in any document published, or in any public utterance or radio broadcast delivered, or in any television programme attended by him, make any statement of fact or opinion or act in a manner which is capable of embarrassing the Central or any Provincial Government:

Provided that technical staff (both Gazetted and non-Gazetted) may publish research paper on technical subjects, if such papers do not express views on political issues or on Government policy and do not include any information of a classified nature:

Provided further that members of the teaching profession (Gazetted and non-Gazetted) may publish such articles, papers, letters, books and research material on the subjects related to their specialized discipline as do not offend against the provisions of these rules.

23. Evidence before Committees – (1) No Government servant shall give evidence before a public committee except with the previous sanction of Government.

(2) No Government servant giving such evidence shall criticize the policy or decisions of the Central or any Provincial Government.

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

24. Taking part in politics and elections – (1) No Government servant shall take part in, subscribe in aid of or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.

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

(3) No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

** (4) No Government servant shall allow any member of his family dependent on him to indulge in any political activity, or form a political association

*Substituted vide Notification No.SORI(S&GAD)-1-1/71 dated 25.05.1971. (Original version is available at page 14).

#Inserted through corrigendum No.S(R)2714/1-10/66-SOXIII dated 17.01.1969.

**Substituted vide Notification No.SOR-IV(S&GAD)1-1/77 dated 18.12.1978. (Original version is available at page 14).

and be its member, or to act in a manner in which he himself is not permitted by sub-rule (3) to act.

(5) A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule (3) to have taken part in an election to such body.

(6) The provisions of sub-rules (3) and (5) shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law or order of Government, for the time being in force, to be candidates at such elections.

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

25. **Propagation of Sectarian creeds, etc.** – No Government servant shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favouritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the Government servants in particular and amongst the people in general.

***25-A. No Government servant shall express views detrimental to the ideology or integrity of Pakistan.**

♦25-B. Government servants not to take part in or assist, any public demonstration against Government decisions, etc. – No Government Servant shall take part in, or in any manner assist, any public demonstration directed against a Government decision or policy or permit any member of his family dependent on him to do so.

26. **Nepotism, Favouritism and Victimization, etc.** – No Government servant shall indulge in provincialism, parochialism, nepotism, favouritism, victimization or willful abuse of office.

27. **Vindication by Government servants of their public acts or character** –

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

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

*Inserted vide Notification No.SOR-IV(S&GAD)-1-22/76 dated 16.12.1980.

♦Inserted vide Notification No.SOR-IV(S&GAD)1-1/77(P) dated 08.04.1985.

28. **Membership of Service Associations** – No Government servant shall be a member, representative or officer of any association representing or purporting to represent Government servants or any class of Government servants, unless such association satisfies the following conditions, namely:

- (a) Membership of the association and its office bearers shall be confined to, a distinct class of Government servants and shall be open to all Government servants of that class.
- (b) The association shall not be in any way connected with, or affiliated to, any association which does not, or any federation of associations which do not, satisfy condition (a) above.
- (c) The association shall not be in any way connected with any political party or organization, or engage in any political activity.
- (d) The association shall not –
 - (i) issue or maintain any periodical publication except in accordance with any general or special order of Government; and
 - (ii) except with the previous sanction of Government, publish any representation on behalf of its members, whether in the Press or otherwise.
- (e) The association shall not, in respect of any election to a legislative body, or to a local authority or body, whether in Pakistan or elsewhere–
 - (i) pay or contribute towards, any expenses incurred in connection with his candidature by a candidate for such election;
 - (ii) by any means support the candidature of any person for such election; or
 - (iii) undertake or assist in the registration of electors, or the selection of a candidate for such election;
- (f) The association shall not–
 - (i) maintain, or contribute towards the maintenance of, any member of a legislative body, or of any member of local authority or body, whether in Pakistan or elsewhere; or
 - (ii) pay, or contribute towards, the expenses of any trade union which has constituted a fund under Section 16 of the Trade Unions Act, 1926 (*XVI of 1926*).

*(Proviso deleted)

*Proviso to sub clause(ii) of clause(f) of Rule 28 was deleted vide Notification No.S(R)725/1-10/66-SOXIII dated 26.05.1967. (Original version is available at page 14).

****Note:** This rule shall not apply to Unions of non-gazetted staff of Pakistan Western Railways for which separate rules already exist on the subject.

29. **Use of Political or other influence** – No Government servant shall bring or attempt to bring political or other outside influence, directly or indirectly, to bear on Government or any Government servant in support of any claim arising in connection with his employment as such.

30. **Approaching Foreign Missions and Aid-Giving Agencies** – No Government servant shall approach, directly or indirectly, a foreign Mission in Pakistan or any foreign aid-giving agency in Pakistan or abroad to secure for himself invitation to visit a foreign country or to elicit offers of training facilities abroad.

#31. **Delegation of Powers** – Government may, by general or special order, delegate to any officer or authority subordinate to it all or any of its powers under these rules and may, by such order, prescribe the channel through which reports shall be made to Government and the officers receipt by whom of such reports shall be regarded as receipts of the reports by Government within the meaning of these rules.

32. **Rules not to be in derogation of any law, etc.** – Nothing in these rules shall derogate from the provisions of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of Government servants.

****Note** inserted vide Notification No.S(R)725/1-10/66-SOXIII dated 26.05.1967.

#Powers delegated vide Notification No.S(R)814/1-2/67(SOXIII) dated 27.04.1968 (*See page 17*).

**ORIGINAL VERSIONS OF AMENDED RULES/HISTORY OF
AMENDMENTS IN THE PUNJAB GOVERNMENT SERVANTS
(CONDUCT) RULES, 1966**

Rule 2 (b)

Original version of clause (b) of Rule 2 which was deleted vide Notification No.SORI(S&GAD)-1-5/69(XIII) dated 27.05.1970.

“employees of the Central Government or other authority deputed temporarily to serve under the Provincial Government; and”

Rule 3(1)(c)(i)

Original version of sub clause (i) of clause (c) of sub rule (1) of rule 3 which was substituted vide Notification No.SOR-IV(S&GAD)-1-6/78 dated 26.12.1982.

“his wife, children and step children, parents, sisters and minor brothers, residing with and wholly dependent upon the Government Servant; and”

Rules 5(1) & 5(4)

Original version of Sub-rule (1), Sub-rule (4) and (a), (b) and (c) under sub rule (4) of Rule 5 substituted vide Notification No.SOR-IV(S&GAD)1-28/74-A dated 17.01.1979.

Sub-rule (1)

“(1) Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of Government, accept, or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without giving undue offence, it may be accepted and delivered to Government for decision as to its disposal.”

Sub-rule(4)

“(4) Officers of the rank of Secretaries to the Central Government may accept gifts offered abroad or within Pakistan by institutions or official dignitaries of foreign Governments of comparable or higher level, provided that the value of the gift in each case does not exceed Rs.50. If the gift is capable of being used in a Government office or department or at official residence, it should be used accordingly. If the gift cannot be so used, the Government servant may retain it for his own use.

(a) Gifts valued up to Rs.1,000 may be allowed to be retained by the recipients;

(b) Gifts valued between Rs.1,000 and Rs.5,000 may be allowed to be retained by a recipient if he is willing to pay 25% of the value of the gift after deducting Rs.1,000 from its assessed value; and

(c) Gifts of the value beyond Rs.5,000 may be allowed to be retained by a recipient if he is willing to pay 25% of the value between Rs.1,000 and Rs.5,000 and 15% of the value above Rs.5,000.”

Rule *11

“Buying and selling of movable and immovable property – (1) A Government servant who intends to transact any purchase or sale or make disposal of any other means of movable or immovable property exceeding in value **Rs. 1,00,000/- (one hundred thousand rupees) with any person shall apply for permission to the Head of the Department, or in the case where there is no such Head of Department, to the Secretary to Government. When the Government servant concerned is himself Head of the Department or Secretary to the Government, he

*Substituted vide notification No. SOR-I (S&GAD)1-22/76 dated 20.04.1977.

**For the figure brackets & words “Rs. 25,000/- (twenty five thousand rupees)” the figure, brackets & words “Rs. 1,00,000/- (one hundred thousand rupees)” were substituted vide notification No. SOR.IV (S&GAD)1-22/76 dated 28.04.1999.

shall apply for such permission to the Administrative Secretary concerned or the Chief Secretary as the case may be.

(2) Every such applicant shall state fully the circumstances, the price offered or demanded, and, in the case of disposal otherwise than by sale, method of disposal.

(3) The Government servant, then, shall act in accordance with such orders as may be passed by the Government.

@(4) A Government servant who intends to acquire more than one plots from one or more Cooperative Housing Societies or Government Housing Schemes or intends to dispose of any plot acquired by him as such shall obtain prior permission of the Government, as the case may be, in the manner specified in sub rule (1).

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

(Explanation): In this rule, the term "Property" includes agricultural or urban land, bonds, shares and securities, but does not include a plot purchased @@ for the first time for building a house from a Cooperative Housing Society or a Government Housing Scheme."

Rule #11-A

Construction of building, etc. – No Government servant shall construct a building whether intended to be used for residential or commercial purposes, except with the previous sanction of the Government, obtained upon an application made in t his behalf disclosing the source from which the cost of such construction shall be met.

Rule 12

Original version of Rule 12 which was substituted vide Notification No.S(R)3110/1-19/68-SOXIII dated 24.02.1969.

"12. Declaration of immovable property - (1) Every Government servant shall, at the time of entering Government service, make a declaration to Government through the usual channel, of all immovable properties which may be held by him or by a member of his family dependent upon him. Such declaration shall state the District within which the property is situated and shall give such further information as Government may, by general or special order, require.

(2) All accretions and decrements made subsequent to the declaration filled under sub-rule (1) shall be brought to the notice of Government, through the usual channel, from 15th to 31st December each year. Non-disclosure will be considered to be an offence for disciplinary action.

(3) Non-ability to account for any accretions of wealth should raise presumption against the Government servant concerned."

The above sub rule (2) of Rule 12 was substituted vide Notification No.SOR-IV(S&GAD)1-6/90 dated 12.05.2005 previous version is as under:

"Every Government servant shall, on 31st December of every year, submit to Government through the usual channel, a return showing the increase or decrease that may have taken place during the previous calendar year, in the movable or immovable properties shown by him in the declaration filed under sub-rule (1) or, as the case may be, the last annual return."

Rule 13

Original version of Rule 13 which was substituted vide Notification No.S(R) - 3110/1-19/68 - SOXIII dated 24.02.1969.

@Inserted vide notification No. SOR.IV (S&GAD)1-22/76 dated 28.04.1999.

@@Words "for the first time" inserted vide notification No. SOR.IV (S&GAD)1-22/76 dated 28.04.1999.

#Substituted vide notification No. SOR.I (S&GAD)1-22/76 dated 20.04.1977.

“13. Disclosure of assets, immovable and liquid – A Government servant shall disclose all his assets, immovable as well as liquid, when required to do so by the Government.”

Rule 21

Original version of Rule 21 which was substituted vide Notification No.SORI(S&GAD)1-1/71 dated 25.05.1971.

“21. Radio Broadcast and Communications to the Press – No Government servant shall, except with the previous sanction of Government or any other authority empowered by it in this behalf, or in the bona fide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that such sanction shall generally be granted if such broadcast or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of the Government servant, the security of Pakistan or friendly relations with foreign States, or to offend public order, decency or morality, or to amount to contempt of court, defamation or incitement to an offence:

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

In the above rule 21 the following amendment was made vide Notification No.S(R)3110/1-19/68-SOXIII dated 24.02.1969.

“In Rule 21, after the word "broadcast" wherever occurring, the words "or television programme" shall be inserted.”

Rule 22

Original version of Rule 22 which was substituted vide Notification No.SORI(SGA&ID)1-1/71 dated 25th May 1971.

“22. Publication of information and public speeches capable of embarrassing Government – No Government servant shall, in any document published, or in any public utterance, or radio broadcast delivered by him, make any statement of fact or opinion which is capable of embarrassing the Central or any Provincial Government:

Provided that technical staff (both Gazetted and non-Gazetted) may publish research papers on technical subjects, if such papers do not express views on political issues or on Government policy and do not include any information of a classified nature.”

The above rule 22 was amended vide Notification No.SO(R)3110/1-19/68-SOXIII dated 24.02.1969. The text of the amendment is given below:

“In rule 22, for the word and comma “utterance” the words and comma “utterance or television programme, or in any” shall be substituted.”

Rule 24(4)

Original version of Sub-rule(4) of Rule 24 which was substituted vide Notification No.SOR-IV(S&GAD)1-1/77 dated 18.12.1978.

“(4) No Government servant shall permit any member of his family to act in a manner in which he himself is not permitted by sub-rule(3) to act.”

Rule 28(f)(ii)

Original version of proviso to sub-clause (ii) of clause (f) of rule 28 deleted vide Notification No.S(R) 725/1-10/66-SOXIII dated 26.05.1967.

“Provided that this sub-clause will not apply to Unions of non-Gazetted staff or Pakistan Western Railways for which separate rule already exists on the subject.”

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ANCILLARY INSTRUCTIONS

No.S(R)
1357/1-26-58-SO-XIII
Dated the 21st June 1960

Subject: GOVERNMENT SERVANTS ATTENDANCE AT EVENING CLASSES

In supersession of previous instructions on the subject the Punjab Government has decided as under:

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

No.S(R).1151/1-26/58-SO-XIII
Dated the 27th April 1962

Subject: GOVERNMENT SERVANTS ATTENDANCE AT EVENING CLASSES

Reference this Department memorandum No. S(R) 1357/- 1-26/58-SO XIII dated 21st June 1960, on the subject noted above.

2. Government of Punjab has decided that the orders contained in the memorandum under reference should continue. However, the Government servants joining evening classes should inform the Head of the Department in writing the name of the institution he had joined.

No.S(R)/1-26/58-SO.XIII
Dated the 4th February
1963

Subject: GOVERNMENT SERVANTS ATTENDANCE AT EVENING CLASSES

Reference correspondence ending with this Department circular No. S(R) 1151/1-26/58-SO.XIII dated the 27th April 1962 on the subject noted above.

2. Since the public interest is paramount in all cases, the fact that a Government servant attending evening classes cannot in itself be a reason for not transferring him. If his transfer can be avoided without causing any loss to the efficiency of the Department then such a Government servant may be allowed to continue at the station of his posting so long as his course of study requires.

3. The competent authorities, while allowing officials serving under them to study in evening classes, should, however, carefully go into the question whether the Official is likely to be transferred from his station, if so, permission in his case should be refused.

No.SORI(S&GAD)1-70/71
Dated the 17th March
1972

Subject: GOVERNMENT SERVANTS ATTENDANCE AT EVENING CLASSES
AND TAKING EXAMINATIONS AS PRIVATE CANDIDATES

I am directed to refer to the circular letters No. S(R)1357/1-26/58-SO XIII dated 21st June 1960 and S(R) 1151/1-26/58 SOXIII dated 27th April 1962, on the subject cited above and to say that in a number of cases Government Servants attend Evening Classes at private Institutions or prepare privately for appearing in the University or Board Examination, etc., without informing the Heads of Department. When the time for examination comes they usually ask for long leave for preparation and appearance in the examination. Since the Heads of Departments have no notice it causes administrative inconvenience. Government has, therefore, decided that in future Government servants preparing to take any examination, whether with or without attendance at evening classes, should inform the Head of Department in writing of their intention to do so before beginning preparation or six months in advance of the examination, whichever is earlier.

No.S(R)814/1-2/67(SOXIII)
Dated the 27th April 1968

In pursuance of the provisions of Rule 31 of the Punjab Government Servants (Conduct) Rules, 1966, the Governor of Punjab is pleased to delegate to the authorities mentioned in column 2 of the Schedule hereunder the powers specified against them respectively in column 3 of the said schedule in respect of Government Servants for whom they are such authorities.

SCHEDULE

Sr. No.	Authorities	Powers	Relevant Rules
1	2	3	4
1.	Transferring Authorities	Powers to take cognizance of existing obligations of a Government Servant with someone at his station of posting.	10
2.	Appointing Authorities	(i) Powers to obtain and scrutinize declaration of immovable property by Government servants	12
		(ii) Powers to permit the participation of Government servants in Radio broadcast or contribute any Article or write any letter to any Newspaper or periodical	21
		(iii) Powers to permit Government servants to give evidence before a public Committee	23
		(iv) Powers to permit a Government servant to have recourse to any Court or to the Press for the vindication of his public act or	27

		character from defamatory attacks.	
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No.SORI(S&GAD)1-35/74

Dated the 26th August
1974

Subject: EXPLANATION OF THE SECOND PROVISIO TO RULE 16(1) OF THE
PUNJAB GOVERNMENT SERVANTS (CONDUCT) RULES, 1966

I am directed to say that under the second proviso to sub-rule (1) of rule 16 of the Punjab Government Servants (Conduct) Rules, 1966, Government Servants of Grade 1 to 15 have been permitted to undertake "small enterprise" which absorbs "family labour" without prior sanction for the purpose. Since the terms "small enterprise" and "family labour" have not been defined in the Conduct Rules, difficulties of interpretation are being experienced, particularly in cases where the Government Servants of Grade 1 to 15 want to make use of their specialized qualifications with small investments. In order to remove ambiguity, I am to clarify that –

- (1) "Small Enterprise" means any business which involves investment not exceeding Rs.5,000/- in each case; and
- (2) "Family Labour" means labour of the Government Servant himself and that of any of the members of his family as per definition of family given in rule 3 (1) (c) of the Conduct Rules.

No.SOR.IV(S&GAD)1-6/92

Dated the 28th January 1993

Subject: PERMISSION TO GOVERNMENT SERVANTS IN BS-1 TO BS-15 TO
UNDERTAKE PART-TIME JOBS AFTER OFFICE HOURS

I am directed to state that according to the first proviso below sub-rule (1) of Rule 16 of the Punjab Government Servants (Conduct) Rules, 1966, Government servants are allowed to undertake honorary work of a religious, social or charitable nature or occasional work of literary or artistic character, subject to the condition that the official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position or obligation as a government servant.

2. The question of allowing Government servants in BS-1 to BS-15 to undertake any paid private employment/work has been engaging the attention of the Government of the Punjab for quite some time. The matter has been considered and it has been decided that Government servants in BS-1 to BS-15 may be allowed to undertake any paid private employment/work subject to fulfillment of the following conditions:

- i) Prior permission for undertaking private employment indicating the nature thereof shall be obtained by the concerned Government employees from the head of the office/organization in writing.
- ii) The official duties of the Government servant concerned do not suffer and such undertaking does not conflict

with or is not inconsistent with his official position or obligations as a Government servant.

iii) No private employment/work is undertaken during office hours.

iv) Such civil servant shall discontinue the private employment/ work if so directed by the Government at any time.

v) In case of any doubt about propriety of undertaking any employment/work the matter should be referred to head of the department for decision. Such a decision would be final.

3. You are, therefore, requested to kindly inform all concerned under your administrative control for compliance.

Copy of Office Memorandum No. 7/1/79-D.IV, dated 1st September 1979 from the Deputy Secretary, Government of Pakistan, Cabinet Secretariat (Establishment Division), Rawalpindi addressed to all Ministries/Divisions and copy to all Provincial Government, endorsed to Admin. Secretaries Government of the Punjab, etc., vide S&GAD endst. No. SOR.IV(S&GAD) 1-35/74 dated 22.11.1979.

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

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

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

NO. SOR-IV(S&GAD)1-35/74
Dated the 20th January
1980

Subject: ENGAGEMENT IN TRADE AND BUSINESS, ETC., BY SPOUSE OF GOVERNMENT SERVANTS

In continuation of this Department's endorsement of even number dated 22nd November, 1979, on the subject, I am directed to say that the questions (i) whether "agriculture" is included in the profession, trade or business in respect of which the

spouse of a Government servant has to render the required certificate and (ii) whether or not the said instructions also apply to major/dependent children of Government servants, have been examined and it has been decided that “agriculture”, as long as it is not being undertaken on full-time basis, is generally not considered as “employment in trade or business” for the purposes of rule 16 of the Punjab Government Servants (Conduct) Rules, 1966, as applicable to the Punjab Province. However, industry like poultry farming, dairy farming, etc., are exceptions and will be governed by the said Rules/instructions.

2. With regard to the question whether the instructions apply to major children of Government servants, it is clarified that the rules/instructions are not applicable to the “major children” of a Government servant, because on taking up a business they are deemed to have become “independent” and not members of a Government servant's family as defined in Rule 3(1)(c) *ibid*.

NO.SOR-IV(S&GAD)1-6/78

Dated the 23rd

January 1983

Subject: DECLARATION OF ASSETS HELD AND ACQUIRED BY
GOVERNMENT SERVANTS AND CORPORATION EMPLOYEES

Instructions regarding declaration of Property and Assets have been issued from time to time but these have either been insufficiently understood or dealt with in routine with the result that their compliance by the Departments/Corporations/Autonomous Bodies and by the officials themselves has remained sporadic.

2. The instructions on the filing of Declaration of Assets have been revised and consolidated for strict compliance by all concerned as follows:

I. The Declaration of Assets is to be submitted by—

- (a) All Government servants of all grades.
- (b) All re-employed Government servants.
- (c) all persons employed on contract or on part time basis.
 - (d) Federal civil servants and corporation employees serving on deputation in the Punjab Government.
 - (e) Provincial civil servants who are on deputation with the statutory, autonomous or local bodies.
 - (f) All officers and employees of corporations/autonomous bodies set up and/or controlled by the Punjab Government.
 - (g) Commissioned and non-commissioned officers of the armed forces serving on secondment in civil posts and in corporations/autonomous bodies.

II. (a) The Declaration of Assets should be submitted in duplicate, by all concerned on first appointment and thereafter annually on 31st December each year, on the attached pro forma which should be filled in and signed by the Declarant himself. However, the Declaration of Assets

for the year ending 31st December, 1982 should be submitted by all concerned irrespective of the fact whether they have already declared their assets during the fiscal year 1981-82 or not.

(b) Revised pro forma for declaration of assets provides for affixing of photographs of all the Federal/Provincial officers of Grade-17 and above on the first submission of declaration of assets under these instructions. However, these officers will also affix their photographs on the pro forma with their declaration of Assets for the year ending 31st December 1982.

III. The Declarations are to be made in respect of property and assets held in the name of Government servant himself and members of his family as defined in Rule 3(1)(c) of the Punjab Government Servants (Conduct) Rules, 1966 (as amended), reproduced in the attached pro forma.

IV. The Declaration should include the description/details of immovable property such as land, house acquired, built, or under-construction including the property which is under mortgage or which is otherwise encumbered and movable property such as motor vehicles, investment or ownership (part or otherwise) of business enterprises, stocks, shares, securities, certificates, prize bonds, insurance policies and jewelry having a total value of *Rs.10,000/- or more, in terms of Rule 12 of the Punjab Government Servants (Conduct) Rules, 1966. The valuation of movable/immovable property should be declared on purchase value basis.

V. (a) It will be responsibility of Departments/Corporations/ Autonomous Bodies to obtain the declaration of assets in respect of persons serving under them. Failure to file the declarations on the prescribed date or within fifteen days thereof will be construed as misconduct and the defaulters will be liable to disciplinary action under the Rules. Action against the defaulting persons will be taken by the respective Departments/Organizations etc. under whom the official is serving for the time being in accordance with the relevant disciplinary rules.

(b) A certificate to the effect that such declarations have been obtained from all officials should be forwarded to the S&GAD (Secret Section) by all departments by 1st March of each year.

VI. (a) The Declaration of Assets should be maintained and handled in the same manner as the confidential reports. These should be kept on separate files for each individual official and maintained as companion files of the C.R. dossiers of the officials concerned. The declaration of assets of the officials whose C.R. Dossiers are not required to be

*Now Rupees 50,000/- (see rule 12).

maintained under the relevant instructions, should be kept in the above manner as companion files to their service books.

(b) The Department/Corporation or Autonomous Body which maintains the original C.R. dossiers/Service Books of the officers/staff will be responsible for custody and maintenance of the files of Declaration of Assets in the prescribed manner.

(c) For this purpose the Declaration should be forwarded along with lists to the respective Administrative Secretaries/Heads of Attached Departments/Corporations/Autonomous Bodies who are responsible for the maintenance of the C.R. dossiers of the concerned officials by 1st March of each year.

VII. The Secretaries of the Departments and Head of Departments etc. are to be held responsible for any case of corruption in the Department/Corporation etc. under them. In case where the Secretary has reasons to believe that the assets have not been correctly reported, or are in excess of known means of income, he may order an investigation through an internal inquiry or by the Anti-Corruption Establishment Punjab to be followed by proceedings under disciplinary rules in the event of such charges having been prima facie established.

3. Federal Government employees serving in the Punjab Government and autonomous/semi-autonomous/local bodies subordinate to it should furnish their declarations in the pro forma prescribed by the Federal Government to the S&GAD (Secret Section) who will retain a copy and pass on the original to the respective Ministry/Division by 31st January each year. (For the year 1982, the time-limit may be enhanced by one month from the date of receipt of form by the A.Ds.)

4. The various instructions issued from time to time regarding filing of Declaration of Assets are deemed to have been modified to the extent stated above.

5. These instructions may kindly be brought to the notice of all employees serving under your administrative control for strict compliance.

NO.SOR-IV(S&GAD)1-6/90
Dated the 13th May
2005

Subject: REVISED PROFORMA FOR DECLARATION OF ASSETS HELD AND ACQUIRED BY GOVERNMENT SERVANTS & CORPORATION EMPLOYEES, TO BE FILED ON THE BASIS OF FINANCIAL YEAR WITH EFFECT FROM JULY 2005

The Competent Authority has been pleased to make amendments in the Government Servants Conduct Rules, 1966 vide notification No. SOR-IV (S&GAD)1-6/90 dated 12.05.2005. Rules 11 and 11-A, pertaining to buying/selling of moveable /immoveable property and construction of building etc., have been omitted. By virtue of substitution of sub rule (2) of Rule 12 every Government

Servant shall submit to the Government in the prescribed proforma, through the usual channel, an annual declaration of income, assets and expenses for each financial year, (from 1st July to 30th June), showing any increase or decrease of property as shown in the declaration under sub-rule (1) for the last annual return, as the case may be. According to the new sub-rule (3) of Rule 12, declaration of assets proforma shall be opened in the concerned section each year and entered into the relevant database. In order to meet the requirements of the amended provisions of Rule 12 of the Punjab Government Servants (Conduct) Rules, 1966, a revised Declaration of Assets Proforma, as devised by the Federal Government and adopted by the Punjab Government, is enclosed.

2. Following guidelines may be noted for strict compliance:

- (i) Declaration of **Income, Assets, Expenses** are to be submitted on the new prescribed proforma by all Government Servants of all Basic Pay Scales, including all persons re-employed/employed on contract.
- (ii) First Declaration of Assets on the revised proforma containing full details of all assets and liabilities shall be submitted by all concerned for the Financial Year ending on 30th June 2005 by 31st July 2005. The Government servants appointed after 30th June 2005 shall submit Declaration of Assets as on the date of their first appointment. Thereafter, every Government Servant is required to submit declaration of his income and assets on close of every Financial Year, i.e., 30th June, by 31st July each year.
- (iii) The declaration of assets belonging of APUG and OMG only will be forwarded to the Establishment Division.
- (iv) A certificate to the effect that such declaration has been obtained from all officers/officials should be forwarded to the Confidential Wing of S&GAD by all the Administrative Departments of the Punjab Government by 1st of September each year to the effect that the requisite declarations have been obtained from all officers/officials belonging to/serving under their administrative control. The S&GAD will further submit a certificate to the same effect to the Establishment Division with respect to APUG Officers working under the Government of Punjab.
- (v) It will be the responsibility of Departments/Corporations/Autonomous Bodies to obtain the declaration of assets in respect of persons serving under them, and take disciplinary actions against the defaulting officers/officials who do not submit such declarations by the prescribed date or within fifteen days thereof.
- (vi) Departments/Attached Departments/Corporations/Autonomous Bodies, etc., shall also maintain database regarding annual declaration of income, assets and expenses in respect of the officers/officials administratively controlled by them and shall update the database on annual basis.

ASSETS & LIABILITIES**9. Immoveable Assets (Agri. & Non-Agri. lands, House, Properties, Commercial & Industrial Properties, open plots of all types)**

	Identification & nature of Asset(s)	Mode of acquisition /year	Cost of acquisition
a)			
b)			
c)			
d)			
e)			
f)			
g)			
h)			
i)			
j)			
k)			
l)			
m)			

10. Moveable Assets (Cash in hand, Motor Vehicles, Jewelry, Household items, Equipment, Business capital, etc.)

	Identification & nature of Asset(s)	Mode of acquisition /year	Cost of acquisition
a)			
b)			
c)			
d)			
e)			
f)			
g)			
h)			
i)			
j)			
k)			
l)			
m)			

11. Assets held as Attorney

	Identification & nature of Asset(s)	Nature of Power of Attorney (Revocable/ Irrevocable)	Name & Address of the Legal Owner
a)			
b)			

12. Assets disposed of during the year

	Identification & nature of Asset(s)	Date of disposal	Amount received as sale proceed (Rs.)
a)			
b)			
c)			
d)			

13. Investments (Bonds, Shares, Certificates, Deposits/Advances, Loans granted, etc.)

	Details of Bonds held		Investments	
	Bond No(s).	Denomination Rs.		Rs.
a)				Rs.
b)				Rs.
c)				Rs.
d)				Rs.

14. Bank Accounts (Current, Saving, Deposit A/c & F.C. A/Cs)

	A/c. No. & Bank Branch	Year of opening	Main source of deposits	Balance on 30.06.____(Rs)
a)				
b)				
c)				
d)				

15. Total Assets (9-14) Rs._____

16. Liabilities (Departmental/Bank Loans, Over-drafts, Mortgages secured, Private Loans, etc.)

	Outstanding liabilities (A)		Liabilities paid off during the year (B)	
a)		Rs.		Rs.
b)		Rs.		Rs.
c)		Rs.		Rs.
d)		Rs.		Rs.

(15-16(A)) Net worth

Rs._____

As on 30.6._____

Net worth declared previously Rs._____

As on 30.6._____

Signature_____

Name _____

Designation _____

Name of the
Organization/

[Back to Contents](#)

Department _____
_____ Place _____
_____ Date _____

INSTRUCTIONS

1. If the space provided in the form is found inadequate or some explanation is required, a separate page may be attached/annexed.
 2. All assets should be valued at cost and in the cases of assets acquired through gift name, address of the donor and donees relationship with him is to be declared.
 3. Income declared at Serial No. 4 must include income earned by the spouse & children as well.
 4. Information requested must be completed. No column should be left blank. Columns which are not applicable should be crossed.
 5. All assets owned by the officer & his family members (Family as defined in Rule 3(1) (c) of Conduct Rules, 1966) should be declared. Assets acquired by major children dependents & others where funds have been provided by the officer are also to be declared.
 6. Assets owned by partly or acquired on “Hire Purchase Agreement” or installment should also be declared.
 7. If any exact figure cannot be inserted an estimated/approx figure may be given.
 8. Sale proceeds of assets disposed of during the relevant financial year must be declared under the head “other sources” (Serial No. 4).
 9. If there is no change in Assets over the previous year (for which the declaration had been filed) relevant columns (Serial No. 9, 10 & 11) may be marked “As Before”.
 10. At Serial No. 11 assets held by others as attorney on behalf of declarant, his spouse or dependent children are also to be declared.
 11. Expenses against utilities (Serial No. 5) should include bills paid against all meters (Gas & Electricity installed on the residence) and telephone connections (including Mobile) in use of the officer, spouse and dependent children.
 12. Notwithstanding the applicability of any other law for the time being in force this declaration is being filed under Conduct Rule, 1966 and any breach thereof (including concealment of assets or giving wrong information) is punishable under PRSO, 2000.
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IV(S&GAD) 1-3/83

Dated the 20th March 1983

Subject: DECLARATION OF ASSETS HELD AND ACQUIRED BY
 GOVERNMENT SERVANTS AND CORPORATION EMPLOYEES —
 MONITORING ARRANGEMENTS FOR WATCHING COMPLIANCE
 OF THE INSTRUCTIONS

I am directed to refer to para 2-VII of this Department's circular letter No. SOR-IV(S&GAD)1-6/78 dated the 23rd January 1983, on the above subject and to request you to kindly send consolidated information in respect of your Department in the enclosed proforma to this Department by the 1st of September, each year regularly.

2 The schedule for submission of the return has been fixed keeping in view the fact that certificates to the effect that Declaration of Assets have been obtained from all officials/employees are required to be furnished by 1st of March each year. Thereafter a period of 3-4 months should suffice for checking/scrutiny of Declaration of Assets filed by civil servants/employees of Corporations. Two more months should normally be enough for consolidation of information by Administrative Department.

3. The responsibility for timely collection of information from Attached Departments/Organizations, etc. rests with on the concerned Administrative Department who are requested to ensure that it is sent to this department positively by 1st of September each year.

CONFIDENTIAL

**STATEMENT OF FAILURES TO FILE OR FILING INCORRECT
DECLARATION OF ASSETS BY CIVIL SERVANTS AND EMPLOYEES OF
AUTONOMOUS BODIES DURING THE YEAR _____**

1. Name of (i) Secretariat Department _____
(ii) Attached Department _____
(iii) Autonomous Body/Corporation _____

2. Total number of Civil servants, grade-wise.

Part I

3. No. of civil servants, grade-wise, who failed to file the annual declaration of assets.

4. Reasons, if any, for failure to file the declaration.

5. Brief detail of action taken against the defaulters.

Part II

6. No. of civil servants, grade-wise, whose basic/annual declarations are believed to be incorrect.

In Secretariat Department	In Attached Department	In Autonomous Body/Corporation

7. No. of civil servants, grade-wise, whose basic/annual declaration of assets are considered in excess of the known means of income.

8. No. of cases (out of 6 and 7 above) in which:

- a) Investigation through internal inquiry has been ordered.
- b) Reference has been made to the ACE for investigation.

Part III

9. Result of internal investigation into cases of declaration believed to be incorrect, filed in the preceding calendar year.

10. Result of inquiry by the ACE into cases of declarations believed to be incorrect, filed in the preceding year.

In Secretariat Department	In Attached Department	In Autonomous Body/Corporation

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NO.
SOR-IV(S&GAD)1-6/78
Dated the 9th February
1984

Subject: DECLARATION OF ASSETS HELD AND ACQUIRED BY
GOVERNMENT SERVANTS AND CORPORATION EMPLOYEES

Continuation this Department circular letter of even number dated 29th
December 1983 on the subject noted above.

2. The following further clarifications are made in respect of Declaration of
Assets held and acquired by all Government servants and Corporation employees:

- (a) the declaration of assets, in duplicate are required to be sent under sealed covers as before and will be opened by the concerned Administrative Secretaries of the Departments, Head of Attached Departments, Head of Corporations or by the persons authorized by them.
- (b) Each Department/Office/Corporation would be responsible for the filing and maintenance of Declaration of Assets in regard to the posts and services administered by it.

NO. SOR-IV(S&GAD) 1-6/78
Dated the 25th March
1984

Subject: DECLARATION OF ASSETS HELD AND ACQUIRED BY
GOVERNMENT SERVANTS AND CORPORATION EMPLOYEES

It has been noted that some Government Servants, while filing their declarations of assets, are not either sending the first page or deleting it. Since the prescribed pro forma has been approved by the President of Pakistan hence no change in this, can be entertained. All Government Departments/Autonomous and Semi-Autonomous Bodies are requested to please bring this to the notice to all concerned for compliance. These officers/officials who could not send their declarations on the above line should send the first page of declaration to complete their declaration.

2. In order to avoid such discrepancy all Departments/Offices/Corporations are requested to get the prescribed form of declaration of assets printed on both sides of the leaf and supply it to all their employees for filing the declarations on the printed form in future.

NO. FD.SR-IV-3/9-79
Dated the 23rd August 1979

Subject ANTI-CORRUPTION MEASURES – RESTRICTION ON
MAINTENANCE OF MOTORCARS

I am directed to refer to letter No.SOR1(S&GAD) 1/62/71 dated 12th
August 1971, and to say that in supersession of all previous orders on the subject, the Provincial Government has decided that no Government servant who is drawing less

than Rs.1750/- P.M. as pay plus special pay, if any, will henceforth be allowed to maintain a car.

2. Officers drawing less than Rs.1,750/-P.M. but who actually owned/maintained a motor car according to existing entitlement policy on 1st July 1979, should intimate the fact of such ownership along with particulars of the motorcar owned by them to S&GAD for exemption from the operation of the present order.

No.
SOR-IV(S&GAD)1-62/71
Dated the 10th
December 1979

Subject: ANTI-CORRUPTION MEASURES – RESTRICTION ON
MAINTENANCE OF MOTORCARS

I am directed to refer to para 2 of the Finance Department's circular letter No.FD-SR-IV-3/9-79 dated 23rd August 1979, on the subject, and to clarify that cases for exemption from the operation of the present policy may kindly be sent to S&GAD (Services Wing) only for those officers who come under the administrative control of S&GAD. Exemption in the case of non-Secretariat Officers may be granted by the Secretary of the Administrative Department concerned.

No.FD/SR-I-9-2/84
Dated the 13th
March 1986

Subject: ANTI-CORRUPTION MEASURES – RESTRICTION ON
MAINTENANCE OF MOTORCARS

I am directed to refer to this department's letter No. FD/SRIV-3-9/79, dated 23.08.1979 on the subject noted above and to say that it has been decided to raise the limit from Rs. 1750/- to Rs. 2320/- as pay plus special pay, if any, for maintenance of motor cars by civil servants. This will have immediate effect.

2. It has also been decided that officers drawing pay less than Rs. 2320/- p.m. but actually maintaining motor cars according to the existing entitlement would be allowed to maintain these cars without seeking any special permission.

3. It has further been decided to authorize all administrative secretaries to Government to grant exemptions in future in suitable cases where an employee drawing a salary of less than Rs. 2320/- is to be allowed to maintain a car. Such exemption may in particular be considered in respect of female employees where the condition may warrant this.

No.FD/SRI-9-13/86
Dated the 13th August
1987

Subject: REVISION OF BASIC PAY SCALES OF CIVIL EMPLOYEES OF THE
PUNJAB GOVERNMENT

I am directed to state that under Finance Department's circular letter No. FD-SRI-9-16/81 dated 14.07.1981, Government servants drawing pay of Rs. 1250/- p.m. and above were entitled to draw Conveyance Allowance at Rs. 150/- p.m. prior to 01.07.1987. On the introduction of the new basic pay scales with effect from 01.07.1987 vide para 8 (i) (b) of this department's circular letter No. FD-PC-2-1/87 dated 27.07.1987 the pay limit for entitlement of conveyance allowance at Rs. 150/- p.m. has been revised from Rs. 1250/- to 1650/- p.m. As the pay of Government servants drawing pay of Rs. 1250/- p.m. and above has now been fixed at less than Rs. 1650/- p.m. in the basic pay scales, it has been decided to allow such Government employees who were actually drawing Conveyance Allowance @ Rs. 150/- p.m. with indexation prior to 01.07.1987 and whose pay has now been fixed in the new basic pay scales between Rs. 1612/- p.m. to draw Conveyance Allowance at Rs. 150/- p.m. as personal and Rs. 1649/- p.m. to them.

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No.FD(PR)II-5/80(Vol-II)
Dated the 6th January
1988

Subject: REVISION OF PAY LIMITS FOR THE GRANT OF ADVANCES FOR
THE PURCHASE OF BICYCLES, MOTOR CYCLES/SCOOTERS AND
MOTORCARS

I am directed to state that consequent upon the introduction of Basic Pay Scales, 1987, vide this Department's letter No. FD.PC.2-1/87, dated 27.07.1987, the existing pay limits fixed for the grant of advances for the purchase of Bicycles/Scooters & Motorcars have been reviewed. It has now been decided that the existing advances for the purchase of Bicycles/Motorcycles/Scooters and Motorcars will be admissible on (revised) pay limits as shown below:

<u>NAME OF ADVANCE:</u>	<u>PAY LIMIT:</u>
i) Bicycle Advance	On pay up to Rs.1035/-p.m.
ii) Motorcycle/Scooter p.m.	On pay from Rs. 1036/- to Rs. 2709/-
iii) Motor car advance	On pay of Rs. 2710/- p.m. and above.

2. In the case of Bicycle advance, the number of installments of recovery will be 30 for temporary employees and 48 for permanent employees.

3. In the case of Motorcycle/Scooter and Motorcar advance the number of installments of recovery will be 60.

4. The other conditions on the subject will continue to be in force as heretofore.

5. These orders shall take effect from the 28th December 1987.

6. Rules are being amended accordingly.

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No.FD(SR-I)9-2/84
Dated the 10th August
1989

Subject: ENTITLEMENT OF GOVERNMENT SERVANTS TO MAINTAIN
MOTOR CAR/RECEIVE MOTORCAR MAINTENANCE
ALLOWANCE/ RECEIVE MOTORCAR ADVANCE

I am directed to refer to this Department's letter No. FD(SR-I)9-2/84, FD(SR-I)9-13/86 & FD(PR)11-3/80(Vol.II), dated 13.03.1986, 13.08.1987 and 06.01.1988 prescribing pay limits for maintenance of motor car, receipt of motor car maintenance allowance and the motor car advance for the purchase of motor car, and to say that in order to bring about uniformity in the pay limits for the above mentioned purposes, it has been decided, in supersession of all existing instructions on the subject, that henceforth minimum of the revised Basic Pay Scale-18 shall be the limit for maintenance of motor car, receipt of motor car maintenance allowance and the motor car advance for the purchase of motor car.

2. The officers who are currently maintaining motorcar and are in receipt of motorcar maintenance allowance would, however, continue doing so irrespective of their basic pay.

No. FD.SRI.9-2/84 (PR)
Dated the 8th April
1990

Subject: ENTITLEMENT OF GOVERNMENT SERVANTS TO MAINTAIN
MOTOR CAR/RECEIVE MOTOR CAR MAINTENANCE
ALLOWANCE

I am directed to refer to this Department's letter of even number dated 10.08.1989 on the above subject and to state that it has been decided that in case the pay of an officer is less than the minimum of BS-18, the Administrative Secretaries concerned may grant exemption in suitable cases for allowing maintenance of a car. However, this relaxation would not entitle the officer concerned to draw Car Maintenance Allowance.

NO.SORI(S&GAD)11-1/74
Dated the 13th July
1974

Subject: PROMULGATION OF THE PUNJAB CIVIL SERVANTS (CHANGE IN
NOMENCLATURE OF SERVICES AND ABOLITION OF CLASSES)
RULES, 1974- CONSEQUENTIAL ABOLITION OF SERVICES
ASSOCIATION, ETC.

I am directed to state that the Punjab Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1974, have been promulgated recently, vide Notification No. SORIII-1-52/73 dated the 3rd July 1974. In line with and in furtherance of the Administrative Reforms already introduced, names of all Services have been changed to Punjab Unified Grades and all classes and classifications of Services and posts as gazetted and non-gazetted have been abolished with effect from the date of notification of the above Rules, i.e. 3rd July,

1974. Consequently all services Associations, whether representing regularly constituted Services or Classes like Class-III Class-IV, and existing prior to 3rd July 1974, have ceased to exist. Recognitions accorded to such Associations prior to this date by any authority should, therefore, be deemed to have been withdrawn and these Associations should be wound up immediately. No resolution passed or action taken in the name of these Associations will be considered valid.

2. The question of formation of Employees Associations in the light of the Administrative Reforms is under consideration and instructions will be issued in due course under which recognition shall be accorded to fresh Associations formed in accordance with those instructions.

3. Violation of these instructions shall constitute misconduct for purposes of Efficiency and Discipline Rules, 1960. The position stated above may please be brought to the notice of all concerned for information and compliance.

SOR-I(S&GAD) 11-1/74
Dated the 24th
October 1974

Subject: RECOGNITION OF THE NEW EMPLOYEES ASSOCIATION —
INSTRUCTION REGARDING FORMATION

In supersession of all previous instructions on the Subject, the Governor of the Punjab has been pleased to order that an Association formed by employees who are Civil Servants within the purview of the Punjab Civil Servants Act, 1974, in order to communicate their representations to Government for consideration, may be recognized by the concerned appointing authority of the Civil Servants forming the Association provided the members/applicants agree to, in writing, to abide by the following conditions:

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

(vii) The Association shall get its laws or bye-laws or rules approved from the appointing authority that may at any time require any modification thereto or to a proposed rule or bye-law in a particular manner. The Association shall also submit list of its members, office-bearers and annual statement of accounts to the appointing authority.

2. Government in the Administrative Department concerned shall be competent to order withdrawal of recognition if, in its opinion, an Association has violated any of the conditions of recognition stated above. Orders passed by the Government regarding withdrawal of recognition shall be final.

3. In case of a cadre which consists of higher and lower grades, the appointing authority for purposes of these instructions shall be the appointing authority of the highest grade and shall exercise powers under these instructions.

4. Each Association shall submit its representations to the concerned appointing authority and decisions on such representations shall also be communicated by the appointing authority which may if it cannot decide the matter itself, obtain orders of the next higher authority or through it refer the matter to Government for decision.

5. A civil servant who deals with establishment matters pertaining to the functional unit or cadre in which he holds a post shall not become office bearer of the Association representing that functional unit nor shall he take part in any activity of such an Association.

6. Nothing in these instructions shall be construed to fetter the discretion of the Government or an appointing authority to refuse to receive a deputation of any Association.

NO.SORI(S&GAD)11-4/74

Dated the 24th
December 1974

Subject: RECOGNITION OF THE NEW EMPLOYEES ASSOCIATION —
INSTRUCTION REGARDING FORMATION

I am directed to state that instructions regulating formation of service association by Civil Servants have since been issued, vide this Department's circular letter No.SORI (S&GAD)-11-1/74 dated the 24th October 1974. It has come to the notice of Government that a number of Civil Servants still continue to be Members of Associations/Federations which have not been recognized by the competent authorities in accordance with the instructions mentioned above. Such bodies claim representation either on Provincial basis or on All Pakistan basis and give publicity to service demands through the press or otherwise.

2. There is no ban on the formation of Associations of the type mentioned above but Civil Servants are prohibited to be Members of such Associations. Under Rule 28 of the Government Servants (Conduct) Rules, 1966 there is express prohibition on a Government servant to be member, representative or office bearer of any Association which, inter alia, issues or maintains any periodical publication or

publishes any representation on behalf of its members, whether in the press or otherwise except with the previous sanction of the Government. The violation of this stipulation by a Government servant constitutes misconduct under Rule 2(5)(i) of the Punjab Government Servant (Efficiency and Discipline) Rules, 1960.

3. Administrative Departments and subordinate authorities are not authorized to deal with any Association which has not been formed and recognized in accordance with the instructions quoted above. Continued membership by Government Servants of unrecognized Association of the type mentioned above will attract disciplinary action under the rules. I am to request that all concerned may please be informed of the above position for strict compliance in future.

No.SOP-II(S&GAD)13-27/2013
Dated Lahore the 12th April, 2017

SUBJECT: POLICY GUIDELINES ON THE DEMANDS OF ALL PAKISTAN CLERKS ASSOCIATION PUNJAB CHAPTER

I am directed to refer to the subject noted above and to state that All Pakistan Clerks Associations (APCA) Punjab chapter has continuously been submitting charter of demands to the S&GAD. However, it is observed that S&GAD has no jurisdiction upon the matters of the employees of other Administrative Departments. It is for the Departments and development authorities concerned to carve out career planning of their respective employees. The administrative departments concerned are in a better position to examine the requests of their employees, keeping in view their job descriptions, length of service, promotion prospects, service rules etc. Therefore, following policy has been devised for future course of business:-

- i. Concerned Administrative Secretaries / Heads will take up the matters pertaining to different factions of All Pakistan Clerks Associations existing / operating in their organizations and have their issues resolved at their own end.
- ii. S&GAD deals with the Punjab Civil Secretariat Employees Association only being the Administrative Department of the staff posted within the Secretariat, and by no means involved in policy formulation & decision making including posting / transfer of staff falling within the administrative purview of other departments, therefore, S&GAD may not be dragged into their matters unnecessarily.
- iii. Any reference received in future will, therefore, be marked / forwarded to the concerned Administrative Secretary / Head of Department for necessary action and disposal / resolving under the rules / policy.

2. In view of the above, I have further been directed to request you to take further necessary action accordingly.

No. SOR-IV(S&GAD)-1-1/77
Dated the 12th
December 1977

Subject: POLITICAL ACTIVITIES – GOVERNMENT EMPLOYEES

Attention is invited to Rule 24 of the Punjab Government Servants (Conduct) Rules, 1966 according to which no Government servant shall take part in, subscribe in aid of or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.

2. It will be observed that participation in any form of political activity, including demonstrations, is prohibited for a Government servant and comes under the definition of misconduct punishable under Efficiency and Discipline Rules.

3. In view of the position stated above, you are requested to ensure that:

(a) appropriate and prompt action is taken against any government servant under your administrative control who is found indulging in any form of political activity.

(b) all Government employees under your administrative control are reminded of rule 24 of the Punjab Government Servants (Conduct) Rules, 1966 and its implications.

No. S.O.R.IV(S&GAD)1-1/77(P)

Dated the 9th July 1978

Subject: POLITICAL ACTIVITIES — GOVERNMENT EMPLOYEES

In continuation of this Department's circular of even No. dated 12th December 1977 on the subject noted above. It should again be brought to the notice of all Government Servants that breach of Rule 24 of the Punjab Government Servants (Conduct) Rules, 1966 would be considered an act of grave misconduct and would render them liable for severe disciplinary action. If according to the information available with the Department/Office concerned, a Government servant has been taking part in politics, disciplinary action should be initiated against him on priority basis under intimation to this Department.

2. The Government Servants (Conduct) Rules, 1966, do not apply to employees of Corporations and other Autonomous Bodies and institutions managed by or which function under the administrative control of Government as these employees are not considered civil Servants under the Punjab civil Servants Act, 1974. These Corporations/Institutions etc., might have framed their own Conduct Rules for their employees. In case the Conduct Rules so framed do not already contain a provision corresponding in all respects to Rule 24 of the Punjab Government Servants (Conduct) Rules, 1966, they may be advised to incorporate such a rule and bring it to the notice of all their employees. The employees, including the Chairmen and Members of the Board of Directors, may further be advised that any violation of the rule would be dealt with severely. The Administrative Secretaries may please obtain confirmation from all Corporations/Institutions and other Autonomous and Semi-Autonomous bodies under their administrative control that either a corresponding provision to Rule 24 ibid already exists in their Conduct Rules or it has since been incorporated and that a warning as above has

been issued to all employees. Confirmation of this action may please be intimated to this Department by 1st August 1978.

No.SORI(S&GAD)15-11/69

Dated the 8th
December 1969

Subject: POWERS TO PERMIT GOVERNMENT SERVANTS TO BROADCAST
OVER RADIO, T.V. AND TO RECEIVE MONEY THERE FROM
ACCORDING TO RULES/INSTRUCTIONS

I am directed to say that according to Rule 21 of the Government Servants (Conduct) Rules, 1966, no Government servant can, except with previous sanction of Government, broadcast over Radio, T.V. and receive money there from. These powers are delegated under Rule 21 *ibid* in full to the Officers in category I, II and III in respect of Officers/Officials working under them.

No.SORI(S&GAD)15-11/69(iii)

Dated the 10th
February 1975

Subject: POWERS TO PERMIT GOVERNMENT SERVANTS TO BROADCAST
OVER RADIO, T.V. AND TO RECEIVE MONEY THERE FROM
ACCORDING TO RULES/INSTRUCTIONS

I am directed to refer to this Department's circular letter No.SORI (S&GAD)15-11/69 dated the 8th December 1969, on the subject, and to say that the powers delegated therein, under rule 21 of the Punjab Government Servants (Conduct) Rules, 1966, to officers in categories, I, II and III to permit officers/officials working under them to participate in radio broadcast, television programmes or contribute any article, etc., are to be exercised only in cases of "occasional" nature. All other cases involving permission to undertake such work on "regular part time basis" are not covered by this delegation. Instead, every such case would require prior approval of this Department, which should be obtained through the Administrative Department concerned.

2. As regards sharing of fees in such cases, decision will be taken in each case in accordance with the principles and procedure stated below:

"If the work to be undertaken on regular part-time basis is to be performed after office hours without detriment to official duties, the Civil Servant concerned may be permitted by Services & General Administration Department to do so and may not be required to share remuneration with the Government. If, however, such work clashes to a greater or lesser degree with the call of official duties but there are reasons to justify permission, Finance Department shall invariably be consulted by Services & General Administration Department regarding sharing of fees between the civil servant concerned and the Government before conveying approval to the referring Department."

No.SOR-IV(S&GAD)-1-19/68

Dated the 16th May
1978

Subject: DIRECTIVE ON PUBLICITY OF GOVERNMENT OFFICIALS

I am directed to refer to this Department's letter No.SORI(S&GAD) 1-19/68(XIII) dated 9th October 1970 on the above subject and to say that instances of breach of instructions contained therein have come to the notice of Government of which serious notice has been taken. All concerned may be directed to strictly observe the instructions and eschew publicity of their personal and private activities or of their wives. Publicity, if at all necessary in the performance of official duties, should be restricted to projection of development activities of the Government.

Copy of letter No. F.14-10.67-HP dated the 22nd August, 1969, from
Deputy Principal Information Officer (Br.) Press Information Department
Government of Pakistan

Subject: DIRECTIVE ON PUBLICITY OF GOVERNMENT OFFICIALS

In supersession of earlier orders on the subject, the Ministry of Information & Broadcast has issued the following directive in respect of publicity of Government officials:

- (a) publicity of personal and private activities of officials should completely be avoided;
- (b) wives of officials, not concerned in any Governmental activity in their own right, should not be mentioned in news-items;
- (c) photographs of officials performing opening ceremonies or laying foundation-stones or engaged in similar ceremonial pursuits should not be used;
- (d) photographs of wives of officials should not be used. This does not apply to group photographs in which some other person is the news-making personality;
- (e) photographs of officials and their wives may only be published in relation to official functions for foreign dignitaries and visiting delegations;
- (f) routine tours and activities of officials should not be published. Designations of officials should be used and not their names.

2. It has been noticed that breaches of the instructions, issued by the Martial Law Authorities putting restrictions on publicity photographs and news items projecting activities of Government officials, are still in evidence. These should be eschewed.

No.
SOR-IV(S&GAD)1-19/68
Dated the 31st August
1982

Subject: DIRECTIVE ON PUBLICITY OF GOVERNMENT OFFICIALS

I am directed to refer to the SGA&I Department's circular letter of even number dated 9th October 1970 and 16th May 1978, on the above subject, and to reproduce below, for facility of reference, the instructions issued by the Government, in respect of Government officials:

- (a) Publicity of personal and private activities of officials should be completely avoided.
- (b) Wives of officials, not concerned in any Government activity in their own right, should not be mentioned in news items.
- (c) Photographs of officials performing opening ceremonies or laying foundation stones or engaged in similar ceremonial pursuits should not be used.
- (d) Photographs of wives of officials should not be used. This does not apply to group photographs in which some other person is the news-making personality.
- (e) Photographs of officials and their wives may only be published in relation to official functions for foreign dignitaries and visiting delegations.
- (f) Routine tours and activities of officials should not be published. Designations of officials should be used and not their names.

2. All concerned may be directed to strictly observe the instructions and eschew publicity of their personal and private activities or of their wives. Publicity, if at all necessary in the performance of official duties should be restricted to projection of development activities of the Government.

Copy of letter No. 7/2/79-D.IV. dated the 1st October 1985, received from the Joint Secretary, Government of Pakistan, Cabinet Secretariat, Establishment Division, Rawalpindi addressed to all Ministries/Divisions, Government of Pakistan, Islamabad.

Subject: GOVERNMENT SERVANTS (CONDUCT) RULES, 1964 COMPLIANCE OF ITS PROVISIONS, SPECIALLY OF RULES 21 AND 22

It has come to the notice of the Government that some of Government employees have been contributing newspaper columns occasionally or on a regular basis in their names or under pseudonyms. This practice is against the spirit of the Government Servants (Conduct) Rules, 1964. All such Government employees are advised to abide by the relevant provisions of the Government Servants (Conduct) Rules, 1964, failing which appropriate necessary action will be taken against them under the relevant rules.

No.PA-DS(R)-1561/77

Dated the 4th October 1977

Subject: ASSIGNMENT OF WORK/FUNCTIONS TO GOVERNMENT
SERVANTS

It has come to the notice of Government that some officers/officials have not been assigned any work either because no post is reported to be available for them or because they happen to be under inquiry. This is unsatisfactory.

2. All Administrative Secretaries are requested to ensure that no officer/official under their administrative control remains without work unless he is under suspension.

No.SOR-IV(S&GAD)1-28/74(A)

Dated the 10th December 1979

Subject: ACCEPTANCE OF GIFTS

I am directed to state that according to the instructions contained in Rule 5 of the Punjab Government Servants (Conduct) Rules, 1966, Government Servants and members of their families have been prohibited from accepting any gift from any person, the receipt of which would place them under any form of official obligation to the donor. These instructions have been further amplified, vide this Department's circular letters of even number dated 24th January 1979 and 9th April 1979 to cover the receipt of gifts from the diplomatic, Consular and other representatives or employees of Foreign Governments stationed in Pakistan.

2. Government of Pakistan in the Cabinet Division have observed, with regret, that in disregard of the spirit and contents of the aforesaid rules and restrictions, gifts are still being freely accepted by government officials, not only from Government Organizations but even from private firms and factories, even in cases where no offence is likely to be caused by a polite refusal to accept them. You are, therefore, again requested that the officials working in the Government Departments/Agencies or in Corporations and other organizations under the control of Government, should exercise much greater caution and restraint in this matter that appears to be the case at present.

3. These instructions may please be brought to the notice of all concerned for necessary compliance.

No.SOR-IV(S&GAD)1-28/74(A)

Dated the 29th November

1982

Subject: ACCEPTANCE OF GIFTS

I am directed to say that it has generally been observed that restraint is not being exercised to the extent it required in accepting the gifts presented to officers by the foreign Government representatives despite instructions to the contrary issued from time to time. It is once again emphasized that Government officials are prohibited from receiving gifts of any kind for their persons or for members of their families from diplomatic, Consular and other foreign Government representatives or their employees, who are stationed in Pakistan. As the Heads of the Missions in Pakistan have been informed of this decision no offence would be caused by the return of the gifts. If, however, due to very exceptional reasons the gift cannot be returned it should invariably

be deposited in the Tosha Khana. These instructions, however, would not apply to gifts/donations made to institutions.

2. All concerned may again be informed of the above instructions for strict compliance.

No.
SORI(S&GAD)1-19/78(XIII)
Dated the 22nd October 1973

Subject: CODE OF CONDUCT FOR GOVERNMENT SERVANTS

I am directed to refer to this Department's letter of even number, dated the 18th October 1972, in which the need for instilling a sense of discipline in the Government servants and the enforcement of the provisions of the Government Servants (Conduct) Rules, 1966 was re-emphasized. Government servants were also expressly forbidden to wait upon the Chief Minister and other Ministers without prior permission of the competent authority in connection with their personal/official problems or to exert pressure through Members of the Provincial or National Assemblies to secure posting/transfer of their choice, as it amounts to violation of rules 19 and 29 of the Conduct Rules and Rule 42 of the Rules of Business, 1962. I am to clarify that submission of representations, appeals or complaints directly to the Chief Minister and other Ministers, without observance of the prescribed channels is also a serious act of 'misconduct'. The rules on the subject and the instructions issued by Government should therefore be strictly complied with.

2. The type of cases in which a Government servant is allowed to send advance copies of his representations, appeals or complaints are specified in this Department's letter No. SO XII (S&GAD) 2-41/69, dated 02.07.1969 (copy enclosed). Strict compliance of these instructions was last stressed in this Department's letter No. SOR-III (S&GAD)/3-82/70 dated 16th December 1970. It has been noticed that Government servants have started addressing representations direct to the Chief Minister and other Ministers. This practice should be stopped forthwith. If any Government servant feels aggrieved or unhappy about his posting, transfer or other service matters and wishes to represent to the Chief Minister, he must submit his representation through the normal channel of correspondence. Government will be constrained to take disciplinary action against those who submit their representations direct to the Chief Minister/Ministers.

No.SO.XII(S&GAD)2-41/69
Dated the 2nd July
1969

Subject: ADVANCE COPIES OF REPRESENTATIONS AND COMPLAINTS

I am directed to refer to the Circulars mentioned in the *(footnote) and to state that the following revised instructions are issued on a consolidated basis in supersession of the earlier circulars.

*Memo No. XOXIP.1.21/57-344 dated 14.09.1957. Letter No. SOXII(S&GAD) 2-245/64 dated 09.05.1965. Letter No. SOXII (S&GAD) 2-11/69 dated 06.05.1960.

2. No Government servant shall send advance copies of his representation, appeal or complaint, unless his case is covered by the following clauses:

- i) Where a representation, appeal or complaint has to be considered by a subordinate authority and that authority does not take any decision thereon within a period of two months of the date of submission, the aggrieved person shall be at liberty to send a reminder to the subordinate authority and to forward an advance copy thereof with a copy of his petition to the higher authority soliciting expeditious disposal of his case.
- ii) Where an appeal lies to the higher authority or Government against the order of a subordinate authority, the appellant may forward an advance copy of his appeal to the higher authority at any time.
- iii) Where a Government servant makes a complaint against his immediate officer, he may address such officer's next superior officer. But this permission is subject to the condition that if, on inquiry, the complaint is found to be false, the complainant will be liable to strict disciplinary action.

3. When an explanation of a subordinate official is called for regarding some irregularity or misconduct alleged to have been committed by him, he shall not submit advance copy of his explanation to higher authority.

4. All competent authorities are expected to take final decision on the representations, appeals and complaints of Government servants within a period of two months. On receipt of the advance copies of petitions in accordance with the above instructions, it shall be the duty of the higher authority to look into the matter and ensure that there is no delay in disposal of the case. No subordinate authority should withhold or delay unnecessarily any petition to the higher authority in case decision is to be taken by higher authority.

No.SORI(S&GAD)1-34/75
Dated the 26th May
1977

Subject: SUBMISSION OF JOINT REQUESTS BY THE CIVIL SERVANTS FOR GRANT OF INTERVIEWS

I am directed to say that a tendency exists amongst Government employees for making joint requests for interview with higher authorities direct in connection with their personal problems.

2. Joint requests for interview can be made only by delegations of recognized service Associations. However, individual employees can approach authorities higher than their prescribed authorities through proper channel in accordance with rules if they have failed to secure redress at the level of prescribed authority.

3. I am to request that all civil servants working under your administrative control may be advised not to submit individual or joint requests for grant of interview to the higher authorities except as explained above.

No. SOR-IV(S&GAD)1-3/82
Dated the 6th June
1982

Subject: EXTRANEOUS INFLUENCE BY GOVERNMENT SERVANTS IN
RESPECT OF SERVICE MATTERS

I am directed to say that in spite of repeated reiteration of the provisions of Rules 19 and 29 of the Government Servants (Conduct) Rules, 1966, instances of violation of these provisions continue to come to the notice of Government. Some Government servants persist in bringing extraneous pressure on concerned authorities in respect of their posting, transfer and other conditions of service. This amounts to "misconduct" which, as defined in Rule 2(1)(d) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, means conduct prejudicial to good order or service discipline, or conduct unbecoming of an officer and a gentleman. It includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any Government Officer in respect of any matter relating to appointment, promotion, transfer, punishment, retirement and other conditions of service of a civil servant.

2. The Government has taken serious view of this situation and it has been decided that any Government servant indulging in such activities shall be severely dealt with. As a general rule besides any other action that may be considered necessary in individual cases a note regarding violation of aforementioned rules and instructions, shall be straightway placed in the C.R. Dossier of the concerned officer. Particular care should be taken about violation in matters of posting and transfer and authorities under whom Government servants under transfer are serving should avoid intervening on behalf of their subordinates on the plea of indispensability or provision of a substitute. A very strict view will be taken of such intervention in future.

No. SOR IV(S&GAD) 1-1/86
Dated the 18th March
1986

Subject: EXTRANEOUS INFLUENCE BY GOVERNMENT SERVANTS IN
RESPECT OF SERVICE MATTERS

I am directed to invite your attention to instructions issued vide this Department's letter No. SORIV-1-3/82 dated 6th June 1982 on the subject noted above and to say that these are still being violated by certain Government servants. According to the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 any act on the part of a civil servant to bring or attempt to bring political or outside influence directly or indirectly to bear on the Governor, Chief Minister a Minister or any Government Officer in respect of any matter relating to appointment, promotion, transfer, posting, punishment, retirement or other conditions of service of a civil servant, constitutes misconduct which is liable to disciplinary action under the Efficiency and Discipline Rules, 1975. It is reiterated that strict observance of instructions should be ensured and any civil servant violating those should be severely dealt with and entry to this effect should be recorded in his Character Roll dossier.

No.
SORII(S&GAD)2-76/80.
Dated the 1st January
1981

Subject: APPLICATIONS/REPRESENTATIONS MADE BY THE RELATIVES
OF THE GOVERNMENT SERVANTS

It has come to the notice of Government that applications, representations or appeals are made by the relative/dependents of the Government servants, concerning service matters of the Government servants. This is contrary to the instructions referred to in S&GAD's letter No.53/SR/55/150 dated 7th January 1956 incorporated in the O&M Establishment Manual Vol.II (Revised) at page 263-270.

2. The matter has been considered and it has been decided that no notice should be taken of appeals, representations or applications filed by others on behalf of Government servants and these should be destroyed.

No. SORII(S&GAD)2-76/80
Dated the 2nd
September 1982

Subject: APPLICATIONS/REPRESENTATIONS MADE BY THE RELATIVES
OF THE GOVERNMENT SERVANTS

I am directed to refer to this department's letter of even number dated 1st January 1981 on the subject noted above and to say that the instances of breach of instructions contained therein have come to the notice of the Government. It has further been noticed that applications, representations, or appeals by relatives/dependents of Government servants on service matters are on the increase. This is contrary to the instructions. It is requested that all concerned may be directed once again to strictly observe the instructions already issued.

No. SOR-IV(S&GAD)1-22/76
Dated the 7th May
1981

Subject: PROHIBITION ON EXPRESSION OF VIEWS AGAINST THE
IDEOLOGY OR INTEGRITY OF PAKISTAN

I am directed to invite attention to Rule 25-A of the Punjab Government Servants (Conduct) Rules, 1966, promulgated vide S&GAD's notification No. SOR-IV(S&GAD)1-22/76 dated 16th December 1980 which prohibits Government servants from expression of views detrimental to the ideology or integrity of Pakistan. The background in which this provision has been brought on the Statute Book is that civil servants are very important segment of the opinion-makers in the society and it is incumbent on them not to act in any irresponsible manner which may, in its remotest sense, adversely affect the security, solidarity and integrity of the country. Lately, some acts of indiscretion have come to notice. This must be checked scrupulously with a strong hand.

2. I am to request you to draw the attention of all civil servants to the above mentioned Rule to make them conscious of their responsibilities and loyalty towards the country and inculcate in them the habit of being security-minded.
3. The Autonomous/Semi-Autonomous Bodies which have framed their own conduct rules for their employees, may be advised to incorporate corresponding provision in their Rules and ensure strict compliance by their employees.

No.SOR.IV(S&GAD)1-7/90

Dated the 6th
December 1990

Subject: FORMATION OF COOPERATIVE HOUSING SOCIETIES BY
GOVERNMENT SERVANTS

I am directed to say that it has come to the notice of Government that there is a growing tendency among Government servants to form Co-operative Housing Societies and/or take part in management of such Societies. Rule 11 of the Government Servants (Conduct) Rules, 1966 allows Government servants to acquire plots in such Societies without prior permission. Rule 15 of the Rules *ibid* allows them to take part in promotion, registration or management of a Co-operative Society registered under the Cooperative Societies Act, 1925, but this is subject to general or special orders of Government. Acquisition of a plot from a Co-operative Society without prior permission and promotion or management of such Societies does not necessarily imply that a Government servant can take part in management of these Societies even if such work is in conflict or is inconsistent with his position or obligation as Government servants in terms of rule 16 *ibid*. The Government has seriously considered the question of management of Co-operative Housing Societies in the Province by Government servants and has decided that no Government servant should henceforth associate himself with the management of Housing Societies without prior permission of the Government in the concerned Administrative Department. Those who are already on the management Committees of such Societies should seek necessary permission to continue as such as soon as possible.

2. This should be brought to the notice of all concerned for strict compliance.

No.SOR.IV(S&GAD)1-4/92
Dated the 25th November 1992

Subject: INCOME AND EXPENDITURE STATEMENT IN TERMS OF RULE 13
OF THE GOVERNMENT SERVANTS CONDUCT RULES, 1966

I am directed to refer to the subject noted above and to inform you that Rule 13 of the Punjab Government Servants (Conduct) Rules, 1966 has recently been

amended to the effect that a Government Servant as and when required by Government, by a general or special order, will furnish information about his income and expenditure etc.

2. As per the amended rule, the statement of income and expenditure has to be obtained from a Government servant as and when required through general or special order on the form specified therein. A copy of the specified form is appended below:

**INCOME AND EXPENDITURE STATEMENT
FOR THE PERIOD 01.01.20 _____ TO 31.12.20 _____**

INCOME:

Salary and Allowances: _____
Any other income _____
(give details):

EXPENDITURE:

- a) Household _____
- b) Education of children _____
(give names of children's classes and schools)
- c) Car maintaining and running _____
(even if it is owned by someone else)
- d) Electricity expenses _____
- e) Telephone expenses _____
- f) Marriage and other social functions expenses _____
- g) Foreign trip expenses _____
- h) Club expenses _____
- i) Other expenses (please specify) _____

Signature _____

Name _____

Designation _____

=====

FULL DECLARATION TO BE MADE AFRESH
IRRESPECTIVE OF DECLARATION MADE EARLIER

I _____ s/o _____ employed in _____
_____ hereby declare that I and my family members had the following immovable
and movable assets and liabilities as on 31.12.1995.

In whose name held (wife, self, children)	Address of the property	Nature of property & extent of interest held	Approximate value of property	How acquired, whether by purchase, gift or by inheritance	Remarks
1	2	3	4	5	6

Assets _____

Liabilities _____

Net worth

(Assets minus

Signature _____

liabilities): _____

Designation _____

Note:1 If all movable assets value at less than Rs. 50,000/- they need not be declared.
Value of all household goods may be lumped together for purpose of
declaration of their value. Value of car(s), amount in bank account, jewelry,
bonds, shares, certificates, securities, insurance policies may be shown
separately.

Note:2 Members of family as defined in Rule 3 (1) (c) of the Punjab Government
Servants (Conduct) Rules, 1966.

No. SOR-IV(S&GAD)1-3/2001
Dated the 20th February 2001

Subject: REPRESENTATION — CODE OF CONDUCT FOR GOVERNMENT
SERVANTS

I am directed to invite a reference to this department's circular letter No. SO (R-I) (S&GAD)1-19/78 (XII), dated 18.10.1972 and 22.10.1973 and to state that it has been observed that Government servants have started addressing representations direct to Governor/Ministers in connection with their personal/official matters. I am to clarify that this is violation of the Punjab Government Servants (Conduct) Rules, 1966 amounting to misconduct. This undesirable practice should be stopped forthwith. If any civil servant feels aggrieved or unhappy about his posting, transfer or other service matters and wishes to represent to the Governor, he must submit his representation through the normal channel of communication. Otherwise Government will be constrained to take disciplinary action under the Punjab

Removal from Service (Special Power) Ordinance, 2000 against those civil servants who submit their representations direct to the Governor/Ministers.

No. SOR-IV(S&GAD)1-3/2001

Dated the 30th November 2012

Subject: REPRESENTATION — CODE OF CONDUCT FOR GOVERNMENT
SERVANTS

I am directed to refer to this department's circular letter No. SO (R-I) (S&GAD)1-19/78 (XII), dated 18.10.1972 & 22.10.1973 and No. SO-R-IV (S&GAD)1-3/2001, on the subject noted above and to state that it was clarified that making representations by the Government servants directly to the Governor/Ministers in connection with their personal/official matters in violation of the Punjab Government Servants (Conduct) Rules, 1966 which amounts to misconduct, therefore, this undesirable practice should be stopped.

2. It has been observed that the above instructions are not being followed strictly and the Government servants are addressing representation in violation of Rule 19 and 29 of the Punjab Government Servants (Conduct) Rules, 1966 which reads as under:

Rule-19. Approach to Members of the Assemblies, etc.

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

Rule 29. Use of Political or other influence.

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

3. The Chief Minister, Punjab has desired that this undesirable practice should be stopped forthwith. If any civil servant feels aggrieved about his posting, transfer, or other service matters, he must submit his representation through normal channel of communication, otherwise Government will be constrained to take disciplinary action under PEEDA Act, 2005 against the defaulters.

No. SOR-IV (S&GAD)1-2/2002

Dated the 1st April 2002

Subject: INITIATION OF DISCIPLINARY ACTION AGAINST GOVERNMENT
SERVANTS

I am directed to refer to the subject noted above and draw your attention to Rules 18, 21 and 22 of the Punjab Government Servants (Conduct) Rules, 1966 that restrict the Government servant:

- i) to enable unauthorized communication of official documentation or information;
- ii) to participate in a radio broadcast, T.V. programme or to make communication to the Press;
- iii) to make communication of information, public speeches and TV programme capable of embarrassing Government.

2. Governor Punjab has taken a serious view of the fact that Government officers are approaching the local Press/Print Media with regard to the matters and policies under consideration with provincial government and issuing Press statements. The act of officers concerned not only embarrasses the Government while taking a decision in public interest but also falls within the purview of misconduct under the rules.

3. The Governor Punjab has further desired that strict disciplinary action may be initiated against the officers found to have violated the above provisions of rules. The instructions may be brought to the notice of officers of your department and they may be advised to comply with the provisions of the Punjab Government Servants (Conduct) Rules, 1966.

No.SOR-I(S&GAD)1-30/2009

Dated the 7th May 2009

Subject: UNAUTHORIZED COMMUNICATION OF OFFICIAL DOCUMENTS
OR INFORMATION

Kindly refer to the subject noted above.

2. It has come to the notice of this Department that official information/contents of official documents are being provided by the staff to unconcerned persons in violation of the relevant rules. The provisions of relevant rules are reproduced below for facility of reference and information of all concerned:

- (i) Para 5.20 of the Manual of Secretariat Instructions:
“All papers received or dealt with in the Secretariat are of a confidential nature and their contents should not be divulged to or discussed with unauthorized persons. This rule applies with greater force to documents specially classified as Confidential or Secret, and the strictest secrecy should be observed with regard to their contents. Breach of this rule is an offence punishable with imprisonment which may extend to two years or fine or both under Section 5(4) of the Official Secrets Act, 1923, (*Act XIX of 1923*).”

- 1966:
- (ii) Rule 18 of the Punjab Civil Servants (Conduct) Rules,
“18. Unauthorized communication of official documents or information – No Government servant shall, except in accordance with any special or general order of Government, communicate directly or indirectly any official information or the contents of any official documents to a Government servant not

authorized to receive it, or to a non-official person, or to the Press.”

(iii) Section 2(n) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006:

“2(n) ‘Misconduct’ includes—

- (i) conduct prejudicial to good order or service, discipline; or
- (ii) conduct contrary to the conduct rules, for the time being in force; or
- (iii) conduct unbecoming of an officer and a gentleman; or

.....”

3. It is requested that above provisions may be brought to the notice of all concerned for strict compliance. Any violation of the above provisions may be seriously viewed and delinquents be proceeded against under the Punjab Efficiency, Discipline and Accountability Act 2006.

Copy of office Memorandum No. 9/8/2004-TK dated 25.06.2007 from Joint Secretary (Admin), Government of Pakistan, Cabinet Secretariat, Cabinet Division, Islamabad, addressed to all Ministries/Divisions and others, which was forwarded for information and compliance, to all concerned by the Cabinet Wing, S&GAD, vide letter No. SO (Cab-I) 3-2/2011 dated 23.07.2011

Subject: PROCEDURE FOR THE ACCEPTANCE AND DISPOSAL OF GIFTS

In supersession of this Division's O.M. No.94/97-TK, dated 21.08.2001 and all other instructions issued on the subject from time to time, the undersigned is directed to state that the Government of Pakistan has made the following procedure for acceptance and disposal of gifts received by Government/Public functionaries:

- (1) The responsibility for reporting the receipt of the gifts shall devolve on the individual recipient. All gifts received by the Government/Public functionaries irrespective of their prices, must be reported and deposited immediately in Toshakhana of the Cabinet Division, Government of Pakistan. If it is found, on checking, that an individual has not reported the receipt of a gift, appropriate action will be taken against him under the relevant rules.
- (2) If the Chief of Protocol, Ministry of Foreign Affairs, or his representative has been attached to a visiting dignitary or a foreign delegation, it shall be his responsibility to supply the list of the gifts received, together with the names of the recipients, to the Cabinet Division. In the case of other delegations or visiting dignitaries with whom the Chief of Protocol or his representative is not associated, the Ministry sponsoring the visit shall be responsible to supply the details of gifts received and the list of recipients to the Cabinet Division. In the case of outgoing delegations or visits abroad of our dignitaries, it shall be the responsibility of the Ambassador of Pakistan and/or Head of the Pakistan mission in the country

concerned to report the receipt of the gifts, together with the name of the recipients, to the Cabinet Division through the Ministry of Foreign Affairs.

- (3) Government/Public functionaries, except those in BPS-1 to BPS-4, are prohibited from receiving cash awards offered by the visiting foreign dignitaries. Such gifts may be politely refused. In case, however, it becomes impossible to refuse, without causing offence to the visiting dignitary, the amount shall be immediately deposited in the Government treasury and copy of Treasuring Challan shall be provided to the Toshakhana Incharge, Cabinet Division.
- (4) Government/Public functionaries, except the President and the Head of the Government are prohibited from receiving gifts of any kind for their person or for members of their families from diplomats, consular and other foreign government representatives who are stationed in Pakistan or from any public organization or private individual and firm within the country. However, if due to very exceptional reasons the gift cannot be declined, it shall invariably be deposited in the Toshakhana. These instructions do not apply to gifts and donations made to institutions.
- (5)
 - (i) Cabinet Division will get the value of the gifts assessed from Government Sector experts in CBR, Taxila Museum, National Council of the Arts depending upon the nature of the gifts. Cabinet Division will also get the value of gifts assessed by the 'private appraisers borne on its approved panel.
 - (ii) If the difference in value of gifts assessed by two categories of appraisers is less than 2% the high value will be accepted. However, if the difference in value is 25% or more, a Committee to be constituted by the Cabinet Secretary, shall decide the final value.
 - (iii) Private Appraisers borne on the approved panel of the Cabinet Division and the nominee of the All Pakistan Jewellery and Gem Stones Association will be paid 2% of the evaluation cost of each gift or Rs. 2,000/-, whichever is less.
- (6) The monetary limits up to which the gifts can be retained by the recipients are as follows:
 - (i) Gifts up to a value of Rs. 10,000/- (Rupees ten thousand only) may be retained free of cost by the recipient subject to the provision of these rules.
 - (ii) Gifts valued above Rs. 10,000/- may be allowed to be retained by the recipient on payment of 15% of the value exceeding the basic exemption of Rs. 10,000/-
 - (iii) Gifts valued at Rs. 400,000/- or more shall not be retained by the recipient, except the President and the Head of the Government. However, the 'recipient of gift comprising distinct articles but gifted in a single transaction having collective value of Rs. 4 lac or more shall have an option to retain any article(s) up to the collective value of less than Rs. 4 lac only subject to the condition that part of an article will not be allowed to be taken. This exemption shall,

however, not be available in case of antiques and gifts of intrinsic historical value.

- (iv) Different gift articles given by a single dignitary to a functionary at one occasion will be treated as single gift for the purpose of valuation.
 - (v) The maximum monetary limit to be allowed for retention of gifts in one calendar year for any functionary other than the President or the Prime Minister should not exceed Rupees one million. However, the gifts having value in excess of the limit of rupees one million can be retained by the recipient on payment of 65% of the assessed value of the gifts.
 - (vi) The recipient should collect the gifts after payment of retention price within four months failing which it will become the property of the Toshakhana and will be disposed of as per Toshakhana Rules.
- (7) The Head of Account of Toshakhana in which -the amounts are to be deposited is “1300000-0thers (NES) Misc. receipt of Darbar Presents (Central)”. Retention Cost of the gift should be deposited within four months failing which the recipient will lose the right to have it.
 - (8) Gifts deposited in the Toshakhana which are fit for display, shall be properly catalogued and then displayed in the public rooms of the Foreign Office/Cabinet Division and in the residences of the Head of the State and the Head of the Government. Such articles shall be properly entered in the Toshakhana register and in the stock registers of the respective offices.
 - (9) An annual physical verification shall be carried out in respect of such articles by an authorized officer of the Cabinet Division in the first quarter of each calendar year.
 - (10) Gifts which are not fit to be retained or displayed shall be disposed of by periodical sales to be arranged by the Cabinet Division, Government of Pakistan. These sales shall be held once or twice a year. The list of gifts to be sold shall be circulated to all Federal Government officers and officers of the Armed Forces. The articles not purchased in two consecutive auctions by the Government servants should be disposed of to the public through sealed bids.
 - (11) Antique items and vehicles shall not be allowed to be purchased by the recipients. Antiques shall be placed in the museums or displayed in official building owned by the Government. Vehicles shall be given to the Central Pool of Cars of the Cabinet Division.
 - (12) Gifts, other than those in the nature of antiques or of intrinsic historical value, given to but not retained by the President, the Head of the Government and the Governors, will be sold in accordance with sub-para (10) above. The gifts in the nature of antiques or of intrinsic historical value shall be put on display in accordance with sub-para (8) above.
 - (13) The procedure shall apply to the President/Head of the Government and their family members, Chairman Senate, Speaker National Assembly, Chief Justice of the Supreme Court, Governors of the Provinces, Members of the Federal Cabinet, Attorney General for Pakistan, Ministers of State, Deputy Chairman Senate, Deputy Speaker National Assembly, Dignitaries holding ministerial status, Members of Provincial Cabinets, Judges of Supreme Court, Chief

Justice/Judges of the High Courts, Parliamentarians and other elected representatives, all Government servants (Civil and Military) as well as employees of the Government controlled corporations, autonomous and semi-autonomous bodies and their spouse/ dependents, members of the Provincial Governments, other members of public visiting abroad as members of official delegation.

2. The above procedure has the concurrence of Finance and Law, Justice & Human Rights Division.

NO.S.O. (Cab-II)6-15/2008
Dated the 24th November 2010

Subject: MAINTENANCE OF SECRECY IN THE OFFICIAL BUSINESS

I am directed to refer to the subject noted above and to state that Chief Minister has observed that proper procedure and instructions are not being followed in handling of sensitive correspondence and procedure laid down in the Manual of Secretariat Instructions for the classification and treatment of Protected Documents and Information and security of government buildings. At times instances have occurred where Government had to face embarrassing situation due to lack of knowledge on the part of dealing officers/officials in maintaining secrecy of official business.

2. I am further directed to state that the Chief Minister has shown his deep concern over such instances and has desired that instructions on the subject be circulated/reiterated to all concerned for strict observance ; and training courses may also be arranged for the concerned officers/officials in Government Departments/ Attached Departments/Autonomous Bodies, etc., to educate them on the subject.

3. You are requested to please ensure compliance of the above mentioned instructions in letter and spirit.

No.SOR-IV(S&GAD)6-8/2010
Dated the 10th February 2012

Subject: USE OF EXTRANEIOUS INFLUENCE BY GOVERNMENT SERVANTS

I am directed to invite your attention towards instructions issued by the Regulations Wing, S&GAD vide circular letter of even number dated 12.05.1991 and rule 19 & 29 of the Punjab Government Servants (Conduct) Rules, 1966, on the subject noted above.

2. It has been observed that Government servants have not stopped bringing political pressures on competent authorities regarding service matters. This practice is clear violation of rules 19 and 29 of the Punjab Government Servants (Conduct) Rules, 1966 as well as the Instructions issued on the subject. Rules 19 & 29 of the rules ibid read as under:-

“19. Approach any Member of the National Assembly or a Provincial Assembly or any other non-official person to intervene on his behalf in any matter.

29. No Government servant shall bring or attempt to bring political or other outside influence, directly or indirectly, to bear on Government or any Government servant in support of any claim arising in connection with his employment as such.”

3. Attention is also invited to section 2(n)(v) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, which reads as under:-

“2(n)(v) Any act on the part of a civil servant to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister or any other authority in respect of any matter relating to appointment, promotion, transfer, posting, punishment, retirement and other conditions of service of a civil servant amount to “misconduct” as defined in Section 2(n)(v) of Punjab Employees Efficiency, Discipline and Accountability Act, 2006.”

4. In view of the above, it is requested that provisions of the rules/law should be brought to the notice of all concerned for strict compliance. The violations, if any after issuance of this letter should be taken notice of and proceedings be initiated against the violators under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 on account of misconduct.

5. This issues with the approval of the Chief Secretary, Punjab.

GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT

NOTIFICATION

The 13th July 1981

No.F.D.SR-III-1-85/78 – In exercise of the powers conferred by section 23 of the Punjab Civil Servants Act, 1974, the Governor is pleased to make the following rules, namely:

1. **Short title, application and commencement** – (1) These rules may be called the **Revised Leave Rules, 1981**.

(2) They shall apply to all civil servants other than those who were employed before the first day of July, 1978, and opted not to be governed by the Revision of Leave Rules issued under the Finance Department's Circular Letter No.FD.SR-III-1-85/78 dated 5th November, 1978.

(3) They shall come into force at once.

2. **When leave earned** – (1) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

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

3. **Earning and accumulation of leave** – (1) A civil servant shall earn leave only on full pay which shall be calculated at the rate of four days for every calendar month of duty rendered and credited to the leave account as “Leave on full pay”.

(2) Duty period of fifteen days or less in a calendar month shall be ignored and that of more than fifteen days shall be treated as full calendar month for the purpose of calculation of earned leave.

(3) 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.

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

4. **Civil Servants in Vacation Department** – (1) A civil servant in Vacation Department may earn leave on full pay:

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

(b) When during any year he is prevented from availing himself of the full vacation as for a civil servant in a non-vacation department for that year; and

- (c) When he avails himself of only a part of the vacation – as in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

(2) The provisions under rule 3(2-4) shall also be applicable in the case of civil servants of a Vacation Department.

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 from 365 days
leave account, in entire service

Note: Under Leave Rules, 1955, leave on half average pay could be converted into leave on full pay on the strength of Medical Certificate up to 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 the leave account under the said Rules. Such leave availed of by the civil servants before the introduction of these rules, shall be debited against the maximum limit of 365 days fixed under this rule.

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

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

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

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

8. **Carry forward of existing leave** – All 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 from the first day of July, 1978, or in the case of a civil servant who was on leave on that date, with effect from the date of his return from leave, be recast as under:

- (i) **Leave on full pay** –
 - (a) 1 month 30 days
 - (b) 1 day 1 day
- (ii) **Leave on half pay** –
 - (a) 1 month 15 days
 - (b) 2 days 1 day

Note: Fractions, if any, shall be ignored.

9. **Extraordinary Leave (Leave Without Pay)** – (1) Extraordinary leave without pay may be granted on any ground 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 the extraordinary leave.

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

10. **Recreation Leave** – Recreation leave may be granted for fifteen days once in a financial 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.

Note: Casual Leave (as Recreation Leave) shall however continue to be granted for 10 days only subject to other conditions under the Government instructions.

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 but it shall not be admissible to temporary civil servants.

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, for a period not exceeding one hundred and thirty days.

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

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

13. **Maternity Leave** – *(1) A female civil servant may, for the maximum period of ninety days, be granted maternity leave with full pay outside her leave account, at any time, immediately before or after the birth of a child and she shall not be required to provide fitness certificate for purposes of joining duties after such leave.

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

(3) For confinements beyond the third one, the female civil servant (in a non-vacation department) 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 existing instructions of the Government.

(7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if an increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave, in the event of resumption of duty by such female civil servant.

** (8) A male civil servant may, for a maximum period of seven days, be granted paternity leave on full pay outside his leave account on or immediately before the birth of his child:

Provided that such leave shall be admissible only for two times during the entire service.

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 civil servant in part-time service, etc., disabled by injury, ailment or disease contracted in course or in consequence of duty or official position.

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

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

*Sub-rule (1) substituted vide Notification No. SR.II-9-107/2012 dated 30.10.2012.

** After sub-rule (7), sub-rule (8) added vide Notification No. SR.II-9-107/2012 dated 30.10.2012.

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

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

(4) Such leave pay (in foreign currency) 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 happen to spend their leave.

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

**Provided that a Government servant admitted in the Ph.D course shall be allowed full pay during Study Leave.

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.

17. **Encashment of refused leave preparatory to retirement** – (1) If, in case of retirement on superannuation *(or voluntary retirement on completion of twenty six years qualifying service) a civil servant cannot, for reasons of public service be granted leave preparatory to retirement duly applied for in sufficient time, he will in lieu thereof, be granted lump-sum leave pay for the leave refused to him subject to a maximum of @**three hundred and sixty five** days leave on full pay.

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

(3) The payment of leave pay in lieu of such refused LPR 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 refused leave, only the “Senior Post Allowance” will be included in “Leave Pay” so admissible.

**Proviso added vide No. F.D. SR-II-2-42/88 dated 10.09.2002.

*Added vide F.D. No. F.D. SR-III-1-53/83 dated 12.05.1990.

@ The words “one hundred and eighty” substituted with the words “three hundred and sixty five” vide Notification No. FD-SR-II/2-141/2012 dated 09.09.2013.

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

#(6) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty five days shall be effective from the first day of September, 2013 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired or, as the cases may be, retiring on or after the first day of September, 2013, provided such leave is available at his credit subject to a maximum of three hundred and sixty five days.

(6-A) The encashment of LPR shall also be applicable to employees of the autonomous and semi-autonomous bodies under Administrative control of the Punjab Government which have adopted basic pay scales schemes and these rules in toto.

(6-B) If at any time during such period, leave is granted on account of ill health supported by Medical Certificate or for performance of Hajj, the amount of cash compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted.

(6-C) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown in the last pay certificate of a civil servant.

18. **Power to refuse leave preparatory to retirement, etc.** – (1) Ordinarily, leave preparatory to retirement on superannuation, shall not be refused.

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

- | | | |
|------|--|---|
| (i) | For civil servants of Grade 17 and above | Chief Secretary personally |
| (ii) | For civil servants of Grade 16 and below | Secretary of the Administrative Department concerned personally |

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

(4) All proposals regarding refusal of such leave to an officer of Grade 17 and above shall be referred to the Chief Secretary, with detailed justification at least three months before an officer is due to proceed on such leave.

@ The words “one hundred and eighty” substituted with the words “three hundred and sixty five” vide Notification No. FD-SR-II/2-141/2012 dated 09.09.2013

After sub rule (5) of Rule 17, Rules (6) 6-A) 6-B) and (6-C) inserted vide Notification No.FD-SR-II/2-141/2012 dated 09.09.2013.

@19. **In-service death** – (1) In case a civil servant dies, or is declared permanently incapacitated for further service while in service by a Medical Board, a lump-sum payment equal to leave pay up to **three hundred and sixty five** days out of the leave to his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant.

(2) For the purpose of lump-sum payment under sub rule (1), only the “Senior Post Allowance” will be included in the “Leave Pay” so admissible (these orders shall take effect from 16th September 1985).

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

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

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

21. **Leave when starts and ends** – Instead of indicating whether leave starts or ends in the forenoon or afternoon, leave may commence from 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.

22. **Recall from leave, etc.** – (1) If a civil servant is re-called 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 re-called to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one-way journey only.

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

23. **Overstay after sanctioned leave, etc.** – (1) Unless, the leave of a civil servant is extended by the head of his office, a civil servant who remains absent 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.

@ The words “one hundred and eighty” substituted with the words “three hundred and sixty five” vide Notification No. FD-SR-II/2-141/2012 dated 09.09.2013

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

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

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

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

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

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

28. **Manner of handing-over charge when proceeding on leave, etc.** – (1) A civil servant proceeding on leave shall hand over the charge of his post, and if he is in 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 servant shall take abroad with him a copy of the medical statement of his case.

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

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

30. **Accounts Offices to maintain leave account** – (1) Leave account in respect of a civil servant shall be maintained as part of his Service Book.

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

31. **Leave to lapse when civil servant quits service** – All leave at the credit of a civil servant shall lapse when he quits service.

32. **Pay during leave** – (1) Leave pay admissible during leave on full pay shall be the greater of:

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

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

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

33. **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.

34. **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 recorded in writing.

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

* Added vide Notification No. FD.SR.III-1-85/78 dated 01.01.1995.

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

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

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be, by an authorized medical attendant 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 Administrative Department, Attached Department, Office or any other officer authorized by him to do so and, when so required, leave shall be notified in the official Gazette.

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

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

*36. **Hospital Leave and Study Leave** – Subject to these rules, the provisions regarding Hospital Leave and Study Leave contained in the C.S.R. (Punjab) shall continue to apply to the civil servants.

*Provisions regarding Hospital Leave and Study Leave as contained in the C.S.R. are given at pages 16 and 17, respectively.

FORM-I
FORM OF MEDICAL CERTIFICATE

Signature of applicant

MEDICAL CERTIFICATE FOR CIVIL SERVANTS RECOMMENDED FOR
LEAVE OR EXTENSION

I, _____, after careful personal examination of the case, hereby certify that whose signature is given above, is suffering from _____ and I consider that a period of absence from duty with effect from _____ is absolutely necessary for the restoration of his health.

Dated the _____.

Government Medical Attendant

FORM-II

APPLICATION FOR LEAVE

Note: 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 Compensatory Allowances drawn in the present post.
7. (a) Nature of leave applied for
(b) Period of leave in days
(c) Date of commencement
8. Particular Rule/Rules under which leave is admissible.
9. (a) Date of return from last leave.
(b) Nature of leave.
(c) Period of leave in days.

Dated: _____ Signature of applicant _____

10. Remarks and recommendation of the Controlling Officer.

11. Certified that leave applied for is admissible under Rule _____ and necessary conditions are fulfilled.

Signature _____
Designation _____

Dated: _____

12. Report of Audit Officer.

Signature _____
Designation _____

Dated: _____

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

Signature _____
Designation _____

Dated: _____

FORM OF LEAVE ACCOUNT UNDER REVISED LEAVE RULES, 1981

Leave Account of Mr./Miss./Mrs. _____

Date of commencement of service _____

Date of attaining the age of superannuation _____

1	Government/Department served under				Period of duty		Leave earned on full pay 4 days for each calendar month		Leave at credit (column 21 + 6)		Period		LEAVE TAKEN										21	22	23
													10	11	12	Leave on half pay		15	Leave not due		Absence				
																13	14		16	17	18	19			
From	To	Y/M/D	Full Calendar Month	Days	Days	From	To	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days			
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23				
								Leave on full pay without M.C. subject to minimum 120 days and 360 days in case of LPR	Leave on full pay on M.C. subject to a maximum of 180 days	Leave on full pay on M.C. subject to a maximum of 365 days in entire service	In terms of half pay	In terms of full pay	Recreation leave of 15 days in a year but 10 days to be debited	In terms of half pay	In terms of full pay	Actual No. of days	No. of days debitable (double the actual No.)	Total leave (column 10+11+12+14+15+17+19)	Balance on 01.07.1978/return from leave (column 7-20)	Remarks	Attestation				

**EXPLANATORY INSTRUCTIONS FOR FILLING UP
THE LEAVE ACCOUNT FORM**

1. This leave account will be maintained for all civil servants of the Provincial 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 entered service on or after 1st July 1978.

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

(i) **L.F.P.**

(a)	1 month	30 days
(b)	1 day	1 day

(ii) **L.H.P.**

(a)	1 month	15 days
(b)	2 days	1 day

(Fractions if any to be ignored)

3. The leave account shall commence with an opening entry “due on 1st July, 1978” or in the case of a civil servant, who was on leave on 1st July 1978 with effect from the date of his return from leave. For the purpose of computing the leave at credit, the service up to 30th June 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. (1) 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.

(2) The provision (1) 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 (i) when he avails himself of only a part of the vacation as in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.

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

leave on full pay. The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

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

6. L.P.R. on full pay will be noted in column No.10 while that on half pay in column No.13 and 14.

7. Leave not due may be granted on full pay to be offset against leave to be earned in future for a maximum period of 365 days in the entire period of service subject to the condition that during the first five years of service it shall not exceed 90 days in all. Such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the civil servant resuming duty.

8. The grant of Special Leave, Maternity Leave, Disability Leave, Extraordinary Leave, payment of leave pay for refused LPR up to a maximum of 180 days, lump sum payment equal to full pay up to 180 days out of leave at credit made to the family of a Government servant whose death occurs while in service, Seaman Sick Leave, Departmental Leave, Study Leave, Hospital Leave and Quarantine Leave shall be noted in column No.22. Maternity Leave other than three times in entire service shall, however, be debited to the relevant column of the leave account.

9. When a Government servant applies for leave column 2 to 7 shall be filled in showing the period of duty up to the date preceding that on which a Government servant intends to go on leave. The full calendar months to be noted in column 5 shall be worked out on the lines indicated in para 4 above.

10. When a Government servant returns from leave, column 8 to 23 shall be filled in according to the nature of leave. If leave not due to is availed of, the minus balance to be shown in column No.21 should be written in red ink.

**EXTRACTS FROM CSR (PUNJAB) VOLUME-I, PART-I
ABOUT HOSPITAL AND STUDY LEAVE**

HOSPITAL LEAVE

8.89 The *competent authority.....may grant hospital leave to Government servants of the following classes while under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties:

- a) Assistant Medical Officer, compounders, dressers, dais, head attendants, deputy head attendants, matrons and assistant matrons of the Punjab Mental Hospital and all Hospital menial servants employed in the Provincialized hospitals in the Punjab and the Mayo Hospital, Lahore.
- b) Government servants employed in Government Presses, whether on fixed pay or at piece rates.
- c) Subordinates employed in Government Laboratories.
- d) Subordinates employed on the working of Government machinery.
- e) Peons and guards in permanent employ.
- f) Syces in the Department of Animal Husbandry.
- g) Linesmen, Oilers and Cleaners employed in the Public Works Department, Electricity Branch.

Note: The grant of hospital leave is subject to the condition that the leave salary is not in addition to the benefits that the employee may be entitled to under section 4(1)(d) of the Workmen's Compensation Act, but is inclusive of them.

8.90 The *competent authority.....may grant hospital leave to Government servants of the following classes while under medical treatment for illness or injury, if such illness or injury is certified not to have been caused by irregular or intemperate habits:

- a) All police officers of and below the rank of Head Constable.
- b) Forest subordinates, other than clerks, in receipt of pay not exceeding Rs.50.
- c) Head warders, warders and orderlies, male and female and matrons of the Jail Department whose pay does not exceed Rs.50 per mensem.

*The authorities competent to sanction leave have been mentioned in the West Pakistan (Civil Services) Delegation of Powers Rules, 1962.

d) The following staff of the Punjab Mental Hospital:-

- 1) European warders,
- 2) Superior warders,
- 3) Head attendants, and
- 4) Attendants.

8.91 Hospital leave shall in no case exceed six months in any one term of three years, whether such leave is taken at one time or by installments, full average pay being allowed for the first three months and half average pay thereafter.

*Note: (.....)

8.92 Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible: provided that the total period of leave, after such combination, shall not exceed 28 months.

STUDY LEAVE

Rules 8.86 and 8.129 of Civil Services Rules (Punjab) Volume-I, Part-I dealing with study leave are reproduced hereunder:

**8.86/8.129. Leave may be granted to Government servants on such terms as may be prescribed by general or special orders of the competent authority to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Note: For the general orders issued under this rule see Appendix-20.

*This has become redundant.

**The contents of Rule 8.86 & 8.129 are same.

Appendix 20 of CSR (Punjab) Volume-I, Part-I is given below:

***APPENDIX 20**

(REFERRED TO IN NOTES UNDER RULES 8.86 & 8.129 OF CSR
(PUNJAB) VOL-I, PART-I)

STUDY LEAVE RULES PRESCRIBED BY THE GOVERNOR

1. Study leave may be granted as additional leave to Government Servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instructions.

2. These rules are not intended to meet the cases of Government servants deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merit under the provisions of **Rule 6.1 of the CSR (Punjab) Vol-I.

3. The rules shall apply to the Departments of Health, Forestry & Wildlife, Agriculture, Education, Communication and Works, Industries & Mineral Development, Irrigation and Power, Livestock and Dairy Development, Housing, Physical & Environment Planning Department and Labour Department.

4. The rules may be extended by the authorities empowered to sanction study leave to any Government servant, including Government servant of a Federal Service, not belonging to any of the departments mentioned above, in whose case if the sanctioning authority is of the opinion that leave should be granted in the public interest to pursue a special course of study or investigation of scientific or technical nature.

5. The powers granted by these Rules to the Government may be delegated to any other authority subject to any condition they may think fit to impose.

6. Extra leave on half pay for the purpose of study may be taken either in or outside Pakistan. It may be granted to a Government servant of any of the Departments named above provided that when a Government servant borne permanently on the cadre of one Department is serving temporarily in another Department the grant of leave will be subject to the conditions:

- a) that the sanctioning authority can make local arrangements to carry on his work in his absence; and
- b) that the sanction of the parent Department to which he is permanently attached is obtained before leave is given.

7. Study leave should not ordinarily be granted to Government servants who have less than five years' service. Such leave shall not be granted to Government

*Appendix 20 was substituted vide F.D. Notification No.FD.SR.II-2-42/88 dated 18th March 1989.

**Rule 6.1. "No deputation of a Government servant out of Pakistan shall be sanctioned without the previous approval of the competent authority".

servants within three years of the date of superannuation or the date on which they have the option of retiring.

8. Administrative Departments may grant study leave to Government servants under their administrative control subject to such restrictions as may be applicable.

9. The study leave should be granted with due regard to the exigencies of the public service. In no case should the grant of this leave in combination with leave other than extra-ordinary leave or leave on medical certificate, involve an absence of a Government servant for more than 28 months from regular duties, or exceed two years in the entire service of a Government servant; nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should ordinarily be regarded as a suitable maximum and should not be exceeded save for exceptional reasons.

Note 1: The period of two years may be extended to ♦four years on the merit of each case for obtaining a Doctorate, subject to the condition that the extension should not be available for scholars who fail to complete the courses within the prescribed time limit.

Note 2: The limits of absence from regular duties prescribed above include the period of vacation if any, with which study leave and other leave may be combined.

Note 3: Extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed above.

10. A Government servant whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

11. When a Government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in Pakistan to his taking it as ordinary leave.

12. Except as provided in paragraph 13 all applications for study leave should be submitted with the Accountant General's certificate to the head of the department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. If the course of study is outside Pakistan the Head of the Department should also forward to the Embassy of Pakistan a copy of the approved program of study. If it is not possible for the Government servant to give full details as above, in his original application, or if after leaving Pakistan he wishes to make any changes in the program which has been approved in Pakistan, he should submit

♦The word "three" substituted by the word "four" vide Finance Department's letter No. FD. SR-II/2-124/06 dated 01.03.2007.

particulars as soon as possible to the Embassy of Pakistan. In such cases, he should not unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connection therewith, until he receives approval to the course through the Embassy of Pakistan.

13. Government servants on leave outside Pakistan who wish to convert part of their leave into study leave or to undertake a course of study during leave, should before commencing study and before incurring any expenses in connection therewith, submit a program of their proposed course of study to the Embassy of Pakistan. The program should be accompanied by an official syllabus of the course, if one is available and by any documentary evidence that the particular course or examination has the approval of the competent authority in Pakistan. In the absence of such evidence the program may, if approved by the Embassy of Pakistan, be proceeded with but no study leave allowance will be admissible until the concurrence of the competent authority in Pakistan is received.

14. No course of study will be recognized as qualifying for the grant of study allowance, or for study leave for any other purpose unless it has been approved in at least broad outline by the competent authority in Pakistan in accordance with paragraph 12 and 13 above, and unless, in cases where it has not been found possible to submit full particulars to the authorities in Pakistan, it has been approved in detail by the Embassy of Pakistan before it is begun.

15. A study allowance will be granted for the period spent in pursuing a definite course of study at a recognized institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates are 25 Shillings per Diem in the United Kingdom, and \$ 4.20 per Diem in the other countries. These rates are liable to revision. During study leave in Pakistan a Government servant shall be allowed study allowance of Rs.300/- p.m. in addition to half average pay or 75% of full pay, whichever is more beneficial. In no case will subsistence allowance be granted in addition to study allowance, and ordinary traveling expenses will not be paid but in exceptional cases claims may be considered on their merits by the competent authority:

*Provided that a Government servant admitted in the Ph.D course shall be allowed full pay during study leave.

16. Study allowance will be admissible up to 14 days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance will be given at the discretion of the competent authority for any period up to fourteen days at one time, during which the Government servant is prevented by sickness duly certified by a medical practitioner from pursuing the sanctioned course of study. In the case of a Government servant retiring from service without returning to duty after a period of study leave the study allowance will be forfeited and the study leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit on the date of retirement. Any balance of the period of study leave mentioned which cannot be so converted will be excluded in reckoning service for pension.

*Proviso added vide Notification No. FD.SR-II-2-42/88 dated 10th September 2002.

Note: A Government servant of department can draw study allowance during vacation if vacation he prosecutes his studies during the period. The period of such a vacation will be taken into account in calculating the maximum period of two years or three years as the case may be for which study allowance is admissible.

17. Government servants granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the competent authority may waive this condition.

18. On completion of a course of study, a certificate on the proper form (which may be obtained from the Embassy of Pakistan), together with certificates of examinations passed or of special study shall when the study leave has been taken outside Pakistan, be forwarded to the Embassy of Pakistan. In the case of a definite course of study at a recognized institution the study allowance will be paid in such manner as may be prescribed by the Government on claims submitted by the Government servant from time to time, supported by proper certificates of attendance.

19. Study leave will count as service for promotion and pension, but not for leave. It will not affect any leave which may already be due to a Government servant; it will count as extra leave on half average pay but will not be taken into account in reckoning the leave on half average pay taken by the Government servant towards the maximum period admissible under the Revised Leave Rules, 1981.

20. On an application for study leave outside Pakistan being sanctioned by the competent authority, it shall inform the Embassy of Pakistan of the particulars of the case. It will be necessary for each Government servant concerned to place himself in communication with the Embassy, who will arrange any details and issue any letters of introduction that may be required.

CASUAL LEAVE RULES

(Extract taken from CSR (Punjab) Volume I, Part-I)

8.61 A Government servant on Casual Leave or on quarantine leave is not treated as absent from duty and his pay and allowances are not intermitted, as such leave is not recognized regular leave and is not subject to the rules in this Chapter.

8.62 Rules regulating the grant of Casual Leave are given in Appendix 17.

APPENDIX 17

(Referred to in rule 8.62)

Rules for the grant of Casual Leave

CASUAL LEAVE RULES

Casual Leave may be granted to Government servants for short periods subject to the following conditions:

- i) Casual Leave should not ordinarily exceed 10 days at a time and 25 days during any one calendar year;
- ii) The sanctioning authority may, however, grant Casual Leave up to 15 days at a time in special circumstances;
- iii) It may be granted in conjunction with Fridays or public holidays, but not with any other kind of leave or joining time. In case Casual Leave is combined with holidays the total period should not exceed 15 days at a time. The public holidays which are sandwiched between the Casual Leave shall be debited to the Casual Leave Account;
- iv) No Government servant may leave his headquarters during Casual Leave or holidays except with the permission of the sanctioning authority;
- v) Subject to the delegation of powers which has been or may be made by Government from time to time in this behalf, Casual Leave may be sanctioned to a Government servant by his immediate officer;
- vi) In emergency the Commissioners of Divisions can sanction Casual Leave up to 10 days to the Regional and Divisional Officers. In such cases the Commissioners shall inform the Heads of the Attached Departments by a teleprinter message. While applying for such emergency leave, the Regional/Divisional Officer is required to observe the following two conditions:
 - a) he should certify that the leave applied for is due to him; and

- b) he should suggest acting arrangements for the disposal of work during his absence.
- vii) The District Officers of other departments while proceeding on Casual Leave extending beyond 10 days shall inform the Deputy Commissioner of that fact;
- viii) Casual Leave shall not be granted to Government servants in conjunction with training period spent abroad;
- ix) The record of the Casual Leave should be kept in the following manner:
 - a) Casual Leave Account of each Government servant should be maintained properly on the prescribed form;
 - b) It should always remain in the custody of the sanctioning authority;
 - c) Casual Leave should not be granted unless the Casual Leave Account is seen by the sanctioning authority to ensure that (i) the Leave applied for, is due and (ii) it is not excessive vis-à-vis the period of service during the year; and
 - d) Casual Leave Account should be closed on the transfer of a Government servant from the department/office or from one section/branch to another in the same department, signed by the sanctioning authority and transferred immediately to the department/office or section/branch to which the officer is transferred.

(INSTRUCTIONS ABOUT CASUAL LEAVE)

(Extract taken from Manual of Secretariat Instructions)

- (i) Casual Leave should not ordinarily exceed 10 days at a time and 25 days during any one calendar year. The sanctioning authority may, however, grant Casual Leave up to 15 days at a time in special circumstances.
 - (ii) Casual Leave may be granted in conjunction with Fridays or public holidays, but not with any other kind of leave or joining time. When it is combined with holidays, the total period should not exceed 15 days at a time.
 - (iii) Subject to the delegation of powers which has been or may be made by Government from time to time in this behalf, Casual Leave may be sanctioned to a Government servant by his immediate superior of grade 16 and above.
 - (iv) Casual Leave account of officers and Stenographers of officers of the rank of Deputy Secretary and above should be maintained in the Establishment and Accounts Branch of the Department concerned. Their applications should be marked to the Establishment and Accounts Branch which will add the Casual Leave account of the applicants and submit the papers to the concerned officers immediately for orders.
 - (v) When the officers proceed on leave or tour, their Stenographers should report for duty to the Deputy Secretary in charge of the Wing in the Department.
 - (vi) Casual Leave account of the ministerial establishment including Section Stenographers should be maintained in the Section in which they are working.
 - (vii) No Government servant should leave his headquarters during Casual Leave or holidays without the permission of the leave sanctioning authority.
 - (viii) Government servants are not entitled to Casual Leave as of right. The Casual Leave is granted to them by way of grace to enable Government servants to attend to their private affairs of casual nature.
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COPIES OF DIFFERENT CIRCULARS

1. AN EXTRACT TAKEN FROM THE FINANCE DEPARTMENT'S CIRCULAR LETTER NO.FD.PC.2-1/83 DATED 25TH AUGUST 1983.

“

24. Encashment of Leave Preparatory to Retirement: At present encashment of Leave Preparatory to Retirement up to six months is permissible to Government servants provided the Leave Preparatory to Retirement is refused by Government in public interest. Henceforth, the option for encashment of Leave Preparatory to Retirement shall rest with the Government servant concerned. In case a Government servant opts not to take Leave Preparatory to Retirement he shall be allowed leave salary for the period for which Leave Preparatory to Retirement is admissible subject to a maximum of six months.”

2. AN EXTRACT TAKEN FROM FINANCE DEPARTMENT'S CIRCULAR LETTER NO.FD.PC.2-1/83 DATED 2ND DECEMBER 1983 BY WHICH DIFFERENT PROVISIONS OF FINANCE DEPARTMENT'S LETTER NO.FD.PC 2-1/83 DATED 25TH AUGUST 1983 WERE CLARIFIED.

“VII– Paragraph 24: Encashment of Leave Preparatory to Retirement:

12. A Government servant who desires to get the benefit of encashment of LPR up to a period of six months must (a) submit his written option to do so at least three months before the date of commencement of his leave preparatory to retirement, and (b) surrender the whole leave preparatory to retirement due to him.

13. The condition mentioned at (a) in para 12 above is not applicable to the Government servants who were due to proceed on LPR before the 25th August 1983 or whose LPR is due to commence within a period of three months from the date of issue of this letter. The following provisions would govern the cases of such Government servants:

- (a) A person whose LPR was due to commence on or before the 25th August 1983 but he did not proceed on LPR would be deemed to have exercised his option for encashment of LPR. However, the actual period of leave for the purpose of encashment will be counted from 1st July 1983.
- (b) A Government servant who proceeded on LPR on or before the 25th August 1983 would be deemed to have exercised his option to proceed on LPR. Thus, he is not entitled to claim encashment of LPR by getting the un-expired LPR cancelled.
- (c) The Government servants whose LPR is due to commence within a period of three months from the date of issue of this letter may exercise their option any time before the commencement of LPR.”

**3. COPY OF FINANCE DEPARTMENT'S CIRCULAR LETTER
NO.FD.SR.III-1-53/83, DATED 15TH MAY 1984.**

Subject: ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT.

I am directed to refer to Para 12 of FD's circular letter No.FD-PC-2-1/83 dated 02.12.1983, and to clarify that a Government servant who desires to get the benefit of encashment of LPR should submit his written option to the leave sanctioning authority.

**4. COPY OF FINANCE DEPARTMENT'S CIRCULAR LETTER
NO.FD.SR.III-1-53/83 DATED 4TH JUNE 1984.**

Subject: ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT

I am directed to refer to this Department's circular letter No.FD-PC-2-1/83 dated 2nd December 1983, and to say that some doubts have been expressed about the admissibility of pay and allowances, grant of medical leave, etc., during the surrendered period of LPR for the purpose of encashment of LPR. These issues are clarified in the following paragraphs:

PAY

♦Pay for the purposes of encashment of LPR includes Basic Pay, Special Pay, Technical Pay, Personal Pay and any other emoluments that may be specifically classed as "Pay" by the competent authority. A civil servant who opts for encashment of LPR may either draw leave pay for the period for which LPR is admissible subject to a maximum of 180 days in lump sum after retirement or on month-to-month basis during such period. The amount of leave pay may be determined at the rate of pay admissible at the time "Leave Pay" is drawn for actual period of such leave.

ALLOWANCES

Senior Posts Allowance will form part of the pay for the purpose of encashment of LPR. No other allowance forms part of pay for this purpose.

MEDICAL LEAVE

As per para 12(b) of the FD's circular letter No.FD-PC-2-1/83 dated 02.12.1983, a Government servant who desires to get the benefit of encashment of LPR would surrender the entire leave preparatory to retirement due to him. Therefore, no leave of any kind is admissible during the period of surrendered LPR if the benefit of encashment of LPR is to be availed of.

DURATION OF SURRENDERED LEAVE

A Government servant who opts for encashment of LPR and has 365 days or lesser period of LPR on full pay at his credit can have his LPR encashed for the

♦ Clause "PAY" amended vide letter No. FD.SR.II-1-53/83 dated 20th February 2003.

actual period of LPR subject to a maximum of 180 days. He cannot avail of any portion of LPR in that case.

**5. COPY OF FINANCE DEPARTMENT'S CIRCULAR LETTER
NO.FD.SR.III-1-53/83 DATED 8TH AUGUST 1984.**

Subject: ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT

I am directed to refer to Para 24 of this Department's letter No.FD-PC-2-1/83 dated 25.08.1983, wherein it has been provided that a Government servant who desires to get the benefit of encashment of LPR up to a period of 180 days must surrender the entire leave preparatory to retirement due to him. This provision debarred those Government servants from availing of the facility of encashment of LPR who, for reasons beyond their control, had to take leave during the period of LPR surrendered by them for the purpose of encashment. This had created hardship in certain cases and it has, therefore, been decided in partial modification of the instructions contained in this Department's circular letter No.FD.SR.III-1-53/83, dated 04.06.1984, that the competent authority may, where it is satisfied that the leave applied for by a Government servant (during the period of leave surrendered for encashment) is unavoidable or is fully justified, e.g. in cases of illness, supported by medical certificate or for performance of Haj, etc., grant leave to an employee during this period. In such a case, however, the amount of cash compensation shall be reduced by an amount equal to the leave pay for half of the period of leave taken.

2. For example if an employee who has opted for encashment of LPR takes 60 days of such leave, his cash compensation equal to 30 days leave pay will be forfeited.

3. A civil servant who wishes to forego his LPR in favour of cash compensation shall exercise his option to this effect in writing and submit it to the authority competent to sanction LPR, who will accept the option and issue formal sanction for the payment of cash compensation.

**6. COPY OF FINANCE DEPARTMENT'S CIRCULAR LETTER
NO.FD.SR.III-1-36/84 DATED 20TH FEBRUARY 1985.**

Subject: ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT

I am directed to say that according to rule 17 of Revised Leave Rules, 1981, read with para 24 of FD's circular letter No.FD.PC-2-1/83 dated 25.08.1983, a civil servant on superannuation is entitled to encashment of Leave Preparatory to Retirement subject to the maximum of one hundred and eighty days.

2. A doubt has arisen whether or not a civil servant who proceeds on voluntary retirement after completion of thirty years service qualifying for pension shall be allowed encashment of L.P.R. It is clarified that a civil servant is entitled to encashment of Leave Preparatory to Retirement under Rule 17 of Revised Leave Rules, 1981, read with para 24 of Finance Department's circular letter No.PF.PC-2-1/83, dated 25.08.1983 and para 13(a) of the letter of even number dated 02.12.1983 subject to the conditions that:

- a) he has completed at least 30 years qualifying service on the date of commencement of LPR;

b) he surrenders the entire LPR due to him.

**7. COPY OF FINANCE DEPARTMENT'S CIRCULAR LETTER
NO.FD-SR-III-1-89/84, DATED 31ST MARCH 1985.**

Subject: ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT

I am directed to state that, in partial modification of the orders contained in paragraph 12 and 13 of this Department's letter No.FD.PC.2-1/83 dated the 2nd December, 1983, letter No. FD-SR-III-1-53/83, dated the 15th May 1984 and paragraph 2 of letter FD-SR-III-1-53/83 dated the 8th August 1984, it has been decided that (a) unless a Government servant opts to proceed on Leave Preparatory to Retirement or submits an application for LPR, he may be deemed to have opted for encashment of LPR according to the rules, and (b) on receipt of a request from a Government servant deemed to have opted for encashment of LPR, the authority competent to sanction LPR will issue formal sanction for the payment of cash compensation.

2. All pending or previously decided cases where a Government servant has failed to exercise option for encashment for LPR may be decided in the light of these instructions.

**8. COPY OF FINANCE DEPARTMENT'S CIRCULAR LETTER
NO.FD.SR.II-2(4)/88 DATED 7TH JULY 1988.**

Subject: ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT

I am directed to invite a reference to this Department's letter No.FD.SR.III-1-36/84, dated 20.02.1985 and to state that it has come to the notice of the Government that a doubt has been felt in some quarters about the length of qualifying service required for entitlement to encashment of LPR in case of voluntary retirement. I am to invite your attention to the amendment made in Rule 17 of Revised Leave Rules, 1981 issued vide Finance Department's notification No.FD.SR.III-1-85/78 of 18.03.1982. According to the above amendment the civil servant will be entitled to encashment of LPR in case of voluntary retirement on completion of thirty years qualifying service.

2. Condition No. (a) in this Department's letter No.FD.SR.III-1-36/84 dated 20.02.1985 may be treated to have been amended and the words "on date of commencement of LPR" occurring therein deemed to have been deleted.

**9. COPY OF CIRCULAR LETTER NO. FD SR.III-1-36/84 DATED
9th AUGUST, 1989.**

Subject: ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT

I am directed to say that according to Rule 17 of Revised Leave Rules, 1981 read with para 24 of Finance Department's circular letter No. FD. PC-2-1/83 dated 25.08.1983, civil servants retiring either on superannuation or after completion of 30 years qualifying service for pension are entitled to encashment of LPR subject to a maximum of 180 days. Presently, encashment of LPR is not admissible to Government servants seeking retiring pension on voluntary basis after completion of 25 years service.

2. The Governor of the Punjab has now been pleased to decide that civil servants who proceed on retirement on voluntary basis after completion of 25 years of qualifying service, without availing LPR, may also be deemed to have exercised the option of not proceeding on LPR, and may be allowed encashment in accordance with the condition applicable to civil servants who retire on superannuation or after completion of 30 years qualifying service for pension.

**10. COPY OF FINANCE DEPARTMENT CIRCULAR LETTER
NO.FD.SR.III.1.53/83 DATED 12.05.1990.**

Subject: ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT

I am directed to refer to this Department's circular letter No. FD.SR.III.1.36/84 dated 09.08.1989 on the above-cited subject, wherein civil servants proceeding on voluntary retirement after completing 25 years qualifying service for pension without availing LPR were allowed encashment in accordance with the conditions applicable to the civil servants who retire on superannuation or after completing 30 years service for pension.

2. It is clarified that this benefit will be subject to the following conditions:

- i) encashment in lieu of LPR shall be admissible in case where service qualifying for pension is less than 25 years;
- ii) such civil servants shall continue to serve for 365 days after qualifying service of 25 years for the purpose of encashment of LPR.

**11. COPY OF FINANCE DEPARTMENT CIRCULAR LETTER
NO.FD.SR.III.1.53/83 DATED 13.05.1999.**

Subject: ENCASHMENT OF LEAVE PREPARATORY TO RETIREMENT

I am directed to refer to this Department's Circular letter of even number dated 04.06.1984 on the subject noted above and to say that it is clarified for the information of all concerned that if a civil servant has leave at his credit for a period of 365 days or more, he can be granted encashment of LPR up to 180 days subject to fulfillment of other conditions. However, if the official has less than 365 days leave at his credit, the Competent Authority may grant him encashment of LPR but the period of LPR will proportionately be reduced e.g. if he has 120 days leave at his credit, he can be granted LPR 60 days only and not more.

2. Accordingly, this Department's letter referred to above may be deemed to have been clarified/amended accordingly.

**12. COPY OF FINANCE DEPARTMENT CIRCULAR LETTER
NO.FD.SR.III.1.87/78(P) DATED 13.08.1991.**

Subject: GRANT OF EXTRAORDINARY LEAVE WITHOUT PAY UNDER
RULE 9 OF REVISED LEAVE RULES, 1981

I am directed to refer to the subject cited above and to state that a question has been under consideration whether a Government servant can be allowed extraordinary leave without pay for 5 years at every occasion/time or only once in the entire service under Rule 9 of the Revised Leave Rules, 1981. In consultation with the Federal Government, it is clarified that EOL without pay for five years is admissible to Government servants for each spell of ten years of continuous service. However, if a Government servant has not completed 10 years of continuous service on each occasion/time, EOL without pay for a maximum period of two years may be granted at the discretion of competent authority.

2. Maximum leave availed during one continuous spell of ten years should also not exceed five years.

No. SO.SR.III-6-4/94
Dated the 31st August 1994

Subject: STATUS OF LEAVE GRANTED FROM THE DATE OF AVAILING

I am directed to refer to the subject noted above and to say that a question has arisen as to the status of leave granted by some leave sanctioning authorities from the date of availing. It has been observed that in such cases, the officers assumed entire discretion to determine the date of commencement of leave. Some civil servants take weeks or months from the date of sanction, and some time the leave is never availed. This practice frustrates the whole process of making alternative arrangements during the sanctioned leave.

2. The matter has been considered. It may be emphasized that the option to determine the date of commencement of leave exercised by the applicant is subject to the approval of the leave sanctioning authority. Sanctioning of leave, therefore, includes the sanctioned period of leave including the date of its commencement and expiry. According to rule 21 of the Revised Leave Rules, 1981, leave commences from the date of availing on which a civil servant hands over the charge of his post and ends on the day preceding on which he assumes duty. These dates are, therefore, required to be mentioned in the leave sanctioning order explicitly.

3. I am, therefore, to clarify that the above procedure may be followed carefully so that the dates of commencement and ending of the leave are in the knowledge of sanctioning authorities, so as to avoid unpredictable conditions for making alternative arrangements during the period of leave and for arranging the posting of civil servants returning from leave. These instructions may also be brought to the notice of all leave sanctioning authorities for compliance.

No.SR.II-2-56/94
Dated the 1st December 1994

Subject: EXTENSION IN EXTRAORDINARY LEAVE IN RELAXATION OF
RULE 9 OF THE REVISED LEAVE RULES, 1981

I am directed to say that according to the existing Rule 9 of the Revised Leave Rules 1981, EOL is permissible to a civil servant for a maximum period of five years provided that the civil servant has put in more than ten years of continuous service. In case a Government servant has put in less than ten years service, Extra Ordinary Leave for maximum period of two years can be granted at the discretion of the head of the office.

2. With reference to Rule 9 of the Revised Leave Rules 1981, the Chief Minister has now been pleased to authorize the Finance Department to grant extension in Extra Ordinary Leave (without pay) on specific recommendations of the Administrative Department for the purpose of higher studies, on health grounds and for the reasons beyond the control of a civil servant; up to maximum limit of five years and three more years combined together in case of those who have put in more than ten years service and five years for those who have put in at least two years continuous service.

3. However, no request for extension in Extra Ordinary Leave beyond this period shall be entertained.

No. FD.SR.II.2-58/90
Dated the 1st June 1995

Subject: GRANT OF EOL AND REGULARIZATION OF STAY
ABROAD/ABSENCE FROM PLACE OF DUTY

I am directed to draw your kind attention to the subject cited above.

2. It has been observed that Administrative Departments forward cases pertaining to grant of EOL/Regularization of stay abroad/absence from place of duty, directly to Finance Department without specifically confirming the extent of adherence and fulfillment of administrative, legal and disciplinary requirements as well as of rules, regulations and prescribed procedures by the concerned Government officials and the administrative departments. Keeping in view the circumstances it has now been decided that in future all such cases shall be forwarded by administrative departments first to S&GA Department (Regulations Wing) with full facts/data of service along with copies of relevant documents for consideration, scrutiny and clearance. Only when S&GA Department gives a certificate of clearance, should such cases be forwarded to Finance Department. Also in cases where summaries are required to be submitted, the same may be routed, first through S&GA Department (Regulations Wing) and subsequently sent to Finance Department for recording its views thereon.

3. It is requested that the above cited procedure be strictly adhered to while processing the subject cases.

No. FD.SR.II.1-85/78(P)
Dated the 12th July 2003

Subject: CONVERSION OF EXTRAORDINARY LEAVE INTO ANOTHER
KIND OF LEAVE

I am directed to enclose herewith letter No.F.D(12)R-4/97 dated 07.01.2002 (*below*) received from the Ministry of Finance, Government of Pakistan, Islamabad, containing the decision that Extra Ordinary Leave (without pay) cannot be converted into any other kind of leave retrospectively.

2. For information and strict compliance.

13. COPY OF LETTER NO. F.1(12)R-4/97 DATED 7TH JANUARY 2002 ISSUED BY MINISTRY OF FINANCE, GOVERNMENT OF PAKISTAN, ISLAMABAD.

Subject: CONVERSION OF EXTRAORDINARY LEAVE INTO ANOTHER KIND OF LEAVE

The undersigned is directed to state that Finance Division has been receiving references regarding conversion of Extraordinary Leave (EOL) without pay into other kinds of leave. It is clarified that following special features of the EOL need to be kept in view while dealing with such cases:

- a) Pay and allowances are inadmissible during EOL. Annual increments also are inadmissible under FR-26.
- b) The period of EOL is not counted towards pension either under CSR 361.
- c) EOL can cover a period of unauthorized absence either under administrative order vide Rule 9(3) of Revised Leave Rules, 1980 or on the courts directions.
- d) The period of EOL is not considered as period spent on duty under FR-9(6).

2. Due to the special characteristic of EOL above, no rule has been framed for its conversion into another kind of leave retrospectively because it not only involves payment of salary for the previous EOL period but would also involve change in the direction/orders of the authority. Moreover, a Government servant under rule 24 of Revised Leave Rules, 1980 has been given the option to apply for any kind of leave. Leave sanctioning authority has no power to change the nature of leave. This option, once exercised by the Government servant is considered as final. Sometimes cases for retrospective conversion of EOL into another kind of leave are moved on the basis of CSR 232(3) in spite of the fact that CSR 232(3) does not specifically deal with EOL. Similarly, Government decision (3) under FR-87 cannot be used for conversion of EOL into another kind of leave because the said rule governs the leave salary. In the light of foregoing position, it has been decided that EOL cannot be converted into any other kind of leave retrospectively.

3. Ministries/Divisions of Federal Government are requested to circulate the aforesaid decision to their Attached Departments and Subordinate Offices for information and compliance.

No. FD.SR.III-4-151/2011
Dated the 29th February 2012

Subject: REQUEST FOR CANCELLATION OF RETIREMENT ORDERS

I am directed to refer to the subject noted above and to state that this department is in receipt of certain references for having advice upon the following scenarios:

- i) Withdrawal/cancellation of LPR during its currency.
- ii) Cancellation of retirement orders after expiry of the LPR.

The matter has been examined and attention is drawn towards the following rules in this regard:

- a) Rule 18 of the Revised Leave Rules, 1981 mentions that authorities regarding recalling a civil servants from LPR.
- b) Rule 3.5, Note (1) of the Punjab Civil Services Pension Rules, 1981 mentions that the date of retirement once accepted by the competent authority, shall be final.

2. In view of above, it is clarified that a person who is availing LPR and requires its cancellation, only the Administrative Secretary in case of employees in BS-1 to 16 and Chief Secretary for BS-17 and above, are authorized to recall him from LPR under Rule 18 of the Revised Leave Rules, 1981 and this 'authority' cannot be delegated to any one else. Similarly, a person who has availed his LPR and requires cancellation of retirement order before his superannuation needs the relaxation of Rule 3.5, Note (1) of the Punjab Civil Services Pension Rules.

3. Therefore, it is advised to process all such cases as per para 2 above accordingly.

NO.FD.SR-II/2-93/2014
Dated the 31th August 2015

NOTIFICATION

In exercise of the powers conferred upon him under section 23 of the Punjab Civil Servants Act, 1974, the Chief Minister Punjab is pleased to direct that in the Punjab (Civil Services) Delegation of Powers Rules, 1983, the following amendment shall be made namely:

AMENDMENT

In Appendix "A" for the entries against Sr. No. 19, a new clause (vii) shall be added as under:

Serial No.	Nature of powers	Extent of powers
Appendix 'A' /Sr.No.19-II)	"all kinds of leave except study leave"	Additional Secretary of the Administrative Department may sanction LPR / leave encashment in respect of the officers in BS-18 and above subject to the condition that if any reduction is involved, orders of the appointing authority shall be obtained.

No. SO(Admn-III)8-1/2016 S&GAD
Dated the 06th November, 2017

Subject: IMPLEMENTATION OF INSTRUCTIONS OF COMPETENT
AUTHORITY

I am directed to refer to the subject and to state that the Competent Authority has been pleased to desire that the following instructions may be complied:-

- i) All PAS/OMG/PMS Officers (BS-17) working in the Secretariat Departments and in the field should route their requests of any kind through their Administrative Departments and Divisional Commissioners respectively.
- ii) Rule 8.62 (Casual Leave Rules of the Revised Leave Rules, 1981) may be implemented in letter and spirit. Casual Leave account of the PAS/OMG/PMS Officers (BS-17) posted in the Secretariat Departments as well as in the field may be submitted to this Department within a week positively.
- iii) While forwarding application for ex-Pakistan leave in respect of PAS/OMG/PMS Officers (BS-17), it may kindly be ensured that the officer has provided the source of funding with regard to his proceeding abroad. Moreover, an alternate arrangement regarding assigning additional charge of the respective post may also be indicated during the leave period of the officer.
- iv) All PAS/OMG/PMS Officers (BS 17) working under your administrative control may be directed to submit their medical fitness certificate annually to this Department in the month of January every year, to be issued by the authorized Medical Attendant duly certified by the Medical Superintendent of DHQ Hospital.

2. I am further directed to request that attention of all concerned may be drawn to the afore -mentioned instructions for compliance.

INSTRUCTIONS ABOUT CONFIDENTIAL REPORTS

Circulated with the late W.P. Government letter No. S(R)-3542 S&GAD 4-8/65 -SO-XIII dated 12th February 1968.

Extent of application – The instructions will apply to all Government servants serving in connection with the affairs of the province of the Punjab, except the following who need not be reported upon:

- (i) Judges of the Punjab High Court;
- (ii) Members of the Punjab Public Service Commission.

2. **When should a Report be written** – The report shall relate to a calendar year. It shall be initiated in the first week of January by the initiating authority and forwarded to the higher authority in the same week. The higher authority shall give its remarks within one week. In case it is necessary to send the report to a third authority, it will be sent to the authority immediately. The final authority shall also record its views within a week. Time schedule has been laid down so that the remarks are based on the performance of Government servants during the calendar year to which they relate. Otherwise, consciously or sub-consciously subsequent events can contribute towards the formation of opinion in respect of the past year. Thus the reports should be completed within the month of January each year.

3. **Responsibility of the final authority to ensure prompt writing of confidential reports** – Generally, the writing of confidential reports gets delayed, which affects the disposal of cases in which it is necessary to consult Character Rolls. This also leads to frustration among the Government servants. The final authority about the writing of confidential report will be responsible for obtaining confidential reports for the preceding calendar year within the month of January, each year. It would then furnish a certificate to Services and General Administration Department that all the confidential reports which were due to be completed have actually been completed and placed on the Character Rolls. This certificate should reach Services and General Administration Department (Section R-IV) in the first week of February. The defaulting authorities shall be brought to the notice of Government for appropriate disciplinary action.

4. **Minimum period for writing of reports** – The minimum period during which an officer is expected to form judicious opinion about the work of his subordinate for the purpose of writing a report on his work and conduct has been prescribed as three months. The report recorded in respect of period less than the minimum prescribed period should be ignored.

*Note (i): The period spent on leave of any kind (except casual leave) shall not be included and the said minimum period of 3 months will mean and include only the actual periods, spent on duty in which the work, performance and conduct of the Government servant reported upon has been seen by the reporting officer.

*Added vide circular letter No.SOR-IV(S&GAD)14-1/76, dated 22.06.1980.

*Note (ii): ACR for the period a Government servant remains under suspension will not be required to be recorded. Instead a certificate indicating the reasons for not recording ACR will be placed in his CR Dossier.

5. **Action when a reporting officer or a subordinate is transferred** – If the reporting officer is transferred during the course of a calendar year he should be required to write a report if his transfer occurs more than two months from the date, the last report was due. Such reports must be written before relinquishing charge. The report shall be sent to the higher authority when all the reports for the year have been written. If a subordinate is transferred during the course of a calendar year and he has worked for more than two months under the reporting officer then the latter shall record his opinion. In case he is being transferred from the jurisdiction of the higher authority then the views of the higher authority shall be obtained and forwarded to the department/office where a subordinate has been transferred.

6. **Special Report** – If a Government servant is placed on Special Report for any reason the special report recorded on him should be placed on the Character Roll.

7. **Reporting channel** – The Services and General Administration Department has laid down a chart showing the details of authorities for the initiation, counter-signature, communication and expunction of adverse remarks in the confidential reports in respect of officers/officials of the Punjab Secretariat Departments and sub-offices/institutions under the administrative control of S&GA Department, vide Appendix-I. The Administrative Departments should use it as a model to lay down similar charts in respect of all other services and posts and furnish copies of the same to the Services and General Administration Department.

8. It is, however, explained that **while framing the chart, the following principles should be kept in view:**

- (i) The Report should be initiated by the immediate superior authority.
- (ii) It should be countersigned by the next higher authority.
- (iii) The final countersigning authority in the case of officers holding posts in BS-16, shall be the Head of the Attached Department or Regional Head concerned as the case may be.

9. **Reports of persons on deputation** – The annual confidential report will be written by the borrowing authority/department. These organizations will decide about the initiating authority and the channel of submission. But in the case of Government servants deputed to work under a private firm, no confidential report need be written on his work by the firm.

Note: #No reports on officers on deputation to foreign organizations shall be obtained. Such reports if received from foreign Governments should not find place in the Character Roll dossier of the officer concerned.

*Added vide circular No.SOR-IV(S&GAD)14-9/82 dated 20.11.1982.

#Added vide circular letter No.SOR-III-14-1/75 dated 22.09.1976.

****9-A.** The **borrowing Government/department should communicate the adverse remarks** to the civil servant concerned and take further action thereon in accordance with the existing instructions on the subject. The borrowing Government/department should, however, keep the lending Government/department informed of the adverse remarks communicated to the civil servant concerned during the period of his deputation, and of the decision of competent authority to expunge such remarks, by furnishing a copy each of such communications/orders to the lending Government/department.

10. Reporting by Commissioners on District/Divisional and Regional level officers – The Commissioner shall record remarks in the annual confidential reports of officers of all the departments holding divisional or regional charges in his division except the judicial officers mentioned in Appendix-II. Such reports may be written in the form prescribed for the purpose, vide Appendix-III.

11. The report by the Commissioner shall only be written on the following points:

- (i) Integrity;
- (ii) Cooperation with other departments;
- (iii) Relations with the public;
- (iv) Interest shown in development and public welfare.

12. The Commissioner may also write reports on the same points even in respect of district officers of all departments, other than the judiciary, if he so desires. In that event he should send a copy of his remarks to the Divisional/Regional officer and the Head of the Attached Department concerned. These remarks shall be placed on the Character Roll of the officer reported upon.

13. The Commissioner of the Division in which the headquarters of such an officer is situated shall initiate the report and send it to the Head of Attached Department through the other Commissioner to whose division the charge of the officer extends. But in the departments where there is no Head of Attached Department it should be sent to Government. These remarks will be placed on the Character Roll.

♦14. Notes by the D.C. on officers belonging to other departments – The D.C. may if he considers advisable send a note independently about the exceptionally good or bad work of an officer of district level other than the judiciary to the Head of Administrative Department who will take appropriate action.

15. Reports by Deputy Commissioner on Revenue and APUG Officers doing magisterial work – The Deputy Commissioner will give his remarks in the case of Revenue Officers, exercising magisterial powers of the First Class in his capacity as a District Magistrate as well as Deputy Commissioner and forward the same to the District and Sessions Judge for his remarks on magisterial work. The latter will transmit it to the Commissioner, after adding his own remarks.

16. So far as APUG Officers functioning as Trying Magistrates in districts are concerned, the Deputy Commissioners will obtain the views of the District and

**Added vide circular letter No. SOR-IV(S&GAD)14-4/76 dated 18.12.1978.

♦ Substituted vide circular letter No. SOR-III(S&GAD)2-42/74 dated 01.08.1975.

Sessions Judges on their judicial work and incorporate the same under column “Pen Picture” in Part-III of the Form (Appendix-IV). The opinion will be quoted as the opinion of District and Sessions Judge and will mention the name of the reporting officer; the Deputy Commissioner will further say whether he agrees with District and Sessions Judge or not.

17. **Character Rolls** – A face-sheet should be inserted at the beginning of each Character Roll giving the following information:

- (i) Name and qualification;
- (ii) Father's name;
- (iii) Date of birth;
- (iv) Place of domicile;
- (v) Place where immovable property, if any, is held.

18. **Forms for the writing of reports** have been prescribed in *Appendices-IV to VI. The reports should be written on one of these forms according to the nature of the post held by the Government servant reported upon.

19. **Instructions for reporting officers** – Annual Confidential Report is an assessment of the conduct and the quality of the work that a Government servant has performed during the calendar year. On this assessment depend, important decisions such as promotion or suitability for different appointments. It is imperative that the report should be written impartially. It should be forthright and unambiguous. Particularly the work of the reporting officer should also be assessed by the higher authority on the quality of his reporting.

20. **The report, if written by hand, should be legible** – The name and designation of the reporting officer should be clearly written in block letters or typed under the signatures. The date on which the report is signed should also be given.

21. **Reporting by Relations** – Whenever a reporting officer is related to the officer reported upon, this fact should invariably be mentioned in the confidential report and he should submit the case to the higher officer for writing of report without recording his remarks.

22. *Deleted

23. **Report on Integrity** – Integrity is the most important trait of character of a Government servant. It should be assessed without fear or favour. The report should not be vague, but definite. An officer may be reasonably believed to be corrupt, if –

- (i) he has a general and persistent reputation of being corrupt; or
- (ii) any of his dependents or any other person through him or on his behalf is in possession of pecuniary resources or property disproportionate to his own sources of income or which he cannot account for satisfactorily; or

*See pages 25 onward.

*Deleted vide circular No.SOR-IV(S&GAD)14-2/72 (Part-II) dated 17.07.1982.

Explanation – The dependents will include wife/wives, children, step-children, parents, sisters and minor brothers, residing with and wholly dependent on the reported officer.

(iii) he has assumed a style of living beyond his means.

24. If any **official dabbles in politics**, it should be specifically brought out in the general remarks.

25. **Action where more than one reporting officer is eligible to record report** – In case where a Government servant has served under more than one reporting officer, during the year, a separate report shall be recorded by each officer provided the condition about minimum period prescribed for writing a report is fulfilled.

♦25-A. **More than one countersigning officer** – Where there are more than one countersigning officer during a year, the one who has seen the performance of his subordinate for the major part of the year is entitled to countersign their confidential reports.

26. **Action in case of inquiry, warning or communication of displeasure** – A formal displeasure conveyed to a Government servant must appear in his Character Roll. The result of representation, if filed, should also be reflected in the report.

27. ** Deleted

***28. Every **order of punishment imposed on a Government servant as a result of formal inquiry** under the Efficiency & Discipline Rules, 1975 should be placed on his C.R. dossier, provided that such an order shall be placed on the C.R. Dossier of the accused after he has exhausted all remedies available for appeal or review before the competent authority or the Punjab Service Tribunal, as the case may be, or in case of his failure to do so after the time limit prescribed for making an appeal or review petition has expired.

29. A **warning administered to a Government servant** should ordinarily not find its way into the Character Roll, as it is not a penalty in accordance with the Efficiency and Discipline Rules, 1975 and as such is not appealable. Where it is decided in any particular case to place it on the Character Roll of an officer, he should be informed accordingly. In case of representation, if any, made by the officer, the order passed by the competent authority on such representation, should also be placed on the Character Roll.

♥29-A. If it is decided by the **competent authority to withdraw statutory powers** conferred on a Government servant, for reasons of misuse of such powers by him, the order of withdrawal of such powers should be placed on his Character Roll. Representation filed by the officer, if any, and the result thereof should also be placed in the C.R.

30. **Manner of writing the reports** – The opinion expressed should be the result of careful consideration; no personal bias, ire or favouritism should colour the report. The reporting officer should be in a position to justify his views, if called upon, to do so.

♦ Added vide letter No. SOR.IV(S&GAD) 14-1/2001 dated 21st March 2001.

** Deleted vide circular letter No. SORIV(S&GAD)14-5/82 dated 25.03.1984.

*** Substituted vide circular letter No. SOR-IV(S&GAD) 14-5/82 dated 25.03.1984.

♥ Inserted vide circular letter No. SOR-IV(S&GAD)14-11/78 dated 13.07.1978.

31. **Confidential reports which are not in accordance with the above instructions** should be returned by the higher authority to the reporting officer for revision in compliance with these instructions.

♦32. **Communication of adverse remarks** – The Heads of Attached Departments, Secretaries to Government and other authorities dealing finally with the reports, should see that the Government servants reported upon are made aware of any defects pointed out in the confidential reports/evaluation reports recorded by Heads of Training Institutes:

Provided that the training evaluation report prepared by National Defense University, National Management College, NIMS or any other training institution imparting specialized training carrying below 50% marks (B-Minus 46-50.99 weighted average 48.5% in the case of NDU) shall be deemed as adverse report:

Provided further that the Competent Authority will communicate such adverse remarks to the officer concerned. In case the officer concerned makes a representation against the adverse report, the competent authority shall forward the representation to the Head of the training institution concerned for comments. Upon receipt of the comments from the training institution, the competent authority concerned shall take decision as to whether or not Training Evaluation Report in question be treated as adverse or not. The decision of the competent authority shall be final.

*33. It is emphasized that the **Annual Confidential Reports contain the assessment of the superior officers** about a civil servant's character. If the confidential report of a civil servant contains any adverse remarks, whether remediable or not, a copy of the whole report should be furnished to him at the earliest opportunity, with a D.O. letter, a copy of which should be signed and returned by the civil servant concerned in acknowledgment of the report. It is essential that the civil servants should be given a fair deal by communicating to them the whole report containing adverse remarks, so that they may endeavour to remove the defects and improve their performance or be in a position to represent where necessary.

*34. The **timely communication of the report containing adverse remarks** is of paramount importance. The authorities designated to communicate the adverse remarks should, therefore, ensure that the whole report containing adverse remarks is communicated to the civil servant concerned at the earliest opportunity and in any case within one month from the date the report is countersigned and completed. A serious view should be taken of any failure on the part of the officer/official concerned to furnish a copy of the report containing adverse remarks to the civil servant reported upon, within the stipulated period and disciplinary action taken against the person(s) responsible therefore. In any case the report containing adverse entries should be furnished to the civil servant at any time it comes to the notice.

♦Substituted vide circular letter No. SORIV(S&GAD) 14-3/2011 dated 03.05.2011.

*Substituted vide circular letter No. SORIV(S&GAD) 14-2/72 dated 17.07.1982.

35. **When a report consists of opinions of different departmental superiors** in gradation, it is only the opinion as accepted by the highest reporting officer which need be considered from the point of view of communication.

36. **If the highest officer does not comment on any remark** of a lower authority, it will be presumed that he has accepted it.

*37. **If the report containing the adverse remarks is not communicated**, or if communicated there is no record of its having been communicated and acknowledged by the civil servant concerned, the adverse remarks contained therein should be ignored for purposes of promotion and premature retirement. But in the C.R. Dossier of the person responsible for failure or delay in communication of such a report, adverse entry should be recorded, which would be in addition to the disciplinary action required to be taken under para 34 and which has to take its course.

*38(i). **The reporting officer should specifically state** whether the defects reported have already been brought in another connection to the notice of the civil servant concerned. The effect of communication of adverse remarks should be carefully watched and the reporting officer should, when drawing up a report in the next year, state whether the officer/official reported upon has or has not taken steps to remedy the defects to which his attention was drawn in the previous year. Such remarks should also be communicated to the civil servant concerned so that he may know that his efforts to improve have not passed unnoticed.

*38(ii). **Where criticism is proposed to be withheld, the final authority** to consider the report should record instructions, with reasons, according to the nature of the defects discussed as to the period for which communication is to be kept back. In such cases (where judgment is suspended) the remarks should not be communicated during the specified period.

39. **If a person's integrity is adjudged as "average"**, it shall not be construed to be, an adverse remarks and shall not be communicated.

39-A. **In case of retired Government servants, communication of adverse remarks is not necessary if the pension has been sanctioned. In case, however, the pension has not been sanctioned and the remarks are of serious nature which pertain to integrity and are likely to result in reduction in pension then they should be communicated within the prescribed time limit and not otherwise.

40. **Action in case of exceptionally good work** – The facts that an officer has done exceptionally good work in a particular year, shall be communicated by June each year in suitable cases. Care should be taken to see that such communications are not made for the performance of normal duties satisfactorily, but are made only when an officer has done work above the ordinary call of duty or has performed his ordinary duties in a particularly commendable manner. The precise nature of the work done or of the manner in which it was carried out should be cited in the letter of appreciation as well as in the confidential report of the officer.

*Substituted vide circular letter No. SOR IV(S&GAD) 14- 2/72 dated 17.07.1982.

**Added vide circular letter No.S(R)-4-5/68-SO(XIII) dated 06.05.1968.

41. **Action in case of recording adverse remarks by same reporting officer for two successive years** – In order to guard against personal likes and dislikes an official receiving adverse remarks for two successive years from the same reporting officer should be placed under another reporting officer.

42. **Expunction of adverse remarks** – A person who is communicated adverse remarks can apply for the expunction of such remarks. But this should be done not later than one month from the date of receipt of the communication. The representation must be made in temperate and dignified language and no allegations of personal and malicious nature should be made. Indiscreet and irresponsible allegations against reporting officers will result in disciplinary action.

*42-A. **An officer/official adversely reported upon** will have only one right of making a representation and absolute finality would attach to the decision taken thereon, whether in favour of the officer or against. The decision on representation for expunction of adverse remarks should be taken within 90 days of the making of representation. The orders of the expunging authority will not be subject to review by the successor authorities.

43. **All representations about expunction of adverse remarks will be made to the authority designated as expunging authority under these instructions:

*Provided that in cases where no expunging authority has been designated the representation shall be made to the authority next above the officer recording/countersigning the remarks last of all;

Provided further that where Governor is the initiating authority or the last countersigning authority a review petition shall be made to the Governor himself.

◆44. If the final authority dealing with a report considers it to be biased or unjustified or inconsistent with the facts and decides that the entries should be expunged, then the adverse entries should be scored out in such manner as to render these illegible. The letter of communication of adverse remarks and the order of expunction should not be placed on the Character Roll but should be retained on a "keep with" file to be separately maintained along with every Character Roll.

#Note: The departmental authorities shall exercise the power (of expunction of adverse remarks) only in respect of adverse remarks by the respective departmental officers. In respect of adverse remarks recorded by Divisional Commissioners or Deputy Commissioners on:

- (i) Integrity;
- (ii) Co-operation with other departments;
- (iii) Relations with the public; and
- (iv) Interest shown in development & public welfare. On the ACR of a divisional or district level officer, as the case may be the

*Added vide circular letter No.SOR-IV(S&GAD)14-2/72 dated 12.01.1984.

**Substituted vide circular letter No.SORIV(S&GAD)14-7/79 dated 11.07.1979.

*Added vide circular letter No.SOR-IV(S&GAD)14-1/79 dated 03.06.1984.

◆Substituted vide circular letter No.SOR-IV(S&GAD)14-11/78 dated 13.07.1978.

#Added below paras 43 & 44 vide No.SOR-IV(S&GAD) 14-1/77(II) dated 22.12.1979.

“final authority” competent to expunge shall be the Chief Secretary/Additional Chief Secretary (in S&GAD).

@44-A. **The Competent Authority while expunging the adverse remarks** should give his own assessment about the work and conduct of the representationist in the light of his own information and overall record previous and subsequent to the entries being expunged.

45. **Under no circumstances should any entry in a confidential report be mutilated** or papers physically removed from the file of confidential reports.

*46. **Safe custody** – (a) Performance Evaluation Report of the Government servant reported upon shall be shown to him/her on written request to the Competent Authority.

(b) However, in order to guard against the confidential reports being tempered with, the reports when filed in the Character Rolls will be page-numbered in ink and entered in the index on first page after the face sheet prescribed in paragraph 17, in the form prescribed in Appendix-VII.

47. **The borrowing authorities should under no circumstances change the order** in which the various confidential reports have been filed and indexed on the first page or carry out any other alteration in the Character Roll. However, such documents should be returned immediately to the lending authority.

48. **The same principle applies to borrowing authorities** to which Government officers are sent on deputation.

49. **Maintenance of Character Rolls** – The Character Rolls shall be maintained in duplicate except where specified otherwise. The Administrative Department/Head of the Attached Department or the Head of the Office concerned shall take a decision about each class or category of posts where the original and the duplicate copy shall be maintained. The original shall be maintained at a level where it is not required to be moved, whereas, the duplicate copy may move, to the appropriate authority, with each transfer of a Government servant.

50. **Copies of the Character Roll** of the officers mentioned below shall be maintained by the authorities noted against each:

Name of Service	No. of Copies	Maintaining Authority
i)APUG and other Federal Government officers (except Police Officers, officers working as District and Sessions Judges/Additional District and Sessions Judges or officers of equivalent rank).	2	i) Federal Government. ii) C.S. (S&GAD).
ii)APUG Officers working as District and Sessions Judges/Additional and District and Sessions Judges and Officers	3	i) Federal Government. ii) C.S. (S&GAD). iii) High Court.

@ Added vide letter No. SORIV(S&GAD)14-3/88 dated 3rd April 1988.

*Para 46 substituted vide Notification No. SOR.IV(S&GAD)14-13/78(P) dated 08.02.2008.

of equivalent rank.		
iii)P.S.P. and Provincial Police officers officiating in pay scale 18 and above.	3	i) Federal Government. ii) C.S. (S&GAD). iii) I.G. Police.
iv)Ex-PCS (Executive) officers (other than those serving under BOR).	2	C.S. (S&GAD).
v)Ex-PCS (Executive) Officers serving under Board of Revenue.	2	i) C.S. (S&GAD). ii) Board of Revenue.
vi)Heads of Departments.	2	i) C.S. (S&GAD). ii) Secretary A.D.
vii)Regional Heads.	2	i) C.S. (S&GAD) ii) Secretary A.D.
viii)Other Secretariat Officers of and above the rank of S.O.	2	i) C.S. (S&GAD) ii) Secretary A.D.
ix)Other Officers in pay scale 16 and 17 in all Departments.	2	i) Administrative Secretary. ii) Head of Attached Deptt./ Regional Head.

51. **General instructions** – The letters of appreciation issued by a committee or a commission appointed by Government, to Government officers serving with them and also attested copies of such remarks or paragraphs concerning them as have been embodied in the reports of the committee/commission may be placed in the Character Rolls of the officers concerned.

52. **In case an officer has received Honour/Award**, suitable entry should be made in the Character Roll and copy of citation placed in it.

53. **The order rewarding officers/officials in connection with their suggestions** found useful and worth adopting may be placed in the personal file and not the Character Roll of the Government servant concerned. The reporting officer should keep the fact in view and mention the same while recording annual confidential report. It is the duty of the branch/section concerned to bring to the notice of reporting officer, for the calendar year, that the person on whose work and conduct a report is to be written, has been rewarded by Government for a suggestion found useful and worth adopting.

54. **No chits or certificates should be granted to the subordinates** by any officer and the assessment of the work of Government servant should be confined to the Annual Confidential Report. Such chits/certificates, if still issued will be ignored by Government for any purpose.

*55. **Letters of commendation which may be issued to the officers** in recognition of their meritorious work or commendable efficiency should be placed on the C.R. Dossier of the officers concerned, and a copy should be endorsed to the officer concerned.

56. **The letters of appreciation earned by Government servants** from Army Authorities, due to their outstanding devotion and zeal, in national cause, should be placed in their Character Rolls.

*Substituted vide circular letter No. SOR-III-14-9/75 dated 29.05.1976.

57. **The photographs to be pasted on the folders** attached to the revised forms for confidential reports on officers in pay scale 16 and above should be furnished by the concerned officers, at their expense.

58. **The reporting officers may, if he likes, maintain a Katcha Register for keeping rough notes relating to the work of the subordinates including cases of outstanding good or poor work. This will avoid writing of reports based on vague impression and will make the reports more realistic in character and it will be easier to assess the performance of the subordinates from such memoranda and thus present a true picture in the report. The pro forma of this register is at Appendix-VIII. This register will not be a permanent record, but will be destroyed as soon as it has outlived its utility.

59. **The reports of officers detailed for training at various institutions**, e.g., Administrative Staff College, N.I.P.A., Pakistan Academy for Rural Development etc., will be placed on the Character Rolls of the officers. Similarly the assessment reports on the officers attending training courses abroad shall also form part of their Character Rolls.

60. **A note may be recorded in respect of the periods for which reports do not exist** in the Character Rolls due to long leave or other causes which should be stated in proper sequence of the filling of the reports.

61. **Preservation of Character Rolls** – The Character Rolls of retired Government servants should be maintained for ten years after retirement or up to the age of sixty five years whichever is later. In the case of persons relieved from Government service otherwise than by retirement, the Character Rolls shall be retained at least for ten years, after the date of release from Government service. On the expiry of the prescribed period the Character Roll will be destroyed by burning.

♥62. **Supply of copies or extracts from Character Rolls is prohibited.** It is, however, permissible for the Head of the Attached Department, or Government whichever may be the final authority having custody of the record to give to the officers who have retired, a letter in which their confidential record is summed up to give an overall picture of their work and conduct during service.

*63. **The nomination form completed by a Government servant** duly attested by the head of the office or the supervisory authority:

- (i) in respect of his G.P. Fund account;
- (ii) under the Punjab Employees Welfare Fund Ordinance, 1969,

and

- (iii) under the Punjab Government Servants Benevolent Fund Ordinance, 1960 and the rules issued thereunder, will, apart from being sent to the authorities concerned, or in respect of officials of and below BS-15 being placed in their Service Books, be filed in their C.R. dossiers.

**Substituted vide circular letter No. S(R)3155/4-5/68-SOXIII dated 25.02.1969.

♥Substituted vide circular letter No. SORIV(S&GAD)14-24/78 dated 28.12.1978.

*Substituted vide circular letter No. SORIV(S&GAD)14-1/82 dated 16.01.1982.

*64. **If a Government servant makes a nomination**, conferred on a person, the right to receive any gratuity that may be sanctioned under Rule 4.6 of the Punjab Civil Services Pension Rules, 1963 or any gratuity which having become admissible to him/her has not been paid to him/her before death, the nomination will be filed in his/her C.R.

#64.A. **If an Officer or Official fails to complete successfully any prescribed test** or examination or training during the period of probation each such failure shall be recorded in his C.R.

##65. **Writing/countersigning of ACRs by retired officers** – The officers proceeding on retirement, whether voluntarily or on attaining the age of superannuation, should be asked to write/countersign reports, on the officers and staff who have worked under them for more than three months, before their retirement. If an officer proceeds on retirement without writing/countersigning the reports and cannot be contacted or fails to oblige despite repeated requests, the following procedure should be adopted:

1. The officer who would have countersigned, had the report been initiated by the retired officer, should initiate the report provided he has seen work of the officer reported upon, for a minimum period of 3 months. The next higher officer, if any, should countersign it;
2. If the report has already been initiated but the countersigning officer has retired, the next higher officer, if any, should countersign, provided he has personal knowledge of the work of the officer concerned;
3. If both the initiating and the countersigning officers have retired, the officer next higher than both of them, if any, should initiate and the next higher officer, if any, should countersign it. In such cases both the initiating and countersigning officers must have personal knowledge of the officer reported upon;
4. In case the report cannot be initiated at all, a suitable note to this effect be recorded in the C.R. dossier. If the report has been initiated but cannot be countersigned, the reasons, therefore, be recorded in Part-IV of the Annual Confidential Report;
- ▼5. In case the post of report Initiating Officer remained vacant for 9 months or more, the following procedure may be adopted for completing the ACRs of the subordinate staff:
 - i. In case the Countersigning Officer has seen their work for at least 3 months, he may initiate the ACRs and the next higher authority may countersign the ACRs.
 - ii. In case the condition at (i) above is not fulfilled, a suitable note may be placed in the CR Dossier of a civil servant explaining as to why the ACR could not be written.

*66. **Bar to writing/countersigning of reports by officers compulsorily retired under the E&D Rules or on completion of 10 years of service, etc.** – The officer

*Added vide circular letter No. S(R)2841/4-5/68-SOXIII dated 12.06.1968.

#Inserted vide circular letter No. SORIV(S&GAD)14-1/77(A) dated 13.05.1974.

##Added vide circular letter No. SORIV(S&GAD)14-1/77(I) dated 07.05.1979.

▼ Added vide circular letter No. SOR.IV(S&GAD) 14-10/96 dated 20.08.1996.

*Added vide circular letter No. SORIV(S&GAD)14-1/77(I) dated 11.08.1982.

retired compulsorily under the Punjab Civil Servants (E&D) Rules, 1975 or under Section 12(i) of the Punjab Civil Servants Act, 1974 should not be allowed to write/countersign the ACRs of their subordinates. The same will be the position during the LPR of these officers, if allowed to them. In such cases the following procedure should be followed for writing/countersigning the ACRs of the concerned civil servant:

- (i) The authority next higher to the retired reporting officer may initiate the report provided he has seen the performance of the civil servant reported upon for a minimum period of 3 months.
- (ii) The report so initiated will be countersigned by the officer higher than the reporting officer, if available, provided that the former has personal knowledge about the performance of the civil servant concerned. In case there be no officer available to countersign, the report need not be countersigned instead the circumstances under which the report could not be countersigned will be mentioned in the report indicating the name of the officer who was supposed to countersign, had he not been retired under the E&D Rules, etc.
- (iii) In case both the reporting and countersigning officers have been compulsorily retired, the officer higher than both of them, if available, may initiate the report and the next higher officer, if any, will countersign it, provided both the reporting/countersigning officers have personal knowledge about the work of the civil servant concerned. In case no countersigning officer be available, the fact should be noted in the report.
- (iv) Where no officer is available to write or countersign the report, a suitable note may be recorded in the C.R. dossier of the civil servant concerned.
- (v) In case the reporting or countersigning officer has been dismissed/removed from service, the authority next higher to the officer(s) so dismissed/removed i.e., reporting/countersigning officer, may initiate the report provided he/she has seen the performance of the civil servant to be reported upon for a minimum period of three months. If no countersigning officer or the officer next higher to the countersigning officer is available, who has seen the work of the officer/official to be reported upon, a suitable note to this effect may be recorded in the CR Dossier of the officer/official concerned.

•Added vide letter No. SOR-IV(S&GAD)14-13/05 dated 16.08.2005.

APPENDIX-I
[Referred to in Para 7]

***REPORTING CHANNEL OF PERs OF OFFICERS/OFFICIALS OF S&GAD**

Note: 1: The Performance Evaluation Report on the work and conduct of the rank of Secretary to the Federal Government need not be recorded.

Note: 2: For purposes of writing of PERs in accordance with the “Instructions about Confidential Reports”.

- i) Addl. Chief Secretary/Secretary (Services)/Secretary (Regulations)/ Secretary (Achieves) & Secretary, (I&C), S&GA Department shall be deemed to be the Administrative Secretaries in respect of their respective Wings under their charge.
- ii) Chairman, P&D shall be deemed to be the Administrative Secretary for the P&D Department.
- iii) Secretary to Governor/Chief Minister shall be deemed to be the Administrative Secretary for the Governor’s/Chief Minister’s Secretariat.

Sr. No.	Name of the Post	Initiating Authority	First Counter-signing Authority	Second Counter-signing Authority	Authority for communication of adverse remarks	Authority for expunction of adverse remarks
1.	Chief Secretary					
2.	Chairman, P&D	Chief Minister	-	-	Secretary (Services)	Chief Minister
3.	Addl: Chief Secretary	Chief Secretary	-	-	-do-	-do-
4.	Secretary to Government (including Secretaries Regulations, Archives, Services & I&C)	-do-	-	-	-do-	-do-
5.	Special Secretary	Admn. Secretary of the Department.	Chief Secretary	-	-do-	-do-
6.	Member (Enquiries)	Addl: Chief Secretary	Chief Secretary	-	-do-	-do-
7.	Addl. Secretary	Admn. Secretary concerned	Chief Secretary.	-	-do-	-do-

*Revised chart circulated vide letter No. SOR-IV(S&GAD) 14-18/2012 dated 5th October 2012.

8.	Deputy Secretary	Add: Secretary or Admn. Secretary or Special Secretary under whom the officer has been working	Chief Secretary if the report initiated by the Admn. Secretary otherwise Admn Secretary or Special Secretary	-	-do-	The authority next above the last counter-signing authority
9.	Section Officer	Add: Secretary or Deputy Secretary under whom the officer has been working	Admn. Secretary concerned if the report is initiated by A.S. otherwise A.S.	-	A.S. (Admn.) S&GAD	Add: Chief Secretary
10.	Superintendent	D.S./Section Officer concerned	Add: Secretary/ Deputy Secretary concerned	-	A.S. (Admn.) S&GAD	Secretary concerned
11.	P.S. i) attached with Minister/Advisor	Minister/Advisor concerned	-	-	S.O. concerned	Chief Minister
	ii) attached with Chief Secretary	Chief Secretary	-	-	-do-	-do-
	iii) attached with ACS, Member, BOR, Chairman, P&D	Officer with whom attached	-	-	-do-	Chief Secretary
	iv) attached with other officers	-do-	-	-	-do-	ACS
12.	P.A. i) attached with Minister/Advisor	Minister/Advisor concerned	-	-	S.O. concerned	Chief Minister
	ii) attached with Chief Secretary	Chief Secretary	-	-	-do-	-do-
	iii) attached with ACS, Member, BOR, Chairman, P&D	Officer with whom attached	-	-	-do-	Chief Secretary
	iv) attached with other officers	-do-	-	-	-do-	A.S. (Admn), S&GAD if the report is recorded by Admn. Secretary
13.	Stenographer	-do-	-	-	-do-	-do-

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14.	Assistant/Sr. Clerk / Junior Clerk i) In offices of Minister /Advisor	P.S. concerned	-	-	-do-	A.S. (Admn.), S&GAD
	ii) In offices of Chief Secretary/ACS/ Secretaries	-do-	-	-	-do-	-do-
	iii) In offices of Member (Inquires)	Member (Inquiries) concerned	-	-	-do-	ACS
	iv) In offices of A.S./ D.S.	A.S./D.S. concerned	-	-	-do-	A.S. (Admn), S&GAD if the report is recorded by Admn. Secretary
	v) In Sections	S.O. Concerned	A.S./D.S. concerned	-	-do-	A.S. (Admn.), S&GAD
	vi) In Branches	S.O./ Suptd./P.S. Concerned	S.O. concerned	D.S. concerned	-do-	-do-
15.	Daftri	Officer with whom attached	-	-	-do-	D.S. (Personnel), S&GAD
16.	Qasid attached with Higher Officer	Officer with whom attached	-	-	S.O. concerned	D.S. (Personnel), S&GAD
17.	Naib Qasid	-do-	-	-	-do-	-do-
18.	Supervisor Committee Room	Superintendent	S.O. concerned	-	-do-	D.S. (Welfare), S&GAD

WELFARE WING

Sr. No.	Name of the Post	Initiating Authority	First Counter-signing Authority	Second Counter-signing Authority	Authority for communication of adverse remarks	Authority for expunction of adverse remarks
1.	Assistant Comptroller	D.S.(P&S)	A.S. (Welfare)	-	D.S. (P&S)	ACS
2.	Resident Officer	S.O.(W-I)	D.S.(P&S)	-	S.O.(W-I)	A.S.(Welfare)
3.	Chief Sanitary Inspector	-do-	-do-	-	-do-	-do-
4.	Oversear/Sub-engineer	Estate Officer	-do-	-	-do-	-do-
5.	Naib Khateeb/ Khateeb	S.O.(W-I)	-do-	-	-do-	-do-
6.	Telex Operator	-do-	-do-	-	-do-	-do-
7.	Assistant Steward/ Steward	Asstt. Comptroller	S.O.(W-I)	-	-do-	D.S.(P&S)
8.	A.C. Supervisor	S.O.(W-I)	D.S.(P&S)	-	-do-	A.S.(Welfare)

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9.	Cook/Head Cook	Asstt. Comptroller	S.O.(W-I)	-	-do-	D.S.(P&S)
10.	Waiter/Head Water	-do-	-do-	-	-do-	-do-
11.	Dhobi/Head Dhobi	Resident Officer	-do-	-	-do-	-do-
12.	Foot Constable	Estate Officer	D.S.(P&S)	-	-do-	A.S.(Welfare)
13.	Mali/Head Mali	Officer with whom attached	Next higher officer	-	-do-	D.S.(P&S)
14.	Moazzan/Khadim Masjid	S.O.(W-I)	D.S.(P&S)	-	-do-	A.S.(Welfare)
15.	Dak Runner/Dispatch Rider	Officer with whom attached	Next higher officer	-	-do-	-do-
16.	Cycle Mistri	Resident Officer	S.O.(W-I)	-	-do-	D.S.(P&S)
17.	Gate Messenger/Gate Keeper	-do-	-do-	-	-do-	-do-
18.	Telex Messenger	S.O.(W-I)	D.S.(P&S)	-	-d-	A.S.(Welfare)
19.	Frash	Officer with whom attached	Next higher officer	-	-do-	-do-
20.	Khalasi	S.O.(W-I)	D.S.(P&S)	-	-do-	-do-
21.	Sanitary Worker	Officer with whom attached	Next higher officer	-	-do-	D.S.(P&S)
22.	Chowkidar/Watch & Ward Man	-do-	-do-	-	-do-	-do-
23.	Water Career	Resident Officer	S.O.(W-I)	-	-do-	-do-

TRANSPORT WING

Sr. No.	Name of the Post	Initiating Authority.	First Counter-signing Authority	Second Counter-signing Authority	Authority for communication of adverse remarks	Authority for expunction of adverse remarks
1.	Garage Suptd.	MTO	D.S (MT)	-	A.S. (P&T)	ACS
2.	i) Staff Car Driver in Pool	-do-	-do-	-	-do-	A.S. (P&T)
	ii) Driver attached with officers/Minister/Advisor	P.S. to officers/ Minister/ Advisor concerned	-	-	MTO	-do-
3.	Mechanic/ Assistant Mechanic/Auto Electrician	MTO	D.S. (MT)	-	MTO	ACS
4.	Staff Car Cleaner	-do-	-do-	-	-do-	D.S.(MT)

O&M WING

Sr. No.	Name of the Post	Initiating Authority	First Counter-signing Authority	Second Counter-signing Authority	Authority for communication of adverse remarks	Authority for expunction of adverse remarks
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1.	Addl. Secretary/ Director	Secretary/DG	Chief Secretary	-	D.S. (Conf.), S&GAD/ Deputy Director (Admn.)	Chief Minister
2.	Deputy Secretary/ Deputy Director	Addl. Secretary/ Director concerned	Secretary/DG	-	-do-	Chief Secretary
3.	System Analyst	-do-	-do-	-	Deputy Director (Admn.)	-do-
4.	Statistical Officer	D.S./Deputy Director concerned	A.S./Director concerned-	-	-do-	Secretary/ DG
5.	Research Assistant	Officer with whom attached	Next Higher Authority	-	-do-	-do-
6.	Composer	-do-	-do-	-	-do-	-do-

PUNJAB SERVICE TRIBUNAL

Sr. No.	Name of the Post	Initiating Authority	First Counter-signing Authority	Second Counter-signing Authority	Authority for communication of adverse remarks	Authority for expunction of adverse remarks
1.	Member	Chairman	-	-	Chief Secy	Governor (Being appointing authority according to Sub-Section 4 of Section 3 of the Punjab Service Tribunals Act, 1974)
2.	Registrar	Chairman	-	-	A.S. (Admn.), S&GAD	Addl. Chief Secretary
3.	PS/PAs/Stenos, Superintendent, Assistants, Senior/ Junior Clerks and other staff attached with the court	Chairman/ Member with whom attached	-	-	Deputy Secretary (Personnel)	-do-
4.	Assistant Registrar (BS-16)/ Superintendent, Assistant, Senior Clerk, not attached with any Court	Registrar	Chairman	-	Deputy Secretary (Personnel)	Addl. Chief Secretary
5.	Other Staff (Not attached with the	Assistant Registrar	Registrar	-	Registrar	Chairman, PST

	Court)					
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ARCHIVES WING

Sr. No.	Name of the Post	Initiating Authority	First Counter-signing Authority	Second Counter-signing Authority	Authority for communication of adverse remarks	Authority for expunction of adverse remarks
1.	Director	Secretary (Archives)	ACS	-	Secretary (Archives)	Chief Secretary
2.	Deputy Directors (Archives)	Director	Secretary (Archives)	-	Deputy Director (Admn.)	Addl. Chief Secretary
3.	Assistant Director (Record)	Deputy Director (Res.)	Director	Secretary (Archives)	Director	-do-
4.	Assistant Director (Library)	Deputy Director (Conservation)	-do-	-do-	-do-	-do-
5.	Research Officer	Deputy Director (Res.)	-do-	-do-	-do-	-do-
6.	Microfilming Officer	Deputy Director (Conservation)	-do-	-do-	-do-	-do-
7.	Private Secretary	Secretary (Archives)	-	-	D.S.(Personnel), S&GAD	-do-
8.	P.A./Stenographer	Officer with whom attached	-	-	S.O. concerned in S&GAD	-do-
9.	Weeding Officer	Deputy Director (Conservation)	Director	-	-do-	-do-
10.	Superintendent	Assistant Director (Record)	Deputy Director (Admn.)	-	D.S.(Personnel) S&GAD	-do-
11.	Camera Man (Microfilming)	Microfilming Officer	Deputy Director (Conservation)	-	Assistant Director (Record)	Secretary (Archives)
12.	Dark Room Assistant	-do-	-do-	-	-do-	-do-
13.	Assistant	Officer with whom attached	Next higher officer	-	S.O. concerned S&GAD	A.S.(Admn.) S&GAD
14..	Cataloguer	Assistant Director (Lab.)	Dy. Director (Conservation)	-	Assistant Director (Records)	Secretary (Archives)
15.	Operator Laminating Machine	Microfilming Officer	-do-	-	-do-	Director
16.	Operator Reader Printer	-do-	-do-	-	-do-	-do-
17.	Assistant Librarian	Assistant Director (Lab.)	-do-	-	-do-	-do-

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18.	Senior Clerk/Junior Clerk	Officer with whom attached	Next higher officer	-	S.O. concerned in S&GAD	A.S.(Admn.)
19.	Book Binder	Officer with whom attached	Deputy Director (Conservation)	-	Assistant Director (Records)	Director
20.	Daftri	-do-	-	-	S.O. concerned in S&GAD	D.S. (Personnel)
21.	Attendant (Microfilming Unit)	Microfilming Officer	-do-	-	Assistant Director (Records)	Director
22.	Frash/Naib Qasid/Cleaner	Officer with whom attached	-	-	-do-	-do-
23.	Camera Man (Still Photography)	Microfilming Officer	Deputy Director (Conservation)	-	Assistant Director (Records)	Secretary (Archives)
24.	Translator	Research Officer concerned	Deputy Director (Res.)	-	-do-	-do-
25.	Duplicator Operator	Microfilming Officer	Deputy Director (Conservation)	-	Assistant Director (Records)	-do-
26.	Attendant (Museum)	Weeding Officer	-do-	-	-do-	Director

OFFICIAL LANGUAGE COMMITTEE

Sr. No.	Name of the Post	Initiating Authority	First Counter-signing Authority	Second Counter-signing Authority	Authority for communication of adverse remarks	Authority for expunction of adverse remarks
1.	Editor	Director	Secretary (Archives)	-	Admn. Officer	ACS
2.	Head Translator	-do-	-do-	-	-do-	-do-
3.	Instructor	-do-	-do-	-	-do-	-do-
4.	Admn. Officer	-do-	-do-	-	Secretary (Archives)	-do-
5.	Senior Translator	Head Translator	Director	-	-do-	Secretary (Archives)
6.	Sub-Editor	Editor	-do-	-	-do-	-do-
7.	Senior Scale Stenographer/Urdu Stenographer	Officer with whom attached	-	-	-do-	-do-
8.	Computer Operator	Officer with whom attached	Director	-	-do-	-do-
9.	Assistant	-do-	-do-	-	-do-	-do-
10.	Translator	Head Translator	-do-	-	-do-	-do-
11.	Urdu Typist	Officer with whom attached	-do-	-	-do-	-do-
12.	Senior Clerk/Junior	-do-	-do-	-	-do-	-do-

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	Clerk					
13.	Daftri	Officer with whom attached	-	-	-do-	Director
14..	Naib Qasid	-do-	-	-	-do-	-do-

APPENDIX -II

(vide Para 10)

*All judicial officers under the administrative control of the High Court.

*Substituted, vide correction slip No. 10, No. SOR-IV(S&GAD)14-1/78 dated 18.07.1978.

APPENDIX-III
(Vide Para 10)

GOVERNMENT OF THE PUNJAB

ANNUAL CONFIDENTIAL REPORT FOR THE PERIOD
FROM _____ TO _____

BY THE COMMISSIONER/DEPUTY COMMISSIONER DIVISION/DISTRICT
REGARDING PERFORMANCE OF DIVISIONAL/DISTRICT OFFICERS

PART-I

Name of officer _____

Designation _____

PART-II

The assessment should be based on personal observation and should relate to the actual performance of the officer reported upon, during the period under report. It should be recorded by initialing the appropriate box against columns 1-4.

1.	Integrity	Assessment
----	-----------	------------

- | | | |
|-------|-----------------------------------|--------------------------|
| (i) | Incorruptible | <input type="checkbox"/> |
| (ii) | Reported to be corrupt | <input type="checkbox"/> |
| (iii) | Believed to be corrupt because of | <input type="checkbox"/> |
| (a) | Monetary considerations | <input type="checkbox"/> |
| (b) | Other considerations | <input type="checkbox"/> |

2.	Cooperative with other Departments
----	------------------------------------

- | | | |
|-------|----------------------------------|--------------------------|
| (i) | Very Cooperative | <input type="checkbox"/> |
| (ii) | Work well in harmony with others | <input type="checkbox"/> |
| (iii) | Difficult to work with | <input type="checkbox"/> |

3. Relations with public

- (i) Very well behaved and helpful, inspires confidence.
- (ii) Well behaved and courteous
- (iii) Inclined to be helpful, rude and discourteous.

4. Interest shown in development activities

- (i) Is keenly interested in planning and execution of development Schemes
- (ii) Takes interest in planning and development work.
- (iii) Is inclined to treat this aspect of this duty as a routine function.

Date _____ Reporting officers Signature _____

Name _____
(in block letters)

Designation _____

This proforma was circulated with Punjab Government S&GAD letter No. SOR IV(S&GAD) 14-177 dated 14th January 1979, and accordingly modified for Appendix-III

For officers in
Grade 16 and above

UF-50

GOVERNMENT OF THE PUNJAB

(Name of the Department/Office)

(Name of Service)

PERFORMANCE EVALUATION REPORT

FOR THE PERIOD FROM _____ TO _____

PART-I

(To be filled in by the Officer Reported upon)

1. Name (in block letters)
2. Date of BirthDate of entry in service
3. Post held during the report period with BS
4. Academic qualification(s)
5. Training received during **last five years**:

Name of course attended	Dates		Name of institution and country
	From	To	

6. Brief description of main duties:
.....
.....
.....
.....

7. Specify the quantitative/physical/financial targets/objectives set by the department and your achievements against each target:

Sr. No.	Objectives/targets fixed	Objectives/targets achieved	Give reasons of failure (if any) to achieve objectives/targets

8. During the period under report, do you believe that you have made any exceptional contribution, e.g., successful completion of an extraordinarily challenging task or major systemic improvement resulting in significant benefits to the public and/or reduction in time and cost? If so, please specify:

9. What can be done to make you more effective?

10. Signature of the officer reported upon with date.....

PART-II

(To be filled by the Reporting Officer)

(For uniform interpretation of qualities listed in these parts, two extreme shades are mentioned against each item).

		A	B	C	
1. Behaviour with public.	Courteous and helpful.				Haughty, unsympathetic and ill-behaved.
2. Financial responsibility.	Exercises due care in financial discipline.				Irresponsible.
3. Acceptance of responsibility.	Always prepared to take on responsibility even in difficult cases.				Reluctant to take on responsibility, will avoid it whenever possible.
4. Knowledge of laws/ rules/ procedures/IT skills.	Has a thorough grasp of the knowledge relevant to his job/IT skills.				Does not know enough about the present job/IT illiterate.
5. Supervision and guidance.	Organizes and uses staff and other resources effectively.				Lacks control, ineffective.
6. Ability to take decision.	Very logical and decisive.				Indecisive, vacillating.

PART-IV

(a) **Pen-Picture:** Please comment on strong points, weak points, fitness for promotion, usefulness for further retention in service and analytical ability of the officer. Also indicate whether further training is required for increasing his efficiency. If so, in what areas?

(b) **Counseling:** Was the officer advised to improve his performance during the period under report? If so, on what aspects and with what results?

PART-V

(To be filled by Reporting Officer and Countersigning Officer)

***(a) Overall Grading**

	By Reporting Officer	By Countersigning Officer
(i) Very Good		
(ii) Satisfactory		
(iii) Unsatisfactory		

(b) Integrity

	By Reporting Officer	By Countersigning Officer
(i) Honest		
(ii) Corrupt		
(iii) Reported to be corrupt		

Name of the Reporting OfficerSignature
(Capital letters)
DesignationDate

*(Where the Reporting and Countersigning Officers want to grade the officer as “Outstanding”, they may draw with their own hand another box in Part-V(a) of the PER forms, initial it and write “Outstanding” on the descriptive side. They are also required to fully justify this assessment. Unless so justified, their assessment would be deemed to be “Very Good”).

PART-VI

(a) REMARKS OF THE COUNTERSIGNING OFFICER:

Please report on the aspects not touched upon by the Reporting Officer. If you disagree with the assessment of the Reporting Officer, please give reasons thereof. You should also indicate how frequently you have seen work of the officer reported upon.

Name of the Reporting OfficerSignature
(Capital letters)
DesignationDate

(b) REMARKS OF THE SECOND COUNTERSIGNING OFFICER (IF ANY):

Name of the Reporting OfficerSignature
(Capital letters)
DesignationDate

**INSTRUCTIONS FOR FILLING UP THE
PERFORMANCE EVALUATION REPORT FORMS**

Evaluation through Performance Evaluation Reports (PERs) should be used as a tool for human resource development. Reporting Officers should realize

that the objective is to develop an officer so that he/she realizes his/her true potential. It is not meant to be a fault finding process but a developmental one. The Reporting Officer and the Reviewing Office should not shy away from reporting shortcomings in performance, attitudes or overall personality of the officer reported upon.

2. Performance Evaluation Report is the most important record for the assessment of an officer. At the same time the quality of PER is a measure of the competence of the Reporting Officer and Countersigning Officer. It is, therefore, essential that utmost care is exercised by all Reporting and Countersigning Officers.
3. The Reporting and Countersigning Officers should be—
 - (a) as objective as possible;
 - (b) clear and direct, not ambiguous or evasive in their remarks;
 - (c) vague impressions based on inadequate knowledge or isolated incidents should be avoided; and
 - (d) overrating should be eschewed by all the Reporting Officers and Countersigning Officers.
4. The forms are to be filled in duplicate. Part-I will be filled by the officer being reported upon and should be type written. Parts-II to IV will be filled by the Reporting Officer. Part-V will be filled by both the Reporting Officer and Countersigning Officer. Part-VI by the Countersigning Officers.
5. Assessment in the PER should be confined to the work done by the officer reported upon during the period covered by the report.
6. Reporting Officer is expected to counsel the officer being reported upon about his weak points and advise him how to improve. Adverse remarks should normally be recorded when the officer fails to improve despite counseling.
7. The ratings/grading in Part-III & V should be recorded by initialing the appropriate box.
8. The objectives/targets may be fixed by all the departments for their employees keeping in view the functions assigned to the departments. The Regulations Wing, S&GAD has an advisory role and it always endeavours to tender advice as early as possible and assist the Administrative Departments to take decisions relating to service matters. The objectives/targets fixed by the Regulations Wing, S&GAD for Section Officer (Regulations-III), S&GAD, Deputy Secretary (Regulations), S&GAD and Additional Secretary (Regulations), S&GAD are detailed below as an example:

(i) **Targets fixed for Section Officer Regulations-III, S&GAD**

Sr. No.	Nature of cases	Time limit
1.	Processing of references pertaining to interpretation of Punjab Civil Servants Act, 1974 and Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974	
	(i) Processing and submission of cases to the higher authorities.	7 days
	(ii) Attending to the queries.	3 days
	(iii) Issuance of advice.	2 days
2.	Framing and Amendment of Service Rules	
	(i) Processing of proposals.	7 days
	(ii) Collection of information from the Administrative Department for completion of proposal.	15 days
	(iii) Submission of agenda.	1 day
	(iv) Arranging meeting of SRC.	7 days

	(v) Issuance of minutes after meeting of the SRC. (vi) Vetting of draft rules in consultation with Law Department. (vii) Initiation of summary after receipt of vetted draft. (viii) Issuance of notification after approval of the Chief Minister.	3 days 10 days 2 days 2 days
3.	Handling of Court Cases (i) Preparation of para-wise comments and submission to the higher authorities. (Time limit stipulated by the Courts for submission of report and parawise comments must be kept in view. The time limit fixed by the Court should be obeyed invariably). (ii) Vetting of the comments by the concerned Law Officer and submission in the court.	7 days 4 days
4.	Assembly Questions (i) Processing of Assembly questions and submission for approval. (ii) Reply to the concerned authorities.	4 days 2 days
5.	Special Tasks.	To be fixed by the Secretary
6.	Routine Cases.	As fixed in the Manual of Secretariat Instructions
7.	Submission of monthly arrears statement (as per Manual of Secretariat Instructions).	On the 10 th of every month

(ii) **Targets fixed for Deputy Secretary (Regulations), S&GAD**

Sr. No.	Nature of cases	Time limit
1.	Disposal of cases involving interpretation of rules and regulations.	2 days
2.	Disposal of Court Cases (Time limit stipulated by the Courts for submission of reports and parawise comments must be kept in view. The time limit fixed by the Court should be obeyed invariably).	Same day
3.	Examination of summaries.	Same day
4.	Assembly business.	Same day
5.	Special Tasks.	To be fixed by the Secretary
6.	Routine Cases.	As fixed in the Manual of Secretariat Instructions
7.	Inspect the working of the Sections under his / her charge.	At least once in every three months
8.	Surprise visits of the Sections under his / her charge.	Once in every month

(iii) **Targets fixed for Additional Secretary (Regulations), S&GAD**

Sr. No.	Nature of cases	Time limit
1.	Disposal of cases involving interpretation of rules	2 days

	and regulations.	
2.	Examination of summaries marked by the Secretary.	Same day
3.	Disposal of Court Cases (Time limit stipulated by the Courts for submission of reports and parawise comments must be kept in view. The time limit fixed by the Court should be obeyed invariably).	2 days
4.	Assembly business.	Same day
5.	Special Tasks.	To be fixed by the Secretary
6.	Routine Cases.	As fixed in the Manual of Secretariat Instructions
7.	Inspect the working of the Sections under his / her charge.	At least once every three months
8.	Pay surprise visits of the Sections under his / her charge.	Once in every month
9.	Review of statement of arrears.	Monthly

The Regulations Wing, S&GAD has fixed targets for disposal of work in the shape of time limits. The other Departments may, however, fix objectives/targets keeping in view their own requirements.

9. The Reporting Officer shall, at the beginning of the year set quantitative/ physical/financial targets in consultation with the officer reported upon. In the case of an officer taking up a new assignment during the reporting year, such targets/goals shall be set at the time of assumption of the new assignment.

10. The targets should be clearly known and understood by both the officers concerned.

11. Although performance appraisal is year-end exercise, in order that it serves as a tool for human resource development, the Reporting Officer and the officer reported upon should meet during the course of the year at regular intervals to review the performance and to take necessary corrective steps.

12. It should be the endeavour of each appraiser to present the truest possible picture of the appraisee in regard to his/her performance, conduct, behavior and potential.

13. The Countersigning Officer should weigh the remarks of the Reporting Officer against his personal knowledge of the officer being reported upon, compare him with other officers of the same grade working under different Reporting Officers but under the same Countersigning Officer, and then give his overall assessment in Part-VI. In certain categories of cases remarks of a Second Countersigning Officer may also be required to be recorded. The Second Countersigning Officer will record his remarks in Part-VI(b).

14. If the Countersigning Officer differs with the grading in Part-III by the Reporting Officer, he should score it out and give his own grading in red ink. In Part-VI he is required to give his own assessment, in addition to that of the Reporting Officer.

15. The Countersigning Officer should underline, in red ink, remarks which in his opinion are adverse and should be communicated to the officer reported upon.

16. Time schedule for completion of PER writing—

- (i) The officer to be reported upon should submit the PER Form after completing Part-I to the Reporting Officer on 1st day of January.
- (ii) The Reporting Officer should record his remarks in relevant parts by the end of: 1st week of January and send the report to the Countersigning Officer by 8th January.
- (iii) The Countersigning Officer should record his remarks by the end of second week of January and pass on the report to the Second Countersigning Officer, if any, by 16th January.
- (iv) The final Countersigning Officer should also record his remarks within one week.
- (v) Report writing should be completed within the month of January.

17. In the event of non-submission of PER Form by the officer reported upon within the stipulated time, the Initiating Officer may proceed to initiate PER on the basis of information available in the Department.

APPENDIX-V

For all categories of
employees in BS 5-15

UF-45

GOVERNMENT OF THE PUNJAB

_____ DEPARTMENT

PERFORMANCE EVALUATION REPORT

FOR THE PERIOD FROM _____ TO _____

PART-I

(To be filled in by the Official Reported upon)

1. Name (in block letters).....
2. Date of Birth.....
3. Domicile.....
4. Post held during the report period with BS
5. Academic qualification(s)
6. Professional/Technical qualification(s)
7. Training received during **last five years:**

Name of course attended	Dates		Name of institution and country
	From	To	

8. Brief description of main duties:

9. What can be done to make you more effective?

10. Signature of the official reported upon with date

PART-II

(To be filled by the Reporting Officer)

The rating in Parts-II should be recorded by initialling the appropriate box. The ratings denoted by alphabets are as under:

"A" Very Good, "B" Satisfactory, "C" Unsatisfactory

(For uniform interpretation of qualities listed on these parts, two extreme shades are mentioned against each item).

		A	B	C	
1. Appearance & bearing.	Creates excellent impression.				Clumsy; Unimpressive.
2. Punctuality.	Very regular.				Habitual late comer.
3. Acceptance of responsibility.	Always prepared to take on responsibility even in difficult cases.				Reluctant to take on responsibility; will avoid it whenever possible.
4. Relations with: a)Superiors b)Colleagues c)Subordinates	Cooperative; well liked and trusted. Works well in a team. Courteous and effective; Inspires confidence.				Uncooperative; does not inspire confidence. Difficult colleague. Brusque and intolerant; does not earn respect.
5. Behaviour with public.	Courteous and helpful.				Haughty; unsympathetic and ill behaved.
6. Knowledge of work.	Has a thorough grasp of the knowledge relevant to his job.				Does not know enough about the present job.
7. Work. a) Output b) Quality	Always up to date; accumulates no arrears. Always produces work of exceptionally high quality.				Always behind schedule; very slow disposal. Generally produces work of poor quality.

PART-III

(a) **Pen-Picture:** Please comment on strong points, weak points, **fitness for promotion**, usefulness for further retention in service. Also indicate whether further training is required for increasing his efficiency. If so, in what areas?

(b) **Counselling:** Was the official advised to improve his performance during the period under report? If so, on what aspects and with what results?

PART-IV

(To be filled by the Reporting Officer and the Countersigning Officer)

Integrity

- (i) Honest**
- (ii) Corrupt**
- (iii) Reported to be corrupt**

By Reporting Officer	By Countersigning Officer

Name of the Reporting OfficerSignature
(Capital letters)
DesignationDate

PART-V

- a) REMARKS OF COUNTERSIGNING OFFICER:**
(Remarks are to be confined to the aspects not touched upon by Reporting Officer. Reasons for disagreement with the Reporting Officer must be given).

Name of the Reporting OfficerSignature
(Capital letters)
DesignationDate

- b) REMARKS OF THE SECOND COUNTERSIGNING AUTHORITY (IF ANY):**

Name of the Reporting OfficerSignature
(Capital letters)
DesignationDate

**INSTRUCTIONS FOR FILLING UP THE
PERFORMANCE EVALUATION REPORT FORMS**

1. (i) PER is the most important record for the assessment of an officer. At the same time the quality of PER is a measure of the competence of the Reporting Officer and Countersigning Officer. It is, therefore, essential that utmost care is exercised by all Reporting and Countersigning Officers.
 - (ii) The Reporting and Countersigning Officers should be—
 - (a) as objective as possible; and
 - (b) clear and direct, not ambiguous or evasive in their remarks.
 - (iii) The over-riding importance of Part-IV should be clearly understood in the overall grading.
 - (iv) Over-rating should be eschewed by all Reporting/ Countersigning Officers.
 - (v) Vague impressions based on inadequate knowledge or isolated incidents should be avoided.
2. The forms are to be filled in duplicate. Part-I will be filled by the official being reported upon and should be type written.
3. Part-II to III will be filled by the Reporting Officer and Part-IV by both the Reporting Officer and Countersigning Officer. Part-V(a) will be filled by the Countersigning Officer.
4. Assessment in the PER should be confined to the work done by the officer reported upon during the period covered by the report.
5. Reporting Officer is expected to counsel the officer being reported upon about his weak points and advise him how to improve. Adverse remarks should normally be recorded when the officer fails to improve despite counselling.
6. The PER form should be filled in a neat and tidy manner. Cuttings/erasures should be avoided and must be initialled, where made.
7. (i) The rating in Part-II should be recorded by initialling the appropriate box.
 - (ii) In Part-III(a) Pen-Picture should also include remarks about the reputation of the officer.
8. For uniform interpretation of qualities, etc., listed in Part-II, the two extreme shades are mentioned against each item. For example, a very courteous official will be rated 'A' in Part-II (5). A haughty and ill-behaved Official will merit a 'C' rating.
9. The Countersigning Officer should weigh the remarks of the Reporting Officer against his personal knowledge of the official being reported upon, compare him with other officials of the same grade working under different Reporting Officers but under the same Countersigning Officer, and then give his overall assessment in Part-V. In certain categories of cases remarks of a Second Countersigning Officer may also be required to be recorded. In cases where the

work of the official reported upon is supervised also by an officer outside the normal chain of supervisory command in respect of some technical aspects, such officer may send his remarks in respect of such specific aspects to the Second Countersigning Officer by the third week of January through a separate sealed cover.

10. If the Countersigning Officer differs with the grading or remarks given (in parts other than Part-III) by the Reporting Officer, he should score it out and give his own grading in red ink. In Part-V he is required to give his own assessment in addition to that of the Reporting Officer.

11. The Countersigning Officer should underline, in red ink, remarks which in his opinion are adverse and should be communicated to the officer reported upon.

12. Time schedule for completion of PER writing —

- (i) The official to be reported upon should submit the PER Form after completing Part-I to the Reporting Officer on 1st day of January.
- (ii) The Reporting Officer should record his remarks in appropriate parts by the end of 1st week of January and pass on the report to the Countersigning Officer by 8th January.
- (iii) The Countersigning Officer should record his remarks by the end of second week of January and pass on the report to the 2nd Countersigning Officer, if any, by 16th January.
- (iv) The final Countersigning Officer should also record his remarks within one week.
- (v) Report writing should be completed within the month of January.

13. In the event of non-submission of PER Form by the officer reported upon within the stipulated time, the Initiating Officer may proceed to initiate PER on the basis of available information.

APPENDIX-VI
U.F—44

دائری تمام پروگراموں کے لئے
(پروگرام نمبر ۲۰۱)

حکومت پنجاب

حصہ اول

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

حصہ دوم

پریمیئم	پریمیئم	پریمیئم		
				۱
				۲
				۳
				۴
				۵
				۶
				۷

حصہ سوم

(دائری)		
آخر تا کنہ	آخر تا کنہ	

حصہ چہارم

_____ / _____

APPENDIX-VII

(Vide Para 45)

INDEX

Confidential Reports file of Mr. _____

Sr. No.	Date of report by the	Page Nos.	Initials of officer with whom Character Roll remains
1	2	3	4

APPENDIX -VIII

(Vide para 58)

PROFORMA OF KATCHA REGISTER TO BE MAINTAINED BY OFFICERS IN CONNECTION WITH THE WRITING OF CONFIDENTIAL REPORTS

Name and designation of the Government servant reported upon _____
1. Serial No.
2. Date of the incident.
3. Number of the file or reference, etc., supporting the viewpoint of the Reporting Officer.
4. Names of witnesses, if any.
5. Brief note about the incident.
Signature _____
Name (in block letters) _____
Designation _____
Date _____

ANCILLARY INSTRUCTIONS

Subject: RECORDING OF ANNUAL CONFIDENTIAL REPORT

I am directed to invite a reference to para 1(i) of the Department's letter No.S(R)-1155/4-9/68-SOXIII dated 14th May, 1962, on the subject noted above and to say that the existing policy of considering the un-communicated adverse remarks with the other record of the Reported Officer and giving it due consideration keeping in view the previous and subsequent record and the officer, who gave the adverse remarks has been reconsidered. These instructions were issued at a time, when it was found that a large number of posts adverse entries had not generally been communicated. A compromise formula had to be evolved keeping in view the interest of public servant and the state.

2. The Federal Government later adopted a policy to the effect that a confidential report containing adverse remarks should not be taken into consideration until they had been communicated in writing to the person concerned and a decision taken on the representation, if any. These instructions are more equitable and are in accordance with the principle that no body should be condemned unheard. Moreover the things have since settled down and the officers are expected to work efficiently.

3. It has, therefore, been decided that the existing instructions of the 14th May 1962, should be followed only for un-communicated adverse remarks up to the year 1967.

4. Immediate steps should be taken to communicate the adverse remarks for the year 1968, and only those adverse remarks should in future be taken into consideration, which have been communicated and a decision taken on the representation. This should be done in accordance with the prescribed time limits. All un-communicated remarks from 1968 shall have to be ignored. But the defaulting authorities shall themselves be liable to disciplinary action, if it will be found that the adverse remarks have not been communicated.

5. In addition, Government has further decided to adopt a new folder for the maintenance of Character Rolls on universal basis throughout the Province. This folder makes a specific provision for communication of adverse remarks and also for recording the results of the representation received against such remarks. A copy of the folder in question is enclosed for information. The Superintendent, Government Printing Press, West Pakistan is being requested to print these folders in sufficient quantity and stock them for issue to the Departments/Offices of Provincial Government in the usual way along with other universal forms. This will of course be in lieu of the existing universal Form No.U.F.51. Requisition for the form should be made immediately so that it can be used without any delay.

6. This opportunity is also taken to remind all the departments that the Character Rolls of provincial Government employees have to be taken in the envelope specially designed for the purpose. These envelopes are stocked by the Government Forms Press and have been assigned universal form No.52, and are available in the same way as other universal forms. The requisite number may be obtained from the Press.

No.SORIII-14-9/75
Dated the 29th May 1976

Subject: FILING OF LETTERS OF APPRECIATION/RECOMMENDATION
IN THE CHARACTER ROLL OF THE CIVIL SERVANTS

I am directed to refer to paragraph 55 of the Instructions about Confidential Reports read with Services, General Administration and Information Department's letter No.SORIII-14-1/74 dated 16th May 1974 and to say that in modification of the aforesaid instructions, it has been decided that letters of communication which may be issued to the Officers in recognition of their meritorious work or commendable efficiency, should be placed on the C.R. dossier of the Officers concerned, and a copy should be endorsed to the officers concerned.

No.SORIV(S&GAD)14-1/77
Dated the 23rd January 1978

Subject: ANNUAL CONFIDENTIAL REPORTS

The Martial Law Administrator Zone 'A' has been pleased to direct that henceforth the Divisional Commissioners and Deputy Commissioners will countersign ACRs of divisional and district level officers of other departments serving in their respective jurisdiction.

2. Charts requested to be prepared under para 7 of booklet entitled "Instructions about Confidential Reports" may also please be modified accordingly.

No.SORIV(S&GAD)14-1/77
Dated the 1st February 1978

Subject: ANNUAL CONFIDENTIAL REPORTS

Please refer to this department's circular of even number dated 23.01.1978 on the subject noted above.

2. The Chief Marital Law Administrator has been pleased to direct that henceforth the Divisional Commissioners and Deputy Commissioners will record remarks on the following points in the Annual Confidential Reports of divisional and district level officers of all departments serving in their jurisdiction:

- (i) Integrity.
- (ii) Cooperation.
- (iii) Relations with Public.
- (iv) Interest shown in development and public welfare.

Subject: ANNUAL CONFIDENTIAL REPORTS

In partial modification of this Department's circular letter of even number dated 1st February 1978, it is clarified that officers holding judicial posts are exempted from the purview of instructions contained in the circular under reference.

Copy of D.O. Letter No. 6/1/77-A. II, dated the 18th January, 1978 from the Government of Pakistan, Cabinet Secretariat, Establishment Division Rawalpindi to the Chief Secretary, Government of the Punjab, Lahore, circulated to all Departments under endorsement

No. SORIV(S&GAD) 14-1/77 dated 29th March 1978.

The following two points have been raised in connection with writing of confidential reports of officers:

- (i) How to determine the performance assessment of an officer in Part-III of the confidential report form when the assessment of any other officer in the same grade is not known to the reporting/countersigning officer?
- (ii) Whether the assessment in Part-III of the ACR form in respect of an officer's performance is to be determined with reference to his assessment in Part-II of the form?

2. These points have been considered in the Establishment Division. With regard to the first point it has been decided that where there is only one officer in a particular grade, his assessment of performance in Part-III may be made independently.

3. As regards the second point it has been observed that in some cases the assessment of an officer in Part-II and Part-III of the ACR form are not correlated. This inconsistency causes a lot of inconvenience to the DPCs as well as the CSB while reviewing the cases of such officers for promotion to higher grade posts. To remove this inconsistency, the assessment of an officer in Part-III should as far as possible, be based on the assessment made about his personal traits and on-the-job performance in Part II. If the major number of entries in Part-II are 'good' and in Part III the officer is classified 'Average', the reporting officer should give detailed reasons for his 'Average' assessment. Normally these should be identical.

No.SORIV(S&GAD)14-1/77
Dated the 14th January 1979

Subject: ANNUAL CONFIDENTIAL REPORTS BY DIVISIONAL COMMISSIONERS AND DEPUTY COMMISSIONERS ON SPECIFIC ASPECTS OF WORK OF DIVISIONAL AND DISTRICT LEVEL OFFICERS

I am directed to refer to the instructions issued by the Government from time to time on the above subject and to say that it has been noticed that difficulty is being experienced by Divisional Commissioners and Deputy Commissioners in

countersigning the Annual Confidential Reports of Divisional and District level Officers for remarks on the following points:

- (v) Integrity.
- (vi) Cooperation with other departments.
- (vii) Relations with Public.
- (viii) Interest shown in development and public welfare.

2. Since countersigning of reports written by the departmental superiors, by the Divisional Commissioners/Deputy Commissioners necessarily involves forwarding of reports to former procedure tends to lengthen the process of writing ACRs of the division and district level offices. In order to avoid delay in recording of these reports the Divisional Commissioners/Deputy Commissioners may write separate reports on the four points referred to above in the enclosed [^]form and send these to the concerned, Heads of the Attached Departments for placing these on the Character Rolls of the concerned officers.

No.SORIV(S&GAD)14-1/77
Dated the 20th March 1979

Subject: ANNUAL CONFIDENTIAL REPORTS BY DIVISIONAL COMMISSIONERS AND DEPUTY COMMISSIONERS ON SPECIFIC ASPECTS OF WORK OF DIVISIONAL AND DISTRICT LEVEL OFFICERS

In continuation of this department's circular letter No. SOR-IV(S&GAD) 14-1/77 dated 14th January, 1979 on the subject noted above, I am directed to say that the reports on four points by Deputy Commissioners in respect of Superintendents of Police should be sent to the Secretary, Services, S&GAD instead of Inspector General of Police.

No.SORIV(S&GAD)14-5/79
Dated the 10th April 1979

Subject: ACTION ON ADVERSE REMARKS RECORDED IN THE ACR RELATING TO DEVELOPMENT WORK

I am directed to convey the directions of MLA Zone 'A' that failure of officers to produce good results in development should be properly reflected in their Annual Confidential Reports and appropriate action should be taken for such failing. This may kindly be brought to the notice of all concerned for strict compliance.

No.SOR IV(S&GAD)14-3/79
Dated the 31st December 1979

Subject: ADDITIONAL OBSERVATION IN THE "PEN PICTURE" IN THE ANNUAL CONFIDENTIAL REPORTS OF GOVERNMENT SERVANTS

I am directed to refer to the late West Pakistan Government S&GAD's circular letter No.POL(SOV)-9-10/63 dated 16th October 1964 and to the Punjab Government, S&GA Department, Implementation Cell's circular letter No.SO.IMP-1/1-42/79 dated 14th March 1979 and to say that it has been decided that in the

[^] See page 23

Annual Confidential Reports on the work and conduct of officers, the "Reporting Officer" should indicate in the "Pen Picture" whether his manner and style of dress, etc, is ostentatious or foolish to the point of being objectionable. This decision should take effect from the ACRs for the year 1979, onwards.

2. No change in the existing form of ACR is necessary as the additional observation is to be recorded as a part of the "Pen Picture".

No.SORIV(S&GAD)14-1/77

Dated the 28th January 1980

Subject: GRADING IN THE ANNUAL CONFIDENTIAL REPORTS

I am directed to refer to this department's endorsement of even number dated 29th August 1978, on the subject and to say that it has been observed that Reporting and Countersigning Officers frequently award intermediate grading in part-III of the Annual Confidential Reports e.g. "between very good and good" and "between good and average" etc. I am to request that reporting and countersigning officers may be directed to adhere to the grading provided in the ACR form and not to deviate therefrom.

2. It has also been observed that the countersigning Officers while assessing the reports given by reporting officers as "strict" or "lenient" do not indicate their own grading. I am to request that the countersigning officers may be advised that when they assess the report as "strict" or "lenient" they must record their own assessment of the officer reported upon in their remarks clearly and also modify the overall assessment in part-III of the ACR accordingly.

No.SORIV(S&GAD)14-3/79

Dated the 7th May 1980

Subject: ANNUAL CONFIDENTIAL REPORTS-RECOMMENDATIONS ABOUT RETENTION BEYOND 25 YEARS OF SERVICE, WARNING/COMMUNICATION OF DISPLEASURE IN THE ANNUAL CONFIDENTIAL REPORTS OF CIVIL SERVANTS

I am directed to refer to the following paragraphs of the "Instructions about Confidential Reports" the contents of which are briefly stated against each, and to say that instances have come to notice where these instructions have not been kept in view or complied with while writing annual confidential reports on the work and conduct of civil servants:

Para 26 lays down that a formal displeasure conveyed to a civil servant must appear in his Character Roll. The result of representation if made, should also be reflected in the report.

Para 27 requires that a formal inquiry ordered against Government servant during the year under report must be mentioned in the Annual Confidential Report. Similarly, final orders passed as a result of inquiry should also be placed on the Character Roll.

Para 28 requires that a censure or any other punishment imposed as a result of formal inquiry under the E&D Rules together with the results of an appeal, if filed, be placed on the Character Roll of the Government servant concerned.

Para 29 lays down that where it is decided in a particular case to place a warning administered to a Government servant on his Character Roll, the orders passed by the competent authority on such representation should also be placed on his Character Roll.

2. These instructions make it obligatory that all acts of omission and commission as may have been substantiated in accordance with the law or even otherwise viewed adversely by the authority competent for administering a warning must be placed on the Character Roll or reflected in the Annual Confidential Report of the civil servant concerned.

3. The katcha register which the reporting officer have discretion to maintain under para 58 of the “Instructions about Confidential Reports” can usefully be utilized for keeping notes relating to such acts of omission and commission, including instances, of outstanding good or poor work. Such notes in the katcha register serve as a memory for recording Annual Confidential Report.

4. I am to request that the reporting officers under your administrative control be advised to keep the “Instructions about Confidential Report” carefully in view while reporting on the work and conduct of civil servants subordinate to them. In particular they may be advised to mention all the acts of omission and commission substantiated in accordance with the law, in the Annual Confidential Report of civil servant concerned.

No.SORIV(S&GAD) 14-1/77/(1)

Dated the 23rd July 1980

Subject: IDENTIFICATION OF THE REPORTING/ COUNTERSIGNING
CONFIDENTIAL REPORTS

I am directed to refer to para 20 of the “Instructions about Confidential Reports” Instructions printed at the bottom of Part-IV of the ACR form, and this Department Circular letter No. SOR-III-14-1/77 dated 18th May 1977, in each one of which, the necessity of identification of the reporting and countersigning officers have been stressed with the suggestion that the name and designation of such officers should be typed, written in block letters or rubber stamped below the signatures.

2. It has been observed that those instructions are not being followed, with the result that considerable inconvenience is caused to the Selection Authenticities/ Review Boards, etc. in identifying the reporting/countersigning officers as well as establishing authenticity of Annual Confidential Reports.

No.SORIV(S&GAD)14-7/82(P-II)

Dated the 24th July 1985

Subject: PERFORMANCE EVALUATION REPORT FOR GOVERNMENT
SERVANTS IN BS-1-4 AND 5-15

According to existing instructions former Class-IV Establishment (BS-1-4) is not required to be reported upon with the result that all categories of such Government servants have not so far been subjects to annual performance assessment like other Government servants. It has been felt that due to absence of any accountability, in-discipline has been gradually increasing among such Government servants. Annual reporting on these employees will be helpful in connection with their "move-over" to higher scales. In order to bring them under disciplinary control the matter has been under the consideration of Government for quite sometime. It has now been decided that Performance Evaluation Reports for all categories of Government Servants in BS-1-4 should be recorded. For this purpose a proforma ‡(Appendix-VI) white colour, has been devised in Urdu, which shall be introduced with effect from 01.01.1986. The first Annual Performance Report for the year, 1985 should be written on this pro forma.

2. For Government servants in BS-5-15 there is no uniformity in system of reporting and almost every department has devised its own format for annual reports. Performance evaluation of persons in varied nature of jobs being possible, it has been decided to prescribe uniform pro forma for all categories of employees in BS-5 to 15. The new proforma in pink colour has been prepared and is enclosed as ♦Appendix-V. This pro forma shall also be introduced with effect from 01.01.1986.

3. All departments/offices are requested to get the new forms from the Government Printing Press Lahore on payment well in time for recording annual reports in future according to the schedule laid down in the Instructions about Confidential Reports. The reports of employees of BS-1-4 shall be recorded on single form but those of persons of BS-5 to 15 shall be written in duplicate, one copy to be retained in the office of immediate posting and the other to be maintained by the appointing authority. In case the two levels are located at one place the report may be written on a single form. The number of forms required should please be indicated to the Controller, Printing and Stationery direct.

No. SOR-III(S&GAD)14-2/72

Dated the 9th June 1973

Subject: EXPUNCTION OF ADVERSE REMARKS FROM THE ANNUAL
CONFIDENTIAL REPORTS

I am directed to say that cases have come to the notice of Government where the adverse remarks in the annual confidential reports of officers have been expunged after the lapse of 15 or 20 years. In some cases the representations of the officers for expunction of remarks had been rejected by the authorities who had the occasion to see the performance of officers and were, therefore, in an ideal position to determine whether or not the adverse remarks were justified. In spite of this, the successor authorities have reviewed the earlier decisions and expunged the remarks spreading over a number of years by one sweep, thus giving rise to claims of pro forma promotion. Government is of the view that this is not a judicious exercise of

‡ see page 41

♦ see page 35

the discretion vesting in the expunging authorities and have taken the following decisions:

- i) The officers adversely reported upon will have only one right of making a representation and absolute finality would attach to the decision taken thereon, whether in favour of the officer or against. The decision on representation for expunction of adverse remarks should be taken expeditiously, preferably within 6 months of the making of representation. The orders of the expunging authority will not be subject to review by the successor authorities.
- ii) No representation for expunction of adverse remarks prior to the year 1968 will be entertained. Remarks should, however, be communicated to the Officer and, according to the existing instructions, should be read in the context of his previous and subsequent record.
- iii) The remarks from the year 1968 onwards, even if not communicated, should not be ignored. As soon as the failure of communication comes to notice, the remarks should be communicated and the officer given an opportunity to represent for their expunction.

2. These decisions may kindly be noted carefully for future guidance and compliance. Action in accordance with 1(i) should be taken immediately after review of all ACRs and compliance certified by 31st October 1973, on each ACR.

Copy of D.O. No. 6/1/84-PDII, Dated 12th February 1984 from Establishment Secretary, Cabinet Secretariat, Government of Pakistan, Rawalpindi, to the Chief Secretary to Government of the Punjab, Circulated vide Endorsement No. SOR-IV(S&GAD) 14-13/78(P) dated 16th May 1984.

Subject: WRITING OF ANNUAL CONFIDENTIAL REPORTS

This is in continuation of my letter No. 6/9/79-A.II (CP-II) dated 8th August 1982, forwarding a new ACR form for civilian officers. The revised format is by now well understood and generally accepted to have improved the quality of reporting. The new form and promotion policy in fact constitute the key elements in personnel administration but their usefulness is ultimately dependent on objective reporting.

2. As the time has come again for annual reporting, I would like to draw your attention to the deficiencies commonly noted in such reports:

(1) **Assessment by Reporting Officer**

Many reporting officers are overly generous in their assessment. In some extreme cases, reporting officers have rated all officers serving with them as "very good" which is obviously a misjudgment. Such reporting places equally good officers of the same group working elsewhere at a disadvantage since their work is evaluated under more objective and stricter criteria. This also applies to cases where all entries under Part-II, III & IV of the ACR are recorded as uniformly superlative.

(2) **Counseling**

Adverse remarks are often recorded by the reporting officers without prior counseling to the officer reported upon. This is contrary to the existing instructions and is in fact, a reflection on the reporting officer. They are expected to counsel an

officer about his weak points and advise him how to improve. Adverse remarks should normally be recorded only when the officer fails to improve despite counseling.

(3) **Countersigning**

It has been noted time and again that countersigning officers, when differing with the assessment of remarks given by a reporting officer, neither score these out nor do they give their own assessment in red ink against the relevant remarks. These entries, particularly on “quality and output of work” “integrity” are of crucial importance when considering an officer for promotion. Further, some countersigning officers do not initial the appropriate boxes in Part VI of the reports on overall grading and fitness for promotion.

(4) We hope that reporting and countersigning officers will avoid these deficiencies in reporting. On our part, all reports containing such flaws would be returned for correction. I may add that the President had been pleased to direct any casual or intemperate writing of ACRs should also be brought to his notice.

No.SOR-IV(S&GAD)14-4/85

Dated the 15th May 1985

Subject: IMPLICATIONS OF DEFECTIVE WRITING OF PERFORMANCE
EVALUATION REPORTS

The Superior Courts have held writing of Annual Confidential Report to be one of the terms and conditions of service of Government servants and have taken notice of non-observance of the instructions about writing of confidential reports. Some appeals against adverse remarks and defective report writing have succeeded in the Punjab Service Tribunal. Some of the defects in the reporting process which have attracted attention are as under:

- i) Confidential Reports are not initiated/countersigned and completed within the prescribed time schedule;
- ii) Prescribed minimum period for writing of a report is not adhered to;
- iii) Prescribed reporting channel is disregarded;
- iv) Officer/Official adversely reported upon for two successive years is not placed under another reporting officer as required;
- v) Senior officers are posted under the junior officers during the pendency of seniority dispute between the two and the junior officers so posted are allowed to write Annual Confidential Reports of the seniors;
- vi) Remarks recorded are vague, ambiguous and evasive;
- vii) As required by the instructions countersigning officers do not underline, in red ink, the remarks which in their opinion are adverse and are required to be communicated;
- viii) Adverse remarks are not communicated to the Officer/official concerned within the prescribed period;
- ix) Representations for expunction of adverse remarks are not disposed of within the prescribed time limit.

2. Annual confidential Report is the most important record for career planning of an officer/official. The quality of Annual Confidential Report on the other hand is

also a measure of the competence of Reporting officer and countersigning officer. It is, therefore, essential that utmost care is exercised by them while writing the Annual Confidential Reports and the above points are kept in view. This may please be brought to the notice of all concerned.

No.SOR-IV(S&GAD)14-13/78(P)
Dated the 5th November 1985

Subject: ANNUAL MEDICAL EXAMINATION OF CLASS-1 OFFICERS

I am directed to refer to item No. 11, Part-I of the ACR Form prescribed for officers in BS-16 and above, according to which date of last annual medical check-up is required to be indicated, and to say that it has been decided that medical check-up on annual basis should be essential in future for all officers in BS-16 and above because it would be beneficial both for Government as employer and for the employees. Reference in this respect is invited to the instructions contained in the defunct West Pakistan Government HW&LG Department Memo No. SO1-19/15-61, dated 20th July, 1961 (Pages 639 to 641, Chapter-V, Section 4 of the O&M Establishment Manual Vol.-1) which provide that the report of the medical examination should be placed in the Character Roll of the officers concerned.

No. SOR-IV(S&GAD)14-5/85(P)
Dated the 24th November 1985

Subject: SYSTEM OF REPORTING OF THE WORK AND CONDUCT OF STAFF AND OFFICERS

I am directed to say that it has been observed that the system of reporting on the work and conduct of staff and officers has deteriorated with the passage of time and very little honest reporting is done with the result that ACRs generally do not reflect correct position of ones integrity/efficiency.

2. The importance of ACRs, which constitute the basis for appointments and promotions, can hardly be over emphasized because the selection authority has to rely on these reports for selecting officers not only for promotions but also for important assignments. It is, therefore, essential that these reports should give a complete and clear picture of the officers reported upon, indicating their performance, efficiency, general ability, personal qualities, potential for growth and suitability for promotion and appointments to special posts according to individual's aptitudes. Reporting Officers should, therefore, keep in mind these aspects while recording reports and particularly while expressing their opinion in Pen Picture column. Attention in this respect is invited to paras 19, 23 & 30 of the Manual of Instructions regarding ACRs with the request that the same may be kept in view invariably by the reporting officers while initiating reports on their subordinates and the countersigning authorities should also keep the same in view while assessing the remarks of Reporting Officers and recording their opinion.

No.SOR-IV(S&GAD)14-2/72
Dated the 6th January 1986

Subject: EXPUNCTION OF ADVERSE REMARKS FROM THE ANNUAL
CONFIDENTIAL REPORT

Please refer to this Department circular letter No. SOR-IV (S&GAD) 14-2/72 dated 9th June 1973 on the subject noted above.

2. According to sub-para (ii) of para 1 of this Department circular letter under reference adverse remarks recorded in the Confidential Reports prior to the year 1968 are required to be communicated to the Government servant concerned but no representation is to be entertained and the remarks are to be read in the context of his previous and subsequent record. The purpose behind barring representations in such cases was to avoid representations after laps of many years of their recording in the Confidential Reports. It has been observed that in many cases adverse remarks recorded prior to 1968 are still being communicated which is against the spirit of policy instructions referred to above which required communication of these remarks within a reasonable time. The policy has been successfully challenged before the Punjab Service Tribunal. It has, therefore, been decided to allow representation even against adverse remarks recorded prior to 1968 provided these are communicated within one month of the date of issue of this letter and representation is made within the prescribed time limit. No such remarks shall be communicated after one month and there shall be only one right of representation against these. Orders of expunging authority shall not be subject to review by successor authorities.

No.SOR-IV(S&GAD)14-12/86
Dated the 31st January 1986

Subject: JUDGMENT OF THE SHARIAT APPELLATE BENCH OF THE
SUPREME COURT—TENDENCY AGAINST OR FOR TENETS OF
ISLAM

I am directed to invite your attention to the above noted subject and say that the Supreme Court of Pakistan (Shariat Appellate Bench) has made the following suggestions about ACR:

“An entry or column should be added in the ACRs and/or other service papers of every state functionary, including at all levels, showing:

- i) Whether the person concerned has any tendency against the tenets of Islam; and
- ii) Whether there is any outstanding feature in his conduct or character indicating Islamic way of life.”

2. A.C.R. Forms for officials/officers in all Basic Pay Scales contain column regarding “Knowledge of Islam” and “Attitude towards Islamic Ideology”. These entries should generally serve the purpose, but if the Reporting Officer or the Countersigning Authorities have something more to say about a person in this respect, they may do so in the column under “Pen Picture”. I am directed to request you kindly to pay proper attention while making entries under these columns. Corporations and other autonomous/semi-autonomous bodies under your administrative control, including nationalized bodies, may also be directed to take similar necessary action.

Copy of D.O. letter No. 6/25/90-PD-II dated 28.06.1990 from Joint Secretary (CP) Establishment Division, Cabinet Secretariat, Government of Pakistan, Islamabad, to the Chief Secretary, Punjab.

In May, 1985 when entry for “Outstanding” was introduced in the ACR proforma, the Establishment Division had emphasized that an officer should be graded outstanding in exceptional cases and only where such grading was fully justified. The relevant portion from the D.O. letter No. 10(10)/85-CP-I, dated 15.05.1985 written by the Establishment Secretary is reproduced below:

“In exceptional cases where the reporting/countersigning officers want to rate an officer as “outstanding” they may draw in their own hand another box in Part-VI of the ACR form, initial it and write “outstanding” on the descriptive side. They would also be required to fully justify this assessment in Part-V(c), (by the countersigning officer). Unless so justified, the assessment would only be deemed to be ‘very good’ carrying 8 marks.”

2. It has been observed that the assessing officers, rating a subordinate as ‘outstanding’, do not give detailed justification. In many cases officers who were rated as ‘average’ or only ‘good’ till the preceding year suddenly become ‘outstanding’. Obviously such assessments are over-generous and unjustifiable.

3. The Establishment Division reiterates the instructions reproduced in para 1 of this letter. It has also been decided that the reporting officer assessing an officer as “outstanding” can be called upon to explain as to how the officer has suddenly become so if he had been rated as ‘average’ or ‘good’ till the previous year.

4. I shall be grateful if the contents of this letter are brought to the notice of all officers of your Division.

No.SOR-IV(S&GAD)14-7/85

Dated the 3rd November 1990

Subject: ANNUAL CONFIDENTIAL REPORT WRITING - ADVERSE
REMARKS

I am directed to refer to the subject noted above and to say that a question has arisen about the interpretation of remarks in Part-VI of the Annual Confidential Report Form. Ambiguity arises specially in case of the remarks “Not yet fit for promotion”. The basis of these remarks can be recent promotion of the officer reported upon, deficiency in the length of his experience required for promotion or unfitness for promotion at the point of writing the report.

2. It is clarified that these remarks should not be treated as adverse as a matter of routine but should be considered in the light of aforementioned factors. If these are intended to be adverse, the Reporting Officer or the Countersigning Officer must

underline the remarks with red ink. In case both of them fail to do so, then the remarks should be considered in the light of assessment recorded in other parts of the report. These may be considered adverse even if these have not been underlined with red ink, if these have been recorded when the officer reported upon is due for promotion and are consistent with assessment of the officer reported upon in other parts of the report. Since these remarks are capable of being used to the detriment of employees without their being necessarily adverse, utmost care should be taken while making any entry in Part-VI of the Annual Confidential Report form. This may please be brought to the notice of all concerned for strict observance.

No. SOR.IV(S&GAD) 14-30/91

Dated the 24th August 1991

Subject: ASSESSMENT OF ADVERSE REMARKS FOR PROMOTION
PURPOSE OF CIVIL SERVANTS

I am directed to state that the competent Selection Committee/Provincial Selection Board may come across cases where a civil servant has been rated as average in the column of the ACR pertaining to the overall grading even though his/her performance is reported upon as good in the other columns and the remarks contained in the 'pen picture' and 'assessment of performance' column also support this position. In order to resolve this discrepancy it has not been decided by the Competent Authority that when a Government employee is rated as 'average' by the reporting officer under the overall assessment column, consecutively over a number of years, the Departmental Promotion Committee/Selection Board should give due consideration to the entries in all other column in his/her ACRs as also suitably appraise the 'pen picture' in order to make a rational judgment in regard to the employee's promotion /move-over to a higher post/scale.

2. It has also been decided that where an officer receives two consecutive average reports the same should be brought to the notice of the civil servant concerned in an advisory capacity for enabling him to improve his quality of work.

3. I am to request that the above instructions may be brought to the notice of all concerned for guidance/compliance.

No. SOR.IV(S&GAD) 14-26/93

Dated the 28th December 1993

Subject: INITIATING/COUNTERSIGNING OF ACRs

I am directed to refer to the subject noted above and to state that the Provincial Selection Board in its meeting held in November, 1993 took a serious view while considering the following points:

- i) The overall grading in ACRs usually is not in consonance with the pen picture and assessment of performance.
- ii) In some cases, full name and designation along with signature and date are not legibly entered by the Reporting Officers/ Countersigning Officers.

- iii) In some cases of provincial officers, the Reporting Officers do not give their definite assessment about the integrity of the officers to be reported upon; and
- iv) The outstanding performance or below average performance (adverse) is not justified and reflected in the pen picture and assessment of performance.

2. You are requested to ensure that all the authorities under your administrative control comply with the instructions relating to the writing of confidential report, so that the lapses mentioned above do not occur in future.

No. SOR.IV(S&GAD) 14-4/95
Dated the 28th February 1995

Copy of Office Memorandum No. 1/14/94-T.I, dated 12.01.1995
from Muhammad Sadiq, Section Officer (T-I), Government of Pakistan,
Cabinet Secretariat, Establishment Division to All Ministries/Divisions/
Provincial Governments.

Subject: EVALUATION REPORTS OF THE NATIONAL MANAGEMENT
COURSE PARTICIPANTS

The undersigned is directed to inform that the Board of Governors of the Pakistan Administrative Staff College, Lahore, in its 43rd meeting held under the Chairmanship of the Prime Minister on 27th August, 1994, decided that Evaluation Reports of the participants of the National Management Course at the PASC should form an integral part of the Annual Confidential Reports of the officers and calculated in the blood count to enhance the seriousness of the course.

2. All Ministries/Divisions/Provincial Governments are requested to comply with the above decision and also apprise their concerned Departments/Organizations.

No. SOR.II(S&GAD) 2-63/97
Dated the 9th July 1997

Subject: INSTRUCTIONS REGARDING WRITING OF ACRS AND
INITIATING OF RELEVANT BOXES BY THE REPORTING
OFFICERS/COUNTERSIGNING OFFICERS

I am directed to refer to subject noted above and to state that during proceeding of Departmental Promotion Committee meetings while scrutinizing the service record of Government employees it has time and again been noticed that the relevant boxes of the parts of ACR forms are not initialed by the Reporting Officers/countersigning authorities and relevant boxes are tick-marked which create confusion for the members of the appropriate Committee/Board to decide as to whether these ACRs may be considered as complete/valid or otherwise.

2. I am further directed to draw your kind attention to paras 7 & 8 of the ACR Instructions for filling up the ACR forms, wherein it has clearly been enshrined that the ACRs should be initialed and rating in Part-II, III, IV & VI should be recorded by initialing the appropriate boxes. As such the ACRs tick-marked by the Reporting Officer/Countersigning Officer cannot be considered as complete/valid according to the procedure/policy laid down under the rules.

3. It is, therefore, requested that all the Reporting Officers/Countersigning Officers under your administrative control may kindly be directed to adhere to the Instructions contained in paras 7 and 8 of ACR Instructions so that this confusion may not arise at any level.

No.SOR.II(S&GAD) 4-43/96
Dated the 28th February 1997

Subject: EFFECT OF "AVERAGE" ACRs REGARDING GRANT OF MOVE-OVER

I am directed to refer to the subject noted above and to state that according to Court judgments it has been held that average reports would be considered to be 'generally good'. This decision has also been upheld by Supreme Court of Pakistan in C.P. No. 1345-L/1993. These decisions supported by the Supreme Court of Pakistan are binding on the Government according to the provisions of the Constitution of the Islamic Republic of Pakistan.

2. It is, therefore, clarified for guidance of all concerned that as and when a civil servant is reported to be an 'average' by reporting officer/countersigning officer as the case may be, such person so reported upon, is at par with his other fellow officers/officials for the purpose of financial/career advancement subject to determination of eligibility/suitability by the appropriate selection authority with the approval of the competent authority. 'Average report' by no means is adverse. All cases requiring referencing to the A.C.R. dossier should be decided in the light of decision of the honourable Courts, as mentioned above.

3. The above instructions should be brought to the notice of all concerned for strict compliance.

Copy of Office Memorandum No. 1/10/2000-D.S. (Coord), dated 04.09.2001 from Joint Secretary (CP), Establishment Division, Cabinet Secretariat, Government of Pakistan, Islamabad to the Chief Secretary, Punjab (Regulations Wing, S&GAD's Endst. No. SOR IV(S&GAD)14-4/85 Dated 2nd October 2001).

Subject: RATING OF PERFORMANCE EVALUATION REPORTS AS 'OUTSTANDING' AND 'VERY GOOD'

The undersigned has desired to refer to this office O.M. of even number dated 11th April 2001 and to say that during the review of Performance Evaluation System held by the Chief Executive, the competent authority was pleased to direct that the 'outstanding' and 'very good' rating in the Annual Confidential Reports should be given under exceptional circumstance and only after due justification has been provided by the Reporting/Countersigning Officers.

2. It is requested that the above instructions may also be brought to the notice of offices under your administrative control.

No. SOR.IV (S&GAD)14-6/92
Dated the 15th February 1999

Subject: WRITING OF ANNUAL CONFIDENTIAL REPORTS

I am directed to refer to the subject noted above and to state that a question has arisen as to whether a suspended civil servant can initiate/countersign the ACR of his subordinates. Since suspension means complete severance from duties, a suspended civil servant cannot perform any official function including writing of ACRs. As such, he cannot initiate/countersign ACR of his subordinates. Suspension is made initially for a period of three months but at times, it prolongs beyond all proportions. In such cases many civil servants are likely to suffer for want of ACR awaiting their promotion, grant of selection grade, move-over, etc.

2. It has, therefore, been decided that the next higher authority in such cases may initiate/countersign the report of the officer/officials concerned, provided he has an opportunity to see/supervise the work of the officers/officials reported upon for a minimum period of three months.

No. SO.CONF-II/5-2/93
Dated the 10th May 1999

Subject: COMPLETION OF ACRs FOR OFFICERS/OFFICIALS

I am directed to refer to the above noted above and to enclose a copy of D.O. letter No.6/1/79 A-II dated 28.04.1999 received from the Establishment Division, Government of Pakistan, for information and strict compliance.

CABINET SECRETARIAT, ESTABLISHMENT DIVISION, GOVERNMENT OF
PAKISTAN, ISLAMABAD, DATED THE 28TH APRIL 1999.

Subject: COMPLETION OF ACRs FOR OFFICERS/OFFICIALS

It has been noticed that contrary to the procedure contained in instructions issued by the Division, vide O.M. No. 6/179-A-II dated 20.02.1979, some of the political figures who ceased to hold office from 05.11.1996 are still initiating/ countersigning the Performance Evaluation Reports in respect of the officers who worked under them.

2. This is to reiterate in line with the instruction in force that the PERs initiated/countersigned by any political figure ceasing to hold office on 05.11.1996 and/or received after that date (although dated prior to 05.11.1996) will neither be treated as valid nor count towards assessment of officers covered by such reports.
3. To prevent the report period from being treated as blank, the assessment made by the last career civil servant prior to the remarks of the political figure shall be treated as final.
4. Please bring the above position to the notice of all officers working under your control for strict observance/compliance and also acknowledge receipt.

No. SOR.IV(S&GAD)14-12/06
Dated the 26th December 2006

Subject: CLARIFICATION REGARDING ADVERSE REMARKS IN
PERFORMANCE EVALUATION REPORTS (PERs)

Kindly refer to letter No. 3/40/2006-CP-II dated 07.11.2006 (copy enclosed) from Cabinet Secretariat, Establishment Division Government of Pakistan, Islamabad on the subject cited above.

2. The Establishment Division vide letter referred to above has inter alia observed that no value judgment as to whether or not a particular remarks is an adverse remark should be passed by the administrative departments without a reference to the countersigning officer. In this regard, the Establishment Division, has advised that whenever the remark generally regarded as adverse appears in the narration part of the PER/ACR forms (i.e. the officer's performance, integrity, pen picture, fitness for promotion etc.), the same may be processed as under:

- If the countersigning officer has underlined them in red ink, those must be conveyed to the officer reported upon in accordance with the laid down instructions
- If the countersigning officer has not underlined such remarks in red ink, the PER be returned to the countersigning officer to clarify as to whether those are adverse remarks or not within the meaning of Para 13 of the Instructions for filling up the ACR forms and if yes the same be underlined in red ink to compete the requirement of the said instructions. If the countersigning officer fulfills the requirements, then the said remarks be treated as adverse and communicated to the officer reported upon in accordance with laid down instructions. If the countersigning officer replies that those are not to be treated as adverse remarks, the fresh reply of the countersigning officer be treated as final and placed on record.

3. It is, therefore, requested that all the Administrative Departments/Attached Departments/Autonomous Bodies/Semi-Autonomous Bodies in the Punjab may also follow the aforementioned instructions/procedure in the situation highlighted above.

COPY OF GOVERNMENT OF PAKISTAN CABINET SECRETARIAT
(ESTABLISHMENT DIVISION) No. 3/40/2006-CP-II, Dated 07.12.2006.

Subject: CLARIFICATION REGARDING ADVERSE REMARKS IN
PERFORMANCE EVALUATION REPORTS (PERs)

The undersigned is directed to invite attention to the provisions regarding adverse remarks in the PERs contained in para 3.1(b)(ii) of the booklet titled "A Guide to Performance Evaluation", whereby the Countersigning Officer is required to underline in red ink the remarks, which in his opinion, are adverse and should be communicated to the officer concerned. In a number of cases, the Countersigning Officers do not fulfill this requirement. This situation leads to confusion on the part of the administrative Ministries concerned in deciding, whether certain remarks should be considered adverse or not.

2. Attention is also invited to the new PER forms for BS-17 and BS-19-20 which contain a part namely "Pen Picture". It has been laid down in the said part that weaknesses will not be considered as adverse entry unless intended to be treated as adverse.

3. The matter has been examined further in the Establishment Division and the view held is that no value judgment as to whether a particular remark is an adverse remark or not should be passed by officers of the administrative Ministry/Division/ Department without a reference to the countersigning officer. It is, therefore, clarified that whenever, the remarks generally regarded as adverse appears in the narration part of the PER forms (i.e. officer's Performance, Integrity, Pen Picture, Training and Development needs, Fitness for Promotion), the same be processed as under:

- If the countersigning officer has underlined them in red ink, those must be conveyed to the officer reported upon in accordance with the laid down instructions
- If the countersigning officer has not underlined such remarks in red ink, the PER be returned to the countersigning officer to clarify as to whether those are adverse remarks or not within the meaning of Para 13 of the Instructions for filling up the ACR forms and if yes the same be underlined in red ink to compete the requirement of the said instructions. If the countersigning officer fulfills the requirements, then the said remarks be treated as adverse and communicated to the officer reported upon in accordance with laid down instructions. If the countersigning officer replies that those are not to be treated as adverse remarks, the fresh reply of the countersigning officer be treated as final and placed on record.

4. The Ministries/Divisions are requested to ensure compliance of above mentioned procedure/clarifications and also being the same to the notice of all Attached Departments/Subordinate Offices under their administrative control for compliance.

No. SOR.IV(S&GAD)14-13/78(P)
Dated the 8th February 2008

Subject: RE-CLASSIFICATION OF PERFORMANCE EVALUATION REPORT FORMS

I am directed to refer to the subject cited above and to state that Performance Evaluation Report (PER) forms have currently been classified as “CONFIDENTIAL” and the word “CONFIDENTIAL” appears at the top of page 1 of PER forms. The competent authority has been pleased to allow re-classification of PER forms as “RESTRICTED” instead of “CONFIDENTIAL”. The PER forms, henceforth, should be used with new classification.

2. It is also requested that PER forms presently available with the Administrative Departments may be used by replacing the word “CONFIDENTIAL”, appearing at the top of page 1 of the forms, with the word “RESTRICTED”.

3. This may kindly be brought to the notice of all concerned for strict compliance.

No.SOR-IV(S&GAD)14-9/2008

Dated the 24th June 2008

Subject: PERFORMANCE EVALUATION REPORTS (PERs)

Kindly refer to the subject cited above.

2. Performance Evaluation Report (PER) is the most important document for objective assessment of the work and conduct of the officers reported upon. Moreover, quality of PER is the measure of competence of the Reporting Officer as well as the Countersigning Officer. It is imperative that utmost care should be exercised while recording the PER to include tangible results achieved, effectiveness in quality and quantity of outputs, propensity to cost effectiveness and adherence to time limits by the officer.

3. It has been observed that the instructions on ACR writing are not given due importance and PERs are recorded in a routine manner without proper evaluation and assessment. Such PERs are not a true reflection of the endeavours/efforts made by an individual in carrying out his day-to-day business, implementation of projects, service delivery and other related duties. The perfunctory appraisal is in a way a quick fill in the blanks rather than bringing out strengths and weaknesses, leadership qualities of an officer. While such reports fail to differentiate between good and bad officers, they also fail to provide the basis for an informal decision by PSB at the time of evaluation of officers for promotion.

4. The Chief Secretary, in a meeting presided over by him on 17.06.2008, desired the Administrative Secretaries to examine all reports of all officers in the promotion zone and decide after a careful consideration if a report is required to be referred back to the Reporting Officer. In case the report is returned, then specific area and grounds for reconsideration may be identified. For this purpose a reference to the columns relating to assessment of performance in Part-V of the PER proforma would be relevant for facility of reference and adequate compliance. The inspection of subordinate offices and field tours contained in the PER proforma also need attention for appropriate description.

5. The exercise has already been initiated in the S&GAD in respect of officers under their control and a few Reporting Officers have been informed of the deficiencies observed in the PERs initiated by them. Some of the observations made are reproduced below for guidance:

“In Part-V(a), the pen picture of the officer is meant to provide any strong or weak points as required in this section. However, it has simply been indicated that “he is successful both at the desk and in the field”, which is not an appropriate definition of the strong or weak points of the officer;

In Part-V(c), contribution of the officer to overall performance of office/district with reference to any numerical measure has not been indicated at all. It has been simply stated that “he conducted affairs of the Department effectively and impartially; and

In Part-V(e), it has been indicated that the officer was “regular” in inspections of subordinate offices, but no details/comments have been offered on steps taken for implementation of inspection reports or guidance provided to his subordinates. This may please be indicated in detail; and

Comments on Part-V(f) also do not indicate interest taken by the officer in systematic and regular field tours as only word “regular” has been mentioned therein. The same needs to be elaborated.”

6. It is, therefore, requested that necessary action for review of the PERs of the officers of your department may be initiated immediately with a view to provide the relevant form with adequate knowledge about competence, integrity and potential of the officers so that an informal decision is facilitated.

No.SOR-IV(S&GAD)14-15/2010

Dated the 2nd September, 2010

Subject: INTRODUCTION OF OUTSTANDING GRADING IN THE PERFORMANCE EVALUATION REPORTS FOR OFFICERS IN BS-16 AND ABOVE

Kindly refer to the subject noted above.

2. As per Performance Evaluation Report (PER) Form meant for the officers holding posts in BS-16 and above, general assessment is required to be recorded in Part-VI of the Form which is as under:

PART-VI

Comparing him with other officers of the same level and keeping in view the overall grading in Parts II, III and IV, give your general assessment of the officer by initialling the appropriate box below:

(a) Overall Grading

	By reporting Officer	By Counter- signing Officer
(i) Equalled by very few officers (Very Good)		
(ii) Better than the majority of officers (Good)		
(iii) Equals the majority of officers (Average)		
(iv) Meets bare minimum standards (Below Average)		
(v) Unsatisfactory (Poor)		

3. Quantification of PERs has been provided through the new Promotion Policy. Ten marks have been allocated for outstanding grading. Corresponding provision for outstanding assessment is, therefore, required to be made in the PERs forms.

4. The competent authority has been pleased to decide that where the Reporting and Countersigning Officers want to grade the officer as Outstanding, they may draw in their own hands another box in Part-VI of the PER Forms, initial it and write "Outstanding" on the descriptive side. They are also required to fully justify this assessment in Part-V (c) by the Reporting Officer and Part-VII (a) by the Countersigning Officer. Unless so justified, their assessment would be deemed to be Very Good carrying 8 marks.

5. Assessment for the year ending 31.12.2010 in the Performance Evaluation Reports meant for the officers in BS-16 and above shall be made keeping the above in view.

No.SOR-IV(S&GAD)14-2/89
Dated the 16th June, 2012

Subject: REVISION OF PERFORMANCE EVALUATION REPORT FORMS

Kindly refer to the subject noted above.

2. In pursuance of orders of the Chief Minister, Punjab, an exercise was undertaken to review the existing Performance Evaluation Report (PER) Forms and to devise new Forms for objective assessment of performance, especially relating to targets fixed and achieved by the employees. The Chief Minister, Punjab has been

pleased to approve the revised PER Forms. Following major changes have been made in the existing Forms for the officers in BS-16 and above:

- (a) Rating shades ('Very Good', 'Good', 'Average', 'Below Average' and 'Poor') have been reduced from five to three ('Very Good', 'Satisfactory' and 'Un-Satisfactory').
- (b) The Officer Reported upon has been asked to specify quantitative/ physical/financial targets/objectives set by the department and his achievements against each target. The Reporting Officer shall verify the achievements.
- (c) The Countersigning Officer has also been provided an opportunity to make assessment of integrity of officer reported upon.

3. The instructions to fill the Forms have also accordingly been revised. Copies of the revised Forms are enclosed. The Performance Evaluation Report Forms for BS-1 to 4 and BS-5 to 15 have also been revised for assessment of all categories of employees.

4. The quality of assessment made in the Performance Evaluation Reports of officers in all the departments may also be monitored by the Services and General Administration Department (S&GAD). The S&GAD may scrutinize randomly selected PERs completed on the revised Forms of different departments in order to ensure quality of assessment of performance in the light of para 31 of the Instructions About Confidential Reports.

5. **The revised Forms shall be used for performance assessment Year-2013.** Availability of PER Forms in offices under your control should be ensured by the end of January, 2013. The Performance Evaluation Reports for the Year 2012, however, shall be recorded on the existing Forms.

6. You are, therefore, requested to make arrangements to introduce the revised Performance Evaluation Report Forms for all categories of employees from the stipulated date. **Necessary targets for all officers may be fixed during the 1st week of January each year.** The Reporting Officers and Countersigning Officers may be familiarized with the revised arrangements through training in the training institutions.

7. You are further requested to kindly take necessary measures for implementation of the new performance evaluation system in letter and spirit.

No.SOR-IV(S&GAD)14-26/2001
Dated the 18th December, 2012

Subject: COMPLETION OF PERs OF CIVIL SERVANTS

Kindly refer to para-2 and 3 of the Instructions about Confidential Reports.

2. It has been observed that reports on the work and conduct of civil servants are not written and countersigned within the time frame prescribed for this purpose (schedule is below), due to which, promotion cases of Government servants are deferred by the competent authorities on account of incomplete service record. Consequently, the officers/officials suffer for no fault on their part. The piecemeal consideration of cases of concerned civil servants for promotion leads to frustration amongst them and leads to unnecessary litigation.

3. It is, therefore, requested that all Reporting/Countersigning Authorities under your administrative control may kindly be directly to strictly follow the prescribed time schedule for writing/countersigning of PERs of their subordinates. It may kindly be ensured that all the reports are completed and placed on the PER Dossiers within the prescribed time limit. A certificate about completion of PERs for the year 2012 should reach the Regulations Wing of S&GAD in the first week of February, 2013. The defaulting authorities should be brought to the notice of Government for appropriate disciplinary action.

TIME SCHEDULE FOR COMPLETION OF THE PROCESS OF WRITING OF ACRs

1. The officer to be reported upon should submit the ACR form after completing Part-I to the reporting officer on 1st day of January.
2. The Reporting Officer should record his remarks in appropriate parts by the end of 1st week of January and send the report to the Countersigning Officer by 8th January.
3. The Countersigning Officer should record his remarks by the end of second week of January and pass on the report to the 2nd Countersigning Officer if any, by 16th January.
4. The final Countersigning Officer should also record his remarks within one week.
5. Report writing should be completed within the month of January.

No. SOR.IV (S&GAD)14-16/2015
Dated Lahore the 16th March, 2017

Subject: FRAMING OF PER CHARTS FOR POSTS IN BS-16 AND ABOVE

Kindly refer to the subject noted above.

2. The Inter-Departmental Committee (IDC) to finalize PER Charts for the posts in BS-16 and above stands constituted vide Regulations Wing, S&GAD's circular letter dated 20.7.2005, as under:

1	Secretary, Regulations Wing, S&GAD.	Chairman
2	Additional Secretary (Reg.), S&GAD	Member
3	D.S. (Confidential), S&GAD	Member
4	A representative of the department concerned (not below the rank of Deputy Secretary)	Member
5	Any other member co-opted by the Department	Member
6	Section Officer (Reg-IV), S&GAD	Member/Secy

3. For all the posts below BS-16, the Administrative Department concerned was authorized to frame / finalize the revised PER Charts at their own level.

4. Consequent upon promulgation of the Punjab Local Government Act, 2013 and the Punjab Civil Administration Act, 2017, different authorities for initiating / countersigning / expunging of PERs have been changed. Therefore, the existing PER Charts are required to be revised.

5. All the Administrative Departments are, therefore, requested to submit proposals for framing / revision of PER charts for the posts in BS-16 and above to

the Regulations Wing, S&GAD for placing the same before the Inter-Departmental Committee (IDC) for consideration and approval.

6. As regards the posts below BS-16, similar exercise may be carried out by the Administrative Departments concerned at their own level.

7. In case, no change in PER Chart is required, Regulations Wing, S&GAD may also be informed.

No.SO (C-II) 1-515/2000
Dated Lahore the 12th May, 2017

SUBJECT: PERFORMANCE EVALUATION REPORTS

I am directed to refer to the subject noted above and to inform that the competent authority has been pleased to decide that consequent upon promulgation of the Punjab Local Government Act, 2013 and the Punjab Civil Administration Act, 2017, difference authorities for initiating/countersigning/expunging of PERs have been changed. Therefore, it is informed that Reporting Officer shall be Chairman of the Board of such companies and countersigning officers shall be Admin Secretary (for the PERs of CEO/CO etc.)

2. In view of the above, I am further directed to request that the PERs may be initiated/countersigned as per said decision.

M I S C E L L A N E O U S

**Punjab Essential Services
(Maintenance) Act, 1958**

ACT XXXIV OF 1958
WEST PAKISTAN ESSENTIAL SERVICES
(MAINTENANCE) ACT, 1958

An Act to provide for the maintenance of certain essential services.

(First published, after having received the assent of the Governor of West Pakistan, in the Gazette of West Pakistan on the 25th April, 1958).

No.Leg.1(34)/58, 25th April 1958, (Gazette, Extraordinary, 25th April 1958). The following Act having received the assent of the Governor of West Pakistan on the 25th April, 1958 and was published for general information in the Gazette.

Preamble – Whereas it is expedient to provide for the maintenance of certain essential services in *the Punjab;

It is hereby enacted as follows:

1. **Short title, extent and commencement** – (1) This Act may be called *the Punjab Essential Services (Maintenance) Act, 1958.

(2) It extends to the whole of *the Punjab, except the Federal Capital and the Special Areas.

(3) It shall come into force at once.

2. **Definitions** – In this Act, unless there is anything repugnant in the subject or context –

(i) “employment” means any service for which remuneration is received;

(ii) “essential service” means a service to the employment of which this Act applies;

(iii) “Government” means the *Provincial Government of the Punjab.

3. **Employment to which this Act applies** – This Act shall apply to all employment under the Government or any agency set up by it or a local authority or any service relating to transport or civil defence.

4. **Power to order persons engaged in certain employments to remain in specified areas** – (1) The Government or an officer authorized in this behalf by the Government may, by general or special order, direct that any person or persons engaged in any employment or class of employment to which this Act applies shall not depart out of such area or areas and for such period not exceeding three months as may be specified in such order.

*Substituted vide Punjab Laws (Adaptation) Order, 1974 (President Order No. 1 of 1974).

(2) An order made under sub-section (1) shall be published in such manner as the Government, or the officer making the order, considers best calculated to bring it to the notice of the persons affected by the order.

5. **Offences** – Any person engaged in any employment or class of employment to which this Act applies who –

- (a) disobeys any lawful order given in the course of such employment or attempts to persuade any person to disobey any such order; or
- (b) without reasonable excuse abandons such employment or absents himself from work; or
- (c) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the Government or the authority making that order, and any employer of a person engaged in an employment or class of employment to which this Act applies, who without reasonable excuse –
 - (1) discontinues the employment of such person; or
 - (2) by closing an establishment in which such person is engaged, causes the discontinuance of his employment; or
 - (3) discontinues or causes the discontinuance of an essential service is guilty of an offence under this Act.

Explanation 1 – The fact that a person apprehends that by continuing in his employment he will be exposed to increase physical danger is not reasonable excuse within the meaning of clause (b).

Explanation 2 – A person abandons his employment within the meaning of clause (b) who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer.

6. **Regulation of wages and conditions of service** – (1) The Government may make rules regulating or empowering specified authorities to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment to which this Act applies.

(2) When any such rules have been made, or when any directions regulating wages or conditions of service have been given by the authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act.

7. **Penalties and Procedure** – (1) Any person found guilty of an offence under this Act, shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to a fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director manager, secretary or other officer thereof shall unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No court shall take cognizance of an offence under this Act except upon complaint in writing made by an officer empowered by the Government in this behalf.

8. **Bar of legal proceedings** – No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith, done or intended to be done under this Act or the rules made thereunder.

9. **Saving of effect of laws imposing liability to national service** – Nothing contained in this Act or in any declaration or order made thereunder, shall have effect in derogation of any provision of law which is or may be for the time being in force, imposing upon a person engaged in an employment or class of employment to which this Act applies any liability to be called up for national service or to undertake employment in the national service.

10. **Repeal** – The North West Frontier Province Essential Services (Maintenance) Act, 1946 (*XII of 1946*), and the West Pakistan Essential Services (Maintenance) Ordinance, 1957 (*VII of 1957*) are hereby repealed.

ANCILLARY INSTRUCTIONS

THE PUNJAB ESSENTIAL SERVICES
(MAINTENANCE) ACT, 1958

Copies of Notifications:

- (1) No.SOXII-1-61/57, dated 29th May 1958;
- (2) No.SOXII-1-61/57-A, dated 29th May 1958;

Issued by Government of West Pakistan, Services and General Administration Department, addressed to all Secretaries to Government of West Pakistan and others concerned.

Subject: WEST PAKISTAN ESSENTIAL SERVICES (MAINTENANCE) ACT,
1958 – POWERS OF SUPERINTENDENTS OF POLICE AND
DISTRICT MAGISTRATES

In exercise of the powers conferred by sub-section (3) of Section 7 of the West Pakistan Essential Services (Maintenance) Act, 1958, the Governor of West Pakistan is pleased to empower the Superintendents of Police of all the Districts in West Pakistan (except the Federal Capital and Special Areas) to lodge complaints in writing in respect of the offences under the said Act committed within their respective jurisdiction.

2. In exercise of the powers conferred by sub-section (1) of Section 4 of the West Pakistan Essential Services (Maintenance) Act, 1958, the Governor of West Pakistan is pleased to authorize the District Magistrates of all the Districts in West Pakistan (except the Federal Capital and the Special Areas) to direct, by general or special order, any person or persons engaged in any employment or class of employment to which the said Act applies, not to depart out of such areas and for such period not exceeding 3 months as may be specified in such order.

**Ex-Government Servants
(Employment with Foreign
Government)
(Prohibition) Act, 1966**

**THE EX-GOVERNMENT SERVANTS
(EMPLOYMENT WITH FOREIGN GOVERNMENTS)
(PROHIBITION) ACT, 1966**

ACT NO.XII OF 1966

*An Act to prohibit ex-Government servants from seeking or taking up employment with a foreign Government or foreign agency.

Whereas in the interest of the security of Pakistan, it is expedient to prohibit ex-Government servants from seeking or taking up employment with a foreign Government or foreign agency;

And whereas the national interest in relation to the security of Pakistan requires Central legislation in the matter under clause (2) of Article 131 of the Constitution;

It is hereby enacted as follows:

1. **Short title, extent and commencement** – (1) This Act may be called the Ex-Government Servants (Employment with Foreign Governments) Prohibition Act, 1966.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions** – In this Act, unless there is anything repugnant in the subject or context, –

- (a) “ex-Government servant” means any person who was at any time, appointed or employed as an officer or servant of the Central Government or a Provincial Government and has ceased to be so appointed or employed;
- (b) “foreign agency” means any office or establishment of the diplomatic or consular representative of a foreign Government by whatever name called, and includes any information, public relations, trade or commercial agency, service centre or foundation established or maintained by any such Government or by any person who is a national of a foreign country; and
- (c) “foreign Government” means the Government of a foreign country.

3. **Prohibition of employment, etc.** – (1) No ex-Government servant shall, except with the previous permission in writing of the Central Government, seek or take up employment as an officer or servant of a foreign Government or a foreign agency.

(2) No ex-Government servant who is, at the commencement of this Act, in the service of a foreign Government or a foreign agency shall, except with

*The Act was published in the Gazette of Pakistan, Extraordinary, 7th July 1966.

the permission in writing of the Central Government, continue in such service after the expiry of three months from such commencement.

*4. **Penalty**— Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to fifty thousand rupees, or with forfeiture of property, or with any two or more of the said punishments.

* Authority: Ordinance No. XI of 1982 dated the 18th May 1982.

The Punjab Service Tribunals Act, 1974

The Punjab Service Tribunal Bill, 1974 having been passed by the Provincial Assembly of the Punjab on the 5th day of June, 1974 and assented to by the Governor of the Punjab on the 20th Day of June, 1974, is hereby published as an Act of the Provincial Legislature of the Punjab.

THE PUNJAB SERVICE TRIBUNALS ACT, 1974
PUNJAB ACT NO. IX OF 1974

(First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated the 20th June 1974)

AN
ACT

to provide for the establishment of Service Tribunals to exercise jurisdiction regarding matters relating to the terms and conditions of service in respect of services of the Province of the Punjab.

WHEREAS it is expedient to provide for the establishment of Service Tribunals to exercise exclusive jurisdiction regarding the matters relating to the terms and conditions of service in respect of the services of the Province of the Punjab and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

1. (1) This Act may be called the **Punjab *Service Tribunals Act, 1974**.
- (2) It shall come into force at once.
- (3) It applies to all civil servants wherever they may be.
2. In this Act, unless there is anything repugnant in the subject or context:
 - (a) “Chairman” means the Chairman of the Tribunal;
 - (b) “Civil Servant” means a person who is or who has been a member of a civil service of the Province or who holds or has held a civil post in connection with the affairs of the Province but does not include:
 - (i) a person who is or who has been on deputation to the Province from the Federation or any other Province or authority;
 - (ii) a person who is or has been employed on contract, or on work-charged basis, or who is or has been paid from contingencies; or

*Substituted for the word “Administrative” vide the Punjab Administrative Tribunals (Amendment) Act, 1975.

- (iii) a person who is or has been a “worker” or “workman” as defined in the Factories Act, 1934 (*XXV of 1934*) or the Workmen's Compensation Act, 1923 (*VIII of 1923*);
- (c) “Government” means the Government of the Punjab;
- (d) “Governor” means the Governor of the Punjab;
- (e) “Member” means the Member of the Tribunal;
- (f) “Registrar” means the Registrar of a Tribunal and includes any other person authorized by a Tribunal to perform the functions and duties for the Registrar; and
- (g) “Tribunal” means a Service Tribunal established by this Act, or a Bench thereof.

*3. **Tribunals** – (1) The Governor may, by notification in the official Gazette, establish one or more Service Tribunals, and, where there are established more than one Tribunal, the Governor shall specify in the notification the class or classes of civil servants in respect of whom all the territorial limits within which or the class or classes in respect of which each such Tribunal shall exercise jurisdiction under this Act.

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, including disciplinary matters.

(3) A Tribunal shall consist of:

- (a) A Chairman, being a person who has been or is qualified to be judge of a High Court; and
- (b) two members each of whom is a person who possesses such qualifications as may be prescribed by rules.

(4) The Chairman and members of a Tribunal shall be appointed by the Governor on such terms and conditions as he may determine.

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the Governor.

(6) The Chairman or a member of a Tribunal shall not hold any other office of profit in the service of Pakistan if his remuneration is hereby increased.

(7) Notwithstanding anything contained in sub-section (3), sub-section (4), sub-section (5) or sub-section (6), a Tribunal established to exercise jurisdiction in respect of a specified class or classes of cases, may consist of one or more persons in the service of Pakistan to be appointed by the Governor.

*The entire Section 3 substituted vide section 3 of the Punjab Administrative Tribunals (Amendment) (Act XXVI of 1975).

***3-A Constitution of Benches –**

- (1) Notwithstanding anything contained in section 3, the Chairman may constitute a Bench consisting of himself or one member only or two Members without the Chairman or the Chairman and a Member and when so constituted a Bench shall be deemed to be a Tribunal.
- (2) If a Bench is unable to arrive at a unanimous decision in an appeal, the matter shall be placed before the full Tribunal and the decision of the Tribunal shall be expressed in terms of the opinion of the majority;

Provided that if the Chairman or the Member who was not already on the Bench cannot be associated or is unable for any reason to take part in the hearing of the appeal, the decision of the Tribunal shall be expressed in terms of opinion of the senior member of the Bench.

- (3) The Chairman may, at any stage of hearing of an appeal, withdraw it from the Tribunal and entrust it to a Bench or may withdraw any appeal pending before a Bench and make it over to another Bench or to the Tribunal.

@4. Appeals to Tribunal – (1) Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the appropriate Tribunal, whichever is later prefer an appeal to the Tribunal;

Provided that –

- (a) Where an appeal, review or representation to a departmental authority is provided under the Punjab Civil Servants Act, 1974 or any rules against any such order no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to a departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was so preferred;
- (b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher grade; and
- (c) no appeal shall lie to a Tribunal against an order or decision of departmental authority made at any time before the 1st July 1969.

*Inserted, vide Section 2 of the Punjab Service Tribunals (Amendment) Ordinance, 1980 (Punjab Ordinance No. II of 1980).

@ Inserted, vide Section 2 of the Punjab Service Tribunal (Amendment) Ordinance, 1980 (Punjab Ordinance No. II of 1980).

(2) Where the appeal is against an order or decision of a departmental authority imposing a departmental punishment or penalty on a civil servant, the appeal shall be preferred –

- (a) in the case of a penalty of dismissal from service removal from service, compulsory retirement or reduction to a lower post or time scale or to a lower stage in a time scale, to a Tribunal referred to in sub-section (3) of Section 3; and
- (b) in any other case, to a Tribunal referred to in sub-section (7) of section 3 and where no such Tribunal is established, to a Tribunal established under sub-section (3) of that section.

Explanation – In this section “departmental authority” means any authority, other than a Tribunal which is competent to make an order in respect of any of the terms and conditions of civil servants.

5. **Powers of Tribunals** – (1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) A Tribunal shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure, 1908 (*Act V of 1908*) including the powers of –

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents; and
- (c) issuing commission for the examination of witnesses and documents.

(3) No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document in, or obtaining any document from a Tribunal.

*6. Deleted.

*7. Deleted.

8. **Abatement of suits and other proceedings** – All suits, appeals and applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the establishment of the appropriate Tribunal shall abate on the establishment of such Tribunal;

Provided that any party to such a suit, appeal or application may, within ninety days of establishment of the appropriate Tribunal, prefer an appeal to it in respect of any such matter which is in issue in such suit, appeal or application.

9. **Applicability of the Provisions of the Limitation Act, 1908** – The provisions of section 5 and 12 of the Limitation Act, 1908 (*IX of 1908*), shall apply to appeals under this Act.

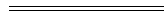
10. **Repeal and transfer of cases** – (1) The Punjab Civil Services (Appellate Tribunals) Ordinance, 1970 (*Punjab Ordinance No.IV of 1970*) is hereby repealed.

*Section 6 and Section 7 deleted, vide Section 5 of the Punjab Administrative Tribunals (Amendment) Act, 1975.

(2) All cases pending before the Tribunal established under the Punjab Civil Services (Appellate Tribunals) Ordinance, 1970 shall stand transferred to such Tribunal or the Tribunals established under this Act as Government may direct.

11. **Rules** – Government, may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

12. **Repeal of Punjab Ordinance No.V of 1974** – The Punjab Administrative Tribunals Ordinance, 1974 (*Punjab Ordinance No.V of 1974*) is hereby repealed.



Punjab Service Tribunals (Procedure) Rules, 1975

In exercise of the powers conferred by Section 11 of the Punjab Service Tribunal Act, 1974, (*Punjab Act, No. IX of the 1974*), the Governor of the Punjab is pleased to make the following rules, namely –

THE PUNJAB SERVICE TRIBUNALS (PROCEDURE) RULES, 1975

These rules may be called the Punjab Service Tribunals (Procedure) Rules, 1975.

2. (1) In these rules, unless there is anything repugnant in the subject or context:
 - (a) “Act” means the Punjab Service Tribunal Act, 1974 (*Act No. IX of 1974*);
 - (b) “Chairman” means the Chairman of a Tribunal;
 - (c) “Member” means a member of a Tribunal and includes the Chairman; and
 - (d) “Registrar” means the Registrar of a Tribunal and includes any other person authorized by the Tribunal to perform the functions of the Registrar under these rules.
3. Words and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.
4. (1) The permanent seat of a Tribunal shall be at a place which the Government may, by notification in the official Gazette, appoint.
 - (2) A Tribunal shall ordinarily hold its sittings at its permanent seat but it may hold its sittings at any other place within its jurisdiction if in its opinion the holding of sittings at such other place will be convenient to the parties to the proceedings before it.
5. (1) A Tribunal shall ordinarily observe the same hours as are observed by the offices of the Government.
 - (2) A Tribunal shall observe the holidays notified by the Government.
6. (1) An appeal to a Tribunal may be sent to the Registrar by registered post acknowledgment due or presented to him during office hours either by the appellant personally or through his advocate.
 - (2) Appeals presented to or received by any member shall be deemed to be properly presented or received under this rule.
7. Every memorandum of appeal shall:
 - (a) be legibly, correctly and concisely written, type-written or printed;
 - (b) divided into paragraphs, numbered consecutively, each paragraph containing, as nearly as may be, a separate assertion or averment;

- (c) contain the full name official designation and place of posting of each party;
- (d) clearly set out the relief claimed;
- (e) be accompanied by –
 - (i) a copy of the final order, whether original or appellate, and any other order of the competent authority in respect of any of the terms and conditions of service of the appellant against which the appeal is preferred; and
 - (ii) copies of rules, orders and other documents on which the appellant proposes to rely in support of his claim;
- (f) be signed or thumb–impressed by the appellant; and
- (g) be accompanied by three spare copies of the memorandum of appeal and as many other copies thereof, duly signed or thumb impressed by the appellant and accompanied by the documents referred to in clause(e), as there are respondents:

Provided that where a Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in clause (e), it may waive the provisions of the clause.

8. In every memorandum of appeal, the competent authority against whose orders the appeal is preferred and any other party to the dispute shall be shown as respondents.

9. Where an appeal is presented after the period of limitation prescribed in the Act, it shall be accompanied by a petition, supported by an affidavit setting forth the cause of delay.

10. No Court–fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document with a Tribunal.

11. (1) The Registrar shall scrutinize every memorandum of appeal received by him, and shall:

- (i) If it is drawn up in accordance with the provisions of rule 6, cause it to be registered in the register, of appeals, to be maintained in form appended to these rules and shall, with the approval of the Chairman, fix a date for its preliminary hearing before the Tribunal; and
- (ii) If it is not drawn up in accordance with the provisions of rule 6, return it to the appellant for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, which shall in no case be less than fourteen days pointing out the deficiency.

(2) If the memorandum of appeal is not resubmitted within the period specified under clause (ii) of sub rule (i), the appeal shall stand dismissed.

12. (1) A Tribunal may, after hearing the appellant or his advocate, dismiss the appeal in limine.

(2) If the appeal is not dismissed in limine, notices of admission of appeal and of the day fixed for its hearing shall subject to the provisions of sub-rule (3), be served on the appellant, the respondents and on such other persons as the Tribunal may deem proper.

(3) The appellant shall within one week of the receipt of the notice of admission of his appeal or within such extended period as may be allowed by the Registrar, deposit with the Registrar:

- (a) case security for costs in the sum of Rs.100/- and
- (b) cost of service of notice on the respondents.

(4) If the appellant does not comply with the provisions of sub-rule (3) his appeal may be dismissed by the Tribunal.

13. (1) A notice under sub-rule (2) of rule 11 shall be in such form as may be laid down by a Tribunal and may be served by Registered Post or in any other manner, including publication in one or more daily newspapers, as the Tribunal may direct;

Provided that a notice shall not be issued for publication in a newspaper until the costs of such publication are deposited by the appellant.

(2) The notice to a respondent shall, except where it is published in a newspaper, be accompanied by a copy of the memorandum of appeal and of the documents appended thereto.

(3) Service of notice in accordance with the provisions of this rule shall be deemed to be due notice, and it shall not be necessary to prove that a party has actually received the notice.

14. (1) A respondent on whom a notice of appeal has been served under rule 12, may send his objections to the appeal by registered post acknowledgement due to the registrar so as to reach him, or deliver the same to the Registrar either personally or through his advocate, not later than seven days before the date specified in the notice for hearing of the appeal, or within such extended period as may be allowed by the Registrar.

(2) The objection shall be legibly, correctly and concisely written, type written or printed, shall be signed by the respondent or by a person authorized by him in that behalf and shall be accompanied by a copy of every document on which the respondent wished to rely in support of his objections.

(3) The written objections shall be accompanied by four spare copies thereof, complete in all respects, for use of the members of the Tribunal and the appellant.

(4) In case objections are not received or delivered within the time allowed under sub-rule (1) the respondent may be proceeded against ex party.

15. Question arising for determination by a Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits, but the Tribunal may direct that

such questions as it may consider necessary shall be decided on such other evidence and in such manner as it may deem fit.

16. (1) An application for summoning witnesses before a Tribunal shall be made as soon as possible after the issue of notice of admission of appeal under rule 11 and shall state:

- (a) the names, designations and addresses of the witnesses to be summoned; and
- (b) a brief resume of the evidence which each witness is expected to give.

(2) If the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule (1) may be of material assistance in the disposal of an appeal before it shall direct him to be summoned on a date to be fixed by the Tribunal and direct that the daily allowance and traveling charges of such witness should be deposited by the person calling him within seven days of the date of the order.

(3) The Tribunal may, by general or special order prescribe the rates of daily allowance and traveling charges to be paid to witnesses summoned by it.

(4) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness within the period specified in sub-rule(2), or within such extended period as may be allowed by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(5) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct him to be summoned.

(6) Where the Tribunal summons a witness under the provisions of sub-rule (5):

- (a) If such witness is a Government servant, his traveling and daily allowances, if any, shall be payable by the Government as required by the provisions of the T.A. Rules applicable to such servant; and
- (b) If such witness is a private person, his traveling and daily allowance shall be payable by such party and to such extent as may be determined by the Tribunal.

17. (1) A person for service on a witness of high rank shall be sent in the form of a letter.

(2) Except in urgent cases or as may otherwise be ordered by a Tribunal a summon to a Government servant shall be served through the Head of his office.

18. (1) Daily Cause list shall be prepared under the orders of the Registrar which shall be affixed on the notice board of the Court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases shall be set down in the Cause List in the Order of the date of admission.

19. (1) Evidence of a witness examined by a Tribunal shall be taken down under the superintendence of a Tribunal ordinarily in the form of a narrative, and shall be signed by the members of the Tribunal and shall form part of the records.

(2) The parties or their advocates may suggest any questions to be put to a witness and a member, may, besides such questions, put any other questions to the witness.

(3) A Tribunal may, in the interest of justice, close the evidence of any party if in its opinion the production or continuation of such evidence would involve inordinate delay or unnecessary expenses.

(4) The Tribunal may record such remarks as it thinks material respecting the demeanor of any witness while under examination.

20. (1) If, on the date fixed for the hearing of an appeal, or on any other subsequent date to which the hearing may have been adjourned, the appellant or his advocate is not present before a Tribunal, the Tribunal may dismiss the appeal or, if it thinks fit, may proceed to hear the other party and decide the appeal.

(2) If, on the date fixed for the hearing of an appeal or on any subsequent date to which the hearing may have been adjourned, the respondent or any one or more of the respondents in case there are more than one respondents, or his or their advocates are not present before the Tribunal, the Tribunal may hear the appeal ex parte against all or any of the respondents who, and whose advocates, are so absent.

(3) Where an appeal has been dismissed under sub-rule (1) or ex-parte proceedings have been taken under sub-rule (2), the Tribunal may, on such order as to costs as it may deem fit, restore the appeal or, as the case may be, set aside the ex parte order or allow the defaulting party to rejoin the proceedings.

21. (1) A Tribunal may make such order as to costs of proceedings before it as it may deem fit and such costs shall be paid out of the cash security deposited under clause (a) of sub-rule 3 of rule 11.

(2) If, after deduction of the costs of proceedings under sub-rule (1), any amount deposited under clause (a) of sub-rule (3) of rule 11 remains unutilized, it shall be returned to the appellant.

22. A copy of every order of final adjudication on an appeal shall be furnished by a Tribunal, free of costs, to the competent authority concerned.

23. Clerical or arithmetical mistakes arising in an order of final adjudication from any accidental slip or omission may, at any time, be corrected by a Tribunal either on its own motion or on an application made by any of the parties:

Provided that every such application shall be duly supported by an affidavit.

*24. If a Tribunal is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the view of the majority.

25. If any member of a Tribunal, for any reason, is unable to take part in the proceedings of the Tribunal, other member or members, as the case may be, may hear or continue to hear the appeal and dispose it of finally.

26. A casual vacancy in the office of the Chairman or a member of a Tribunal caused by the absence on leave or otherwise of the Chairman, or as the case may be, a member may be filled by the Governor for a specified period by appointment of a person who is qualified to be the Chairman or, as the case may be, a member of a Tribunal.

27. A tribunal may issue instructions in regard to supply of copies to an inspection of record by parties to proceedings before it.

*Substituted vide Notification No. SOR.III (S&GAD) 1-1041-73 dated 08.07.1979.

FORM "A"
REGISTER OF APPEALS

(See Rule 10)

Sr. No.	Date of presentation of appeal	Name and address of the appellant	Name and address of the respondent	Date of registration of the appeal	Whether admitted or dismissed in limine with date of order	Amount of cash security and costs deposited by the appellant	Date of final order	Brief substance of the final order	Date on which copy of the final order sent to the competent authority
1	2	3	4	5	6	7	8	9	10

ANCILLARY INSTRUCTIONS

**THE PUNJAB SERVICE TRIBUNALS
(PROCEDURE) RULES, 1975**

Subject: IMPLEMENTATION OF DECISIONS OF PUNJAB SERVICE
TRIBUNAL

It has come to the notice of Government that final orders passed by Punjab Service Tribunal on appeals of civil servants have not been implemented in certain cases. According to Punjab Service Tribunal Act, 1974, the Tribunal has the powers of a civil court for the purpose of deciding an appeal of a civil servant in respect of any condition of his service. Appeals against the orders of the Tribunal lie to the Supreme Court. It is, therefore, imperative that the orders of the Tribunal must be implemented if it is not considered a fit case for appeal to the Supreme Court.

2. The Chief Secretary has desired that the Administrative Secretaries should ensure that orders of the Tribunal are implemented and a case report about all orders announced by the Tribunal so far should be furnished by the Administrative Departments within fourteen days of the receipt of this letter. In case there are any good grounds for not implementing the orders, these should be clearly brought out in the report.

3. Failure to comply with the above instructions would be reflected in the Annual Confidential Report of officer concerned.

No.SOR-III-1-18/74(Pt-II)
Dated the 12th February 1978

In pursuance of clause (b), Sub-section (3) of Section 3 and in exercise of the powers conferred by Section 11 of the Punjab Service Tribunals Act, 1974, the Governor of the Punjab is please to make the following rule:

- (1) These rules may be called the Punjab Service Tribunals (Qualifications of Members) Rules, 1978.
- * (2) A Member of the Tribunal shall be a person who is or has been or is eligible for appointment as Secretary to the Provincial Government and has rendered at least 18 years service in posts carrying Basic Pay Scale 17 and above.

*Substituted vide No.SOR-IV(S&GAD) 1-18/74 dated 24.03.1984.

PUNJAB GOVERNMENT SERVANTS BENEVOLENT FUND

**THE *PUNJAB GOVERNMENT SERVANTS
BENEVOLENT FUND ORDINANCE, 1960**

(W. P. Ordinance XIV of 1960)
23rd April, 1960

An Ordinance to constitute a Benevolent Fund for relief of Government servants and their families—

Preamble.— WHEREAS, it is expedient to constitute a Benevolent Fund for relief of Government servants and their families in the manner hereinafter appearing;

Now, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958 and in exercise of all powers enabling him in this behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**— (1) This Ordinance may be called the *(Punjab) Government Servants Benevolent Fund Ordinance, 1960.

(2) It shall apply to all Government servants, as hereinafter defined; provided that Government may, by notification, except ** (any class) of Government servants from the operation of this Ordinance.

(3) It shall come into force on such date as Government may, by notification appoint.

2. **Definition.**— In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) “family” in relation to a Government servant means his or her—
 - i) Wife or wives or husband, as the case may be;
 - ii) Legitimate children and step children less than twelve years old;
 - iii) Legitimate children and step children not less than twelve years old, if residing with and wholly dependent upon him or her;
 - iv) Parents, sisters and minor brothers, if residing with and wholly dependent upon him or her.
- (b) “fund” means the fund constituted under this Ordinance;
- (c) “gazetted Government servant” means a Government servant holding a post declared to be a gazetted post by Government or any authority empowered by Government in this behalf;
- (d) “Government” means the *(Provincial Government of the Punjab);
- (e) @”Government servant” means:—

*Substituted by the Punjab Laws (Adaptation) Order, 1974 for “West Pakistan”

** Government Servants in Police Department and such Government Servants of Anti-Corruption Department as are contributing towards the Police Welfare Fund, all officers and men of West Pakistan Rangers, Advocate General and Additional Advocate General Punjab, Public Prosecutors, Additional and Assistant Public Prosecutors exempted from the provision of the Ordinance.

@Substituted by the West Pakistan Government servant’s Benevolent Fund (Amendment) Ordinance 1962.

- i) a person who is a member of a civil service of the province; or
- ii) a person who holds any civil post in connection with the affairs of the province, including a member of the Civil Service of Pakistan who has opted for the fund, but excluding any other servant of Pakistan;
- (f) “non-gazetted Government servant” means a Government servant other than a gazetted Government servant;
- (g) “prescribed” means prescribed by rules made under this Ordinance.

3. **Fund.**— (1) As soon as may be, Government shall constitute a fund to be known as the * (Punjab) Government Servants Benevolent Fund.

(2) The Fund shall be divided into two parts; Part-I for gazetted Government servants and Part-II for non-gazetted Government servants.

(3) Each part of the Fund shall consist of—

- a) ** (compulsory contributions recovered from) the Government servants at such rates as Government may, from time to time, prescribe;
- b) Such grants as may, from time to time, be made by Government;
- c) Other contributions and donations;
- d) Income from investments made under this Ordinance.

(4) The money credited to the Fund shall be held in such custody as may be prescribed.

4. **Utilization of the Fund.**— The Fund shall be utilized for—

- a) The relief of Government servants and their families by—
 - i) giving financial assistance to the families of deceased Government servants;
 - ii) giving financial assistance to Government servants invalidated out of service;
 - iii) making special grants to Government servants in exceptional cases;
- b) Defraying expenditure incurred in respect of management of the Fund.

Explanation— The benefit admissible under this section will be in addition to the pensions, family pension or gratuities awarded under the rules regulating the conditions of service of Government servants.

5. **Accounts and Audit.**— (1) All contribution ♦ (recovered) under clause (a) of sub-section (3) of Section 3 shall be deducted at the source from the salaries of the Government servants concerned.

*Substituted by the Punjab Laws (Adaptation) Order, 1974 for “West Pakistan”

**Substituted by the West Pakistan Government servant’s Benevolent Fund (Amendment) Ordinance 1962 for the words “contributions made by”.

(2) The Accountant General, *(Punjab) shall be responsible for keeping the accounts of the Fund. Audit of the assets of and expenditure from the Fund will be conducted by such authority as may be prescribed.

6. **Constitution and powers of the Boards of Management.**— (1) As soon as may be, Government shall, in such manner as may be prescribed, constitute the following Boards of Management, namely:—

- a) the Provincial Board of Management (gazetted);
- b) the Provincial Board of Management (non-gazetted);
(and)
- c) a**District Board of Management for each District; and
- d) ♣the Secretariat Board of Management.

(2) Subject to such directions as may be issued by Government and such rules as may be made in this behalf—

- (a) the Provincial Board of Management (gazetted) shall be responsible for management of Part I of the Fund and shall have the powers to invest money credited to that part of the Fund and to incur expenditure therefrom;
- (b) the Provincial Board of Management (non-gazetted) shall be responsible for management of Part II of the Fund and shall have the powers to invest moneys credited to that part of the Fund and to make allocations therefrom to **District Boards of Management;
- (c) a **District Board of Management shall, subject to such directions as may be issued by the Provincial Board of Management (non-gazetted), deal with all matters connected with Part II of the Fund ♥{except in so far as it concerns non-gazetted servants serving or employed in the *(Punjab Secretariat)}, and in particular shall have the power to sanction expenditure from the allocations made to it by that Board;
- (d) ♣the Secretariat Board of Management shall, subject to such directions as may be issued by the Provincial Board of Management (non-gazetted), deal with Part II of the Fund in so far as it concerns the non-gazetted Government servants serving or employed in the *(Punjab Secretariat), and in particular shall have the power to sanction expenditure from the allocations made to it by that Board.
- (e)

♠Substituted for the word “made” by the West Pakistan Government servant’s Benevolent Fund (Amendment) Ordinance 1962.

*Substituted by the Punjab Laws (Adaptation) Order, 1974 for “West Pakistan”

**The word “Divisional” substituted with the word “District” by the Punjab Government Servants Benevolent Fund (Amendment) Ordinance, 2001.

♣Added vide West Pakistan Government Servants Benevolent Fund (Amendment) Ordinance, 1969.

♥Inserted *ibid*.

♠Added vide West Pakistan Ordinance XXIII of 1969.

*6-A. **Power to recover rents and lease-moneys as arrears of land revenue.**— Any sum due as rent or lease money in respect of property acquired or constructed by a Board of Management constituted under section 6 and the Management whereof vests in any such Board, if not paid within thirty days of its having become due, may notwithstanding anything contained in any law, decree or order of any court, agreement, deed or instrument, be recovered as arrears of land revenue.

6-B. **Protection of action taken under this ordinance.— No suit, prosecution or other legal proceedings shall be instituted against a Board of Management constituted under section 6 or against any officer or servant of such Board for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

7. **Power to make rules**—Government may make rules for bringing into effect the provisions of this Ordinance.

*Inserted vide West Pakistan Government Servants Benevolent Fund (Amendment) Ordinance, 1969.

**Added vide West Pakistan Ordinance XXIII of 1969.

**THE PUNJAB GOVERNMENT SERVANTS
BENEVOLENT FUND RULES, 1960**

In exercise of the powers conferred on him by Section 7 of the Punjab Government Servants Benevolent Fund Ordinance, 1960, the Governor of West Pakistan is pleased to make the following rules namely:—

Short title and commencement — (1) These rules may be called the Punjab Government Servants Benevolent Fund Rules, 1960.

(2) They shall come into force on the Twenty seventh day of December, 1960.

2. **Rate of Contribution**— (1) *In case of employees in grade 1 and above, the rate of contribution to the Fund both for Part I and Part II shall be three per cent of pay rounded to the nearest rupee.

Note— The revised rate of contribution shall take effect from 01.10.2007.

Note— For the purpose of this rule “pay” means the amount drawn monthly by a Government Servant as—

- i) the pay, other than Special Pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in officiating capacity or to which he is entitled by reason of his position in a cadre;
- ii) overseas pay, technical pay, special pay and personal pay; and
- iii) any other emoluments which may be specially classed as pay by the competent authority.

3. **Deductions**— Contribution to the Fund shall be made—

- i) In the case of Gazetted Government Servants, by deduction of the amounts by the Gazetted Government Servant from their pay bills.
- ii) In the case of non-Gazetted Government Servants by deduction of the amounts by the Drawing Officers from the pay bills of the non-Gazetted Government Servants.

4. **Contribution by Government Servants transferred to foreign service**— When a Government Servant is transferred to foreign service he shall remain subject to these rules in the same manner as if he was not so transferred, and his contribution during such period shall be remitted by the employer to the Audit Officer in whose jurisdiction he was serving immediately before he was so transferred.

4-A. **A member of the Civil Service of Pakistan** who has opted for the Fund shall cease to be entitled to the benefits under the Ordinance as soon as he ceases same in the case of death, to hold any post in connection with the affairs of the Province.

5. **Head of Account**— The amounts so deducted shall be credited to the minor head “Punjab Government Servants Benevolent Fund” under the major head “P-Deposits and Advances-E-Reserve Fund”. There shall be two sub-heads under the

*Substituted vide Notification No. BF.674/07 dated 31.12.2007.

minor head and sub-head for Part I of the Fund and the other for Part II of the Fund. Separate accounts of the two parts of the Fund in respect of the transactions relating to each audit circle shall be maintained by the respective area audit and accounts offices.

6. **The amount deducted** as aforesaid shall be checked by the audit office in the case if payments made at Lahore, and by the Treasury Officer in the case of payments made in their respective districts.

7. **Constitution of Board of Management** — (1) The Provincial Board of Management (Gazetted) shall consist of –

- a) Chief Secretary to Government of Punjab (Chairman);
- b) Additional Chief Secretary to Government of Punjab (Vice Chairman);
- c) Member Consolidation Board of Revenue;
- d) Secretary to Government of Punjab, Finance Department;
- e) Secretary to Government of Punjab, I & P Department;
- f) Secretary to Government of Punjab, Health Department; and
- g) Deputy Secretary @@(Fund) to Government of Punjab, S&GAD.

(2) The Provincial Board of Management (Non-Gazetted) shall consist of –

- (a) Chief Secretary to Government of Punjab (Chairman);
- (b) Additional Chief Secretary to Government of Punjab (Vice Chairman);
- (c) Secretary to Government of Punjab, Finance Department;
- (d) Secretary to Government of Punjab, Communication and Works Department;
- (e) Deputy Secretary @@(Fund) to Government of Punjab, S&GAD; and
- (f) Such Government Servants as Government may from time to time appoint.

(3) Each *District Board of Management shall consist of–

- (a) The District Coordination Officer of the District (Chairman).
- (b) ¹¹not more than five other non-Gazetted Government servants including two women who shall be appointed by the Government on the recommendation of the Chairman.; and.

(4) The Secretariat Board of Management shall consist of –

- (a) Secretary to Government of Punjab, Services and General Administration Department (Chairman).
- (b) Such other Government Servants not exceeding three in number as Government may from time to time appoint.

8. **Meeting of the Boards**— (1) Each Board referred to in Rule 7 shall meet for the transaction of business at least once in every three months and at such other times as its Chairman calls a meeting thereof.

@@Substituted for the word “Welfare” vide Notification No.SOWF.III (S&GAD) 3–8/90, dated 04.09.1990.

*The word “Divisional” wherever occurring was substituted with the word “District” vide Notification No.SOP.IV (S&GAD)2001 (WF), dated 07.12.2001.

¹¹ In Rule 7, sub rule (3) of **clause (b)** substituted vide letter No.BF-61/14 dated 12.06.2014.

(2) The Chairman and any two members of the Board shall form the quorum.

(3) Decisions by the Board shall be taken by majority of votes. In case of equality of votes, the Chairman shall have a second or casting vote.

(4) The Chairman may appoint one of the members as Secretary to the Board.

(5) All decisions of the Board shall be recorded in a minute book. The duty for recording of minutes shall be discharged by the Secretary and in his absence by any other member of the Board as directed by the Chairman.

(6) Subject to the general supervision and control of the Chairman, the Secretary shall be responsible for –

- i) the conduct of correspondence on behalf of the Board;
- ii) the maintenance of the records of the Board;
- iii) The disbursement of money from the Fund;
- iv) The maintenance of the accounts;
- v) Preparation of the agenda of the meeting of the Board and giving advance notice of such meetings to the members of the Board;
- vi) Performance of such other functions as may be directed by the Chairman.

9. **Remuneration**— The Chairman and members of the various Boards referred to in Rule 7 shall not be entitled to any remuneration or honorarium for attending meetings of the Boards or performing any other functions as the Chairman or members of the Board.

10. **Custody of Money** — All moneys constituting the Fund shall be kept in the Government treasury in the name of the Chairman of the Provincial Board of Management (Gazetted) or the Provincial Board of Management (Non-Gazetted), as the case may be.

11. **The Provincial Board of Management (Gazetted) and the Provincial Board of Management (Non-Gazetted)** may invest such money constituting the Fund as are not required for immediate expenditure in any of the securities described in section 20 of the Trust Act, 1882, or in real estate, or may place them in fixed deposit with a Bank approved by Government.

12. **Withdrawals** — (1) Any amount required to be drawn from the Fund shall be drawn by submitting to the Accountant General bills signed by the Finance Secretary, in his capacity as member of the Provincial Board of Management (Gazetted) or Provincial Board of Management (Non-Gazetted) *(or his nominee) as the case may be. The amount so drawn shall be kept in the National Bank of Pakistan in current account in the name of the Chairman of the Provincial Board concerned and shall be drawn from the Bank on cheques signed by the Chairmen provided that the Chairman may delegate his power of drawl to a member or the secretary of the Board concerned, who shall exercise such powers of drawl in the manner and subject

* Added vide Notification No.SOWF.III (S&GAD) 8(1)/79 P-II, dated 08.06.1989.

to the conditions prescribed by the Chairman from the allocation made to it by that Board.

(2) Account—The Board concerned shall be informed by the Chairman as regards any delegation of powers made by him under this rule.

13. **Payments** — The amount of the Fund shall be maintained by the account/audit officer of the area in whose jurisdiction the Government Servant is serving. The account shall be kept by the Board in the Forms/Registers given in the Schedule.

14. **The account shall be kept in Pakistan** in rupee and all payments from it shall be made in Pakistani rupee.

15. **Grants** — Individual grants from the Fund shall be drawn by the person in whose favour such grant is sanctioned on a simple receipt by quoting therein the number and date of the sanction.

**THE PUNJAB GOVERNMENT SERVANTS BENEVOLENT FUND
PART-I (DISBURSEMENT) RULES, 1965**

In exercise of the powers conferred on him by section 7 of the Punjab Government Servants Benevolent Fund Ordinance, 1960 (Punjab Ordinance XIV of 1960), the Governor of West Pakistan is pleased to make the following rules:

1. These rules may be called the ♦Punjab Government Servants Benevolent Fund Part-I (Disbursement) Rules, 1965.

(2) They shall come into force at once.

2. In these rules unless the context otherwise requires the following expressions shall have the meaning hereby respectively assigned to them, that is to say:

- (a) "Board" means the Provincial Board of Management (Gazetted) Punjab Government Servants fund as constituted under Section 6 of the Punjab Government Servants Benevolent Fund Ordinance, 1960.
- (b) "Fund" means the Punjab Government Servants Benevolent Fund, Part-I
- (c) "Pay" means the amount drawn monthly by a gazetted Government servant as —
 - (i) the pay, other than special pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an Officiating capacity or to which he is entitled by reason of his position in a cadre.
 - (ii) Overseas pay, technical pay, special pay and personal pay; and
 - (iii) any other emoluments which may be specially classed as pay by the competent authority.

@@3. The following grants from the Punjab Government Servants Benevolent Fund, Part-I shall, subject to the provisions of these rules, be admissible to government servants in BPS -16 to 22 (Gazetted) who are subscribers to the Fund or to their families, as the case may be, namely:

- \$(a) MARRIAGE GRANT
For the marriage of each daughter:
 - i) to a Government Servant while in service *Rs. 40,000/-
and for 15 years after his/her retirement:
 - ii) to the family of a retired Government **Rs. 50,000/-
servant in case his/her death occurs within

♦Substituted vide Notification No. SOWF III (S&GAD) 8 (1)/76 dated 29.04.1986.

@@Substituted vide Notification No. SOWF III (S&GAD) 8 (1)/79, dated 09.09.1990.

\$In Rule 3, clauses (a), (b), (c) and (d) substituted and a new clause (e) added vide Notification No. SOP-IV(S&GAD)2001(WF) dated 07.06.2002.

*The figures 25,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

**The figures 30,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

15 years of retirement for the un-expired period of 15 years from the date of retirement:

- iii) to the family of a Government servant who dies while in service with no time limit: **Rs. 50,000/-
- iv) to an invalidated retired Government servant for 15 years from the date of retirement. In case of his/her death, within 15 years of retirement; to his/her family for the un-expired period of 15 years from the date of retirement: @Rs. 50,000/-

♣ Provided that the application for the grant is made within three years from the date of marriage, by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board, after recording reasons and considering individual cases of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.

#(b) FUNERAL GRANT

- (i) on the death of a Government servant. Rs. 20,000/-
- (ii) on the death of a dependent member of the family of a Government servant. Rs. 20,000/-

¹² Provided that the application for the grant is made, within three years from the date of the death of deceased, by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board after recording reasons and considering individual cases of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.

(c) EDUCATIONAL SCHOLARSHIPS

- Primary to Matric level Rs. 5,000/- P.A.
- F.A., B.A. and equivalent classes and Diploma classes. Rs. 14,000/- P.A.
- M.A. and equivalent classes, BDS, MBBS, B.Sc. (Engg.), DVM, B.Sc. (Hons.), Agri B. Pharmacy etc., M. Phil and Ph.D. Rs. 16,000/- P.A.

♣ Provided that:

- (i) in case of a retired or in service Government servant:
 - (a) grant may be admissible to not more than two children of a Government servant who has or have passed all the subjects

@ The figures 30,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

♣ Proviso substituted vide Notification No.BF.585/13 dated 09.09.2014.

In rule 3, in clause (b) the expression Rs.10000/- is substituted with Rs.20000/- vide Notification No.BF-217(gazette)/2017 dated 10.08.2017.

¹² In rule 3 clause (b) proviso is substituted vide Notification No.BF.585/13 dated 09.09.2014.

♣ Substituted vide Notification No. BF.673/07 dated 25.01.2008.

- of Matric or post-Matric examination from a recognized Board of Examination or University securing at least sixty percent aggregate marks and is or are studying in the next class in a recognized educational institution;
- (b) if one or more of the children of a Government servant are studying in a recognized educational institution meant for special children, then not more than three children shall be eligible for the grant;
- (ii) in case of a Government servant who has died or retired on grounds of invalidation or incapacitation, the grant may be admissible to not more than three children;
- (iii) the Provincial Benevolent Fund Board shall each year invite applications on the prescribed form through publication in the newspaper;
- (iv) the application shall be verified by the head of department and the head of the educational institution and accompanied by the following documents:
- (a) computerized national identity card of a Government servant and/or of the student (if applicable);
- (b) result card, detailed marks sheet, certificates and degree pertaining to the preceding educational classes;
- (c) certificates of recognition of previous and current education institution in case of the private educational institution; and
- (v) an application received after the cut off date mentioned in the advertisement and not verified and supported by the documents mentioned above shall not be entertained.

@Provided further that every such child who secures at least 90% marks in any examination in Matriculation or above, shall be granted a special scholarship of Rs. 50,000/- per annum in lieu of the scholarship admissible under this clause.

#(d)	MONTHLY GRANT	
	BS-16 & 17	Rs. 5,250/- P.M.
	BS-18 & 19	Rs. 9,000/- P.M.
	BS-20 & above	Rs. 12,000/- P.M.

**Eligibility:

- (i) If a Government servant dies while in service his widow shall get monthly grant for life provided that she does not remarry. If there are more than one widow grant shall be divided amongst them in equal shares. In the case of a widower, the grant shall be for a period of 15 years provided that he does not remarry and does not have another wife at the time of death of his spouse.
- (ii) If the Government servant is not survived by a widow then the monthly grant shall be sanctioned in favor of his family members

@New Proviso inserted vide Notification No. BF-458/2011 dated 13.11.2011.

In rule 3, clause (d) is substituted vide notification No.BF-217(Gazetted)/2017 dated 10.08.2017.

** Added vide Notification No. SOWF.III (S&GAD)3-1/93 dated 17.08.1994.

in the following order of precedence and subject to the conditions as indicated against each:

Children	♦For a period of 15 years or till the youngest male child attains the age of 21 years whichever is earlier. In the case of a female child for 15 years or till her marriage, whichever is earlier.
Parents	For a period of 15 years.
Brothers/ Sisters	For a period of 15 years or till the youngest attains the age of 21 years. In the case of a sister till her marriage or the attainment of the age of 21 years whichever is earlier.
(iii)	If a Government servant dies within fifteen years of the date of retirement the grant shall be given to his/her family as the case may be in the following order of precedence subject to the conditions as indicated against each: Widow/ Widower For the unexpired period of 15 years from the date of retirement subject to the condition that widow/widower does not remarry and the widower does not have another wife at the time of death of his spouse. If there are more than one widow grant shall be divided amongst them in equal shares. Children *For the unexpired period of 15 years from the date of retirement or till the youngest male child attains the age of 21 years whichever is earlier. In case of a female child for the unexpired period of 15 years or till her marriage, whichever is earlier. Parents For the unexpired period of 15 years from the date of retirement. Brothers/ Sisters For the unexpired period of 15 years from the date of retirement or till the youngest attains the age of 21 years. In the case of a sister till her marriage or the attainment of the age of 21 years whichever is earlier.
(iv)	(a) If a Government servant is invalidated during service, he/she shall be entitled to a monthly grant for 15 years from the date of retirement due to invalidation, provided that he/she has been declared invalid by the concerned Medical Board in category-A on account of loss of Limbs or complete loss of eye sight or complete loss of speech or complete deafness or paralysis or complete lunacy or advanced terminal disease and the concerned B. F. Board after due inquiry is satisfied that he/she is totally incapacitated for any gainful employment in future. (b) In case of death of the invalidated grantee within 15 years of his retirement the grant shall be admissible to his/her family members as the case may be, in the following order of precedence subject to the condition as indicated against each: Widow/ Widower For the unexpired period of 15 years from the date of retirement subject to the condition that widow/widower does not remarry and the widower does not have another wife at the time of death of his spouse. If there are more than one widow grant shall be divided amongst them in equal shares; Children *For the unexpired period of 15 years from the date of retirement or till the youngest male child attains the age of 21 years

♦ Substituted vide Notification No. SO.P-IV(S&GAD)-8-4/2003 (Pt.I) dated 15.11.2003.

*Substituted vide Notification No. SO.P-IV (S&GAD)-8-4/2003 (Pt.I) dated 15.11.2003.

Parents
Brothers/
Sisters

whichever is earlier. In case of a female child for the unexpired period of 15 years or till her marriage whichever is earlier.

For the unexpired period of 15 years from the date of retirement.

For the unexpired period of 15 years from the date of retirement or till the youngest attains the age of 21 years. In case of a sister till her marriage or attainment of the age of 21 years whichever is earlier.

(v) Limitations

(1) @ A monthly grant shall be sanctioned:

a) from the date of death or retirement on the ground of invalidation, if the application is made by the concerned family member or the invalid retired Government servant within three years of death or retirement; and.

b) From the date of receipt of application, if the application is made after three years and within 5 years of death or retirement on the ground of invalidation; and.

(2) Applications received after 5 years of death or retirement on the ground of invalidation of Govt. Servant, as the case may be, shall be submitted by the concerned Board after completing all necessary formalities along with their recommendations to the Provincial Benevolent Fund Board keeping in view the merit of each individual case according to the rules/instructions applicable to each case.

§(e) FAREWELL GRANT:

Amount equal to last basic pay:

i) to a Government servant once at the time of superannuation/ retirement on qualifying service/ invalided retirement.

ii) to the family of a Government servant who dies during service which qualifies him/her for pension.

§Note: The revised/new rates of Marriage Grant, Funeral Grant, Monthly Grant and Farewell Grant shall be effective from 01.01.2001, while revised criteria/ new rates for educational scholarship shall be applicable from the academic year 2001-2002.

****Provided that the application for the grant shall be made, within three years of superannuation, retirement on qualifying service, invalid retirement or death during service (which qualifies him for pension), by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board after recording reasons in a case of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.**

@ Sub clause (v) for the existing para (1) sub para 'a' and 'b' are substituted vide Notification No.BF.585/13 dated 09.09.2014.

§In Rule 3, clauses (a), (b), (c) and (d) substituted and a new clause (e) added vide Notification No. SOP-IV(S&GAD)2001(WF) dated 07.06.2002.

** In rule 3, clause (e) proviso is substituted vide Notification No.BF.585/13 dated 09.09.2014.

§Note: These amendments in rules shall be effective from the date of issuance of Notification and shall be beneficial in cases where marriage, death or retirement occurs on or after the date of Notification. However, in the cases of Monthly Grant, unmarried daughters of deceased Government servants above the age of 21 years shall be entitled to get financial benefit from the date of issuance of Notification although the death or retirement of the concerned Government servants might have occurred before the date of Notification.

4. The Board may in special circumstances and for reasons to be recorded in writing enhance the amount of the grants specified in rule 3.

@@4-A. The Board may introduce scheme for granting loans and advances to Government servants on such terms as it may decide.

5. (1) The grants specified in rule 3 shall be sanctioned by the Board.
(2) In case of urgency, the Chairman of the Board may sanction a grant under rule 3 or rule 4 provided that the order sanctioning such grant shall be submitted to the Board as soon as possible for its EX-POST FACTO approval.

6. Notwithstanding anything contained in these rules, the Board may make a special grant to a gazetted Government servant or a member of his family in case of extreme financial distress which is not occasioned on account of actions or omissions on the part of the gazetted Government servant himself.

7. If Government servant has held both gazetted and non-gazetted posts at different periods of his service, he shall not be entitled to the benefit of the Funds under the rules the post held by him at the time of his retirement, or at the time of his death or invalidation during service before retirement was a gazetted post.

8. The benefits admissible under these rules to a gazetted Government servant or his family as the case may be shall become admissible immediately after the Government servant has made his first contribution to the Fund.

9. An application for a grant under these rules, shall be made to the Chairman of the Board in the form set out in Annexure-A and shall be submitted by the applicant through the Head of Office of Administrative Department in which such Government servant was employed at the time of retirement, or at the time of his death or invalidation during service before retirement.

*10. A grant in favour of a widow/widower shall be sanctioned subject to the following:-

§In Rule 3, clauses (a), (b), (c) and (d) substituted and a new clause (e) added vide Notification No. SOP-IV(S&GAD)2001(WF) dated 07.06.2002.

@@ Inserted vide Notification No. SOW-III (S&GAD) 8-1 (1)/76, dated 20.07.1976 and given effect from 27.11.1974.

*Substituted vide Notification No.BF.673/07, dated 25.01.2008.

- (a) a widow/widower does not marry and she or he shall furnish a no marriage and life certificate every six months to the concerned Benevolent Fund Board in the form set out in Annexure-B;
- (b) In case the certificate mentioned in clause (a) is not furnished or a widow or widower remarries during the period of such grant, the grant shall cease or stop forthwith; and
- (c) a grant ceased or stopped due to non submission of the certificate may be restored on application of the widow or widower, from the date of:
 - (i) the stoppage of the grant, by the Chairman of the concerned Benevolent Fund Board, if the application is made within a period of two years of the stoppage of the grant;
 - (ii) the application of restoration, by the Additional Chief Secretary to the Government, if the application is made within a period of five years of the stoppage of the grant; and
 - (iii) the order of restoration by the Provincial Benevolent Fund Board if the application is made beyond a period of five years of the stoppage of the grant.

11. If a gazetted Government servant quits the Government service for one reason or the other or is forced to leave Government service, he shall not be entitled to the refund of the contribution made by him towards the Fund during the period of his service.

ANNEXURE 'A'
(See Rule 9)

APPLICATION FOR GRANT FROM THE PUNJAB GOVERNMENT
SERVANTS BENEVOLENT FUND PART-I

- (1) Name of the Government Servant:
- (2) Date of entry into Government Service:
- (3) Date of death, invalidation or retirement:
- (4) Total length of service at the time death, invalidation or retirement
- (5)
 - (a) Post held at the time of retirement or at the time of death or invalidation before retirement.
 - (b) Whether such post was Gazetted.
 - (c) Whether the Government Servant held such post permanently or temporarily.
- (6) Last pay drawn and scale of pay.
- (7)
 - (a) Details of dependant family members, such as their names, ages, whether married or unmarried, school or college, where being educated, relationship of each with Government Servants.
 - (b) Details of earning family members not included in item (a) above and their monthly incomes.
- (8) Details of property left by the Government Servant for his dependents.
 - (i) Moveable, including cash.
 - (ii) Immoveable.
- (9) Amount of and date from which pension/gratuity/compensation has been granted by the Government.
- (10) If insured, the amount for which insured.
- (11) Total General Provident Fund Accumulations.
- (12)
 - (i) Date from which contributing to Benevolent Fund.
 - (ii) Total contribution towards Benevolent Fund.
- (13) Amount applied for.
- (14) Reasons for the application with proof, if any.
- (15) In the case of application by a widow, a statement to the effect that she has not remarried.

I do hereby solemnly affirm and verify that the contents of the above application are true to the best of my knowledge and belief and that I have concealed nothing.

I know that in the event of making a willful misrepresentation or suppression of fact, I shall be liable to criminal prosecution.

Signature and name of applicant _____
Son/Daughter/Wife/Widow of _____
Address_____

I certify and attest the details furnished above from the record available in this office: and

- (i) Recommend _____
- (ii) Do not recommend the case for the reasons.

Signature and name of the Head of Office
(with office seal)_____

Signature and name of the Head of
Administrative Department (with office seal)

=====

ANNEXURE 'B'
(See Rule 10)

NO MARRIAGE CERTIFICATE

I do hereby solemnly affirm that I Mst./Mr. _____
_____Widow/Widower of _____
drawing Rs. _____ (Rupees _____)
per month as grant out of the Punjab Government Servants Benevolent Fund, Part-I
have not yet remarried and am still a widow/widower. I, therefore, request that the
sanctioned amount of Rs. _____ for the month _____ may
kindly be remitted to me.

Attested _____
Signature with date _____
Name in block letters _____
Widow of _____

=====

**THE PUNJAB GOVERNMENT SERVANTS BENEVOLENT FUND
PART-II (DISBURSEMENT) RULES, 1966**

In exercise of the powers conferred on him by section 7 of the Punjab Government Servants Benevolent Fund Ordinance, 1960 (Punjab Ordinance XIV of 1960) and in suppression of the Punjab Government Servants Benevolent Fund Part-II (Disbursement) Rules, 1963, the Governor of West Pakistan is pleased to frame the following rules:

1. (1) These rules may be called the Punjab Government Servants Benevolent Fund, Part-II (Disbursement) Rules, 1966.

(2) They shall come into force at once.

2. In these rules unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:

(a) "Controlling Officer" means the officer who, in relation to the Non-Gazetted Government Servant concerned, exercise the powers of a controlling officer under the financial rules or in the case of death of such servant, last exercised such powers;

(b) "*District Board" means the District Board of Management constituted under Section 6 of the Ordinance.

(c) "Medical Officer" means the Authorized Medical Attendant within the meaning of the Punjab Government Servants (Medical Attendance) Rules, 1959, or the medical officer specified under the corresponding other rules applicable to the Non-Gazetted Government Servants (Medical Attendance) Rules, 1959, or the medical officer specified under the corresponding other rules applicable to the Non-Gazetted Government Servant concerned, who has examined or attended on the Non-Gazetted Government Servant concerned or a member of his family.

(d) "Pay" means the amount drawn monthly by a Government Servant as:-

(i) the pay which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reasons of his position in a cadre.

(ii) Overseas pay, technical pay, personal pay and special pay other than special pay granted in view of his personal qualification; and

(iii) any other emoluments which may specially be classed as pay by the competent authority.

(e) "Provincial Board" means the Provincial Board of Management (Non-Gazetted) constituted under Section 6 of the Ordinance; and

(f) "Ordinance" means the Punjab Government Servants Benevolent Fund Ordinance, 1960.

3. The District Board may out of the amounts allocated to it by the Provincial Board in pursuance of the provisions of Section 6 of the Ordinance and the Punjab Government Servants Benevolent Fund Rules, 1960, sanction and disburse grants admissible under rule 4 and rule 7.

*The word 'Divisional' wherever occurring was substituted by the word 'District' vide Notification No. SOP.IV (S&GAD) 2001 (WF), dated 07.12.2001

*4. The following grants from the Punjab Government Servants Benevolent Fund, Part-II, shall, subject to the provisions of these Rules, be admissible to Government Servants in Basic Pay Scale No. 1 to 15 (including BPS-16 Non-Gazetted), who are subscribers to the Fund or to their families as the case may be, namely:-

- ** (a) MARRIAGE GRANT
- For the marriage of each daughter:
- i) to a Government Servant while in service and for 15 years after his/her retirement. #Rs. 15,000/-
 - ii) to the family of retired Government Servant in case his/her death occurs within 15 years of retirement for the un-expired period of 15 years from the date of retirement. ♦ Rs. 20,000/-
 - iii) to the family of a Government Servant who dies while in service, with no time limit. ♦ Rs. 20,000/-
 - iv) to an invalidated retired Government Servant for 15 years from the date of retirement. In case of his/her death, within 15 years of retirement, to his/her family for the un-expired period of 15 years from the date of retirement. ♦ Rs. 20,000/-

#Provided that the application for the grant is made, within three years from the date of marriage, by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board, after recording reasons and considering individual cases of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.

- ## (b) FUNERAL GRANT
- i) on the death of a Government Servant. Rs. 12,000/-
 - ii) on the death of a dependent member of the family of a Government Servant. Rs. 12,000/-
 - iii) on the death of a Non-Gazetted Government Servant after retirement Rs. 12,000/-

* Substituted vide Notification No.SOF.III (S&GAD) 8 (1)/76, dated 29.04.1986.

** Substituted vide Notification No.SOP.IV (S&GAD) 2001 (WF) Pt-II, dated 07.06.2002.

The figures 6,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

♦ The figures 8,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

In rule 4 clause (a) and (b) proviso substituted vide Notification No.BF.585/13 dated 09.09.2014.

In the rule 4, clause (b), expression Rs.6000/ wherever occurs be substituted as Rs.12000/- vide Notification No.BF-217(Non-gazetted)/2017 dated 10.08.2017.

@@Provided that the application for the grant is made, within three years from the date of death of deceased, by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board after recording reasons and considering individual cases of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.

@(c)	EDUCATIONAL SCHOLARSHIPS	
	Primary to Matric level	Rs.1,500/- P.A.
	F.A., B.A. and equivalent classes and Diploma classes.	Rs.3,000/- P.A.
	M.A. & equivalent classes, BDS, MBBS, B.Sc. (Engg.), DVM, B.Sc. (Hons.), Agri etc., M. Phil and Ph.D.	Rs.6,000/- P.A.

♥Provided that:

- (i) in case of a retired or in service Government Servant;
 - (a) grant may be admissible to not more than two children of a Government Servant who has or have passed all the subjects of matric or post matric examination from a recognized Board of Examination or University securing at least sixty percent aggregate marks and is or are studying in the next class in a recognized educational institution.
 - (b) if one or more of the children of a Government Servant are studying in a recognized educational institution meant for special children, then not more than three children shall be eligible for the grant.
- (ii) in case of a Government Servant who has died or retired on grounds of invalidation or incapacitation, the grant may be admissible to not more than three children;
- (iii) the Provincial Benevolent Fund Board shall each year invite applications on the prescribed form through publication in the newspaper;
- (iv) the application shall be verified by the head of department and the head of the educational institution and accompanied by the following documents:
 - (a) computerized national identity card of a Government Servant and/or of the student (if applicable);
 - (b) result card, detailed marks sheet, certificates and degree pertaining to the preceding educational classes;
 - (c) certificates of recognition of previous and current education institution in case of the private educational institution; and

@@ Proviso under rule 4(b) substituted vide Notification No.BF.585/13 dated 09.09.2014

@ Substituted vide Notification No.SOP.IV (S&GAD) 2001 (WF) Pt-II, dated 07.06.2002.

♥Proviso substituted vide Notification No.BF.673/07, dated 25.01.2008.

- (v) an application received after the cutoff date mentioned in the advertisement and not verified and supported by the documents mentioned above shall not be entertained.

**Provided further that every such child who secures at least 90% marks in any examination in Matriculation or above, shall be granted a special scholarship of Rs. 50,000/- per annum in lieu of the scholarship admissible under this clause.

#(d)	MONTHLY GRANT	
	BS-1 to 10	Rs.1,950/- P.M.
	BS-11 to 16	Rs.2,550/- P.M.
	(Non Gazetted)	

Note: The revised/new rates of Marriage Grant, Funeral Grant, and Monthly Grant shall be effective from 01.01.2002, while revised criteria/new rates of educational scholarships shall be applicable from the academic year 2001-2002.

*Eligibility:

- (i) If a Government Servant dies while in service his widow shall get monthly grant for life provided that she does not remarry. If there are more than one widow grant shall be divided amongst them in equal shares. In the case of a widower, the grant shall be for a period of 15 years provided that he does not remarry and does not have another wife at the time of death of his spouse.
- (ii) If the Government Servant is not survived by a widow then the monthly grant shall be sanctioned in favor of his family members in the following order of precedence and subject to the conditions as indicated against each:

Children ♦For a period of 15 years or till the youngest male child attains the age of 21 years whichever is earlier. In the case of a female child for 15 years or till her marriage, whichever is earlier.

Parents For a period of 15 years.

Brothers/
Sisters For a period of 15 years or till the youngest attains the age of 21 years In the case of a sister till her marriage or the attainment of the age of 21 years whichever is earlier.

- (iii) If a Government Servant dies within fifteen years of the date of retirement the grant shall be given to his/her family as the case may be in the following order of precedence subject to the conditions as indicated against each:

Widow/
Widower For the unexpired period of 15 years from the date of retirement subject to the condition that widow/widower does not remarry and the widower does not have another wife at the time of death of his spouse.

** New Proviso inserted vide Notification No. BF-458/2011 dated 13.11.2011.

In clause (d) of rule 4 of Punjab Government Servants Benevolent Fund (P-II) Disbursement Rule 1966, the expression of Rs.1300/- & Rs.1700/-, are substituted as Rs.1950/- PM and 2550/- PM vide Notification No. BF-217(Non-Gazetted)/2017 dated 10.08.2017.

* Substituted vide Notification No.SOWF.III (S&GAD) 3-1/93 (Pt-II) dated 17.08.1994.

♦ Substituted vide Notification No.SO.P-IV (S&GAD) 8-4/2003 (Pt-II) dated 15.11.2003.

If there are more than one widow grant shall be divided amongst them in equal shares.

- Children ♦For the unexpired period of 15 years from the date of retirement or till the youngest male child attains the age of 21 years, whichever is earlier. In the case of a female child for the unexpired period of 15 years or till her marriage, whichever is earlier.
- Parents For the unexpired period of 15 years from the date of retirement.
- Brothers/ For the unexpired period of 15 years from the date of retirement or
- Sisters till the youngest attains the age of 21 years. In the case of a sister
- whichever till her marriage or the attainment of the age of 21 years
- is earlier.
- (iv) (a) If a Government Servant is invalidated during service, he/she shall be entitled to a monthly grant for 15 years from the date of retirement due to invalidation, provided that he/she has been declared invalid by the concerned Medical Board in category–A on the account of loss of Limbs or complete loss of eye sight or complete loss of speech or complete deafness or paralysis or complete lunacy or advanced terminal disease and the concerned B. F. Board after due inquiry is satisfied that he/she is totally incapacitated for any gainful employment in future.
- (b) In case of death of the invalidated grantee within 15 years of his retirement the grant shall be admissible to his/her family members as the case may be, in the following order of precedence subject to the condition as indicated against each:
- Widow/ For the unexpired period of 15 years from the date of retirement
- Widower subject to the condition that widow/widower does not remarry and the widower does not have another wife at the time of death of his spouse. If there are more than one widow grant shall be divided amongst them in equal shares.
- Children ♦For the unexpired period of 15 years from the date of retirement or till the youngest male child attains the age of 21 years, whichever is earlier. In case of a female child for the un-expired period of 15 years or till her marriage, whichever is earlier.
- Parents For the unexpired period of 15 years from the date of retirement.
- Brothers/ For the unexpired period of 15 years from the date of retirement or
- Sisters till the youngest attains the age of 21 years. In the case of a sister
- whichever till her marriage or attainment of the age of 21 years
- is earlier.

- (v) Limitations
- @(1) A monthly grant shall be sanctioned:
- a) from the date of death or retirement on the ground of invalidation, if the application is made by the

♦ Substituted vide Notification No.SO.P-IV (S&GAD) 8-4/2003 (Pt-II) dated 15.11.2003.

♦ Substituted vide Notification No.SO.P-IV (S&GAD) 8-4/2003 (Pt-II) dated 15.11.2003.

@ In Rule 4, clause (d), sub clause (v) para (1), 'a' & 'b' are substituted vide Notification No.BF.585/13 dated 09.09.2014.

concerned family member or the invalid retired Government Servant within three years of death or retirement; and.

b) From the date of receipt of application, if the application is made after three years and within 5 years of death or retirement on the ground of invalidation; and.

c) From such date as the Provincial B. F. Board may deem fit, if the application is made after two years and within five years of death or retirement on the ground of invalidation and the delay is condoned for the reasons to be recorded by the said Board.

- (3) Applications received after 5 years of death or retirement on the ground of invalidation of Government Servant, as the case may be, shall be submitted by the concerned Board after completing all necessary formalities along with their recommendations to the Provincial Benevolent Fund Board keeping in view the merit of each individual case according to the rules/instructions applicable to each case.

*Note: These amendments in rules shall be effective from the date of issuance of Notification and shall be beneficial in cases where marriage or death occurs on or after the date of Notification. However, in the cases of Monthly Grant, unmarried daughters of deceased Government Servants above the age of 21 years shall be entitled to get financial benefit from the date of issuance of Notification although the death or retirement of the concerned Government Servants might have occurred before the date of Notification.

**4-A. The Provincial Board or the District Board, as the case may be, may grant advances to Government Servants on such terms as it may decide.

5. An application for a grant under Rule 4 shall be made in the form set out in Annexure 'A' and shall be presented to the Controlling Officer alongwith the certificate of the medical officer, where such certificate is necessary.

6. (1) Where an application is made to him under Rule 5, if the Controlling Officer, after taking into consideration the contents of the application and making such enquiries as he may consider necessary, is satisfied that the applicant is entitled to a grant under Rule 4, may recommend to the District Board, the amount to be disbursed or granted to the applicant.

(2) On receipt of the recommendation of the Controlling Officer under sub-rule (1), the District Board may, after taking into consideration such recommendations and making such enquiries (if any) as it may consider necessary, sanction out of the funds allocated to it under Rule 3, a grant or payment to the Government Servant concerned or a member of his family in accordance with the provision of Rule 4.

*Substituted vide Notification No.SO.P-IV (S&GAD) 8-4/2003 (Pt-II) dated 15.11.2003.

**Inserted vide Notification No. SOW-III (S&GAD) 8-1 (1)/76 dated 20.07.1976.

(3) The amount sanctioned under sub-rule (2) shall be paid by the District Board by issuing a cheque in favour of the Government Servant concerned or a member of his family, as the case may be.

(4) The District Board shall obtain proper receipts from the grantee in receipt of all such payments and maintain a record of the same in a register prescribed under Rule 13 of the Punjab Government Servants Benevolent Fund Rules, 1960.

7. (1) Notwithstanding anything contained in these rules, the District Board may, with the approval of the Provincial Board, make to a non-gazetted Government Servant or member of his family, in case of extreme financial distress which is not occasioned on account of actions or omissions on the part of the Government Servant himself, any grant not provided for in Rule 4.

(2) The procedure for a grant under this Rule shall be as provided in Rule 5 and 6.

8. Each District Board shall by the tenth of each month, submit to the Provincial Board, a monthly return relating to the last preceding month showing the amount of allocation in hand at the beginning of the last preceding month, the amount of further allocation received, if any, and the disbursement made under Rules 4 and 7 during that month.

**9. A grant in favour of a widow or widower shall be sanctioned subject to the following:

- (a) a widow or widower does not marry and she or he shall furnish a no marriage and life certificate every six months to the concerned Benevolent Fund Board in the form set out in Annexure-B;
- (b) In case the certificate mentioned in clause (a) is not furnished or a widow or widower remarries during the period of such grant, the grant shall cease or stop forthwith; and
- (c) a grant ceased or stopped due to non submission of the certificate may be restored on application of the widow or widower, from the date of:
 - (i) the stoppage of the grant, by the Chairman of the concerned Benevolent Fund Board, if the application is made within a period of two years of the stoppage of the grant;
 - (ii) the application of restoration, by the Additional Chief Secretary to the Government, if the application is made within a period of five years of the stoppage of the grant; and
 - (iii) the order of restoration by the Provincial Benevolent Fund Board if the application is made beyond a period of five years of the stoppage of the grant.

10. A Non-Gazetted Government Servant who, for any reason whatsoever quits Government service or is forced to leave Government service shall not be entitled to the refund of the contributions made by him to the Fund during the period of his service.

** Substituted vide Notification No.BF.673/07 dated 25.01.2008.

ANNEXURE 'A'
(See Rule 5)
APPLICATION FOR GRANT FROM THE PUNJAB GOVERNMENT
SERVANTS BENEVOLENT FUND
PART-II

- (1) Name of the Government Servant:
- (2) Date of entry into Government Service:
- (3) Date of death, invalidation or retirement:
- (4) Total length of service at the time death, invalidation or retirement
- (5)
 - (a) Post held at the time of retirement or at the time of death or invalidation before retirement.
 - (b) Whether such post was Non-Gazetted.
 - (c) Whether the Government Servant held such post permanently or temporarily.
- (6) Last pay drawn and scale of pay:
- (7)
 - (a) Details of dependant family members, such as their names, ages, whether married or unmarried, school or college, where being educated, relationship of each with Government Servants.
 - (b) Details of earning family members not included in item (a) above and their monthly incomes.
- (8) Details of property left by the Government Servant for his dependents.
 - (i) Moveable, including cash.
 - (ii) Immoveable.
- (9) Amount of and date from which pension/gratuity/compensation has been granted by the Government.
- (10) If insured, the amount for which insured.
- (11) Total General Provident Fund Accumulations.
- (12)
 - (i) Date from which contributing to Benevolent Fund.
 - (ii) Total contribution towards Benevolent Fund.
- (13) Amount applied for.
- (14) Reasons for the application with proof, if any.
- (15) In the case of application by a widow, a statement to the effect that she has not remarried.

I do hereby solemnly affirm and verify that the contents of the above application are true to the best of my knowledge and belief and that I have concealed nothing.

I know that in the event of making a willful misrepresentation or suppression of fact, I shall be liable to criminal prosecution.

Signature and name of applicant _____
Son/Daughter/Wife/Widow of _____
Address _____

I certify and attest the details furnished above from the record available in this office: and

- (i) Recommend _____
- (ii) Do not recommend the case for the reasons.

Signature and name of the
Controlling Officer (with office seal)

=====

ANNEXURE 'B'
(See Rule 9)

NO MARRIAGE CERTIFICATE

I do hereby solemnly affirm that I Mst./Mr.
_____Widow/Widower of
_____ drawing Rs. _____ (Rupees
_____) per month as grant out of the Punjab
Government Servants Benevolent Fund, Part-II have not yet remarried and am still a
widow/widower. I, therefore, request that the sanctioned amount of Rs. _____
for the month _____ may kindly be remitted to me.

Signature with date _____

Name in block letters _____

Widow of _____

=====

ANCILLARY INSTRUCTIONS

**THE PUNJAB GOVERNMENT SERVANTS
BENEVOLENT FUND
(DISBURSEMENT) RULES, 1966**

Subject: TIME–LIMIT FOR VARIOUS GRANTS

I am directed to refer to the subject noted above and to state that in the West Pakistan Government Servants Benevolent Fund, Part–I (Disbursement) Rules, 1965 and the West Pakistan Government Servants Benevolent Fund, Part–II (Disbursement) Rules, 1966 the following time limits have been prescribed for submission of the application:

1. **MARRIAGE GRANT:**

“Provided that the application is made within 2 months of the marriage”.

2. **FUNERAL GRANT:**

“Provided that the application is made within 190–days of the death”;

but it has been clarified as to whom the applications were to be submitted within the above mentioned time limit.

2. The matter was placed before the Board in its meeting held on 30.05.1988 for consideration and decision. It has been decided by the Board that the date for limitation purposes may be taken from the date of receipt of the application with the department in which the applicant is serving.

No.BF:68/88
Dated 20th September 1989

Subject: GRANT OF EDUCATIONAL SCHOLARSHIP TO 2 CHILDREN OF
SERVING GOVERNMENT EMPLOYEES – AMENDMENT IN THE
RULES

Kindly refer to the subject noted above.

2. The subject matter was discussed in the Combined Meeting of the Provincial Benevolent Fund Board (Part–I/II) held on 04.09.1989 and it was decided to grant educational scholarships to the two children of in–service Government Employees as against one at present, from the year 1989–90 under the relevant rules. Accordingly applications for two children scholarship for the year 1989–90 for two children of serving Government Employees who obtain at least 60% marks in the Matric and 55% marks in the Post Matric classes have been invited vide this office letter No.BF:109/83 dated 07.09.1989.

3. The decision of the Board is brought to your kind notice for information and compliance.

No. BF:2/90 (P–I)
Dated the 24th November 1990

Subject: TIME LIMIT FOR VARIOUS GRANTS OUT OF BENEVOLENT FUND

Kindly refer to the subject noted above.

2. In the West Pakistan Government Servants Benevolent Fund, Part-I (Disbursement) Rules, 1965 and the West Pakistan Government Servants Benevolent Fund, Part-II (Disbursement) Rules, 1966 the following time limits have been prescribed for submission of the applications:

1. **MARRIAGE GRANT:**

“Provided that the application is made within 2 months of the marriage.”

2. **FUNERAL GRANT:**

“Provided that the application is made within 190 days of the death.”

3. It was further clarified in this office letter No. BF-68/88 dated 15.06.1988 that the date for limitation purposes might be taken from the date of receipt of the application with the department in which the applicant was serving.

4. It has been observed that this facility has been misused by the concerned parent Offices/Departments. Applications for various grants out of Benevolent Fund are held back for months together by the lower staff and are forwarded to B.F. Offices after considerable delay.

5. In order to discourage this tendency of withholding applications in parent offices/departments, it has been decided that transit time for applications from parent office to BF Offices may be restricted to 90 days. Therefore, applications for marriage grant and funeral grant should reach BF Offices within 90 days after the above time limit, indicated in para 1 above expires.

6. The maximum time-limit for receipt of applications for grant of out of Benevolent Fund will henceforth be as follows:

Grant	Days within which application must be submitted in the <u>parent office</u>	Days within which the application must reach the relevant Benevolent <u>Fund office</u>
Marriage Grant.	60 days after marriage	150 days after marriage
Funeral Grant.	190 days after death	280 days after death

7. Any application received beyond the above time limit should not be entertained in any case.

8. The above instructions may kindly be brought into the notice of all concerned.

B.F.No. 120/86

Dated the 4th November 1990

Subject: MARRIAGE GRANT OUT OF BENEVOLENT FUND ON
RE-MARRIAGE OF A DIVORCED/WIDOW DAUGHTER

Kindly refer to the subject noted above.

2. A working paper was placed before the meeting of the Provincial BF Board held on 13.10.1990 to the effect whether marriage grant out of Benevolent Fund could be paid in case of remarriage of a divorcee/widow daughter of a Government servant.

3. The Board approved that marriage grant will be admissible on re-marriage of a divorcee/widow daughter without any condition whether the marriage grant was received on previous marriage or not.

B.F No.90/69

Dated the 4th November 1990

Subject: GRANT OF MONTHLY AID TO WIDOWS FOR LIFE

Kindly refer to the S&GAD's Notification No. SOWF.III (S&GAD) 8 (1)/79-(Provl.) dated 09.09.1990 regarding amendment in the West Pakistan Government Servants Benevolent Fund Part-I (Disbursement) Rules 1965, as well as Notification of even number and date regarding amendment in the West Pakistan Government Servants Benevolent Fund Part-II (Disbursement) Rules, 1966.

2. It has been decided in the meeting of the Provincial BF Board held on 13.10.1990 that the widows of deceased Government servants will be granted monthly aid out of Benevolent for life subject to the following conditions:

- a) Closed cases where payment has already been stopped after expiry of authorized sanctioned period will not be reopened. The life grant facility will thus be admissible only in the cases of widows who are presently getting monthly aid from the BF and for such cases which would be approved by the relevant Boards for the grant of monthly aid in future.
- b) The widowers invalided retired Government servants and other dependents will be entitled to receive monthly grant for a period of 15 years only or till the age of maturity/dependency, as the case may be.
- c) If a Government servant dies during service or within 15 years after his retirement, his widow shall be entitled till her death to a monthly grant at the rate already prescribed in this behalf, provided that:

in case of widows of retired Government servants the grant will be restricted to the un-expired period of 15 years for widows and would not be for life.

- d) In case of death of a widow, the monthly grant may be transferred in the name of the dependent minor family member/s up to the age of maturity or 15 years, whichever is less.
- e) In case where there is no widow the minor dependent family members as defined in Section 2 (a) of the Punjab Government Servants Benevolent Fund Ordinance, 1960 shall be eligible for a monthly grant upto a maximum period of 15 years or the age of maturity whichever is less, provided that:
 - ‘in case of female minor dependents, the marriage of the individual shall be construed as reaching the age of maturity’
- f) The age of majority noted above in case of dependent minor family members is determined as 21 years.

2. In view of the above decisions of the Provincial BF Board it is clarified that life grant facility is admissible to the widows of only such Government servants who die while in-service. The widows of retired Government servants are entitled to monthly grant for the unexpired period of 15 years. For instance if a Government servant retired on 01.07.1987 and subsequently expired on 04.07.1989, his widow or the dependent minor children would be entitled monthly grant w.e.f. 04.07.1989 to 30.06.2002.

3. Similarly Government servants retired on invalided pension are also entitled to receive monthly grant for only 15 years. The case where monthly grant has been sanctioned for life in respect of invalided Government servants or widows of retired Government servants may be reviewed and sanction may be revised according to the above instructions/decision.

No.36/86 (P)
Dated the 4th November 1990

**Subject: LIMITATION OF TIME FOR SUBMISSION OF APPLICATIONS
FOR MONTHLY GRANT**

Kindly refer to the subject noted above.

2. The matter regarding submission of applications for the grant of monthly aid out of Benevolent Fund was considered in the meeting of Provincial BF Board held on 13.10.1990. Following decisions were taken for course of action in future:

- i) time limit for submission of application for monthly grant may be fixed as one year. In case application is received within one year after death, the monthly grant may be sanctioned with effect from the date of death.
- ii) the Addl. Chief Secretary/Vice Chairman of the Provl. BF Board may be empowered to grant relaxation for further one year in the limitation period beyond the original period of one year. In such a case the monthly grant may be sanctioned w.e.f. the date of application. Application received in

Divisional Boards one year after death would be sent to A.C.S. for relaxation and would not be dealt with directly by the Divisional Boards.

- iii) if application is received after 2 years of death but within 5 years of the death, the case may be submitted before the Board for consideration and decision. In such a case monthly grant may be sanctioned w.e.f. the date of sanction.
- iv) application for monthly grant may not be entertained in any case if it is received after five years from death.
- v) the above provisions will be applicable with prospective effect and not retrospective effect.

No.BF.61/76(P)

Dated the 26th November 1990

Subject: GRANT OF MONTHLY AID TO WIDOWS FOR LIFE

Kindly refer to this office Memo No.BF.90/69 dated 04.11.1990 on the subject noted above, wherein it was stated that closed cases where payments had already been stopped after expiry of authorized sanctioned period would not be reopened.

2. Further to the above policy decision, it has been decided that the cases which were drawing monthly grant out of BF on 01.01.1990 will not be treated as closed cases and would automatically be continued for life even if their sanction period has already expired. However, the cases which stand closed on or before 31.12.1989 after expiry of 15 years will not be reopened.

3. Therefore, the widows whose cases for monthly grant were on going in BF offices on or after 01.01.1990 will continue to receive grant at the prescribed rates for life.

4. The above instructions may kindly be brought to the notice of all concerned.

No.BF.90/69

Dated the 4th November 1990

Subject: GRANT OF MONTHLY AID TO WIDOWS FOR LIFE

Kindly refer to the S&GAD's Notification No. SOWF.III(S&GAD) 8(1)/79-II(Prov1) dated 09.09.1990 regarding amendment in the West Pakistan Government Servants Benevolent Fund Part-I (Disbursement) Rules, 1965 as well as Notification of even number and date regarding amendment in the West Pakistan Government Servants Benevolent Fund Part-II (Disbursement) Rules, 1966.

2. It has been decided in the meeting of the Provincial BF Board held on 13.10.1990 that the widows of deceased Government servants will be granted monthly aid out of Benevolent Fund for life subject to the following conditions:

- a) Closed cases where payment has already been stopped after expiry of authorized sanctioned period will not be re-opened. The life grant facility will thus be admissible only the cases of widows who are presently getting monthly aid from the BF and for such cases which

would be approved by the relevant Boards for the grant of monthly aid in future.

- b) The widowers invalided retired Government servants and other dependents will be entitled to receive monthly grant for a period of 15 years only or till the age of maturity/dependency, as the case may be.
- c) If a Government servant dies during service or within 15 years after his retirement, his widow shall be entitled till her death to monthly grant at the rate already prescribed in this behalf, provided that:

In case of widower or retired Government servants the grant will be restricted to the un-expired period of 15 years for widows and would not be for life.

- d) In case of death of a widow, the monthly grant may be transferred in the name of the dependent minor family member/s upto the age of maturity or 15 years, whichever is less.
- e) In case where there is no widow the minor dependent family members as defined in Section 2(a) of the Punjab Government Servants Benevolent Fund Ordinance, 1960 shall be eligible for a monthly grant upto a maximum period of 15 years or the age of maturity whichever is less, provided that :

In case of female minor dependents, the marriage of the individual shall be construed as reaching the age of majority.

- f) The age of majority noted above in case of dependent minor family members is determined as 21 years.

2. In view of the above decisions of the Provincial BF Board it is clarified that life grant facility is admissible to the widows of only such Government servants who die while-in-service. The widows of retired Government servants are entitled to monthly grant for the unexpired period of 15 years. For instance if a Government servant retired on 01.07.1987 and subsequently expired on 04.07.1989 his widow or the dependent minor children would be entitled to monthly grant w.e.f. 04.07.1989 to 30.06.2002.

=====

No. BF.108/90
Dated 28th November 1990

Subject: GRANT OF MONTHLY AID TO A SIXTY SEVEN YEARS OLD
DEPENDENT SISTER

Reference your memo No. BF/BEC-1/4189/M-Aid dated 14.10.1990 on the subject noted above.

2. Under the instructions contained in this office Memo No. BF.90/69 dated 04.11.1990, unmarried sisters beyond the age of 21 years are not entitled to receive monthly grant out of Benevolent Fund.

Subject: RATIONALIZATION OF INVALIDATION GRANTS FROM
BENEVOLENT FUND

Due to recent increase in rates of monthly grant, there has been a spate of fresh applications for monthly grant on invalidation basis. The reason behind this sudden increase is that, it is now financially lucrative to be invalidated from service. In order to curb the above noted tendency it is essential that some firm guidelines may be adopted for rationalizing the approval of invalidation grant from Benevolent Fund. This issue was discussed in detail in the last meeting of the Combined Board held on 07.07.1991 and 29.09.1991 and the following policy guidelines were approved for strict compliance in all future cases pertaining to invalidation grant from Benevolent Fund.

2. It has been approved that in future, instructions already issued by Finance Department, Government of Punjab vide their circular letter No. FD-SR-III-4/1-77 dated 17.01.1977 (♦copy enclosed for ease of reference) would be strictly observed by all invalidation Boards and the disabilities classified under Class-A only would be deemed to be sufficient for invalidation grant from Benevolent Fund Account.

3. In order to avoid any confusion the disabilities noted at Class-A are further clarified as under:

(1) LOSS OF A HAND AND A FOOT OR LOSS OF
USE OF TOW MORE LIMBS

The two limbs noted in this classification could either be both hands/arms or one foot/leg may be considered for invalidation grant provided the applicant was engaged in actual physical work (e.g. Beldars, Malies and Chowkidars etc.)

(2) TOTAL LOSS OF EYE-SIGHT

This disability may be considered for invalidation only if the loss of eye-sight is total and is not removable either through operation or through use of glasses.

(3) TOTAL LOSS OF SPEECH

Requires no clarification.

(4) TOTAL DEAFNESS BOTH EARS

This disability should imply that loss of hearing is total and is not removable either through operation or through use of hearing aids.

(5) PARALECIA OR HEMIPLEGIA

♦See page 60.

In paralysis cases it may be clarified that paralysis should be of a nature which should render the Government servant concerned totally immobile either at one side of the body or for the total body.

(6) LUNACY

Lunacy should cover actual cases of lunatic behavior and as such cases should be considered only if actual commitment to a Mental Hospital has taken place for a minimum period of one month in the past and the competent Board of a Government Mental Hospital has confirmed the invalidation.

(7) ADVANCED CASES OF TERMINAL DISEASE

Presently some forms of Cancer and AIDS are terminal diseases, as other disease like bronchitis, asthma and T.B. etc. are now very much curable. This category should, therefore, cover only such diseases for invalidation which are terminal. Application under such diseases should also be accompanied by actual hospitalization record which should clearly indicate prolonged hospital treatment for the applicant. The minimal hospitalization period in such cases, before application for grant, should be two months.

4. It may once again be clarified that monthly grant out of Benevolent Fund is admissible if disability is only of "A" category i.e. completely and permanently incapacitated for further service of any kind. It implies that an invalidated Government servant is unable to perform any duty, open a shop or private school or business, join any other profession, do private legal or medical or educational or any professional practice, etc. Disability under "B & C" categories does not qualify for monthly grant out of Benevolent Fund.

5. In addition to above no case for invalidation grant shall be sanctioned by Divisional Boards unless the applicant is first called for personal appearance before the full Board meeting of the concerned Divisional Board.

6. The above instruction are being issued with the approval of Combined Board of Provincial Fund for strict compliance in future.

COPY OF FINANCE DEPARTMENT'S LETTER NO.FD-SR-III-4/1-77
DATED THE 17TH JANUARY 1977

Subject: LIBERALIZED PENSION RULES FOR CIVIL SERVANTS

I am directed to state that in modification of West Pakistan Civil Services Pension Rules, 1963, the then Government of West Pakistan issued fresh pension rules and rates in their circular letter No. SO (SR) V-257/67 dated 27th April, 1967. The question of liberalizing the existing pensionary benefits has been under the consideration of the Government for sometime past. The Governor of the Punjab has now been pleased to decide that pension and retirement benefits of civil servants who retired or expired on or after the 1st March, 1972, should be determined in accordance with the provisions that follow.

2. (a) Pension shall be calculated at the rate of 70% of the average emoluments on completion of 30 years qualifying service. Where qualifying service is less than 30 years, but not less than 10 years, proportionate reduction in percentage shall be made. Any amount of pension in excess of Rs.1,000 shall be reduced by 50%. A revised Pension Table regulating all the four pensions, namely, Compensation Pension, Superannuation Pension, Invalid Pension and Retiring Pension is enclosed in Annex-I.

(b) If, for a pensioner with a qualifying service of 30 years or more, the amount of pension calculated under para, 2(a) above falls short of the amount of pension (inclusive of dearness increases) that would have been admissible under the existing rules, or exceeds it by less than Rs.45, the amount shall be so increased as to make such difference one of Rs.45. Where the qualifying service is less than 30 years, but not less than 10 years, proportionate reduction at the rate of Rs.1.50 for each year short of 30 years shall be made while working out the amount of minimum increase mentioned above.

(c) The term "average emoluments", i.e. pensionable pay, shall also include dearness allowances sanctioned from time to time.

(d) On the pensions sanctioned under this circular letter such dearness increases in pensions shall not be admissible as were sanctioned before 1st February, 1977.

3. In the case of person retiring after completing more than 5 but less than 10 years, the existing rate of gratuity shall continue. If, however, retirement is due to invalidation, or if a civil servant dies in service, the rate shall be 1 ½ months of pay for each completed year of service.

4. (a) In the case of person who retires after completing 10 years service or more, a pensioner shall, subject to sub-para (b) and (c) below, be allowed to draw full gross pension, i.e. one-fourth of the pension need not compulsorily be paid in the form of gratuity.

(b) If a pensioner so wishes, he may, at any time before expiry of one month from the date of his retirement, ask for gratuity upto 25% of his gross pension together with the remaining net amount of pension; the gratuity shall be paid at the existing rates.

(e) The existing provision for commutation of a further 25% of the gross pension shall continue to be in force; the commutation shall be at the existing rates. Commutation shall, however, not be subject to medical certification if it is asked for within one year of the date of retirement.

5. (a) In the case of death of a civil servant while in service, gratuity in lieu of one-fourth of the gross pension will be allowed at the existing rates. In addition, family pension shall be admissible for a period of 10 years at 50% of the gross pension.

(b) In the case of death within 10 years of retirement, family pension shall be admissible for the unexpired portion of 10 years at 50% of his pension (net or gross, as the case may be).

6. Disability pension and gratuity shall be allowed at the following scale:

Class of Injury	Pension	Gratuity	CHILDREN'S PENSION	
			Child without own mother	Child with own mother living
A.	20% of pay subject to a maximum of Rs.600 and a minimum of Rs.100 P.M. (Note – After death it will devolve on the widow)	6 months pay	5% of pay, subject to a maximum of Rs.100 and minimum of Rs.50 per child	2 ½% of pay subject to a maximum of Rs.50 and minimum of Rs. 25 per child
B.	15% of pay subject to a maximum of Rs.450 and a minimum of Rs.75 P.M.	Nil	4% of pay, subject to a maximum of Rs.80 and a minimum of Rs.40 per child	2% of pay subject to a maximum of Rs.50 and a minimum of Rs.25 per child
C.	15% of pay subject to a maximum of Rs.150 and a minimum of Rs.75 P.M.	Nil	Nil	Nil
In case of death these shall be allowed at the following scale:				
	20% of pay subject to a maximum of Rs.600 and a minimum of Rs.100 P.M.	6 months pay	5% of pay subject to a maximum of Rs.100 and a minimum of Rs.50 per child	2 ½% of pay subject to a maximum of Rs.50 and a minimum of Rs.25 per child

Note: As at present, the pensions/gratuities mentioned in this para will be in addition to the pensions and/or gratuities mentioned in paras 4 and 5 above.

The classification of disabilities and the criteria for determining whether these were attributable to service, have been detailed in Annex-II and I am to express the hope that necessary precautions will be taken by all concerned in determining this question.

7. In the case of pensioners who retired before 1st March, 1972 they shall have the following choice in recalculating their retirement pensions:

- (i) To have their pensions recalculated on the basis mentioned in para 2(a) above, on their average emoluments without dearness increases sanctioned before 1st February, 1977.

Or

- (ii) To receive an increase of 5% (in the case of employees who retired between 1st July, 1963 and 29th February, 1972) or 12 ½ % (in case of employees who retired upto 30th June, 1963) over their existing gross pension plus dearness increase admissible thereon. For the purpose of these commutations, the average emoluments, as calculated at the time of retirement, will remain the same. Gratuity will not be revised or recalculated. Commutation will be allowed on the basis of the original gross pension.

8. If the demise of an existing pensioner occurs, or occurred on or after 1st March, 1972, within ten years of his retirement, family pension will be admissible for the unexpired portion of ten years.

9. Family pensions sanctioned with effect from 1st March, 1972, or later shall continue as before for a period of ten years after the date on which the death of the Government servant took place.

10. The provisions of this circular letter will take effect from the 1st March 1972, but the financial benefits shall be paid with effect from the 1st February 1977.

11. A Government servant seeking the benefits allowed under this circular letter shall apply to the audit officer who issued his PPO and, while doing so shall mention the number of his PPO and the name of the treasury at which he is drawing his pension.

12. I am to add that the existing rules and general orders on this subject shall be deemed to have been modified to the extent indicated above, and necessary amendments shall be notified in the rules in due course.

PART-I

CLASSIFICATION OF DISABILITY

CLASS 'A' –

1. Loss of hand and foot or loss of use of two more limbs
2. Total loss of eye-sight
3. Total loss of speech
4. Total deafness both ears
5. Paralegia or hemiplegia
6. Lunacy
7. Very severe facial disfigurement
8. Advanced cases of incurable disease
9. Wounds, injuries or diseases resulting in a disability due to which a person becomes incapacitated
10. Emasculation

Note: Wounds, injuries or disease of limb resulting in damage of nerves, joints or muscles making the whole of limb useless would mean loss of that limb. Cases in which a partial function is retained will not be included in this class. However, if the partial retention of function does not help in walking in case of leg or does not help in holding an object even with partial efficiency, it should be considered as total loss of function. Those cases will also be included in this class where the earning capacity of the civil servant has been totally impaired due to the invaliding disability.

Class 'B' –

1. Loss of thumb or at least three fingers of hand.
2. Partial loss of one or both feet at or beyond tarsometatarsal joint.
3. Loss of vision of one eye/
4. Loss of all toes of one or both feet.

Class 'C' –

11. Limited restriction of movement of joint due to injuries
12. Disease of limb restricting performance of duties.

General Note: When the wound, injury or illness causing the disability is not entered in the above Schedule, the disability shall be assessed by the medical board at the classification most closely corresponding to those given above.

PART-II

**PRINCIPLES AND PROCEDURE FOR DETERMINING
ATTRIBUTABILITY TO SERVICE OF DISABILITY**

(A) Casualties due to Wound or Injury –

- (1) It should be established in such cases that the cause of casualty was the result of duty in service
- (2) Where the injury resulted from the risk inherent in service attributability will be conceded
- (3) An individual is on duty for 24 hours of the day except when on leave other than casual leave
- (4) An individual will be deemed to be in the performance of duty when –
 - (i) he is physically present in his headquarters;
 - (ii) he is traveling on leave at Government expense;
 - (iii) when traveling to or from duty (e.g. from residence to place of duty and back but not whilst he is in his residence);
 - (iv) Whilst traveling on duty i.e. where it is established that but for the duty he would not have been traveling at all.
- (5) Disability resulting from purely personal acts such as shaving or similar private would not normally be treated as attributable to service.

=====

No.BF. 65/82

Dated the 3rd October 1993

Subject: RESTORATION OF CASES OF MONTHLY GRANT

Please refer to this office letter No. BF-71/91 dated 04.06.1992 and BF-150/92 dated 30.05.1992.

2. The issue of restoration of monthly grant and payment of arrears where the beneficiaries did not contact Benevolent Fund Board/Bank authority was considered by the Combined Provincial Board of Management of Benevolent Fund in its meeting held on 02.09.1993.

3. It was decided that restoration of the monthly grant and payment of arrears thereof shall be determined in accordance with the following procedure:

- i) Where applicants contact the relevant BF Board within 2 years of the stoppage of their monthly grant, the Chairman of relevant BF Board may, after due verification, restore monthly grant with effect from the date, of suspension of monthly grant.
- ii) Where applications for restoration is made to relevant BF Board after 2 years but before 5 years of the stoppage of monthly grant, approval for restoration shall be obtained from Additional Chief Secretary. The monthly grant in such cases will be restored from the date of the receipt of application.
- iii) If the application for restoration of monthly grant is received after 5 years of the stoppage of the grant, the approval shall be obtained from Provincial BF Board and monthly grant will be restored from the date of the meeting of the Provincial Benevolent Fund Board.

No.BF. 37/86–Part–II
Dated 27th February 1999

Subject: DELEGATION OF POWER OT DIVISIONAL BF BOARD REGARDING
CONDONATION OF DELAY IN CASES OF MONTHLY GRANT
OUT OF BENEVOLENT FUND

Please refer to Clause (v)(1)(c) of Notification No. SOWF.III(S&GAD) 3–1/93–(Part–II) dated 17.08.1994.

2. The matter regarding condonation of delay on applications of monthly grants submitted by Divisional BF Board was considered in the combined meeting of Provincial BF Board held on 26.01.1999. The Provincial BF Board (Part–II) decided to delegate its power as contained in the Clause referred to above to the Divisional BF Boards. Decision of the Provincial BF Board (Part–II) is as under:

“Divisional Benevolent Fund Board shall condone delay on the applications of monthly grants received after 2 years but before 5 years from the date of death or retirement on invalidation, from the date of meeting of the Divisional Benevolent Board.”

No.BF.61/14/2009
Dated the 09th September 2014

Subject: 33% WOMEN REPRESENTATION ON ALL BOARDS OF
STATUTORY ORGANIZATIONS, PUBLIC SECTOR COMPANIES AS
WELL AS SPECIAL PURPOSE TASK FORCES AND COMMITTEES

Kindly refer to this office letter of even Number dated 12.06.2014 on the subject cited above.

2. A copy of notification number 61/2014 dated 09.05.2014 is enclosed for with the request to recommend two non Gazetted women Government servants from your district for appointment by the Government as members of the District Board of Management Punjab Government Savants Benevolent Fund in the light of above referred amendments.

3. It may be treated as Top Priority Basis.

No.BF.11/80
Dated the 16th March 2017

Subject: CONSTITUTION OF DISTRICT BENEVOLENT FUND BOARDS

In continuation of this department's order bearing No.BF-96/2001 dated 02.01.2002 and circular letter of even number dated 18.01.2017, it is hereby clarified that in the wake of promulgation of Punjab Local Government Act, 2013 as well as Punjab Civil Administration Ordinance, 2016 (XX of 2016), following changes / replacements shall take effect in order to run the business of District Benevolent Fund Boards smoothly:-

	<u>Old prior to 01.01.2017</u>	<u>New after 01.01.2017</u>	
1	District Coordination Officer	Deputy Commissioner	Chairman
2	Executive District Officer (Education)	Chief Executive Officer (Education)	Member
3	Executive District Officer (Works)	Chief Executive Officer (Health)	Member
4	District Officer (Coordination)	Additional Deputy Commissioner (HQ) <u>OR</u> Additional Deputy Commissioner (Revenue) <u>OR</u> Additional Deputy Commissioner (G)	

The Punjab Government Employees Welfare Fund Ordinance, 1969

**THE *(PUNJAB) GOVERNMENT EMPLOYEES
Welfare Fund Ordinance, 1969
(W.P.Ord. 1 of 1969)**

18th March 1969

An ordinance to establish a Welfare Fund for the relief and security of the employees of *(the Punjab) Government and their families.

Preamble—Whereas, it is expedient to establish Welfare Fund for the relief and security of the employees of the *(Punjab) Government and their families;

And Whereas the Provincial Assembly of *(the Punjab) is not in session and the Governor of *(the Punjab) is satisfied that circumstances exist which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred on him by clause (I) of Article 79 of the Constitution, the Governor of *(the Punjab) is pleased to make and promulgate the following Ordinance:

1. **Short title, extent and commencement**—(1) This Ordinance may be called the *(Punjab) Government Employees Welfare Fund Ordinance, 1969.

(2) It shall apply to all Government servants as hereinafter defined provided that Government may, by notification exempt any class of Government servants from the operation of this ordinance.

(3) It shall come into force on such date as Government may by notification, appoint in this behalf.

2. **Definition** – In this ordinance, unless the context otherwise require, the following expressions shall have the meanings hereby respectively assigned to them:

- (a) “family” in relation to a Government servant means his or her –
 - i) wife or wives or husband, as the case may be;
 - ii) legitimate children and step children less than twelve years old;
 - iii) legitimate children and step children not less than twelve years old, if residing with and wholly dependent upon him or her; and
 - (iv) parents, sisters and minor brothers, if residing with and wholly dependent upon him or her;
- (b) #“Gazetted Government Servant” means a Government servant holding a post in National Pay Scale 16 and above);
- (c) “Government” means the ***(Provincial Government of the Punjab);

*Substituted for the words “West Pakistan” vide Punjab Laws (Adaptation), Order, 1974.

Substituted by the ‘Punjab Government Employees Welfare Fund (Amendment) Ordinance, 1980’, given effect from 1st July 1979.

**Substituted for the words “Government of West Pakistan” vide Punjab Laws (Adaptation) Order, 1974.

- (d) “Government servant” means a person who is a member of a civil service of the Province of *(the Punjab) or who holds any civil post in connection with the affairs of the province, but does not include a member of an All–Pakistan Service;
- (e) “non–gazetted Government servant” means a Government servant other than Gazetted Government servant;
- (f) “Prescribed” means prescribed by rules made under this Ordinance;
- (g) “rules” means rule made under this Ordinance;
- (h) “Welfare Fund” means the Welfare fund established under this Ordinance.

3. **Welfare Fund** – (1) There shall be established a fund to be called the*** (Punjab) Employees Welfare Fund.

(2) To the credit of the Fund shall be placed:

- (a) all contributions received under section 6 from Government servants;
- (b) the contributions made to the Fund by Government, the Government servants Benevolent Fund or the Police Welfare Fund; and
- (c) any interest or profit accruing on such contributions.

(3) The Welfare Fund shall be divided into two parts; Part–I for gazetted Government servants and Part–II for non–gazetted Government servants and each such part shall be maintained and administered separately in accordance with the provisions of this Ordinance.

(4) The contribution from gazetted Government servants received under section 6 shall be credited into Part–I of the Welfare Fund and the contributions received from non–gazetted Government servants shall be credited into Part–II of the Fund.

(5) The moneys credited into the Welfare Fund shall be kept in such bank or banks as may be prescribed.

(6) The Welfare Fund shall be utilized for meeting the expenses on arrangements to be made with an insurance company or other insurer for the insurance of Government servants.

(7) any sums remaining in the Welfare Fund after defraying the expenses referred to in sub–section (6) may be utilized for such benefits to Government servants and their families as may be prescribed.

4. **Constitutions and powers of the Welfare Board** – (1) As soon as may be, Government shall constitute the following Welfare Boards, namely:

- (a) the Provincial Welfare Board (Gazetted);
- (b) the Provincial Welfare Board (Non–Gazetted); and
- (c) a Divisional Welfare Board for each Division.

(2) Part–I of the Welfare Fund shall vest in the Provincial Welfare Board (Gazetted), and Part–II of the Welfare Fund shall vest in the provincial Welfare

*Substituted for the words “West Pakistan” vide Punjab Laws (Adaptation) Order, 1974.

***Substituted for the words “West Pakistan” vide Punjab Laws (Adaptation) Order, 1974.

Board (Non-gazetted), and each of the said Boards shall administer the part of the Welfare Fund vesting in it in such manner as may be prescribed.

(3) Subject to such rules as may be made in this behalf and to such directions as may be issued by Government, the Provincial Welfare Boards:

- (a) shall from time to time, arrange for the insurance of the Government servants with which they are concerned in the sums specified in the Schedule with such insurance company or other insurer as it deems fit;
- (b) shall have the power to sanction expenditure connected with the administration and management of that part of the Welfare Fund which vests in them; and
- (c) may do or cause to be done all the things ancillary or incidental to any of the aforesaid powers or to the purposes of the Welfare Fund.

(4) The Divisional Welfare Board shall exercise such powers and perform such functions in relation to Part-II of the Welfare Fund as may be prescribed or as may be delegated to them by the Provincial Welfare Board (Non-Gazetted).

5. ♦(1) **The arrangement to be made with an insurance company or other insurer** under clause (a) of sub-section (3) of section 4 shall be to the effect that on the death *(caused due to any reason other than war, invasion or civil war), of a Government servant of the class specified in column 1 of the Schedule, the sum specified against that class of Government servant in column 2 of the Schedule be paid:

- (a) to such member or members of his family as he may have nominated for the purpose, in full or in the shares specified by him at the time of making the nomination; and
- (b) where no valid nomination by the Government servant exists at the time of his death, the sum assured shall be paid to his family, and in the absence of a family, to his surviving relatives, if any, in the manner and in the shares in which the gratuity of deceased Government servant is payable under the ~~(West Pakistan)~~ Pension Rules, as in force for the time being.

♥(2) Where death of a Government servant is caused as a result of war, invasion or civil war, the sum, as specified in column 2 of the Schedule shall be paid by Government in the same manner as is provided in clauses (a) and (b) of sub-section (1).

6. **Payment of contribution** – (1) Every Government servant shall be liable to pay to the Welfare Fund as his contribution such sum of money as may be

♦The existing Section 5 was renumbered as sub-section (1) vide the West Pakistan Government Employees Welfare Fund (Punjab Amendment) Act, 1975.

*Inserted vide the West Pakistan Employees Welfare Fund (Punjab Amendment) Act, 1975.

**The words “West Pakistan” deleted by Punjab Laws (Adaptation) Order, 1975.

♥Sub-section (2) was added vide the West Pakistan Government Employees Welfare Fund (Punjab Amendment) Act, 1975.

prescribed, the amount of such contribution shall, as far as possible, be deducted at the source from his pay and credited or remitted to the Welfare Fund.

(2) Where the contribution cannot for any reason be deducted from the pay of the Government servant, he shall remit to the prescribed officer, the amount of the contribution payable by him.

(3) Any contribution remaining unpaid due to inadvertence or negligence of the Government servant or otherwise shall be recoverable from him together with interest.

7. **Government may make rules for the purposes of giving effect** to all or any of the provisions of this ordinance.

SCHEDULE

(See Sections 4 and 5)

The sums in which various classes of Government servants are to be insured:

<u>CLASS OF GOVERNMENT SERVANT</u>	<u>SUM ASSURED</u>
	Rs.
*NPS 1 to 4	7,500.00
NPS 5 to 10	10,000.00
NPS 11 to 15	20,000.00
NPS 16 to 17	30,000.00
NPS 18	50,000.00
NPS 19	80,000.00
NPS 20 and above	1,00,000.00

*Substituted vide the Punjab Government Employees Welfare Fund (Amendment) Ordinance, 1980 which was given effect from 1st July 1979.

GOVERNMENT OF *~~WEST PAKISTAN~~ PUNJAB
FINANCE DEPARTMENT
NOTIFICATION

The 3rd September 1969

No.FD–BI–32(2)/69– In exercise of the powers conferred by section 7 of the ~~West Pakistan~~ Punjab Employees Welfare Fund Ordinance, 1969 (~~West Pakistan~~ Ordinance 1 of 1969), the Government of the ~~West Pakistan~~ Punjab is pleased to make the following rules, namely:

1. (1) These rules may be called the ~~West Pakistan~~ Punjab Government Employees Welfare Fund Rules, 1969.

(2) They shall be deemed to have come into force on the 19th day of March, 1969.

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

(a) “Board” means the Provincial Welfare Board (Gazetted) the Provincial Welfare Board (Non–Gazetted) or the Divisional Welfare Board, as the case may be, as constituted under sub–section (1) of section 4 of the ordinance;

(b) “Ordinance” means the ~~West Pakistan~~ Punjab Employees Welfare Fund Ordinance, 1969;

(c) “Pay” means the amount drawn monthly by a Government servant as–

- i) the pay which has been sanctioned for a post held by him/her substantively or in an officiating capacity or to which he/she is entitled by reason of his/her position in a cadre;
- ii) overseas pay, technical pay, personal pay and special pay; and
- iii) any other emolument which may specifically be classed as pay by the competent authority.

3. Every Government servant under the age of sixty years shall be assured the sum specified in the Schedule to the Ordinance in respect of the class to which he belongs.

4. For the purposes of these rules, and the insurance of Government servants under the Ordinance:

(a) A Gazetted Government servant shall be deemed to be as Class–I Officer, if he is either classified as Class–I Officer by Government or an Authority empowered in this behalf by Government or if he has not been so classified, the scale of pay drawn by him is identical with

*Substituted for the words “West Pakistan” vide Punjab Laws (Adaptation) Order, 1974, wherever occurs.

the pay scale of a Class-I Officer. All other Gazetted Government servants in regular employment shall be deemed to be Class-II Officers.

- (b) a non-Gazetted Government servant shall be deemed to be a Class-III Government servant, if he is either so classified by the Government or an Authority empowered in this behalf by Government or if he has not been so classified the scale of pay drawn by him is identical with the pay of a Class-III Employee. All other non-Gazetted Government servants in regular employment shall be deemed to be Class-IV Government servants.

*5. Every Government Servant drawing pay in Basic Pay Scale No. 5 and above shall be liable to contribute towards the Welfare Fund per annum a sum of **Rs.3.65 (rupees three and paisa sixty five) per thousand rupees of the sum in which he is insured.

6. Contribution to the Welfare Fund shall be made –

- (i) in the case of a Gazetted Government servant by deduction of the amount of contribution from his/ her pay bill.
(ii) in the case of a Non-Gazetted Government servant, by deduction of the amount of contribution by the Drawing Officer from his/her pay bill.

7. (1) Where a Government servant is transferred to foreign service he/she shall continue to be governed by these rules in the same manner as if he/she was so transferred and his/her contribution to the Welfare Fund during such period shall be remitted by him/her to the Audit Officer in whose jurisdiction he/she was serving immediately before he/she was so transferred.

(2) If for any reason contribution to the Welfare Fund has not been deducted from the pay of a Government servant, or paid in the manner provided in sub-rule (1), the same shall, in lump sum, be –

- (a) deducted from his/her subsequent pay bill; or
(b) remitted to the Audit Officer in whose jurisdiction he/she was last serving or to the Head of the Department under whom he/she is serving and who shall then take action as provided in rule 13.

8. Notwithstanding the fact that a Government servant may have at different times belonged to different classes of Government servants, the assured sum to be paid on his death to the member or members of his family nominated by him/her in this behalf or the other persons specified in section 5 of Ordinance, shall be the sum specified in the Schedule to the ordinance, in respect of the class to which he belonged immediately before his death.

*Substituted vide Notification No. SOWF-III(S&GAD) 3 (3)/74 dated 24.12.1984.

**The rate of contribution was reduced to Rs. 3.60 vide circular No. SOWF.III (S&GAD)3-1/87 dated 9th July 1987. See page 84.

9. If a Government servant, for any reason whatsoever, quits Government service or is discharged or dismissed from service, or his services are terminated, he/she shall neither be entitled to any benefit from the Welfare Fund, nor to any claim for the refund of the contributions made by him/her towards the said Fund during the period of his/her service.

10. Within three months of the coming into force these rules –

- (a) every Gazetted Government servant below sixty years of age nominate, in the form set out in Annexure “A” a member of his/her family to whom he desires the sum assured to be paid in the event of his/her death, specifying in case the sum assured to be paid to more than one member of his/her family, the proportion in which such sum is to be paid to them, and forward the same direct to the Insurance Company concerned, whereupon the Insurance Company concerned, shall assign a nomination number to him and furnish a receipt thereof for the record of the Government servant; and
- (b) the Head of Office or the Head of Department concerned shall obtain from every non-Gazetted Government servant working under him who is below sixty years of age, two copies of the nomination, in the form set out in Annexure “A” duly filled in and complete in all respects and place the same in the service book of the assured person concerned.

11. Claims under these rules shall become payable only upon submission by the Head of Office or the Head of Department concerned to the Insurance Company of –

- (i) a certificate in the form set out in Annexure “B” or “C” as the case may be certifying the death of the Government servant concerned and indicated the class of Government servant to which such Government servant belonged immediately before his/her death;
- (ii) where the deceased was a Non-Gazetted Government servant, one copy of the nomination form referred to in clause (b) of sub-rule (I) of rule 10; and
- (iii) where no valid nomination under rule 10 subsists in respect of a Government servant at the time of his death, a certificate specifying the name of the members of his family, and in the absence of any member of his family, the names of his surviving relatives to whom the sum assured is payable under the provision of clause (b) of sub section (1) of section 5 of the Ordinance, and the shares in which the sum is payable to them.

12. (1) On receipt of the documents referred to in rule 11, the Insurance Company concerned shall make immediate arrangements for the payment of the sum assured, depending on the class to which such assured person belonged, in the manner provided in section 5 of the Ordinance.

(2) In case the nominee is a minor, the Government servant shall nominate one or more person through whom the payment of the share/amount of the minor shall be paid by the Insurance Company.

(3) A Government servant may, at any time, cancel a nomination by sending a notice in writing to the appropriate authority and may also send a fresh nomination along with such notice.

(4) If the nomination relates only to a part of the total sum assured, the part to which it does not relate shall in the event of his/her death, be distributed in accordance with the provisions of clause (b) of section 5 of the Ordinance.

13. (1) All contribution made under these rules shall be credited into the Welfare Fund in the minor head "Punjab Government Employees Welfare Fund".

(2) There shall be two sub-heads under the minor head referred to in sub-rule (1) above one sub-head for Part-I of the Fund and the other for Part-II of the Fund.

14. The contribution towards the Welfare Fund shall be checked by the Audit Offices concerned in the case of payments made at Lahore, Karachi and Peshawar and by the Treasury Officer concerned in the case of payments made in their respective districts.

15. (1) There shall be held at least one meeting of each Board in every three months period.

(2) A special meeting of the Board may however, be called by the Chairman whenever he so considers necessary.

(3) The Chairman and any two members of the Board shall form the quorum at the meeting.

(4) Decisions by the Board shall be taken by majority of votes. In case of equality of votes, the Chairman shall have a second or casting vote.

(5) The Chairman may appoint one of the members as Secretary to the Board.

(6) All decisions of the Board shall be recorded in writing by Secretary and in his absence by such other member of the Board as may be authorized in this behalf by the Chairman.

(7) Subject to the general supervision and control of the Chairman, the Secretary shall be responsible for:

- i) the conduct of correspondence on behalf of the Board;
- ii) the maintenance of the records of the Board;
- iii) the disbursement of money from the Fund;
- iv) the maintenance of the accounts;
- v) preparation of the agenda of the meeting of the Board and giving advance notice of such meeting to the members of the Board;
- vi) performance of such other functions as may be specified by the Chairman.

16. The Board may make to a Government servant, who has retired from service or has completed the age of sixty years, such grants out of the Welfare Fund, not exceeding rupees two thousands as it may consider appropriate or feasible.

17. Members of the Provincial Welfare Board (Gazetted), Provincial Welfare Board (Non-Gazetted) and Divisional Welfare Board shall not be entitled to any remuneration.

18. All moneys credited into the Welfare Fund shall be kept in the Government treasury in the name of the Chairman of the Provincial Welfare Board (Gazetted) and the Provincial Welfare Board (Non-Gazetted), as the case may be.

19. Any amount required to be drawn from the Welfare Fund shall be drawn by submitting to the Accountant-General, ~~West Pakistan~~ Punjab bills which shall be signed by the Chairman of the Provincial Welfare Board (Gazetted) or the Provincial Welfare Board (Non-Gazetted), as the case may be, Provided that if the amount, to be drawn exceeds one lack of rupees, the cheque shall be signed by the Chairman and another member of the Board.

20. The account of the contributions made to the Funds shall be maintained by the Audit Officer of the area in whose jurisdiction the Government servant is serving.

21. The account of the Welfare Fund shall be kept in rupees and all payments from it shall be made in rupees.

ANNEXURE "A"

FORM OF NOMINATION

I, _____ son/daughter/wife of _____ the _____ Department of Government of the Punjab hereby nominate the person/persons mentioned below, who is/are member/members of my family as defined in the Government of the Punjab Employees Welfare Fund Rules, 1969 to receive the assured sum in the event of my death under the Group Term Life Insurance Scheme:

Name and address of Nominee	Relationship	Age	Proportion of the amount to be paid	If the nominee is minor, name of the person or persons to whom payments to be made on his/her behalf
-----------------------------	--------------	-----	-------------------------------------	--

Dated the _____ day of _____ 20 ____

Attested by
Signature and Seal

Signature of Subscriber
Seal of Office

The Signature of the subscriber should be attested by Class-I officer who should affix his seal of office below his signature.

ANNEXURE "B"

(GAZETTED)

GOVERNMENT OF THE PUNJAB

_____ DEPARTMENT/OFFICE

Dated _____

To

(Address of the Insurance Co.)

Dear Sirs,

Claim No. _____

**GROUP INSURANCE SCHEME FOR THE EMPLOYEES OF
THE GOVERNMENT OF THE PUNJAB**

With reference to the above noted Scheme, I have to report that Mr/Mrs/
Miss _____ who was working as _____ Aged
_____ Years, died on _____ due to _____
(state age at death) (state age at death) (cause of
death)

It is, therefore, requested that the payment of Rs. _____
(Rupees _____ only, the amount for which the deceased was covered, may
be made in favour of the nominee/nominees.

It is hereby certified:

- (1) That the necessary premium has been paid.
- (2) That at the time of the death the deceased was a class
_____ employee.
- (3) That the deceased was getting the pay in BS. No. _____
- (4) The deceased died during service in case of retirement;
exact date of retirement _____

Yours faithfully,

Head of Office/Department
(with official seal)

ANNEXURE "C"

(NON-GAZETTED)

GOVERNMENT OF THE PUNJAB

_____ DEPARTMENT/OFFICE

Dated _____

To

(Address of the Insurance Co.)

Dear Sirs,

Claim No. _____

**GROUP INSURANCE SCHEME FOR THE EMPLOYEES OF
THE GOVERNMENT OF THE PUNJAB**

With reference to the above noted Scheme, I have to report that Mr/Mrs/Miss _____ who was working as _____ Aged _____ Years, died on _____ due to _____ (state age at death) (state age at death) (cause of death)

It is, therefore, requested that the payment of Rs. _____ (Rupees _____ only, the amount for which the deceased was covered, may be made to the nominee/nominees. A copy of nomination from his/her service record is enclosed.

It is hereby certified:

- (1) That the necessary premium has been paid.
- (2) That at the time of the death the deceased was a class _____ employee.
- (3) That the deceased was getting the pay in BS. No. _____
- (4) The deceased died during service in case of retirement, exact date of retirement _____

Yours faithfully,

Head of Office/Department
(with official seal)

ANCILLARY INSTRUCTIONS

**THE PUNJAB GOVERNMENT EMPLOYEES WELFARE
FUND RULES, 1969**

Subject: REVISION OF SUM ASSURED UNDER GROUP INSURANCE
SCHEME AND BENEVOLENT FUND CONTRIBUTION

For sometime past revision of sum assured under Group Insurance Scheme and other benefits have been under the consideration of the Government. Finally on the recommendation of a high level Committee, the Governor has been pleased to approve of the following:

GROUP INSURANCE SCHEME

- (A) (i) Sums assured of different categories of Government Servants have been increased as under:

Category of Govt. Servants	Sum Assured	Annual premium (Rs.3.00 per thousand per annum.
NPS 1 to 4	7,500.00	22.50
NPS 5 to 10	10,000.00	30.00
NPS 11 to 15	20,000.00	60.00
NPS 16 to 17	30,000.00	90.00
NPS 18	50,000.00	150.00
NPS 19	80,000.00	240.00
NPS 20 and above	1,00,000.00	300.00

- (ii) The premium of Government servants in NPS 1 to 4 shall be contributed by the Government and remaining categories of Government servants shall pay their premium at three rupees per thousand per annum.
- (iii) Re-employed Government servants shall also be covered by Group Insurance scheme up to the age of 62 years on regular payment of premium according to their category.

BENEVOLENT FUND

- (B) (i) Monthly aid to widow children is increased from Rs.300/- per month to Rs.500/- per month under Part-I (Gazetted).
- (ii) Monthly aid to widow children is increased from Rs.150/- to Rs.250/- per month under Part-II (Non-Gazetted).
- (iii) The benefits of marriage grant are extended to retired deceased Government servants subject to the condition that the grant will be admissible to two daughters only at the rate of Rs.500/- each.
- (iv) In order to meet the increase in expenditure the rate of contribution from Government servants is increased from 1% to 2% in case of Government employees in Grade 5 and above. The rate of

contribution in case of employees in NPS-1 to 4 remain un-changed and they will continue to contribute at 1 % of their pay.

2. The Punjab Employees Welfare Fund Ordinance 1969 and the Punjab Government Servants Benevolent Fund Ordinance 1960 and rules made hereunder are being amended simultaneously.
3. New rates will be effective from 1st July 1979.

NO.SOWF.III(S&GAD)3-3/74.

Dated the 23rd August 1984

Subject: RATE OR PREMIUM IN RESPECT OF GROUP TERM
INSURANCE SCHEME

I am directed to refer to this Department's circular letter of even number, dated 13.08.1979 relating to the subject noted above and to state that the rate of premium for Group Insurance Scheme, which was fixed at Rs. 3/- per thousand sum assured per annum on 01.07.1979 has now been increased and fixed at Rs. 3.65 per thousand sum assured per annum with effect from 01.07.1984.

2. The annual and monthly rates of premia for different categories of employees with effect from 01.07.1984 will be as under:

Category of Govt. Servants	Sum Assured	Annual premia	Monthly deduction
BS 1 to 4	7,500.00	27.37	2.28
BS 5 to 10	10,000.00	36.50	3.04
BS 11 to 15	20,000.00	73.00	6.08
BS 16 to 17	30,000.00	109.50	9.12
BS 18	50,000.00	182.50	15.20
BS 19	80,000.00	292.00	24.33
BS 20 & above	100,000.00	365.00	30.41

3. The balance of premia that may remain unpaid at the above monthly deduction may all be paid and adjusted in the last month of the year.
4. The premium of the employees in BS-1 to 4 shall be paid by the Government as usual.
5. You are requested to issue instructions to all Drawing and Disbursing Officers of your Department to ensure that, while passing the pay bills of the employees working under them, deduction of Group Insurance Premia is made according to new rates.
6. The Punjab Employees Welfare Fund Rules, 1969 are being amended separately to the extent of modification in the rate of premium

NO.SOWF.III(S&GAD)3-1/87

Dated the 9th July 1987

Subject: RATE OR PREMIUM IN RESPECT OF GROUP TERM
INSURANCE SCHEME

I am directed to refer to this Department's circular letter No. SOWF.III (S&GAD)3-3/74, dated 23.08.1984 relating to the subject noted above and to state that the rate of premium for Group Insurance Scheme, which was fixed at Rs. 3.65 per thousand sum assured per annum on 01.07.1984 has now been decreased and fixed at Rs. 3.60 per thousand sum assured per annum with effect from 01.07.1987.

2. The annual and monthly rates of premia for different categories of employees w.e.f 01.07.1987 will be as under:

Category of Govt. Servants.	Sum Assured	Annual premia	Monthly deduction
BS 1 to 4	7,500.00	27.00	2.25
BS 5 to 10	10,000.00	36.00	3.00
BS 11 to 15	20,000.00	72.00	6.00
BS 16 to 17	30,000.00	108.00	9.00
BS 18	50,000.00	180.00	15.00
BS 19	80,000.00	288.00	24.00
BS 20 & above	100,000.00	360.00	30.00

3. The premium of the employees in BS-1 to 4 shall be paid by the Government as usual.

4. You are requested to issue instructions to all Drawing and Disbursing Officers of your Department to ensure that, while passing the pay bills of the employees working under them, deduction of Group Insurance Premia is made according to new rates.

5. The Punjab Government Employees Welfare Fund Rules, 1969 are being amended separately to the extent of modification in the rate of premium.

NO.SOWF.III(S&GAD)3(2)72
Dated the 20th August 1990

Subject: FEDERAL INSURANCE FEE

I am directed to refer to the subject noted above.

2. As notified in the Finance Act, 1989 (V of 1989) (copy enclosed) the Federal Government has levied, the Federal Insurance Fee to be charged from all the Government employees at the rate of 1% of the premium paid on all types of insurance. Accordingly the Provincial Government has decided to levy the Federal Insurance Fee from their employees w.e.f. 01.07.1989 at the rate of 1%.

3. Government is paying premium of Group Insurance for its employees in BS-1 to BS-4, therefore, deductions of Federal Insurance Fee from their pay bill will not be needed. However, the deduction of Federal Insurance Fee will be made from the pay bills of the employees in BS-5 and above on the total Group Insurance premium paid during 12th Calendar month at the rate of 1% in the month of June paid in July.

This may kindly be notified to all Government Servants in BS-5 and above for information.

NO. SOWF.III(S&GAD)3-8/90

Dated the 25th November 1990

NOTIFICATION

In exercise of the powers conferred on him under Section 4 (1) of the Punjab Government Employees Welfare Fund Ordinance, 1969 (1 of 1969) and in supersession of the Government of West Pakistan Punjab Finance Department's Notification No. BI-32 (3)/69, dated 19th March 1990, the Governor of the Punjab is pleased to constitute the following Welfare Boards; namely:

a) PROVINCIAL WELFARE BOARD (GAZETTED)

- | | | |
|----|---|----------------------|
| 1. | Secretary to Govt. of the Punjab,
Finance Department | Chairman |
| 2. | Secretary to Govt. of the Punjab,
Law & Parliamentary Affairs Deptt. | Member |
| 3. | Addl. Secretary (Budget), Govt. of the
Punjab Finance Department. | Member |
| 4. | Economic Advisor (BF).Deputy
Secretary (Fund), S&GAD. | Member/
Secretary |

b) PROVINCIAL WELFARE BOARD (NON-GAZETTED)

- | | | |
|----|---|----------------------|
| 1. | Secretary to Govt. of the Punjab,
Finance Department | Chairman |
| 2. | Secretary to Govt. of the Punjab,
Law & Parliamentary Affairs Department | Member |
| 3. | Addl. Secretary (Budget), Govt. of the
Punjab, Finance Department. | Member |
| 4. | Economic Advisor (BF).Deputy
Secretary (Fund), S&GAD. | Member/
Secretary |

SOWF.III(S&GAD)6-1/96 (P)Enh-85

Dated 28th January 1997

Subject: ENHANCEMENT OF SUM ASSURED IN RESPECT OF GROUP TERM INSURANCE SCHEME AND COVERAGE FOR FIVE YEARS AFTER RETIREMENT OF GOVERNMENT SERVANT

I am directed to state that the Punjab Government Employees Welfare Funds Ordinance has been amended vide Government of Punjab Law and Parliamentary Affairs Department Notification No. Legis.3(v)97 dated 22nd January 1997 with effect from 01.09.1996.

2. Apart from the enhancement of the sum assured the coverage shall also be extended to five years after retirement of Government Servant without requiring the retired Government servant to pay premium after his retirement.

3. The revised sum assured annual and monthly rates of premium for different categories of employees shall be as follows with effect from 01.09.1996.

BPS	Sum Assured	Annual Premium	Monthly Premium
1-4	Rs. 30000	Rs. 109.50	Rs. 9.13
5-10	Rs. 35000	Rs. 127.75	Rs. 10.65
11-15	Rs. 60000	Rs. 219.50	Rs. 18.25
16	Rs. 90000	Rs. 328.00	Rs. 27.38
17	Rs. 120000	Rs. 438.00	Rs. 36.50
18	Rs. 175000	Rs. 638.00	Rs. 53.22
19	Rs. 210000	Rs. 766.50	Rs. 63.87
20	Rs. 250000	Rs. 912.50	Rs. 76.04

As regards the Government Employees in BS-1-4 the premium of Rs. 2.28 per employees per month will be paid by the Government and the balance of premium of Rs. 6.85 per month shall be deducted form their monthly salary.

4. You are requested to issue instructions to all drawing and disbursing officers of your Department to ensure that while passing the pay bill of the employees working under them deduction of Group Insurance premium is made according to new rates with effect from 01.09.1996. The arrears of balance premium for the period for the month of September 1996 to January 1997 may be deducted in installments within next three months.

5. The Department Heads are requested to ensure that apart from the cases of death during service claim of retired Government Servants may also be lodged with State Life Insurance Corporation of Pakistan in case death occurs within five years after retirement.

SOWF.III(S&GAD)6-1/96 (P)Enh-86
Dated the 28th January 1997

Subject: AMENDMENT OF SECTION 5 OF ORDINANCE 1 OF 1969

I am directed to state that the Punjab Government Employees Welfare Funds Ordinance 1969 has been amended vide Government of Punjab Law and Parliamentary Affairs Department Notification No. Legis.3(xiv)/96 dated 06.11.1996 with effect from 06.11.1996.

2. According to this amendment if a Government Servant dies without having a valid nomination for Group Insurance and without being survived by any family member of surviving relative, the amount of his/her Group Insurance will be paid to his legal heirs i.e. to the person/s in whose favour the succession certificate is issued by the competent court of law.

3. You are requested to issue instruction conveying this amendment to all the offices of your department.

AS (Funds) S&GAD (G.I)-1/2002
Dated the 5th October 2002

Subject: ENHANCEMENT OF SUM ASSURED IN RESPECT OF GROUP TERM INSURANCE SCHEME AND COVERAGE FOR FIVE YEARS AFTER RETIREMENT

I am directed to state that the Punjab Government Employees Welfare Funds Ordinance has been amended vide Government of Punjab Law and Parliamentary Affairs Department Notification No. Legis.13-22/91 dated 23rd September 2002 with effect from 01.07.2002.

2. Apart from the enhancement of the sum assured the coverage shall continue to remain extended to five years after retirement of Government Servant without requiring them to pay premium after retirement. The Government Servants retiring on or after 01.07.2002 shall be covered for the revised enhanced sums, while Government Servants who retired on or before 30.06.2002 shall be covered for the previous sums assured.

3. With effect from 01.07.2002 the annual and monthly rates of premium for the revised assured sums, in respect of different categories of employees of the Punjab Government shall be as follows:

BPS	Sum Assured	Annual Premium	Monthly Premium
1-4	Rs. 120000	Rs. 450	Rs. 37.50
5-10	Rs. 140000	Rs. 525	Rs. 43.75
11-15	Rs. 240000	Rs. 900	Rs. 75.00
16	Rs. 360000	Rs. 1350	Rs. 112.50
17	Rs. 480000	Rs. 1800	Rs. 150.00
18	Rs. 700000	Rs. 2625	Rs. 218.75
19	Rs. 840000	Rs. 3150	Rs. 262.50
20 & above	Rs. 1000000	Rs. 3750	Rs. 312.50

As regards the Government Employees in BS-1-4, 1/4th of total premium (i.e. Rs. 9.37 per employee per month) will be paid by the Government and the balance of premium of Rs. 28.13 per month shall be deducted from their monthly salaries.

4. You are requested to issue instructions to all drawing and disbursing officers of your Department to ensure that while passing the pay bills of the employees working under them deduction of Group Insurance premium is made according to new rates with effect from 01.07.2002. The arrears of balance premium from the month of July, 2002 to September, 2002 may be deducted in installments within next four months.

5. The Department Heads are requested to ensure that apart from the cases of death during service, claim of retired Government Servants may also be lodged with State Life Insurance Corporation of Pakistan in case death occurs within five years after retirement.

NO. Secy (Funds) S&GAD/GI/1-2/2008
Dated the 6th February 2008

Subject: ENHANCEMENT OF SUM ASSURED IN RESPECT OF GROUP TERM INSURANCE SCHEME AND COVERAGE FOR FIVE YEARS AFTER RETIREMENT

I am directed to state that the Punjab Government Employees Welfare Fund Ordinance has been amended vide Government of Punjab Law and Parliamentary Affairs Department Notification No. Legis.13-73/2007 dated 17.11.2007 with effect from 01.07.2007.

2. Apart from the enhancement of the sum assured the coverage shall continue to remain extended to five years after retirement of Government Servant without requiring them to pay premium after retirement. The Government Servants retiring on or after 01.07.2007 shall be covered for the revised enhanced sums, while Government Servants who retired on or before 30.06.2007 shall be covered for the previous sums assured.

3. With effect from 01.07.2007 the annual and monthly rates of premium for the revised assured sums, in respect of different categories of employees of the Punjab Government shall be as follows:

BPS	Sum Assured	Annual Premium	Monthly Premium
1-4	Rs. 1,50,000	Rs. 719.00	Rs. 60.00
5-10	Rs. 1,75,000	Rs. 838.00	Rs. 70.00
11-15	Rs. 3,00,000	Rs. 1437.00	Rs. 120.00
16	Rs. 4,50,000	Rs. 2156.00	Rs. 180.00
17	Rs. 6,00,000	Rs. 2874.00	Rs. 240.00
18	Rs. 8,75,000	Rs. 4191.00	Rs. 349.00
19	Rs. 10,50,000	Rs. 5030.00	Rs. 419.00
20 & above	Rs. 12,50,000	Rs. 5988.00	Rs. 499.00

As regards Government Employees in BS-1-4, 1/4th of total premium (i.e. Rs. 15.00 per employee per month) will be paid by the Government and the balance premium of Rs. 45.00 per month shall be deducted from their monthly salaries.

4. You are requested to issue instructions to all drawing and disbursing officers of your Department to ensure that while passing the pay bills of the employees working under them deduction of Group Insurance premium is made according to new rates with effect from 01.07.2007. The arrears of balance premium from the month of July, 2007 to January, 2008 may be deducted in 05 installments.

5. The Department Heads are requested to ensure that apart from the cases of death during service, claim of retired Government Servants may also be lodged with State Life Insurance Corporation of Pakistan in case death occurs within five years after retirement.

Punjab Public Service Commission Ordinance, 1978

**GOVERNMENT OF THE PUNJAB
LAW DEPARTMENT**

No. Legis:3(II)/78
Dated the 18th January 1978

The following Ordinance promulgated by the Governor of the Punjab is hereby published for general information:

**THE PUNJAB PUBLIC SERVICE COMMISSION
ORDINANCE, 1978
PUNJAB ORDINANCE NO. II OF 1978**

**AN
ORDINANCE**

to repeal and, with certain modifications, re-enact the Punjab Public Service Commission Act, 1974.

Preamble.—

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Punjab Public Service Commission Act, 1974;

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

NOW, THEREFORE, in pursuance of the proclamation of the fifth day of July, 1977, read with the Laws (Continuance in force) Order, 1977 (CMLA Order No. 1 of 1977), the Governor of the Punjab is pleased to make and promulgate the following Ordinance:

Short Title and Commencement.—

1. (1) This Ordinance may be called the Punjab Public Service Commission Ordinance, 1978.

(2) It shall come into force at once.

Definitions.—

2. In this Ordinance, unless there is anything repugnant in the subject or context:

(a) “Commission” means the Punjab Public Service Commission;

(b) “Member” means a member of the Commission and includes the Chairman thereof; and

(c) “Service of Pakistan” means the Service of Pakistan as defined in the Constitution of Islamic Republic of Pakistan.

***Composition of the Commission etc.–**

3. (1) There shall be a Commission consisting of a Chairman and such number of members as the Governor may determine.

(2) The Governor shall appoint the Chairman and the members of the Commission but no person who is sixty-five years of age or above and no serving Government servant shall be so appointed.

(3) The Government shall determine the terms and conditions of service of the members but the Government shall not, during the term of office of a member, vary salary, allowances and privileges to the disadvantage of the member.

(4) The Commission shall have–

(a) not less than one-half of the members who have held office in the service of Pakistan in basic scale 21 or above;

(b) at least one Member each from–

(i) retired judges of the superior judiciary;

(ii) retired officers not below the rank of Major General or equivalent of the Armed Forces;

** (iii) women from public or private sector possessing such qualification and experience as the Government may, by rules, prescribe; and

(iv) retired professionals in basic scale 20 or above of the Government with not less than fifteen years experience in the field of engineering, agriculture, education, medicine or dentistry, forensics, environment, information technology, law or any other professional field.

(5) No proceedings or act of the Commission shall be invalid merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

•Term of Office.–

4. *** (1) A member shall be appointed for a term of three years and shall not be eligible for reappointment but a member may be appointed as the Chairman for the residual period of the term; provided that the residual period of the member is not less than six months.

(2) Notwithstanding anything contained in sub-section (1), a member shall cease to hold office on completion of his term or on attaining the age of sixty-five years, whichever is earlier.

*Substituted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012.

** Paragraph (iii) substituted vide Notification No. PAP-Legis-2(157)/2012/820 dated 14.01.2013 (previous version is available at page 96).

• Substituted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012.

*** Sub-section (1) of Section 4, substituted vide Notification No. PAP-Legis-2(157)/2012/820 dated 14.01.2013 (previous version is available at page 96).

(3) A member may resign his office by writing under his hand addressed to the Governor.

Oath of office.–

*4.A. Before entering upon the office the Chairman and members shall make oath in the form set out in the Schedule to this Ordinance before the Governor in case of Chairman and before the Chairman in case of a member.

Removal from Office.–

5. (1) A member shall not be removed from office during the term of his office except in the manner hereinafter provided.

(2) If, the Governor is of the opinion that a member:

(a) may have been guilty of misconduct; or

(b) may be incapable of properly performing the duties of his office by reason for physical or mental incapacity;

the Governor shall appoint a Judge of the High Court to inquire into the matter.

(3) If, after inquiring into the matter the Judge reports to the Governor that he is of the opinion that the member has been guilty of misconduct or is incapable of performing the duties of his office, the Governor may remove the member from office.

~~**Ineligibility for further employment.–**~~

∇6. Omitted.

Functions of Commission.–

*7. The functions of the Commission shall be:

(a) to conduct tests and examinations for recruitment to–

(i) such Provincial Services and posts connected with the affairs of the Province, as may be prescribed; and

(ii) such posts in or under a Corporation or other body or organization set up by Government under any law, as may be prescribed;

(b) to advise the Government on such matters as may be prescribed relating to the terms and conditions of service of persons who are members of a Provincial Service or hold posts in connection with the affairs of the Province; and

*New clause added vide Notification No. Legis: 13-42/97 (P-I) dated 22.11.2002.

∇Omitted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012.

*Substituted vide Notification No. Legis. 3(18)/78 dated 22.08.1978.

- (c) such other functions as may be prescribed.

Commission to be informed when its advice is not accepted.–

8. Where the Governor does not accept the advice of the Commission he shall inform the Commission accordingly.

Report of Commission.–

9. (1) The Commission shall, not later than 15th day of February in each year, prepare report as to the work done by it during the preceding year ending on the 31st day of December and submit the report to the Governor.

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

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

(3) The Governor shall cause a copy of the report to be laid before the Provincial Assembly.

Rules * and Regulations.–

10. (1) The Government may, by notification in the official gazette, make rules for carrying out the purpose of this Ordinance.

*(2) Subject to the provisions of this Ordinance and the rules the Commission may make regulations for carrying out the purposes of this Ordinance and the rules.

Repeal.–

11. The Public Service Commission Act, 1974 (*1 of 1974*) is hereby repealed.

*The words “and Regulations” added vide Law Department Notification No. Legis: 3(32)/85 dated 27th February 1985.

***SCHEDULE**

(See section 4–A)

I, _____ do solemnly swear that I will bear true faith and allegiance to Pakistan.

That, as Chairman (or Member) of the Punjab Public Service Commission, I will discharge my duties, and perform any functions, honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well being and prosperity of Pakistan.

That, I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, I will act without fear or favour, affection or ill will.

May Allah Almighty help and guide me (A'meen).

=====

*Added vide Notification No. Legis: 13-42/97(P-I) dated 22.11.2002.

**PREVIOUS VERSIONS OF AMENDED SECTIONS, OF THE
PUNJAB PUBLIC SERVICE COMMISSION ORDINANCE, 1978**

Previous version of section 3, which was substituted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012:

“Composition of Commission etc.—

3. (1) There shall be a Commission consisting of such number of members as may be determined by the Governor.

(2) The members of the Commission shall be appointed by the Governor.

(3) The terms and conditions of service of the members shall be such as may be prescribed by rules.

Provided that the salary, allowances and privileges of a member shall not be varied to his disadvantage during his term of office.

(4) The Commission shall have:

(a) not less than one half of the members who shall be persons having held office in the Service of Pakistan in basic pay scale 21 or above post:

Provided that no serving Government servant shall be appointed as a Member;

(b) at least one Member each from:

(i) retired judges of the superior judiciary;

(ii) retired officers not below the rank of Major General or equivalent of the Armed Forces; and

(iii) women and the private sector possessing such qualification and experience as the Provincial Government may by rules prescribe.

(5) No proceeding or act of the Commission shall be invalid merely on the ground of existence of any vacancy in, or any defect in the constitution of the Commission.

(6) The Governor shall nominate one of the members to be the Chairman of the Commission.

(7) A person appointed as member and holding office as such immediately before the commencement of this Ordinance shall be deemed to have been appointed as member under this Ordinance.

(8) Deleted.”

Previous version of section 3, sub-section (4), in clause (b) paragraph (iii) which was substituted vide Notification No. PAP-Legis-2(157)/2012/820 dated 14.01.2013:

- “(iii) women and persons from private sector possessing such qualification and experience as the Government may by rules prescribe; and”

Previous version of section 4, which was substituted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012:

“Terms of Office of a Member–

4. (1) The term of office of a member shall not exceed 3 years:
Provided that a member may be reappointed for another term not exceeding two years.
- (2) A Member may resign his office by writing under his hand addressed to the Governor.
- (3) A Member shall cease to hold office on completion of his term or on attaining the age of 65 years, whichever is earlier.”

Previous version of sub-section (1) of Section 4, which was substituted Notification No. PAP-Legis-2(157)/2012/820 dated 14.01.2013

- “(1) A member shall be appointed for a term of three years and shall not be eligible for reappointment as such.”

Previous version of section 6, which was omitted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012:

“Ineligibility for further employment–

6. (1) On ceasing to hold office a member shall not be eligible for further employment in the service of Pakistan:

Provided that the Government may in an individual case and in public interest allow such employment on such terms and conditions as may be prescribed, in the case of a member who had ceased to hold office either as a result of completing the terms of office or had resigned.

- (2) Nothing contained in sub-section (1) shall be deemed–
- (i) to prevent a member, other than the Chairman, from being appointed as Chairman; and
- (ii) to apply to a person, who, at the time of the commencement of this Ordinance, was holding the office of the member and immediately before his appointment as member, was holding an office in service of Pakistan.”

Previous version of section 7, which was substituted vide Notification No. Legis-2(20)97/43 dated 21.06.1998:

“7. The functions of the Commission shall be:

Functions of Commission

- (a) to conduct tests, examinations or interviews for selection of suitable persons for appointments to Civil Services of the Punjab and posts connected with the affairs of the Province in Grade-16 and above or equivalent posts and such other posts as may be prescribed;
Explanation: In this clause, “appointment” means initial appointment otherwise than by transfer or promotion.
- (b) to advise the Governor on matters relating to qualifications for and method of recruitment to the civil services of the Province and posts connected with the affairs of the Province; and
- (c) such other functions as may be prescribed.”

=====

Punjab Public Service Commission (Functions) Rules, 1978

NOTIFICATION

In exercise of the powers conferred by Section 10 of the Punjab Public Service Commission Ordinance, 1978, the Governor of the Punjab is pleased to make the following rules:

1. (1) These rules may be called the **Punjab Public Service Commission (Functions) Rules, 1978.**

(2) They shall come into force at once.

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

(1) “Grade” means the National Scale of Pay in which a post or group of posts is placed:

Provided that in the case of a post or group of posts which have not been placed in any National Scale of Pay, Grade means the “National Scale of Pay”, corresponding to the “existing scale of pay”, in which a post or group of posts would have been placed; and

♦(2) “Test” includes written examination, psychological test, appraisal of record, interview and viva voce.

3. (1) The Commission shall conduct tests and examinations * [and take all steps ancillary thereto] for recruitment to:

- (i) the Provincial services and civil posts connected with the affairs of the Province falling in Grade * [(16 to 22) except those specified in Schedule-I];
- (ii) such posts in or under a Corporation or other body or Organization set up by Government under any law carrying a scale of pay the maximum of which is Rs. 2,750/- per mensem or above as may be referred to the Commission;
- (iii) any other posts which may be referred to the Commission for recruitment by the ** (~~Governor~~) Chief Minister; and
- (iv) the posts to be filled on contract for a period not less than two years as may be referred to the Commission by Government Departments.

♥“1(a) The Commission, on reference from a Government Department, shall conduct test, examination or any other ancillary steps to

♦Substituted vide Notification No. SO(CAB-I)/1-3/85 dated 24.06.1985.

★Added vide Notification No. SO(CAB-I)/1-3/85 dated 24.06.1985.

*Substituted vide Notification No. SOR-III-1-49/73 dated 5th June 1979.

**The word “Governor” substituted with the words “Chief Minister” vide Notification No. SOR.IV(S&GAD)15-4/85 dated 24th December 1985.

•Sub-clause (iv) of Rule 3, added vide Notification No. SO.CAB-I/1-16/2002 dated 07.05.2007.

♥ Added vide notification No.SO(CAB-I)4-6/2004 dated 2nd April 2013.

advise the Government on eligibility and suitability of a class of persons, holding posts in connection with the affairs of the Province, for purposes of their appointment on regular basis in accordance with the policy of the Government”

(2) The Government may associate the Commission in the framing of rules regulating appointments to Provincial Services or such posts connected with the affairs of the Province, as may be prescribed, in such manner as it may determine.

4. Notwithstanding anything contained in rule 3, the Commission shall not conduct test for recruitment to posts which are filled –

- *i) for a period of #[one year] or less pending selection of a candidate on the basis of test conducted by the Commission;

Provided that the above period may be extended:

- (a) for a further period of six months with the approval of the Commission if a requisition for filling the post was sent to the Commission before filling of the post on ad hoc basis and the Commission had failed to nominate a candidate; or
 - (b) in any other case, by order of the *[Governor] Chief Minister; or
- ii) by transfer of an officer of the Armed Forces of Pakistan or an officer already holding a post on regular basis in equivalent grade under the Federal or a Provincial Government.

Explanation: For the purpose of *clause (ii), “regular basis” means other than ad hoc, contract or temporary basis for a specified period.

5. Notwithstanding anything contained in rule 3, the *[Governor] Chief Minister may, in the public interest, specify posts which may be filled, without reference to the Commission, by persons possessing such qualifications and experience and in such manner as he may determine.

♣ Clause (i) deleted and (ii) & (iii) renumbered as (i) & (ii) also in the ‘Explanation’ clause (iii), substituted with “clause (ii)” vide Notification No. SO.CAB-I/1-16/2002 dated 07.05.2007.

#Substituted, vide Notification No. SOR.III-1-29/81 dated 14th June 1982.

*Word “Governor” substituted by the word “Chief Minister” vide Notification No. SOR.IV (S&GAD)15-4/85 dated 24th December 1985.

SCHEDULE-I

(See Rule 3)

Posts excluded from the purview of the Commission.

Sr. No.	Department	Name of posts
* (1)	Services & General Administration Department.	Posts of Additional District & Sessions Judges and posts of District & Sessions Judges.
@ (2)	Governor's House.	Comptroller.
** (3)	Deleted.	
^ (4)	Deleted.	

*This entry was numbered as "1" vide Notification No. SOR-III-1-29/81 dated 21.12.1981.

@Added vide Notification No. SOR-III-1-29/81 dated 21.12.1981.

**Deleted vide Notification No. SORIV(S&GAD)15-2/86 dated 25.12.1987.

^Deleted vide Notification No. SOR-III-2-87/90 dated 18.04.1992.

**PREVIOUS VERSIONS OF AMENDED RULES OF
PUNJAB PUBLIC SERVICE COMMISSION (FUNCTIONS) RULES, 1978
AND HISTORY OF AMENDMENTS**

Previous version of rule 3.(1)(i) and 4(ii) which were substituted vide Notification No. No. SOR.III-1-49/73 dated 5th June, 1979.

“3. (1) (i) the provincial services and civil posts connected with the affairs of the Province falling in Grade 17 to 22 except those specified in Schedule-I;

The figures "17 to 22" in the above previous versions of rule 3 (1) (i) were substituted by the figures "16 to 22" vide Notification No. SOR.III-1-49/73 dated 5th June, 1979.”

4. (ii) for a period of six months or less pending selection of a candidate on the basis of test conducted by the Commission;

Provided that the above period may be extended:

- a) for a further period of six months with the approval of the Commission if a requisition for filling the post was sent to the Commission before filling of the post on ad hoc basis and the Commission had failed to nominate a candidate; or
 - b) in any other case, by order of the Governor; or
- The words "six months" appearing in the first line of clause (ii) of Rule 4 were substituted vide Notification No. SOR.III-1-29/81 dated 14th June 1982 with the words one year.”

Addition was made at Sr.No.3 of the Schedule No.I vide Notification No.SORIV(S&GAD)15-2/86 dated 19.05.1986 as under, which was subsequently deleted vide Notification No.SORIV(S&GAD)15-2/86 dated 25.12.1987.

"All Departments Posts to be filled in under Rule 16(2) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974."

Previous version of Sr. No. (4) in Schedule No. I, which was inserted vide Notification No. SORIII-1-29/81 dated 02.10.1986, subsequently withdrawn vide Notification No.SOR-III-2-87/90 dated 18.04.1992:

“(4) Board of Revenue, Punjab Tehsildar.
(Revenue Department).”

Previous version of rule 2(2) which was substituted vide Notification No. CAB-I/1-3/85 dated 24th June, 1985:

“2. (2) “Test” includes written examination, interview and Viva Voce.”

**Punjab Public Service
Commission (Terms and
Conditions of Service)
Rules 2012**

NOTIFICATION

In exercise of the powers conferred under section 10 of the Punjab Public Service Commission Ordinance 1978 (*II of 1978*), hereinafter referred to as the Ordinance, Governor of the Punjab is pleased to make the following rules:

1. **Short title and commencement.**– (1) These rules may be cited as the Punjab Public Service Commission (Terms and Conditions of Service) Rules 2012.

(2) They shall come into force at once.

2. **Pay, allowances and other terms and conditions.**– In addition to the provisions of the Ordinance, the pay, allowances and other terms and conditions of service of the Chairman and members of the Commission shall be such as mentioned in the Schedule appended to these rules.

3. **Qualification and experience for women and persons from private sector.**– For purposes of clause (iii) of subsection (4) of section 3 of the Ordinance:

(a) minimum qualification for women and persons from private sector shall be Master's degree (at least second division) from a recognized university in the field of economics, engineering, agricultural, finance, business administration, public administration, basic sciences, social sciences or information technology; and

(b) minimum experience:

(i) for a person from private sector shall be twenty years at top management position in a private organization relating to industry, commerce, trade, finance, banking, information technology or academia; and

(ii) for women shall be twenty years experience at top management position in public sector or in private organization relating to industry, commerce, trade, finance, banking, information technology or academia.

4. **Seniority.**– (1) The inter se seniority of the members shall be determined in accordance with the dates of their entering upon office as members.

(2) In case two or more members enter on office the same day, their inter se seniority shall be determined on the basis of seniority in age.

5. **Leave.**– The Governor may grant leave to the Chairman or a member as follows:

(a) on leave salary equivalent to full pay up to one eleventh of the period spent on duty as Chairman or member, subject to a maximum of four months at any one time;

- (b) on medical certificate on leave salary equivalent to half pay up to two elevenths of the period spent on duty as Chairman or member, subject to a maximum of three months at any one time; and
- (c) extraordinary leave without salary.

6. **Post to be non-pensionable.**— The appointment of the Chairman or member shall be non-pensionable, and he shall not contribute to benevolent fund, general provident fund or group insurance.

7. **Repeal.**— The Punjab Public Service Commission (Conditions of Service) Rules, 1978 are hereby repealed.

***SCHEDULE**

(see rule 2)

Salary, Allowances & Utilities

Sr. No.	Items	Chairman	Member
1.	Salary	Rs. 3,24,000/- PM	Rs.2,63,000/- PM
2.	House Rent Allowance	Rs. 1,42,000/- PM	Rs. 101,000/- PM
3.	Utilities	Rs. 016,200/- PM	Rs. 013,100/- PM

Facilities

Sr. No.	Items	Chairman	Member
1.	One Chauffeur driven car maintained at the Government expense for official and private use.	1600 CC capacity	1300 CC capacity
2.	Petrol Limit	340 Liter P.M	270 Liter P.M
3.	TA/DA	As admissible to civil servants of highest grades	As admissible to civil servants of highest grades
4.	TA/DA on official duty abroad	As admissible to civil servants in Category-I	As admissible to civil servants in Category-I
5.	Medical facilities	Reimbursement of medical and hospitalization charges for self, spouse and children for treatment received at Government or Government recognized institution in Pakistan.	Reimbursement of medical and hospitalization charges for self, spouse and children for treatment received at Government or Government recognized institution in Pakistan.

* Substituted vide Notification No.SO(CAB-I)4-7/2005(Vol-I) dated 06.02.2013.

Punjab Public Service Commission Regulations, 2016

PUNJAB PUBLIC SERVICE COMMISSION

NOTIFICATION

No. PPSC/Secy/2016/385 dated 02.09.2016. In exercise of the powers conferred by Sub-Section (2) of Section 10 of the Punjab Public Service Commission Ordinance 1978, the Commission is pleased to make the following Regulations:

PART-I
GENERAL

TITLE, EXTENT AND COMMENCEMENT

1. These Regulations may be called the Punjab Public Service Commission Regulations, 2016. These Regulations shall come into force with immediate effect.
2. The Regulations may be amended in a Commission's Meeting by majority of total members.
3. The Commission may make policy decision to specify detailed procedure for activities of the selection process and matters consequential, incidental and ancillary. Such Decision shall be incorporated in the Manual of Policy decisions.

PART-II
DEFINITIONS

4. In these Regulations, unless the context otherwise requires:-
 - a) **“Additional Vacancy”** means a vacancy added to the number of vacancies in respect of which a department had sent a requisition before the process of selection is completed.
 - b) **“Advisor”** means a person nominated by the Commission to assist in the conduct of interview by the Commission.
 - c) **“Application”** means an On-line Application received from a candidate for a specific post advertised by the Commission.
 - d) **“Appointing Authority”** means an officer or authority designated as such in the relevant service rules framed by the Government for the post (s).
 - e) **“Attached Department”** means Attached Department as defined in Rules of Business of Government of the Punjab, 1974.
 - f) **“Commission”** means the Punjab Public Service Commission as defined in PPSC Ordinance 1978.
 - g) **“Committee”** means a Committee constituted by the Chairman to conduct interviews of eligible candidates for selection to specified posts. The strength and composition of such Committee shall be determined by the Chairman.
 - h) **“Department”** means an Administrative Department as defined in Rules of Business of Government of the Punjab, 1974.
 - i) **“Departmental Representative”** means a senior officer of the concerned Department, who is accepted by the Commission as member of Interview Committee, constituted for selection of candidate(s) against the post(s) advertised concerning that Department.

- j) **“Government”** means the Government of the Punjab.
- k) **“Interview/Viva Voce”** means an oral examination to assess the suitability of a candidate for the job/post applied for. In the case of candidates of Combined Competitive Examination or any other Exam/Post where it may be so required, interview, also includes psychological assessment.
- l) **“Member”** means a Member of the Commission and includes the Chairman.
- m) **“Policy Decision”** means decisions taken in the Full Commission Meeting by the Commission to lay down detailed procedure(s) for various activities/proceedings of the selection process.
- n) **“Requisition Form”** means the Requisition Form as devised by the Commission.
- o) **“Requisition”** means a requisition received from a Department of the Government for purposes of selection to various posts.
- p) **“Test”** includes written examination, psychological test, appraisal of record, interview and viva voce.
- q) **“Written Examination”** means a written examination conducted by the Commission as required by Govt. of the Punjab or by the Commission.
- r) **“Written test”** means one paper written test (Subjective or Objective or both) conducted by the Commission.

PART-III **REQUISITIONS**

5. Requisitions from the Departments are received by the Commission on the “Requisition Form” for recruitment against the available vacancies.
6. The broad parameters of existing schedule for forwarding the requisitions by the departments to the Commission, are as follows:
 - a) Requisitions for competitive examinations shall be sent by 1st September of each calendar year so as to enable the Commission to hold the examination within the same year.
 - b) All Administrative Departments shall forward their requisitions for filling up vacant posts other than those filled through competitive examinations from 1st July to 31st December each year so that the Commission may process them in the planned program.
 - c) The Administrative Departments, may, in emergent cases forward their requisitions between 1st January to 30th June after obtaining approval of the Chief Secretary/Additional Chief Secretary.
7. All requisitions shall be signed by the Administrative Secretary of the Department.
8. All requisitions shall be accompanied by:-
 - a. Copy of the notified Service Rules; and
 - b. Job description of the post.

9. All posts shall be filled on open merit/all Punjab basis unless otherwise decided by the Government. Zonal or Regional allocation, if any where applicable and notified quota for women / minorities / disabled shall be provided with the Requisition.
10. In case any discrepancy / ambiguity / deficiency is detected in the requisition, the same shall be returned to the Department for rectification.
11. The time schedule fixed by the Commission shall be followed for advertising requisitions complete in all respects forwarded by the Department(s).
 - a. A requisition for Combined Competitive Examination within five (05) days of its receipt.
 - b. For all other posts, within three (03) days after the receipt.

PART-IV
ADDITIONAL VACANCIES

12.
 - a. Approval of (S&GAD), (Additional Chief Secretary) shall be required if the Department decides to increase or decrease the number of vacancies subsequent to the original requisition but before the posts are advertised except for valid reasons. No request for decrease in the number of post(s) advertised or complete withdrawal of the original requisition shall be entertained after the same has been advertised.
 - b. in cases where selection is to be made only on the basis of interview / viva voce, the new requisition indicating increase in number of vacancies shall be accepted if the interviews are still in progress.
 - c. Requisition for additional vacancies indicating increase in number of original vacancies shall be accepted only if no date for Written Test/Examination has been fixed or academic shortlisting has not been carried out.
 - d. After acceptance of additional vacancies, a fresh advertisement / amendment to the previous advertisement shall be issued inviting fresh applications.
 - e. The eligible candidates who have already applied in response to the original advertisement shall not be required to apply again.
 - f. In the case of Combined Competitive Examinations, variation in number and nature of posts shall be accepted by the Commission without inviting fresh applications when an indication to this effect has been given in the original advertisement and the change in number and nature is received by the Commission before the finalization of the interview.

PART-V
SUBMISSION OF APPLICATIONS
AND THEIR CONSIDERATION

13.
 - a. An application by an eligible candidate(s) shall be submitted through on-line system on the specified form available on the Commission's website.

- b. In case of posts falling in BS-19 and above, the candidates shall submit hard copies of the on-line applications alongwith two (02) sets of all relevant documents and research papers as per time specified in the Advertisement.
- ♥(c) Eligibility of a candidate shall be determined in accordance with the Advertisement for the Post, Service rules governing appointments to the relevant post and such other ancillary instructions issued by the Government and /or the Commission from time to time. For this purpose, the age, qualifications, experience and other credentials, etc. of the candidates existing on or up to the closing date fixed for such posts as advertised shall be taken into account. No relaxation in this regard shall be allowed by the commission. (Note: where recruitment is to be made on the basis of a written examination, age shall be reckoned as on the 1st of January of the year in which the examination is proposed to be held).
14. The Commission shall forward advertisement to the Ministry of Foreign Affairs for circulation to Pakistan's Mission abroad.
15. The commission shall not entertain any application received after the closing date.
16. In case the closing date fixed for receipt of applications falls on a gazette holiday, the next working day shall be considered as the closing date.
17. A period of two weeks from the date of advertisement shall be allowed to candidates for submission of their applications.
18. In case of recruitment to posts on the basis of written examination, the commission shall, subject to these Regulations, issue separate instructions giving necessary details for the information of the candidates.
19. In case the Commission decides to hold a Written Test/Examination, all the applications of a particular post shall be called provisionally at their own risk, subject to their eligibility in all respects.
20. Candidates shall bring their original documents / testimonials alongwith two sets of photocopies if and when called for interview and the Commission shall undertake scrutiny of such documents. If a candidate is found ineligible, his/her application shall be rejected and rejection letter shall be issued accordingly.

PART-VI
CALCULATION OF CANDIDATE'S AGE

21. a. The age of a candidate is calculated from his/her date of birth as given in Secondary School Certificate (Matriculation). In case the candidate has appeared in any other examination equivalent to Secondary School Certificate such as Senior Cambridge/O-Level and certificate of such examination does not bear date of birth of the candidate, he/she shall be required to produce the School Leaving Certificate bearing his/ her date

♥ Para 13(c) is inserted vide F.C Meeting No.06/2017 dated 21.09.2017

of birth or Computerized National Identity Card (CNIC) issued by National Database and Registration Authority (NADRA) or birth certificate duly issued by the concerned Local Council.

- b. Relaxation / concession in upper age limit to a candidate shall be admissible as per Law, Rule and Policy of the Government.
- c. In case a candidate is underage or becomes over-age even by one day after adding the actual day of his/ her birth, to his/ her age on the closing date for the receipt of applications or on 1st January of the year of the combined competitive examinations as advertised, he/ she shall be considered ineligible.
- d. Subsequent alteration or amendment in the date of birth including any substitute/revised certificate of Matriculation or any other document etc. after the closing date of applications shall not be entertained / accepted.

22. The age in case of additional vacancies shall be calculated in the manner hereunder:

- a. For candidates who had applied in response to the original advertisement, the date shall be the closing date as indicated in the advertisement.
- b. For candidates who apply in response to the subsequent advertisement, (increasing the number of posts of the original advertisement), except the candidates for Combined Competitive/Competitive Examination, the date shall be the closing date of the subsequent advertisement.
- c. For those candidates who could not apply in response to the original advertisement being under-age on the closing date shall become eligible if they attain the requisite age limit on the closing date of the subsequent advertisement which would be reflected in the subsequent advertisement.

Part-VII **Domicile**

23.
 - a. Only such candidates shall be eligible for selection by Punjab Public Service Commission as are domiciled in any district of the Province of Punjab.
 - b. A candidate is essentially required to mention his/ her district of domicile at the time of submission of application.
 - c. The Domicile Certificate shall be issued by the competent authority.
 - d. If a candidate has applied for domicile before closing date for submission of application and provides a documentary evidence in this regard, his/her domicile issued after closing date shall be accepted.
 - e. A married female candidate may opt for the district of domicile of her husband till she acquires her own Domicile. In such a case she shall produce domicile certificate of her husband alongwith the evidence of her marriage.

24. A permanent resident of Azad Kashmir shall be considered to be the resident of the district of Punjab where he/ she is living presently, subject to production of domicile certificate of his/ her present district.

PART-VIII **ACTION AGAINST CANDIDATES ON GROUNDS OF USING UNFAIR** **MEANS**

25. A candidate may be disqualified and /or debarred from any examination, test or interview for any post held or to be held by the Punjab Public Service Commission in future, who is found guilty in any one of the following:-
- a. Furnishes any false or incorrect information to gain undue advantage.
 - b. Suppresses material information.
 - c. Canvasses or attempts to influence the Members of the Commission, the Officers and officials of the Commission, Advisors, Departmental Representatives, Examiners, Supervisors, Invigilators and any other person who have been called to assist the Commission in interview or written test/examination.
 - d. Attempts to obtain support for his/ her candidature through any means.
 - e. Submits forged certificates/ documents.
 - f. Tamper with the entries in his/her age and academic certificates or other documents.
 - g. Is found guilty of misconduct during examination/test/ interview.
 - h. Fails to observe the instructions issued by the Commission.
 - i. Uses unfair means in the Written Test/ Written Examination.
 - j. Is guilty of impersonation at any stage or in any form.
 - k. Is in possession of weapon/arms, mobile phone or electronic device, except those permitted at the time of Written Examination/ Test or Interviews.
 - l. In addition, the Commission may initiate criminal proceedings against any such candidate under the relevant law.
26. If at any stage, i.e., during the process of selection or even after the recommendations have been sent to the concerned Department, a person has been found to be deficient in any of the conditionalities of eligibility, his or her candidature shall be cancelled and recommendations (if sent) withdrawn.

PART-IX
REPRESENTATION/APPEAL

27. The following procedure shall be adopted in respect of Representation/Appeal filed by an aggrieved candidate on receipt of a decision of the Presiding Member or Member Incharge:-
- a. Representation of a candidate shall be examined and submitted to the Member Incharge for orders. The candidate may be provided an opportunity of being heard by the Member Incharge. The decision taken in this respect by the Member Incharge shall be conveyed to the candidate.
 - b. A candidate aggrieved by the order under (a) above may prefer an Appeal to the Chairman within seven working days of the receipt of the order.

PART-X
WRITTEN EXAMINATION/TEST/SHORTLISTING

28. a. The Commission, on receipt of a requisition, shall hold a written Combined Competitive Examination/Competitive Examination in accordance with the provisions of existing Service Rules.

- b. Schedule for the posts in which Competitive Examinations shall be conducted is Annexed as “A”.

29. These examinations (Combined and Competitive) shall be conducted as part of the total process of selection including psychological test and interview/ viva voce according to the schedule laid down by the Commission. Syllabus and minimum qualifying marks in each subject and aggregate shall be as laid down by the Commission or the Government, as the case may be.

30. Depending on the number of applications received, candidates may be required to appear in a written test related to the post(s) and qualifications and/ or a general ability for screening/shortlisting of the candidates as the case may be.

31. Where the Commission decides to hold a written test, it shall specify the scope and nature of such test keeping in view the qualifications, job description and experience required for the posts.

32. Where no written test is held, short-listing may be done by evaluation of academic and/ or professional record of the candidates.

PART-XI **NUMBER OF CHANCES**

33. All candidates appearing in "Written Examination" to be held by the Commission shall be allowed to avail three chances only for each particular Written Examination irrespective of the type or categories of posts grouped in that Examination, unless otherwise prescribed by the Government.

‡34. For all posts to be filled through written test followed by interview or interview alone, the number of chances shall be restricted to three. However, if a candidate qualifies the interview but cannot be recommended for appointment due to shortage of vacancies, his chance shall not be considered as availed whereas chance of a candidate who does not qualify the written test or interview shall be considered as availed. For the post of Lecturer in Education Department, a candidate who is applicant for more than one subject, shall be allowed three chances in each subject for which he/she is a candidate in accordance with above laid down policy.

PART-XII

EQUIVALENCE AND EVALUATION OF FOREIGN AND LOCAL DEGREES/CERTIFICATES/DIPLOMAS - RESEARCH WORK

35. The commission shall accept degrees / certificates / diplomas of those foreign Universities only which have been recognized by Higher Education Commission (H.E.C) or Pakistan Medical & Dental Council (P.M.D.C) or Pakistan Engineering Council (P.E.C) or Inter Board Committee of Chairman (I.B.C.C) or any other competent Agency/Authority.

36. The Commission shall accept that equivalence of foreign and local academic qualifications which are declared equivalent by Higher Education Commission, Pakistan Medical & Dental Council, Pakistan Engineering Council or any other competent equivalence Committee/Authority.

‡ Para 34 substituted vide F.C Meeting No.06/2017 dated 21.09.2017.

37. The percentage of marks awarded by Foreign or Local University shall be acceptable to the Commission as determined by the IBCC/ HEC/ any other Authority.
38. a. A candidate shall be required to submit;
- (i) Two copies of published research papers; and
 - (ii) Recognition list of foreign journal enlisted by Higher Education Commission; within three days after the closing date for submission of applications, where so required.
- b. In case a candidate fails to submit his/her published research paper(s) in time, his/her application shall be rejected.
- c. The Commission shall not accept research papers of a candidate which have been published after the closing date of receipt of applications for the advertised post.
- d. Review articles, case-studies, translations, briefs, presentations in conference(s) etc. shall not be admissible as published research papers.
- e. If a condition in the requisition/ advertisement is laid down that the research papers have to be written as a Principal Author then the first name in the list of authors of research papers shall be considered as the Principal Author.

PART-XIII **COUNTING OF EXPERIENCE**

39. Experience required for determination of eligibility shall not be considered by the Commission unless the candidate produces documentary proof in support of his/ her claim.
40. Experience of Government service shall only be accepted if the certificate is issued by the Appointing Authority/ Person authorized to do so.
41. Experience in a general specialty shall not be counted as experience in a specific specialty prescribed for such post.
42. House job experience in a recognized medical institution shall be counted as practical experience.
43. Experience of residency in F.C.P.S/M.S./F.R.C.S./M.D. or during studies abroad such as Diplomat of American Board/Fellowship shall be counted as experience in the line.
44. Only that particular/ professional experience shall be counted which has been acquired in the relevant area while working in recognized institutions in the public & private sector.
45. Experience certificate in respect of Contract, Current Charge, Acting Charge and appointment on ad hoc basis which are issued by the Appointing Authority under the rules, shall be accepted.

@46. Experience in private entities shall be accepted if such entity is registered with SECP, Registrar of Firms or any other Regulatory Authority.

@ Para 46 is substituted vide F.C Meeting No.06/2017 dated 21.09.2017.

PART-XIV

FORMATION OF INTERVIEW COMMITTEE AND CONDUCT OF INTERVIEW

47. For the purposes of interview, the Commission may work in committees as constituted by the Chairman. Member of the Commission shall preside over the interview Committee.

48. An interview Committee shall normally comprise one or more Members of the Commission assisted by Two Advisors and Departmental Representative to be determined by the Chairman.

49. The distribution of work to Committees for interview shall be assigned by the Chairman.

50. Minimum quorum of the Committees/ Full Commission shall be as under:

- | | | | |
|---|------------------|--------|--|
| a | One
Committee | Member | One Member of the Commission with one Advisor and Departmental Representative or two Advisors. |
| b | Two
Committee | Member | One Member of the Commission with One Advisor and Departmental Representative or Two Advisors. |
| c | Full Commission | | Two Members of the Commission with One Advisor and Departmental Representative or Two Advisors |

51. In exceptional cases when an Advisor or Departmental Representative remains absent, the composition of the committee may be reduced / changed by the Chairman.

52. When a near relative or a close associate or an immediate sub-ordinate of a Presiding Member/Member(s) of the Commission or of an Advisor or Departmental Representative is being interviewed, the concerned Presiding Member/Member(s) or the Advisor(s) or Departmental Representative shall not be allowed to be present and to participate in the proceedings of the interview of that candidate. Presiding Member of the Interview Committee shall clarify this aspect to Advisor(s) and Departmental Representative before the commencement of the interview, provided that where a candidate is a near relative or a close associate or an immediate sub-ordinate of the Presiding Member/Member(s), in such case(s) the Presiding Member/Member(s) shall inform the Chairman to nominate another , Presiding Member/ Member(s) to interview such candidate(s).

53. a. If a candidate absents himself/ herself on the date fixed for his/ her interview, his/her candidature shall be cancelled and he/she shall be deemed to have lost his/her chance, provided that, for reasons beyond his/her control a written request for another date for the interview must be submitted to the Commission within two days after interview date alongwith evidence. The Commission may fix some other date for the interview in such a case, provided further, such a candidate shall preferably be interviewed by a Committee headed by the original Presiding Member.

- b. In case a candidate fails to produce the original documents on the day of interview but undertakes in writing to produce the same upto seven working days, the interview Committee shall interview the candidate provisionally.

54. If a Presiding Member of the Interview Committee finds that any of the Advisors/Departmental Representative in his opinion is unduly prejudiced in favour or against a candidate, the Presiding Member can, in his/her discretion, disregard the marking of that particular Advisor/ Departmental Representative for that particular candidate and shall after the interview inform the Chairman. The name of such Advisor shall be deleted from the approved panel of Advisors. Such Departmental Representative shall also not be allowed to sit in the interviews and his/ her Department shall be informed accordingly.

55. a. The Commission shall allocate aggregate marks of different categories of interviews, depending on the nature of posts. The distribution of marks between two categories of Members of interview Committee i.e. Members of Punjab Public Service Commission and Advisors, Departmental Representatives etc. shall depend on the nature of interview. The aggregate and the distribution of marks among Members in the case of Competitive Examinations shall be different as compared to other posts.

b. The Commission shall award additional marks as per policy of the Government to one unemployed child of deceased civil servant who died while in service or is declared invalidated/incapacitated for further service.

PART-XV

**SERVICE ALLOCATION IN COMBINED COMPETITIVE
EXAMINATIONS**

56. a. At the time of psychological assessment, all candidates, who have qualified the written examination, shall be required to give in writing their personal preferences on the specified “Option Certificate” in order of priority for all the categories of posts/services advertised for recruitment through Combined Competitive Examination. This option once exercised, shall be final as far as the candidate is concerned.
- b. After the preparation of final merit list, the allocation of service/post shall be made to a candidate on the basis of option cum merit of the candidate.
- c. If a candidate according to his/ her merit cannot be allocated to the service/ post of his/ her first choice, he/ she shall be allocated to the service of his/ her subsequent choices on the basis of his/ her position in the merit list.
- d. Irrespective of his/her position in the merit list, the Commission shall not allocate any service/ post to a candidate for which he/ she had not exercised his/her option even though according to his/her position in the merit list he/ she becomes eligible for such post.
- e. Male candidates cannot opt for a post/ service exclusively reserved for female candidates and vice versa.
- f. Allocation of service shall not be changed on the request of a candidate or the Department.
- g. Allocation of service (posts) may change as a consequence of re-allocation of services (posts) in the light of Regulation No. 59 on the request of the Department for a substitute. Such re-allocation shall be binding on a selected candidate.
- h. Allocations announced by the Commission shall be final.

PART-XVI
MERIT LIST.

57. Merit list shall be strictly in accordance with the Law, Rules, Regulations and Policy of the Commission and Government.

58. In case where various posts belonging to the same service/cadre but in different subjects (such as those of Lecturers) are advertised, separate merit list in each subject shall be prepared. Their combined merit list for purposes of inter seniority shall be prepared in accordance with the respective merit of each candidate based on the total marks obtained by the candidate in the combined list.

59. A substitute can be provided from the merit list during its validity period if so requested by the department concerned, in case a candidate:
- a. Fails to join the post.
 - b. Tenders his/her resignation after joining.
 - c. Is declared unfit on medical or other grounds.
 - d. Requisitioned post has become vacant for any other reason.
60. If a recommended candidate(s) does not join a post, the original merit list shall be revised by the Commission excluding the name of said candidate(s) and recommendations sent to the Department.
61. If a candidate recommended against a vacancy of a particular zone or area fails to join the post, another candidate from the same zone or area shall be recommended out of the merit list of that selection.
62. For recommending substitutes, the Merit List remains valid for twelve months from the date of issuance of first recommendation or till the date of receipt of next requisition in the Commission for the same post, whichever is earlier, provided that where request for substitute is received within the validity period, the Chairman in his discretion may extend the validity period for the disposal of such request.
63. If any error or omission is detected in the eligibility of a candidate or result or merit list at any stage even after its dispatch to the Department concerned, the recommendation(s) made on the basis of such a mistake / error shall be withdrawn for review by the Commission and duly rectified.
64. **REPEAL/SAVINGS:-**
- a. The full commission decided that a lot of amendments in the Punjab Public Service Commission Regulations-2015 have been approved, therefore, Punjab Public Service Commission Regulations-2015 shall be repealed. Accordingly the Punjab Public Service Commission Regulations-2015 are hereby repealed.
 - b. All actions taken under the provisions of Punjab Public Service Commission Regulations-2015, No. PPSC/DDR (Res.)23 dated 27.07.2015, shall be deemed to have been taken under these Regulations. All proceedings pending under the previous Regulations shall continue to their logical end.
65. **REMOVAL OF ANOMALIES / DIFFICULTIES**
If any anomaly / difficulty arises in giving effect to Provisions of these Regulations, the Chairman of the Commission may take a decision to remove such anomaly / difficulty, as the case may be, provided that this power of the Chairman shall cease to exist after the expiry of twelve months from the date of promulgation of Punjab Public Service Commission Regulations-2016.
66. Notification of Punjab Public Service Commission Regulations -2016 shall be signed by the Chairman on behalf of the Punjab Public Service Commission (being artificial juridical person).

**Punjab Civil Services
(Applications for Posts)
Rules, 1987**

NOTIFICATION

In exercise of the powers conferred on him by Section 23 of Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules, namely:

1. **Short Title & Commencement.**— (1) These rules may be called the **Punjab Civil Services (Applications for Posts) Rules, 1987**.

(2) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

(a) “Appointing Authority” means the authority as defined in Rule 6 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, or an officer authorized by the Appointing Authority under these rules.

(b) “Competent Authority” means the Appointing Authority or the officer authorized in that behalf.

(c) “Commission” means the Punjab Public Service Commission and the Federal Public Service Commission.

(d) “Competitive Examination” means a competitive examination held by the Commission for recruitment to any service or post.

3. **Eligibility.**— No Civil Servant shall be eligible for appointment to any service of the Province or to any post in connection with the affairs of the Province other than the service or the post to which he is for the time being appointed, unless he applies with the permission in writing of the competent authority.

4. **Forwarding of Applications.**— (1) If any civil servant applies for permission and is otherwise eligible to appear at a competitive examination to be held by the Commission, his application shall be forwarded thrice but not more than thrice for each examination during whole of his service.

(2) If any civil servant applies for permission and is otherwise eligible for recruitment to any other post his application shall always be forwarded.

Explanation: The appointing authority may withhold permission to apply, if for reasons to be recorded in writing such permission is considered to be against public interest.

5. **Release on Selection for Appointment to a Post for which application has been forwarded.**— When a civil servant whose application has been forwarded in accordance with rule 4, is selected for appointment, he shall be released.

6. **Applications made before joining Government Service.**— If any person who before appointment to any service of the Province or to any post in connection with the

affairs of the Province had appeared at any competitive examination or applied for a post elsewhere, and is, as a result offered for a post, he shall be released to join such service or post.

7. Employment in other Departments of Government or under another Government.— A civil servant shall not apply for any appointment in another office or department of Government or under another Government unless the Head of such office or department or such other Government has invited applications for the post; provided that in the case of an appointment for which applications are not ordinarily invited, a civil servant may inform the authority which makes the appointment, by a letter submitted through the appointing authority of his own post or service, that he wishes his name to be considered.

8. Circumstances in which advance copies of application may be sent.— Ordinarily, an application for a post in respect of which selection is to be made by a Provincial or a Federal Selecting Authority shall be accompanied by permission in writing of the authority referred to in Rule 3, when, however, there is a likelihood that the last date prescribed for the submission of applications will expire before such permission can be obtained, an advance copy may be submitted to the Selection Authority. The candidature of such applicant will be treated as provisional until permission has been accorded under these rules. In the event of such permission not being granted, the Selection Authority concerned will be informed immediately of the decision, so that the Authority may cancel the candidature of the applicant.

Provided that if the Selecting Authority does not receive the departmental permission within a period of 30 days from the last date fixed in the press note of the Selecting Authority such permission shall be deemed to have been granted.

9. Application for private employment.— (1) A civil servant shall not apply or accept employment in a local body or autonomous body or private organization, without the previous permission in writing, of his appointing authority.

(2) An application for permission to apply for private employment shall not be entertained unless the appointing authority is satisfied, that on such employment having been secured, the resignation of the applicant can be accepted without detriment to the public service.

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

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

10. Repeal.— The West Pakistan Services (Applications for Posts) Rules, 1957 (so far as their application to the Punjab Province) are hereby repealed.

**Punjab Civil Servants
(Change in Nomenclature of
Services and Abolition of
Classes) Rules, 1974**

NOTIFICATION

In exercise of the powers conferred by Section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules:

1. (1) These rules may be called the **Punjab Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1974.**

(2) They shall come into force at once.

2. In these rules unless there is anything repugnant in the subject or context.—

- a) “Classes” means Class-I, Class-II, Class-III and Class-IV in which the civil posts and services are classified under rules or orders for the time being in force;
- b) “Functional Unit” means a group of posts or a part of such group sanctioned as a separate unit in or under a Department;
- c) “Grade” means national scale of pay, in which a number of posts, in a functional unit, carrying same duties and responsibilities is placed; provided that in the case of a person who does not opt for the national scales of pay or the post which has not been placed in the national scales of pay, “National Scale of Pay” means the presumptive national scale of pay corresponding to the existing scale of pay in which such person, or as the case may be, the post would have been placed but for the aforesaid reasons; provided further that in case of a person whose pay has been fixed in the national scale of pay corresponding to the pre-national scales selection grades or who moves over to the next higher scale of pay without change in the nature of duty and assumption of higher responsibilities or under prescribed conditions after reaching the maximum of the lower national scale of pay, “national scale of pay” means the lowest national scale of pay admissible for his post.
- d) “Province” means the Province of the Punjab;
- e) “Punjab Unified Grade” means the grade to which a civil servant is entitled in respect of his existing post; and
- f) “Services” means the Civil Services of the Province and include civil posts connected with the affairs of the Province.

3. Notwithstanding anything contained in any rule, order, regulation or instruction, the names of services are, with immediate effect, changed to Punjab Unified Grades and all references to a service in any rule, order, regulation or instruction shall, consistent with the subject and context, be construed as reference to the respective Punjab Unified Grade.

4. All persons, other than the persons appointed on ad hoc basis, who immediately before the coming into force of these rules were Members of a service or held a civil post connected with the affairs of the Province are, subject to their existing inter se seniority position, appointed in their existing posts to the respective Punjab Unified Grade.

5. Notwithstanding anything contained in the Civil Service Rules and any other rules or orders for the time being in force all classes and classifications of services and posts as Gazetted and Non-gazetted are abolished.

6. For the purposes of application of any existing rule, order or instruction, reference to a class or to a post as Gazetted or Non-gazetted shall be construed as reference to the corresponding Grade as specified in the table below:

<u>Gazetted Posts</u>	<u>Corresponding Grades</u>
1) Class-I	1) Grades 17 to 22
2) Class-II	2) Grade No. 16
3) Special Gazetted	3) Grade No. 16
<u>Non-gazetted Posts</u>	<u>Corresponding Grades</u>
4) Class-III	4) Grades 3 to 15
5) Class-IV	5) Grades 1 to 2

7. Notwithstanding anything contained in any rule, order or instruction, all reservations of posts for purposes of appointment, promotion or transfer in favour of persons belonging to a particular service or cadre, or holding a particular post, are abolished.

**Punjab Civil Services
(Ratios of Recruitment)
Rules, 1973**

1. **Short title, application and commencement.**— (1) These Rules may be called the **Punjab Civil Services (Ratios of Recruitment) Rules, 1973.**

2) These Rules shall apply to the recruitment of all the posts and Services under the rule making power of the Governor of the Punjab.

3) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires,—

(a) “Post” means a civil post in connection with the affairs of the Province.

b) “Province” means the Province of the Punjab.

c) “Recruitment” means appointment to any post or Service by promotion or initial appointment.

d) “Service” means a Civil Service of the Province.

3. **Method of recruitment.**— Notwithstanding anything contained in any set of Service/Recruitment Rules, in their application to the Province of the Punjab whereby certain portion or percentage of vacancies in any Service or post are to be filled in one manner and the remaining portion or percentage of such vacancies in another manner, the ratio of recruitment shall be applied to the total number of the posts in the cadre so as to maintain the prescribed percentage in the overall strength of the cadre and not to the actual vacancies existing at a given time.

*Provided that the marginal benefit of fraction exceeding or equal to 50% shall go to the share of departmental promotion wherever a percentage is prescribed both for promotion and initial recruitment.

* Added vide Notification No.SORIII-I-24/74 Dated 17.05.1987.

Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2010

NOTIFICATION

In exercise of the powers conferred upon him under section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), the Governor of the Punjab is pleased to direct that the following rules shall be made:

1. **Short title, extent and commencement.**– (1) These rules may be called the **Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2010.**

(2) They shall apply to all civil servants.

(3) They shall come into force with effect from 1st January, 2011.

2. **Minimum length of service for promotion.**– The minimum length of service required for promotion from lower post or scale to a higher post or scale shall be as prescribed in the schedule annexed to these rules:

Provided that where minimum length of service, prescribed in the relevant service rules of any service/cadre, is more than that prescribed under these rules, then the minimum length of service prescribed in the relevant service rules shall apply.

3. **Repeal.**– On coming into force of these rules, the Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003 shall stand repealed.

SCHEDULE

[see rule 2]

1. Where initial recruitment has taken place in Basic Scale 17:

(i)	For posts in Basic Scale 18	5 years service against posts in Basic Scale 17.
(ii)	For posts in Basic Scale 19	12 years service against posts in Basic Scale 17 and above.
(iii)	For posts in Basic Scale 20	17 years service against posts in Basic Scale 17 and above.
(iv)	For posts in Basic Scale 21	22 years service against posts in Basic Scale 17 and above.

2. Where initial recruitment has taken place in Basic Scale 18:

(i)	For posts in Basic Scale 19	7 years service against posts in Basic Scale 18.
(ii)	For posts in Basic Scale 20	12 years service against posts in Basic Scale 18 and above.
(iii)	For posts in Basic Scale 21	17 years service against posts in Basic Scale 18 and above.

3. Where initial recruitment has taken place in Basic Scale 19:

(i)	For posts in Basic Scale 20	5 years service against posts in Basic Scale 19.
(ii)	For posts in Basic Scale 21	10 years service against posts in Basic Scale 19 and above.

4. Where initial recruitment has taken place in Basic Scale 20:

(i)	For posts in Basic Scale 21	5 years service against posts in Basic Scale 20.
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~~*5. Where initial appointment of a person was made to posts in Basic Pay Scale 16 or below, one half of the service in Basic Pay Scale 16 and one-fourth in Basic Pay Scale 15 and below shall be counted as service in Basic Pay Scale 17 for computing length of service for the purpose of promotion only to Basic pay Scales 18, 19 or 20.~~

6. The minimum length of service prescribed under these rules or the minimum length of service prescribed under the relevant service rules of various cadres, whichever is more, shall be applicable.

*Omitted vide Notification No. SOR-III(S&GAD) 1-4/2003 dated 17.04.2012

Punjab Civil Servants (Restriction on Marriages with Foreign Nationals) Rules 2011

NOTIFICATION

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), the Governor of the Punjab is pleased to make the following rules, namely. –

1. **Short title, commencement and application.**– (1) These rules may be cited as the **Punjab Civil Servants (Restriction on Marriages with Foreign Nationals) Rules 2011.**

(2) They shall come into force at once.

(3) They shall apply to the civil servants as defined in the Punjab Civil Servants Act, 1974 and to such other persons as are regulated by the rules framed under the Act.

2. **Definitions.**– In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:

(a) “foreign national” means a person who is not a national of Pakistan;

(b) “Government” means Government of the Punjab;

(c) “Government servant” means a Government servant to whom these rules apply;

(d) “marriage” means the matrimonial relationship entered into in accordance with any law for the time being in force or in accordance with any religion rites or ceremonies, and its grammatical and cognate expressions shall be construed accordingly; and

(e) “misconduct” shall have the same meaning as assigned to it in the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (*XII of 2006*).

3. **Prohibition on Marriages with Foreign National.**– Save as provided in rule 4, a Government servant who marries or promises to marry a foreign national shall be guilty of misconduct and shall be liable to any of the major penalties under the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (*XII of 2006*).

4. **Permission to Marry a Foreign National.**– (1) A Government servant may, with the prior permission of the Government, marry or promise to marry a foreign national of any country recognized by the Federal Government for the purpose.

(2) The grant of permission under sub-rule (1) shall be at the sole discretion of the Government and shall be subject to such conditions, if any, as the Government may specify.

(3) The discretion under sub-rule (2) shall be exercised if the circumstances or public interest so warrant and after recording reasons in writing.

5. **Repeal.**– The West Pakistan Government Servants (Restrictions on Marriages with Foreign Nationals) Rules 1963 are hereby repealed.

**PROTECTION AGAINST
HARASSMENT OF WOMEN
AT THE WORKPLACE
ACT, 2010**

(With related Instructions)

**THE PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE ACT, 2010**

PART 1

Acts, Ordinance, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 11th March, 2010

No. F.9 (5)/2009-Legis. The following Acts of Majlis-e-Shoora (Parliament) received the assent of the President on 9th March, 2010, are hereby published for general information.—

Act No. IV OF 2010

An Act to make provisions for the Protection Against Harassment of Women at the Workplace.

WHEREAS the Constitution of the Islamic Republic of Pakistan recognizes the fundamental rights of citizens to dignity of person;

AND WHEREAS it is expedient to make this provision for the protection of women from harassment at the workplace;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the **Protection against Harassment of Women at the Workplace Act, 2010**.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

- (a) “Accused” means an employee or employer of an organization against whom complaint has been made under this Act;
- (b) “CBA” means Collective Bargaining Agent as provided in the Industrial Relations Act 2008, (*IV of 2008*) or any other law for the time being in force.
- (c) “Code” means the Code of Conduct as mentioned in the Schedule to this Act;
- (d) “Competent Authority” means the authority as may be designated by the management for the purposes of this Act;
- (e) “Complainant” means a woman or man who has made a complaint to the Ombudsman or to the Inquiry Committee on being aggrieved by an act of harassment;

- (f) “Employee” means a regular or contractual employee whether employed on daily, weekly, or monthly or hourly basis, and includes an intern or an apprentice;

- (g) “Employer” in relation to an organization, means any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whosoever and includes –
 - (i) an heir, successor or assign, as the case may be, of such person or, body as aforesaid;
 - (ii) any person responsible for the direction, administration, management and control of the management;
 - (iii) the authority, in relation to an organization or a group of organization run by or under the authority of any Ministry or department of the Federal Government or a Provincial government, appointed in this behalf or, where no authority is appointed, the head of the Ministry or department as the case may be;
 - (iv) the office bearer, in relation to an organization run by or on behalf of the local authority, appointed in this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority;
 - (v) the proprietor, in relation to any other organization, of such organization and every director, manager, secretary, agent or office bearer or person concerned with the management of the affairs thereof.
 - (vi) a contractor or an organization of a contractor who or which undertakes to procure the labour or services of employees for use by another person or in another organization for any purpose whatsoever and for payment in any form and on any basis whatsoever; and
 - (vi) office bearers of a department of a Division of a Federal or a Provincial or local authority who belong to the managerial, secretarial or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette;

- (h) “Harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply with such a request or is made a condition for employment;

- (i) “Inquiry Committee” means the Inquiry Committee established under sub-section (1) of section 3;

- (j) “Management” means a person or body of persons responsible for the management of the affairs of an organization and includes an employer;

- (k) “Ombudsman” means the Ombudsman appointed under section 7;
- (l) “Organization” means a Federal or Provincial Government Ministry, Division or department, a corporation or any autonomous or semi-autonomous body, Educational Institutes, Medical facilities established or controlled by the Federal or Provincial Government or District Government or registered civil society, associations or privately managed a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 (*XLVII of 1984*) and includes any other registered private sector organization or institution;
- (m) “Schedule” means Schedule annexed to this Act;
- (n) “Workplace” means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office.

3. Inquiry Committee.— (1) Each organization shall constitute an Inquiry Committee within thirty days of the enactment of this Act to enquire into complaints under this Act.

(2) The Committee shall consist of three members of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee where there is no CBA. One or more members can be co-opted from outside the organization if the organization is unable to designate three members from within as described above. A Chairperson shall be designated from amongst them.

(3) In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case. Such member may be from within or outside the organization.

(4) In case where no competent authority is designated the organization shall within thirty days of the enactment of this Act designate a competent authority.

4. Procedure for holding inquiry.— (1) The Inquiry Committee, within three days of receipt of a written complaint, shall—

- (a) communicate to the accused the charges and statement of allegations leveled against him, the formal written receipt of which will be given;
- (b) require the accused within seven days from the day the charge is communicated to him to submit a written defense and on his failure to do so without reasonable cause, the Committee shall proceed ex-parte; and
- (c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.

(2) Subject to the provisions of this Act and any rules made thereunder the Inquiry Committee shall have power to regulate its own procedure for conducting inquiry and for the fixing place and time of its sitting.

(3) The following provisions, *inter alia*, shall be followed by the Committee in relation to inquiry:

- (a) The statements and other evidence acquired in the inquiry process shall be considered as confidential;
- (b) An officer in an organization, if considered necessary, may be nominated to provide advice and assistance to each party;
- (c) Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a Collective Bargaining Agent representative, a friend or a colleague;
- (d) Adverse action shall not be taken against the complainant or the witnesses;
- (e) The inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant so as to pressurize her from freely pursuing her complaint; and
- (f) The Inquiry Committee shall give its findings in writing by recording reasons thereof.

(4) The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one or more of the following penalties:

(i) Minor penalties:

- (a) censure;
- (b) withholding, for a specific period, promotion or increment;
- (c) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- (d) recovery of the compensation payable to the complainant from pay or any other source of the accused;

(ii) Major penalties:

- (a) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (b) compulsory retirement;
- (c) removal from service;
- (d) dismissal from service; and
- (e) fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant.

(5) The Competent Authority shall impose the penalty recommended by the Inquiry Committee under sub-section (4) within one week of the receipt of the recommendations of the Inquiry Committee

(6) The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations, subject to

decision, if any of Competent Authority and Appellate Authority, have been implemented.

(7) In case the complainant is in trauma the organization will arrange for psycho-social counseling or medical treatment and for additional medical leave.

(8) The organization may also offer compensation to the complainant in case of loss of salary or other damages.

5. Powers of the Inquiry Committee.– (1) The 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.

(2) The Inquiry Committee shall have the power to inquire into the matters of harassment under this Act, to get the complainant or the accused medically examined by an authorized doctor, if necessary, and may recommend appropriate penalty against the accused within the meaning of sub-section (4) of section 4.

(3) The Inquiry Committee may recommend to Ombudsman for appropriate action against the complainant if allegations leveled against the accused found to be false and made with mala fide intentions.

(4) The Inquiry Committee can instruct to treat the proceedings confidential.

6. Appeal against minor and major penalties.– (1) Any party aggrieved by decision of the Competent Authority on whom minor or major penalty is imposed may within thirty days of written communication of decision prefer an appeal to an Ombudsman established under section 7.

(2) A complainant aggrieved by the decision of the Competent Authority may also prefer appeal within thirty days of the decision to the Ombudsman.

(3) The Appellate Authority may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty days in respect of which such appeal is made. It shall communicate the decision to both the parties and the employer.

(4) Until such a time that the Ombudsman is appointed the District Court shall have the jurisdiction to hear appeals against the decisions of Competent Authority and the provisions of sub-sections (1) to (3) shall mutatis mutandis apply.

(5) On the appointment of Ombudsman all appeals pending before the District Court shall stand transferred to Ombudsman who may proceed with the case from the stage at which it was pending immediately before such transfer.

7. Ombudsman.– (1) The respective Governments shall appoint an Ombudsman at the Federal and provincial levels.

(2) A person shall be qualified to be appointed as an Ombudsman who has been a judge of High Court or qualified to be appointed as a judge of High Court. The Ombudsman may recruit such staff as required to achieve the purposes of this Act and the finances will be provided by the respective Governments.

8. Ombudsman to enquire into complaint.– (1) Any employee shall have the option to prefer a complaint either to the Ombudsman or the Inquiry Committee.

(2) The Ombudsman shall within 3 days of receiving a complaint issue a written show cause notice to the accused. The accused after the receipt of written notice, shall submit written defense to the Ombudsman within five days and his failure to do so without reasonable cause the Ombudsman may proceed *ex parte*. Both the parties can represent themselves before the Ombudsman.

(3) The Ombudsman shall conduct an inquiry into the matter according to the rules made under this Act and conduct proceedings as the Ombudsman deems proper.

(4) For the purposes of an investigation under this Act, the Ombudsman may require any office or member of an organization concerned to furnish any information or to produce any document which in the opinion of the Ombudsman is relevant and helpful in the conduct of the investigation.

(5) The Ombudsman shall record his decision and inform both parties and the management of the concerned organization for implementation of the orders.

9. Representation to President or Governor.– Any person aggrieved by a decision of Ombudsman under sub-section (5) of section 8, may, within thirty days of decision, make a representation to the President or Governor, as the case may be, who may pass such order thereon as he may deem fit.

10. Powers of the Ombudsman.– The Ombudsman shall for the purpose of this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedures, 1908 (Act V of 1908), in respect of the following matters, namely:

- i. Summoning and enforcing the attendance of any person and examining him on oath;
- ii. Compelling the production of evidence;
- iii. Receiving evidence on affidavits;
- iv. Issuing commission for the examination of witnesses;
- v. Entering any premises for the purpose of making any inspection or investigation, enter any premises where the Ombudsman has a reason to believe that any information relevant to the case may be found; and
- vi. The Ombudsman shall have the same powers as the High Court has to punish any person for its contempt.

(2) Ombudsman shall while making the decision on the complaint may impose any of the minor or major penalties specified in sub-section (4) of section 4.

11. Responsibility of employer.– (1) It shall be the responsibility of the employer to ensure implementation of this Act, including but not limited to incorporate the Code of Conduct for protection against harassment at the workplace as a part of their

management policy and to form Inquiry Committee referred to in section 3 and designate a competent authority referred to in section 4.

(2) The management shall display copies of the Code in English as well as in language understood by the majority of employees at conspicuous place in the organization and the workplace within six months of the commencement of this Act.

(3) On failure of an employer to comply with the provisions of this section any employee of an organization may file a petition before the District Court and on having been found guilty the employer shall be liable to fine which may extend to one hundred thousand rupees but shall not be less than twenty-five thousand rupees.

12. Provisions of the Act in addition to and not in derogation of any other law.— The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

13. Power to make rules.— The Federal Government may make rules to carry out the purposes of this Act.

Schedule

[See sections 2(c) and 11]

CODE OF CONDUCT FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE

Whereas it is expedient to make the Code of Conduct at the Workplace, etc., to provide protection and safety to women against harassment it is hereby provided as under:

(i) The Code provides a guideline for behavior of all employees, including management, and the owners of an organization to ensure a work environment free of harassment and intimidation;

(ii) “Harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply with such a request or is made a condition for employment;

The above is unacceptable behavior in the organization and at the workplace, including in any interaction or situation that is linked to official work or official activity outside the office.

Explanation:

There are three significant manifestations of harassment in the work environment:

(a) Abuse of authority.

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

(b) Creating a hostile environment.

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual’s work performance or creates an intimidating, hostile, abusive or offensive work environment.

The typical “hostile environment” claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

(c) Retaliation.

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee’s options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of the harassment.

(iii) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis;

(iv) A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code. The request may be made orally or in writing;

(v) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;

(vi) If the incident or the case reported does constitute harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;

(vii) A complainant does not necessarily have to take a complaint of harassment through the informal channel. She can launch a formal complaint at any time;

(viii) The complainant may make formal complaint through her incharge, supervisor, CBA nominee or worker's representative, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;

(ix) Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;

(x) The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. The employer can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;

(xi) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;

(xii) The harassment usually occurs between colleagues when they are alone, therefore, usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case; and

(xiii) The Code lays down the minimum standards of behavior regarding protection of women from harassment at workplace, etc., but will not affect any better

arrangement that an organization may have developed nor will it bar the grant of protection that employees working in an institute may secure from their employers through negotiation.

STATEMENT OF OBJECTS AND REASONS

The objective of this Act is to create a safe working environment for women, which is free of harassment, abuse and intimidation with a view toward fulfillment of their right to work with dignity. It will also enable higher productivity and a better quality of life at work. Harassment is one of the biggest hurdles faced by working women preventing many who want to work to get themselves and their families out of poverty. This Act will open the path for women to participate more fully in the development of this country at all levels.

This Act builds on the principles of equal opportunity for men and women and their right to earn a livelihood without fear of discrimination as stipulated in the Constitution. This Act complies with the Government's commitment to high international labour standards and empowerment of women. It also adheres to the Human Rights Declaration, the United Nation's Convention for Elimination of all forms of Discrimination Against Women and ILO's convention 100 and 111 on workers' rights. It adheres to the principles of Islam and all other religions in our country which assure women's dignity.

This Act requires all public and private organizations to adopt an internal Code of Conduct and a complain/appeals mechanism aimed at establishing a safe working environment, free of intimidation and abuse, for all working women. It shall also establish an Ombudsman at Federal and provincial levels.

Subject: PRIME MINISTER'S DIRECTIVE FOR IMPLEMENTATION OF PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE ACT, 2010

Kindly enclosed a copy of Prime Minister's Secretariat U.O. No. 3(183)DS(Imp-I)/2010 dated 22.07.2010 along with its enclosure on the subject mentioned above.

2. It is requested that necessary action may please be taken to implement the Prime Minister's Directive as per enclosed proforma and a compliance report be furnished to Cabinet Division at the earliest for onward submission to the Prime Minister's Secretariat (Public).

PRIME MINISTER'S SECRETARIAT (PUBLIC), ISLAMABAD

Subject: IMPLEMENTATION OF PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE ACT, 2010

The Parliament has approved a law on "Protection against Harassment of Women at the Workplace Act, 2010" and notified on 11th March, 2010. All Ministries/Divisions/Attached Departments and Provincial Governments were directed vide PS PM's U.O. No. 65(11)/FSA/2010, dated 23.02.2010 to implement the Law in letter and spirit along with following measures:

- i) Adoption of Code of Conduct prescribed in the law.
- ii) Constituting the three members committees of credible persons, with at least one women member. The committees will immediately address the complaints of sexual harassment as per law, as and when received.
- iii) Ensuring that justice is done swiftly and retaliation against the complaints is curbed.
- iv) Informing and educating the employees to make them more aware of the provisions of the Act and to encourage a professional and dignified work environment for the women in the public and private sections.

2. Cabinet Division is requested to monitor the compliance with the PM's Directive on "Protection against Harassment of Women at the Workplace Act, 2010" as per enclosed proforma and send a regular report to this Secretariat till its implementation in all Ministries/Divisions/Departments etc.

3. This issues with the approval of the Competent Authority.

PROFORMA

**FOR MONITORING COMPLIANCE WITH PROTECTION AGAINST
HARASSMENT OF WOMEN AT WORKPLACE ACT, 2010**

Name of the Ministry/Department_____

Date_____

Kindly answer the following questions:

- 1) Have you issued a directive or office memo informing the staff that the Code of Conduct is a part of your policies?

Yes No

If Yes, its date of issue:

If No, reason for the delay:

- 2) Have you appointed your Inquiry Committee?

Yes No

If Yes, kindly give the names and contacts of the members and attach your notice of appointment;

- i)
ii)
iii)

- 3) Have you displayed the Code of Conduct in your office?

Yes No

Location;

- 4) Have you given a briefing to the members of the inquiry committee on the Code?

Yes No

- 5) Would you like these members to go through a training organized by the Ministry of Women's Development or AASHA (An Alliance against Sexual Harassment)?

Yes No

- 6) Have you conducted any Seminar or an Awareness Session for your staff or related departments on the new legislation?

Yes No

If Yes, its dates:

*A DIGNIFIED WORK ENVIRONMENT IS THE RIGHT OF
EVERY WOMAN AND MAN*

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NOTIFICATION

The Chief Minister has been pleased to constitute Provincial Implementation Watch Committee, to facilitate, monitor and oversee the implementation process under the Protection Against Harassment of Women At the Workplace Act, 2010, comprising of the following:

- | | | | |
|-----------|---|---------------------|---|
| | 1. Ms. Zakia Shahnawaz, | Chairperson | |
| | Advisor to the Chief Minister | | |
| | 2. Ms. Arifa Khalid Pervez, MPA | | |
| | 3. Ms. Zeb Jaffar, MPA | | |
| | 4. Ms. Anjum Safdar, MPA | | |
| | 5. Secretary, Women Development Department, | Member/Secretary | |
| | Government of the Punjab | of the Committee | |
| | 6. Representative of Higher Education Department | | |
| | 7. Representative of School Education Department | Not below the rank | } |
| of | | | |
| Secretary | 8. Representative of Health Department | Additional | |
| in | 9. Representative of S&GA Department | or Grade 19 officer | |
| other | 10. Representative of Special Education Department | case of officers | |
| | 11. Representative of Population Welfare Department | than Secretariat | |
| | 12. Representative of Police/Home/Law Departments | | |
| | 13. Ms. Mumtaz Mughal, Sr. Programme Officer | | |
| | Aurat Foundation, Lahore | | |
| | 14. Ms. Bushra Khaliq, Executive Director, | | |
| | WISE, Lahore | | |
| | 15. Dr. Shehla Javed Akram, President, | | |
| | WCOC&C, Lahore | | |
| | 16. Mr. Almas Haider, Industrialist | | |
| | 17. Mr. Nadeem Fazil Ayaz, | | |
| | Advocate High Court | | |
| | 18. Ms. Hina Hafeez Ullah, | | |
| | Advocate High Court | | |
| | 19. Ms. Fakhra Tehrim, Daily Jang, Lahore | | |
| | 20. Representative of Electronic (TV/Radio) Channel | | |

2. **OBJECTIVE OF THE COMMITTEE**

1. Mobilize support from higher Government offices to intervene and expedite the implantation process under Protection Against Harassment of Women at Workplace Act, 2010.
2. Ensure coordination between all stakeholders, donor partners, Government organizations, private sector, civil society, working women and media with the aim of collecting information, maintaining and monitoring database; developing linkage and disseminating education information.

3. Facilitate and monitor full compliance with organizations with the Protection Against Harassment of Women at Workplace Act, 2010.
4. Ensure sensitization of the law enforcing agencies and facilitate a few harassment cases that can set precedence.
5. Engage with relevant Government departments to oversee setting up of the office of the Ombudsperson.

3. **TERMS OF REFERENCE OF THE COMMITTEE**

1. The Committee will meet at least once in every three months.
2. The Chair can constitute sub-committees for specific tasks.
3. The Committee will set strategy and targets.
4. The Committee will prepare reports for its own members on quarterly basis.

Extract From Civil Services Rules Punjab

(Volume I – Part-I)

JOINING TIME

Extract from Civil Services Rules, (Volume–I Part–I)

CHAPTER IX – JOINING TIME

CONDITIONS UNDER WHICH ADMISSIBLE

- 9.1 Joining time may be granted to a Government servant to enable him –
- a) to join a new post to which he is appointed while on duty in his old post; or
 - b) to join a new post –
 - i) on return from leave on average pay of not more than four months duration in respect of Government servants subject to the leave rule in section II of chapter VIII, or from earned leave not exceeding 120, 90 or 30 days as the case may be, in respect of Government servants subject to the leave rules in section III of chapter VIII; or
 - ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub clause (i); or
 - c) to travel from the port of debarkation or, in the case of arrival by air craft, from its first regular port in Pakistan and to organize his domestic establishment when he returns from leave out of Pakistan of more than four months duration in respect of Government servants subject to the leave rules in section II of chapter VIII, or of more than 120, 90 or 30 days duration as the case may be, in respect of Government servants subject to leave rules in section III of chapter VIII; or
 - d)
 - i) to proceed from a specified station to join a post in a place in a remote locality which is not easy of access; or
 - ii) to proceed on relinquishing charge of a post in a place in a remoter locality which is not easy of access to a specified station.

Note 1 The authority which granted the leave will decide whether the notice referred to in clause (b) (ii) was insufficient.

Note 2 Joining time is admissible to a Government servant under clause (c) of this rule for organizing his domestic establishment even if he does not make any journey from the port of debarkation.

Note 3 The joining time and traveling allowance of military officers in civil employ are governed by the civil rules in virtue of the provisions of paragraph 593 of the Regulations for the Army in Pakistan and paragraph 2 (iii) and 14 of the Defence Services Regulations, India Passage Regulations, respectively read with Fundamental Rule 3. These rules admit of the grant of joining time and traveling allowance to military officers in civil, employ not only on the occasion of their transfer to the civil employ and retransfer to

military employ but also when they are actually serving in civil employ. For the purposes of these rules, privilege leave under the military leave rules should be treated as leave on average pay of not more than four months duration.

Note 4 The time reasonably required for journeys between the place of training and the stations to which a Government servant is posted immediately before and after the period of training should be treated as part of the training period. This does not apply to probationers holding "training posts" which they may be considered as taken with them on transfer. Such probationers are entitled to joining time when transferred.

Note 5 When a Government servant holding a temporary post is offered through his official superior another such post at some other station at any time before the abolition of his post, he is entitled to joining time.

Note 6 No joining time, joining time pay or traveling allowance shall be granted to a provincial Government servant who is appointed to a post under the central Government but join his new post after termination of his employment under the provincial Government by resignation or otherwise, unless the employment of a particular Government servant is in the wider public interest. The same applies to a servant of the central Government or of another provincial Government who, in similar circumstances, is appointed to a post under the Punjab Government. Further, when a Government servant of one department is appointed to a post in another department, both departments being under the Punjab Government, but joins his new post after termination of his employment under the old department no joining time, joining time pay or traveling allowance shall be allowed unless it is in the public interest to do so. If joining time is allowed in any case it should be the minimum necessary and should in no case exceed the transit period.

Note 7 Joining time, joining time pay and traveling allowance of Government servants appointed to post under the Punjab Government on the results of a competitive examination, which is open to both Government servants and others, is regulated as under:

- a) traveling allowance, joining time and joining time pay should ordinarily be allowed to all Government servants serving under the central or provincial Governments who hold permanent posts in a substantive capacity and that;
- b) no traveling allowance, joining time pay should be granted in the case of those who are employed in a temporary capacity without the sanction of Government.

9.2 No joining time is allowed in cases when a Government servant is transferred from one post to another in the same office establishment.

9.3 a) A Government servant on transfer during a vacation may be permitted to take joining time at the end of the vacation.

- b) When vacation is combined with leave on average pay or earned leave, joining time shall be regulated under Rule 9.1 (b) (i) if the total period of leave on average pay and vacation is not more than four months in the case of Government servants subject to the rules in section II of chapter VIII, or not more than 120, 90 or 30 days as the case may be in the case of Government servants subject to leave rules in section III of chapter VIII; and under clause (c) if vacation combined with leave out of Pakistan exceeds these limits.

9.4 If a Government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be concluded in his leave, unless the leave is taken on medical certificate. In the latter case, the period may be treated as joining time.

CALCULATION OF JOINING TIME

9.5 When transfer to a new post involves a change of station, joining time is calculated as follows, subject to a maximum of thirty days –

- i) Six days for preparation, and, in addition thereto:

For the portion of the journey which the Government servant travels or might travel	A day for each .	
By railway	250 miles	} or any longer time actually occupied in the journey
By ocean steamer	200 miles	
By river steamer	80 miles	
By motor car or motor-lorry	80 miles	
By mail cart or other public stage conveyance drawn by horses	80 miles	
In any other way	15 miles	

An extra day is allowed for any fraction of distance over that prescribed above.

- ii) When part of the journey is performed by steamer, the days intervening between the Government servant being set free from his office or, if he has no office, receiving his orders, and the departure of the steamer or his start duly regulated to catch the steamer shall be added.
- iii) When air journeys for transfer are performed in the interest of public service by a Government servant entitled to travel by air or specially authorized to do so by a competent authority, 6 days for preparation and in addition, the number of days actually taken in the air journey should be allowed as joining time.

Note 1: The administrative secretary of the department concerned will be the competent authority in such case.

Note 2: Sundays are not included in the above calculations, though they are included in the maximum limit of thirty days.

Note 3: A journey by road of five miles or under, to or from a railway station from or to the chief public office of the place, does not count for joining time.

Note 4: In view of the uncertainty which exists as to the point of departure of the ferry steamer from Ghazi Ghat during the flood season, two days instead of one will be allowed as joining time for the journey of about 29 miles between Dera Ghazi Khan and Ghazi Ghat when the bridge of boats is not up. When this extra day is demanded the claim should be supported by the certificate of the senior officer of the Public Works Department in Dera Ghazi Khan.

9.6 Only one day is allowed for joining a post which does not necessarily involve a change of residence from one station to another. A gazetted holiday counts as a day for the purpose of this rule.

9.7 By whatever route a Government servant travels, his joining time shall, unless a competent authority specially permits otherwise, be calculated by the route which travelers habitually use.

9.8 (a) The joining time of a Government servant under clause (b) (i) and (ii) of rule 9.1 will be counted from his old station or from the place where he receives the order of transfer whichever calculation would entitle him to less joining time. If the leave is being spent out of Pakistan and the order of appointment to the new post reaches him before he arrives at the port of debarkation, the port of debarkation is the place in which he received the order for the purpose of this rule.

(b) A Government servant taking joining time under clause (b) (i) of Rule 9.1 who receives, while on leave (whether spent in or out of Pakistan) orders of transfer to a station other than that from which he took leave, will be granted full joining time admissible under clause (a) above and irrespective of the date on which the orders of transfer are received by him. Should he join his new appointment before the expiry of leave plus the joining time admissible the period short taken should be considered as leave not enjoyed, and a corresponding portion of the leave sanctioned should be cancelled without any reference to the authority which granted the leave. If in any case, the Government servant desires not to avail himself of the full period of joining time admissible, the periods of leave and joining time should be adjusted with reference to such option.

9.9 The joining time admissible under clause (c) Rule 9.1 should be calculated from the date of debarkation of the Government servant at the Pakistan port in the manner prescribed in Rule 9.5; provided that it shall, if he so desires, be subject to a minimum of ten days.

Note: The joining time of a Government servant who returns from leave out of Pakistan and disembarks, not at the first port of call in Pakistan but at another such port, should be reckoned from the day of arrival of the vessel at the second or subsequent port at which he actually disembarks, whether the sea journey from the first port of call in Pakistan to the subsequent port of disembarkation is made in the same steamer which takes him to the first port of call or in some other steamer.

9.10 If a Government servant is authorized to make over charge of a post elsewhere than at his headquarters, his joining time shall be calculated from the place at which he actually makes over charge.

9.11 If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

Note A second period of six days for preparation should not be included in calculating the joining time of a Government servant whose appointment is changed while he is in transit.

9.12 When a Government servant under the administrative control of the Punjab Government is transferred to the control of another Government, his joining time for the journey to join his post under that Government and for the return journey will be governed by the rules of that Government.

PAY DURING JOINING TIME

9.13 A Government servant on joining time shall be regarded as on duty, and shall be entitled to be paid as follows:

- a) If on joining time under clause (a) of Rule 9.1 he is entitled to the pay which he would have drawn if he had not been transferred; or the pay which he will draw on taking charge of his new post, whichever is less.
- b) If on joining time under clause (b) or (c) of Rule 9.1 he is entitled –
 - i) When returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave, to no payments at all; and
 - ii) When returning from leave of any other kind, to the leave salary which he last drew on leave at the rate prescribed for the payment of leave salary in Pakistan.
- c) If on joining time under clause (d) of Rule 9.1, he is entitled to pay as though he was on duty in his post.

Note-1: A ministerial servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests.

Note-2: A military officer subject to the Military Leave Rules who retains a lien on his civil post is entitled, on joining time, under sub-clause (ii) of clause (b) above, to draw the same amount of leave salary which he would have drawn had he taken leave under Civil Leave Rules, provided that such leave salary shall not be less than that which he actually drew during the last portion of his leave.

Note-3: The words "if he had not been transferred" in clause (a) of this rule should be interpreted in the sense, "if he had continued in his old post".

Note-4: The words “in his post” occurring in clause (c) of this rule mean the post is the remote locality even in the case of a Government servant on straight transfer.

Note-5: See also notes 1 and 2 under Rule 4.9 (a).

9.14. In the Public Works Department no extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant, until the transfer is complete, but as far as ordinary pay and allowances are concerned an exception may be made to the general rule in all cases in which the charge to be transferred (whether a division, a sub-division or other charge) consists of several scattered works which the relieving and the relieved Government servants are required, by the orders of a superior officer to inspect together before the transfer can be completed. The relieving period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive. While so taking over charge, the relieving Government servant will draw:

- i) if he is transferred from a post which he holds substantively, his presumptive pay in that post;
- ii) if he is transferred from a post which he has held in an officiating capacity, the officiating pay admissible in that post provided it is not more than the pay he would draw after the transfer is complete; otherwise his presumptive pay in the permanent post on which he had a lien prior to transfer;
- iii) if he returns from leave his presumptive pay in the post on which he retained a lien during the leave.

Note: The concession of house-rent allowance or free quarters ordinarily admissible to a Government servant should be treated as “ordinary pay and allowances” within the meaning of this rule and is admissible to both the relieved and the relieving Government servants during the period occupied by them in handing over the taking over charge.

9.15. The application of rule 9.14, which forms an exception to the general rule and which concerns the Public Works Department only, has also been extended to the transfer of charge specified in column 2 of the table below in the case of the following departments. The authority noted in column 3 against each is to determine whether the period spent in completing the transfer of charge is not excessive:

JOINING TIME

Name of Department	Charge to be transferred	Authority competent to determine whether the period spent in completing the transfer of charge is not excessive
1.Jail	i) Dy. Superintendents and store-keepers. ii) Assistant store-keepers at the following jails: (1)Borstal Institution & Juvenile Jail, LHR.(2) Jhelum (3) D.G. Khan (4)	Inspector General of Prisons, Punjab.

<p>2.Reclamation</p> <p>3.Industries</p> <p>4.Agriculture</p>	<p>Campbellpur (5) Jhang (6) Gujrat (7) Shahpur Camp (8) Sargodha (9) Sheikhupura (10) Kasur.</p> <p>Asstt: Managers, Adult and Bostal, Reformatory Farms, Burewala</p> <p>Teachers and clerks holding charge of stores in the Government industrial schools and institutes.</p> <p>Store-keepers in the Mayo School of Arts, Lahore, Government Institute of Dyeing and Calico printing and Demonstration Weaving Factory, Shahdara and Arts and crafts Depot, Lahore.</p> <p>Lady Superintendent and Head Mistresses who held charge of Stock and Stores in Government Zenana Industrial Schools.</p> <p>Store-keepers and clerks in marketing sections, wool section and sericulture section and sericulture section laboratory assistants in the industrial research laboratory, demonstrators of all demonstration parties in the Punjab.</p> <p>Store-keepers, Well Supervisors and Well Borers sections and agriculture assistants and clerks attached to farms.</p> <p>Ahlmads and Record-keepers in the courts of District and Sessions Judges including</p>	<p>Reclamation Officer.</p> <p>Director of Industries.</p> <p>Director of Industries.</p> <p>Director of Industries.</p> <p>Director of Industries.</p> <p>Director of Industries.</p> <p>Director of Industries.</p> <p>District and Sessions Judge concerned up to 10 days.</p>
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5.Judicial	Additional District and Sessions Judges. Ahlmads, Execution Moharrirs, Guardian Moharrirs in the courts of senior and other subordinate judges and administrative subordinate judges and readers to administrative subordinate judges. Ahlmads, Naib Sheriffs– in–charge of execution work and insolvency clerk in small courts.	Presiding officer of the court up to 7 days and District and Sessions judges up to 10 days. Ditto
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OVERSTAY AND EXTENSION OF JOINING TIME

9.16. A Government servant who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Willful absence from duty after the expiry of joining time may be treated as misbehaves for the purpose of Rule 3.19.

9.17 (a) A competent authority will, if necessary, extend the joining time as calculated by Rule 9.5 provided the general spirit of the rules is observed.

(b) Within the maximum of thirty days, Heads of Departments, may, in the case of Government servants of Provincial Services, Temporary Engineers, Temporary Deputy Collectors and non–gazetted subordinates under their control, extend the joining time admissible by rules –

- i) If the Government servant has been unable to avail himself of the usual mode of traveling, or if notwithstanding, due diligence on his part, the journey has occupied more time than is allowed by the rules – to the extent of time actually necessary.
- ii) If such extension is considered necessary for the public convenience or for the saving of public expense, as for example, to prevent unnecessary and merely formal transfers to the extent necessary.
- iii) If the rules have in any particular case operated harshly, as for example, if a Government servant has through no fault on his part missed a steamer or fallen sick on the journey – to the extent necessary.

JOINING TIME TO PERSONS NOT IN GOVERNMENT
SERVICE ON JOINING THE GOVERNMENT
SERVICE AND ON REVERSION FROM IT

9.18. If a person in employment other than Government service or on leave, granted from such employment, is, in the interests of Government, appointed to a post under Government, he may, at the discretion of the competent authority, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or, in the case of joining time immediately following leave granted from the private employment, to the leave salary, paid to him, by his private employer prior to his appointment to Government service or pay equal to the pay of the post in Government service, whichever is less.

Subject: EXTENSION IN JOINING TIME

I am directed to state that a large number of cases are being referred to the Finance Department for extension of joining time in order to regularize delays in the issue of posting orders on grounds of administrative difficulties. Examination in the finance Department reveals that in most cases the delay is due mainly to the indifference of the officials/officers responsible for issuing the posting orders and no real administrative difficulties are involved. This results in undue hardship to the Government servants concerned and avoidable expenditure to the Government.

2. In this connection, attention is invited to the Government of West Pakistan, Finance Department's circular letter No. 1022–SRVI–64, dated the 9th June, 1964 (copy attached) wherein the administrative authorities were informed that the Government took a serious view of delays in the posting orders and the officials responsible for such delay would be held responsible for loss to the Government. It appears that the instructions in question have been lost sight of with the passage of time. I am to request that the need for exercising due vigilance in issuing the posting orders of the Government servants reporting for duty after joining time, etc. may be re-emphasized and brought home to all the Government functionaries dealing with the cases regarding postings and transfers of other Government servants. In future, whenever a proposal is sent to the Finance Department for extension in joining time of a Government servant detailed reasons for delay in issuing the posting orders must be clearly stated and the action taken against the persons responsible for delay should also be indicated.

Copy of the circular letter No. 1022–SR–VI–64, dated the 9th June 1964, from Sh. Aziz–ud–Din Naik, Deputy Secretary (Service Regulations) to Government of West Pakistan, Finance Department to All Administrative Secretaries, All Heads of attached department etc.

Subject: EXTENSION IN JOINING TIME

I am directed to say that of late Finance Department has noticed that proposals are rapidly increasing for the extension of joining time to regularize delays in issuing posting orders of Government servants on the ground of administrative difficulties. Examination of these proposals showed that normally the plea of administrative difficulties was non-existent and that the delays were due to negligence on the part of the department in taking timely decisions. As in such cases Government servants concerned cannot be made to suffer for no fault of theirs, the result was that Government had to suffer an unmerited loss involved in payment of salaries for periods for which the Government servants had not worked. Government in the Finance Department has taken a serious note of this situation and desires that it may be brought to the notice of all officers that in future such omissions on the part of the Government departments and of officers will be seriously taken notice of and officials responsible for such negligence will be held responsible for losses to Government.

The Punjab Office of the Ombudsman Act 1997

NOTIFICATION
JUNE 30, 1997

No.Legis–2(5)/97/88. The Punjab Office of the Ombudsman Bill 1997, having been passed by the Provincial Assembly of the Punjab on June 25, 1997 and assented to by the Governor of the Punjab on June 27, 1997, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB OFFICE OF THE OMBUDSMAN ACT 1997
Act X of 1997

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated June 30, 1997]

An

Act

to provide for the establishment of the office of
Ombudsman in the Province of the Punjab.

Preamble WHEREAS it is expedient to provide for the appointment of the Provincial Ombudsman for protection of the rights of the people, ensuring adherence to the rule of law, diagnosing, redressing and rectifying any injustice done to a person through maladministration and suppressing corrupt practices.

It is hereby enacted as follows:

1. **Short title, extent and commencement**

- 1) This Act may be called the Punjab Office of the Ombudsman Act 1997.
- 2) It extends to the Province of the Punjab.
- 3) It shall come into force at once.

2. **Definitions**

In this Act, unless there is anything repugnant in the subject or context –

- 1) **“Agency”** means a Department, Commission or office of the Provincial Government or a statutory corporation or other institution established or controlled by the Provincial Government but does not include the High Court and courts working under the supervision and control of the High Court, and the Provincial Assembly of the Punjab and its Secretariat.

- 2) **“maladministration”** includes:

i) a decision, process, recommendation, act or omission or commission which:

- a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bonafide and for valid reasons; or
- b) is perverse, arbitrary or unreasonable, unjust biased, oppressive, or discriminatory; or
- c) is based on irrelevant grounds; or
- d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and

- ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities;
 - 3) **“Office”** means the office of the Ombudsman;
 - 4) **“Ombudsman”** means the Ombudsman for the Province of Punjab appointed under section 3;
 - 5) **“Prescribed”** means prescribed by rules made under this Act;
 - 6) **“Public servant”** means a public servant as defined in section 21 of the Pakistan Penal Code 1860, and includes a Minister, Advisor, Parliamentary Secretary and the Chief Executive, Director or other officer or employee or member of an Agency; and
 - 7) **“Staff”** means any employee or commissioner of the Office and includes co-opted members of the staff, consultants, advisors, bailiffs, liaison officers and experts.
3. **Appointment of Ombudsman**
- 1) There shall be an Ombudsman, for the Province of Punjab who shall be appointed by the Government.
 - 2) An Ombudsman shall be a person who is, or has been or is qualified to be a judge of the High Court ^{##}or any other person of known integrity.
 - 3) Before entering upon office, the Ombudsman shall take an oath before the Governor in the form set out in the First Schedule to this Act.
 - 4) The Ombudsman shall, in all matters, perform his functions and exercise his powers fairly, honestly, diligently and independently of the Executive and all executive authorities throughout the Province shall act in aid of the Ombudsman.
4. **Tenure of the Ombudsman**
- 1) The Ombudsman shall hold office for a period of ^{**}four years and shall not be eligible for any extension of tenure or for re-appointment as Ombudsman under any circumstances: ^{*}Provided that a sitting Judge of the High Court working as Ombudsman may be called back by the competent authority before expiry of his tenure.
 - 2) The Ombudsman may resign his office by writing under his hand addressed to the Governor.
5. **Ombudsman not to hold any other office of profit, etc.**
- 1) The Ombudsman shall not-
 - a) hold any other office of profit in the service of Pakistan; or
 - b) occupy any other position carrying the right to remuneration for the rendering of services.

^{##} Words ‘or any other person’ inserted vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

^{**}The word ‘four’ inserted vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

^{*}Proviso added vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

- 2) The Ombudsman, #not being a sitting Judge of the High Court shall not hold any office of profit in the @service of Pakistan before the expiration of two years after he has ceased to hold that office nor shall he be eligible during the tenure of office and for a period of two years thereafter for election as a member of Parliament or a Provincial Assembly or any local body or take part in any political activity.
6. **Terms and conditions of service and remuneration of Ombudsman**
- 1) The Ombudsman shall be entitled to such salary, allowances and privileges and other terms and conditions of service as the Government may determine and these terms shall not be varied during the term of office of an Ombudsman.
 - 2) The Ombudsman may be removed from office by the Government on the ground misconduct or of being incapable of properly performing the duties of his office by reason of physical or mental incapacity. The Government shall provide the Ombudsman a copy of charges before such an order.

Provided that the Ombudsman, may, if he sees fit and appropriate to refute any charges, request an open public evidentiary hearing before a Division Bench of the High Court and if such hearing is not held within thirty days from the date of the receipt of such request or not concluded within ninety days of its receipt, the Ombudsman will be absolved of all stigma. In such circumstances, the Ombudsman may choose to leave his office and shall be entitled to receive full remuneration and benefits for the rest of his term.

- 3) If the Ombudsman makes a request under the proviso to sub-section (2), he shall not perform his functions under this Act until the hearing before the High Court has concluded.
- 4) An Ombudsman removed from office on the ground of misconduct shall not be eligible to hold any office of profit in the service of Pakistan or for election as a member of Parliament or a Provincial Assembly or any local body, unless a period of four years has elapsed since his dismissal.

7. **Acting Ombudsman**

At any time when the office of Ombudsman is vacant, or the Ombudsman is absent or is unable to perform his functions due to any cause, the Government shall appoint an acting Ombudsman.

8. **Appointment and terms and conditions of service of staff**

- (1) The members of the staff, other than those mentioned in section 20 or those of a class specified by the Government by order in writing shall be appointed by the Government in consultation with the Ombudsman.
- (2) It shall not be necessary to consult the Provincial Public Service Commission for making appointment of the members of the staff or on matters relating to qualifications for such appointment and method of their recruitment.
- (3) The members of the staff shall be entitled to such salary, allowances and other terms and conditions of service as may be

The words 'not being a sitting Judge of the High Court' inserted vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

@ Words 'service of Pakistan' inserted vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

prescribed having regard to salary, allowances and other terms and conditions of service that may for the time being be admissible to other employees of the Provincial Government in the corresponding Basic Pay Scale.

- (4) Before entering upon office a member of the staff mentioned in subsection (1) shall take an Oath before the Ombudsman in the form set out in the Second Schedule to this Act.

9. **Jurisdiction, functions and powers of the Ombudsman**

- (1) The Ombudsman may on a complaint by any aggrieved person, on a reference by the Government or the Provincial Assembly, or on a motion of the Supreme Court or the High Court made during the course of any proceedings before it or of his own motion, undertake any investigation into any allegation of maladministration on the part of any Agency or any of its officers or employees:

Provided that the Ombudsman shall not have any jurisdiction to investigate or inquire into any matters which:

- (a) are subjudice before a Court of competent jurisdiction on the date of the receipt of a complaint, reference or motion by him or
- (b) relate to the external affairs of Pakistan or the relations or dealings of Pakistan with any foreign state or Government; or
- (c) relate to, or are connected with, the defence of Pakistan or any part thereof, the Military, Naval and Air Forces of Pakistan, or the matters covered by the laws relating to those forces.
- (2) Notwithstanding anything contained in subsection (1), the Ombudsman shall not entertain for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been working; in respect of any personal grievance relating to his service therein.
- (3) For carrying out the objectives of this Act and, in particular for ascertaining the root causes of corrupt practices and injustice, the Ombudsman may arrange for studies to be made or research to be conducted and may recommend appropriate steps for their eradication.

10. **Procedure and evidence**

- (1) A complaint shall be made on solemn affirmation or oath and in writing addressed to the Ombudsman by the person aggrieved or, in the case of his death, by the legal representative and may be lodged in person at the Office or handed over to the Ombudsman in person or sent by any other means of communication to the Office.

- (2) No anonymous or pseudonymous complaints shall be entertained.

- (3) A complaint shall be made not later than three months from the day on which the person aggrieved first had the notice of the matter alleged in the complaint, but the Ombudsman may conduct, any investigation pursuant to a complaint which is not within time if he considers that there are special circumstances which made it proper for him to do so.

- (4) Where the Ombudsman proposes to conduct an investigation he shall issue to the principal officer of the Agency concerned, and to any other person who is alleged in the complaint to have taken or authorized the action complained of, a notice calling upon him to meet the allegations contained in the complaint, including rebuttal: Provided that the Ombudsman may proceed with the investigation if no response to the notice is received by him from such principal officer or other person within thirty days of the receipt of the notice or within such longer period as may have been allowed by the Ombudsman.
- (5) Every investigation shall be conducted informally but, the Ombudsman may adopt such procedure as he considers appropriate for such investigation and he may obtain information from such persons and in such manner and make such inquiries as he thinks fit.
- (6) A person shall be entitled to appear in person or be represented before the Ombudsman.
- (7) The Ombudsman shall, in accordance with the rules made under this Act pay expenses and allowances to any person who attends or furnishes information for the purposes of an investigation.
- (8) The conduct of an investigation shall not affect any action taken by the Agency concerned, or any power or duty of that Agency to take further action with respect to any matter subject to the investigation.
- (9) For the purpose of an investigation under this Act the Ombudsman may require any officer or member of the Agency concerned to furnish any information or to produce any document which in the opinion of the Ombudsman is relevant and helpful in the conduct of the investigation and there shall be no obligation to maintain secrecy in respect of disclosure of any information or document for the purposes of such investigation: Provided that the Government may, in its discretion, on grounds of its being a State secret, allow a claim of privilege with respect to any information or document.
- (10) In any case where the Ombudsman decides not to conduct an investigation, he shall send to the complainant a statement of his reasons for not conducting the investigation.
- (11) Save as otherwise provided in this Act, the Ombudsman shall regulate the procedure for the conduct of business or the exercise of powers under this Act.

11. **Recommendations for implementation**

- (1) If, after having considered a matter on his own motion, or on a complaint or on a reference by the Government or the Provincial Assembly, or on a motion by the Supreme Court or the High Court, as the case may be, the Ombudsman is of the opinion that the matter considered amounts to maladministration, he shall communicate his finding to the Agency concerned:
 - (a) to consider the matter further;
 - (b) to modify or cancel the decision, process, recommendation, act or omission;
 - (c) to explain more fully the act or decision in question;
 - (d) to take disciplinary action against any public servant of any Agency under the relevant laws applicable to him;

- (e) to dispose of the matter or case within a specified time; and
- (f) take any other steps specified by the Ombudsman.
- (2) The Agency shall, within such time as may be specified by the Ombudsman, inform him about the action taken on his direction or the reasons for not complying with the same.
- (3) In any case where the Ombudsman has considered a matter, or conducted an investigation, on a complaint or on reference by the Government or the Provincial Assembly or on a motion by the Supreme Court or the High Court, the Ombudsman shall forward a copy of the communication received by him from the Agency in pursuance of sub-section (2) to the complainant or, as the case may be, the Government, the Provincial Assembly, the Supreme Court or the High Court.
- (4) If, after conducting an investigation, it appears to the Ombudsman that an injustice has been caused to the person aggrieved in consequence of maladministration and that the injustice has not been or will not be remedied, he may, if he thinks fit, lay a special report on the case before the Government.
- (5) If the Agency concerned does not comply with the recommendations of the Ombudsman or does not give reasons to the satisfaction of the Ombudsman for non-compliance, it shall be treated as “Defiance of Recommendations” and shall be dealt with as hereinafter provided.

12. **Defiance of recommendations**

- (1) If there is a ‘Defiance of recommendations’ by any public servant in any Agency with regard to the implementation of a recommendation given by the Ombudsman, the Ombudsman may refer the matter to the Government which may, in its discretion, direct the Agency to implement the recommendation and inform the Ombudsman accordingly.
- (2) In each instance of “Defiance of Recommendations” a report by the Ombudsman shall become a part of the personal file or character roll of the public servant primarily responsible for the defiance;
Provided that the public servant concerned had been granted an opportunity to be heard in the matter.

13. **Reference by Ombudsman**

Where, during or after an inspection or an investigation, the Ombudsman is satisfied that any person is guilty of any allegations as referred to in subsection (1) of section 9, the Ombudsman may refer the case to the concerned authority for appropriate corrective or disciplinary action, or both and the said authority shall inform the Ombudsman within thirty days of the receipt of reference of the action taken. If no information is received within this period, the Ombudsman may bring the matter to the notice of the Government for such action as he may deem fit.

14. **Powers of the ombudsman**

- (1) The Ombudsman shall, for the purposes of this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) compelling the production of documents;
 - (c) receiving evidence on affidavits; and

- (d) issuing commission for the examination of witnesses.
 - (2) The Ombudsman shall have the power to require any person to furnish information on such points or matters as, in the opinion of the Ombudsman, may be useful for, or relevant to, the subject matter of any inspection or investigation.
 - (3) The powers referred to in subsection (1) may be exercised by the Ombudsman or any person authorized in writing by the Ombudsman in this behalf while carrying out an inspection or investigation under the provisions of this Act.
 - (4) Where the Ombudsman finds the complaint referred to in subsection (1) section 9 to be false, frivolous or vexatious, he may award reasonable compensation to the Agency, public servant or other functionary against whom the complaint was made; and the amount of such compensation shall be recoverable from the complainant as arrears of land revenue:
Provided that the award of compensation under this subsection shall not debar the aggrieved person from seeking any other remedy.
 - (5) If any Agency, public or other functionary fails to comply with a direction of the Ombudsman, he may, in addition to taking other actions under this Act, refer the matter to the appropriate authority for taking disciplinary action against the person who disregarded the direction of the Ombudsman.
 - (6) If the Ombudsman has reason to believe that any public servant or other functionary has acted in a manner warranting criminal or disciplinary proceedings against him, he may refer the matter to the appropriate authority for necessary action to be taken within the time specified by the Ombudsman.
 - (7) The staff and the nominees of the Office may be commissioned by the Ombudsman to administer oaths for the purposes of this Act and to attest various affidavits, affirmations or declarations which shall be admitted in evidence in all proceedings under this Act without proof of the signature or seal or official character of such person.
15. **Power to enter and search any premises**
- (1) The Ombudsman, or any member of the staff authorized in this behalf, may, for the purpose of making any inspection or investigation, enter any premises where the Ombudsman or, as the case may be, such member has reason to believe that any article, books of accounts, or any other documents relating to the subject matter of inspection or investigation may be found, and may –
 - (a) search such premises and inspect any article, books of accounts or other documents;
 - (b) take extracts or copies of such books of accounts and documents;
 - (c) impound or seal such articles, books of accounts and documents; and
 - (d) make an inventory of such articles, books of account and other documents found in such premises.
 - (2) all searches made under subsection (1) shall be carried out *mutatis mutandis*, in accordance with the provisions of the Code of Criminal Procedure, 1898.
16. **Power to punish for contempt**

- (1) The Ombudsman shall have the same powers, *mutatis mutandis*, as the High Court has to punish any person for its contempt who:
 - (a) abuses, interferes with, impedes, imperils, or obstructs the process of the Ombudsman in any way or disobeys any order of the Ombudsman;
 - (b) scandalizes the Ombudsman or otherwise does anything which tends to bring the Ombudsman, his staff or nominees or any person authorized by the Ombudsman in relation to his office, into hatred, ridicule or contempt.
 - (c) does anything which tends to prejudice the determination of a matter pending before the Ombudsman; or
 - (d) does any other thing which, by any other law, constitutes contempt of Court.

Provided that fair comments made in good faith and in public interest on the working of the Ombudsman or any of his staff, or on the final report of the Ombudsman after the completion of the investigation shall not constitute contempt of the Ombudsman or his Office.

- (2) Any person sentenced under subsection (1) may, notwithstanding anything herein contained, within thirty days on the passing of the order, appeal to the High Court.

17. Inspection Team

- (1) The Ombudsman may constitute an Inspection Team for the performance of any of the functions of the Ombudsman.
- (2) An Inspection Team shall consist of one or more members of the staff and shall be assisted by such other person or persons as the Ombudsman may consider necessary.
- (3) An Inspection Team shall exercise such of the powers of the Ombudsman as he may specify by order in writing and every report of the Inspection Team shall first be submitted to the Ombudsman with its recommendations for appropriate action.

18. Standing Committees, etc.

The Ombudsman may, whenever he thinks fit, establish standing or advisory committees at specified places, with specified jurisdiction for performing such functions of the Ombudsman as are assigned to them from time to time and every report of such committee shall first be submitted to the Ombudsman with its recommendations for appropriate action.

19. Delegation of powers

The Ombudsman may, by order in writing, delegate such of his powers as may be specified in the order, to any member of his staff or to a standing or advisory committee, to be exercised subject to such conditions as may be specified and every report of such member or committee shall first be submitted to the Ombudsman with his or its recommendations for appropriate action.

20. Appointment of advisers, etc.

The Ombudsman may appoint competent persons of integrity as advisers, consultants, fellows, bailiffs, interns, commissioners and experts as well as ministerial staff with or without remuneration to assist him in the discharge of his duties under this Act.

21. Authorization of functionaries, etc.

The Ombudsman may, if he considers it expedient, authorize a District Judge or any agency, public servant or other functionary working under the administrative control of the Provincial Government to undertake the functions of the Ombudsman under subsection (1) or subsection (2) of section 14 in respect of any matter falling within his jurisdiction and it shall be the duty of the Agency,

- public servant or other functionary so authorized to undertake such functions to such extent and subject to such conditions as the Ombudsman may specify.
22. **Award of costs and compensation and refund of amounts**
- (1) The Ombudsman may, where he deems necessary, call upon a public servant, other functionary or any Agency to show cause why compensation be not awarded to an aggrieved party for any loss or damage suffered by him on account of any maladministration committed by such public servant, other functionary or Agency, and after considering the explanation, and hearing such public servant, other functionary or Agency, award reasonable costs or compensation and the same shall be recoverable as arrears of land revenue from the public servant, functionary or Agency.
 - (2) In cases involving payment of illegal gratification to any employee of any Agency, or to any other person on his behalf, or misappropriation, criminal breach of trust or cheating, the Ombudsman may order the payment thereof for credit to the Government or pass such other order as he may deem fit.
 - (3) An order made under subsection (2) against any person shall not absolve such person of any liability under any other law.
23. **Assistance and advice to Ombudsman**
- (1) The Ombudsman may seek the assistance of any person or authority for the performance of his functions under this Act.
 - (2) All officers of any Agency and any person whose assistance has been sought by the Ombudsman in the performance of his functions shall render such assistance to the extent it is within their power or capacity.
 - (3) No statement made by a person or authority in the course of giving evidence before the Ombudsman or his staff shall subject him to, or be used against him in any civil or criminal proceedings except for prosecution of such person for giving false evidence.
24. **Conduct of business**
- (1) The Ombudsman shall be the Chief Executive of the Office.
 - (2) The Ombudsman shall be the Principal Accounts Officer of the Office in respect of the expenditure incurred against budget grant or grants controlled by the Ombudsman and shall, for this purpose, exercise all the financial and administrative powers delegated to an Administrative Department.
25. **Requirement of affidavits**
- (1) The Ombudsman may require any complainant or any party connected or concerned with a complaint, or with any inquiry or reference to submit affidavits attested or notarized before any competent authority in that behalf within the time prescribed by the Ombudsman or his staff.
 - (2) The Ombudsman may take evidence without technicalities and may also require complainants or witnesses to take lie detection tests to examine their veracity and credibility and draw such inferences that are reasonable in all circumstances of the case especially when a person refuses, without reasonable justification, to submit to such tests.
26. **Remuneration of advisors consultants, etc.**

- (1) The Ombudsman may, in his discretion, fix an honorarium or remuneration for advisor, consultants, experts and interns engaged by him from time to time for the services rendered.
- (2) The Ombudsman may, in his discretion fix a reward or remuneration to any person for exceptional services rendered, or valuable assistance given, to the Ombudsman in carrying out his functions:

Provided that the Ombudsman shall withhold the identity of that person, if so requested by the person concerned, and take steps to provide due protection under the law to such person against harassment, victimization, retribution, reprisals of retaliation.

27. Ombudsman and staff to be public servants

The Ombudsman, the employees, officers and all other staff of the Office shall be deemed to be public servant within the meaning of section 21 of the Pakistan Penal Code, 1860.

28. Annual and other reports

- (1) Within three months of the conclusion of the calendar year to which the report pertains, the Ombudsman shall submit an Annual Report to the Governor.
- (2) Simultaneously, such reports shall be released by the Ombudsman for publication and copies thereof shall be provided to the public at reasonable cost.
- (3) The Ombudsman may also, from time to time, make public any of his studies, research, conclusions, recommendations, ideas or suggestions in respect of any matters being dealt with by the Office.
- (4) The report and other documents mentioned in this section shall be placed before the Provincial Assembly as early as possible.

29. Bar of jurisdiction-

No Court or other authority shall have jurisdiction-

- (i) to question the validity of any action taken, or intended to be taken, or order made, or anything done or purporting to have been taken, made or done under this Act ; or
- (ii) to grant an injunction or stay or to make any interim order in relation to any proceeding before, or anything done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Ombudsman.

30. Immunity

No suit, prosecution or other legal proceeding shall lie against the Ombudsman, his staff, Inspection Team, nominees, members of a standing or advisory committee or any person authorized by the Ombudsman for anything which is in good faith done or intended to be done under this Act.

31. Reference by the Government

- (1) The Government may refer any matter, report or complaint for investigation and independent recommendations by the Ombudsman.
- (2) The Ombudsman shall promptly investigate any such matter report or complaint and submit his findings or opinion within a reasonable time.

- (3) The Government, may, by notification in the Official Gazette, exclude specified matters, from the operation of any of provisions of this Act.
32. **Representation to Governor**
Any person aggrieved by a decision or order of the Ombudsman may, within thirty days of the decision or order, make a representation to the Governor, who may pass such order thereon as he may deem fit.
33. **Informal resolution of disputes**
- (1) Notwithstanding anything contained in this Act, the Ombudsman and a member of the staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice.
- (2) The Ombudsman may appoint for purposes of liaison counselors, whether honorary or otherwise, at local level on such terms and conditions as the Ombudsman may deem proper.
34. **Service of process**
- (1) For the purposes of this Act, a written process or communication from the Office shall be deemed to have been duly served upon a respondent or any other person by, inter alia, any one or more of the following methods, namely :
- (i) by service in person through any employee of the Office or by any special process-server appointed in the name of the Ombudsman by any authorized staff of the Office, or any other person authorized in this behalf;
- (ii) by depositing in any mail box posting in any Post Office a postage prepaid copy of the process, or any other document under certificate of posting or by registered post acknowledgment due to the last known address of the respondent or person concerned in the record of the Office, in which case service shall be deemed to have been effected ten days after the aforesaid mailing;
- (iii) by a police officer or any employee or nominee of the Office leaving the process or document at the last known address, abode, or place of business of the respondent or person concerned and if no one is available at the aforementioned address, premises or place, by affixing a copy of the process or other document to the main entrance of such address; and
- (iv) by publishing the process or document through any newspaper and sending a copy thereof to the respondent or the person concerned through ordinary mail, in which case service shall be deemed to have been effected on the day of the publication of the newspaper.
- (2) In all matters involving service the burden of proof shall be upon a respondent to credibly demonstrate by assigning sufficient cause that he, in fact, had absolutely no knowledge of the process, and that he actually acted in good faith.
- (3) Whenever a document or process from the office is mailed, the envelope or the package shall clearly bear the legend that it is from the Office.
35. **Expenditure to be charged on Provincial Consolidated Fund**

The remuneration payable to the Ombudsman and the administrative expenses of the Office, including the remuneration payable to staff, nominees and grantees, shall be an expenditure charged upon the Provincial Consolidated Fund.

36. **Rules**

The Ombudsman may, with the approval of the Government, make rules for carrying out the purposes of this Act.

37. **Act to override other laws**

The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

38. **Removal of difficulties**

If any difficulty arises in giving effect to any provision of this Act, the Government may make such order not inconsistent with the provisions of this Act as may appear to him to be necessary for the purpose of removing such difficulty.

39. **Repeal**

The Punjab Office of the Ombudsman Ordinance 1997 (*XIV of 1997*) is hereby repealed.

FIRST SCHEDULE
[see section 3(3)]

I, do solemnly swear that I will bear true faith and allegiance to Pakistan.

That as Ombudsman for the Province of Punjab I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the laws for the time being in force in the Province without fear or favour, affection or ill-will.

That I will not allow any personal interest to influence my official conduct or my official decisions.

That I shall do my best to promote the best interest of Pakistan and the Province of the Punjab.

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration, or shall become known to me, as Ombudsman, except as may be required for the due discharge of my duties as Ombudsman.

May *Allah* Almighty help and guide me (*A'meen*)

SECOND SCHEDULE
[see section 8(4)]

I, do solemnly swear that I will bear true faith and allegiance to Pakistan.

That as an employee of the office of the Ombudsman for the Province of Punjab, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully, in accordance with the laws for the time being in force in the Province, without fear or favour, affection, or ill-will;

That I will not allow my personal interest to influence my official conduct or my official decisions;

And that I will not directly or indirectly communicate or reveal to any person any matter, which shall be brought under my consideration, or shall become known to me, as an employee of the office of the Ombudsman.

May *Allah* Almighty help and guide me (*A'meen*)

NOTIFICATION
FEBRUARY 10, 2003

No.PAP–Legis–2(5)/2003/429. – The Punjab Office of the Ombudsman (Amendment) Bill 2003, having been passed by the Provincial Assembly of the Punjab on 6 February 2003, and assented to by the Governor of the Punjab on 8 February 2003, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB OFFICE OF THE OMBUDSMAN
(AMENDMENT) ACT 2003
ACT III OF 2003

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated 10 February 2003]

An
Act

further to amend the Punjab Office of the Ombudsman Act, 1997.

WHEREAS it is expedient further to amend the Punjab Office of the Ombudsman Act, 1997 (X of 1997), in the manner hereinafter appearing;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**—
 - (1) This Act may be called the Punjab Office of the Ombudsman (Amendment) Act 2003.
 - (2) It shall come into force at once.
2. **Amendment in section 3 of Act X of 1997** – In the said Act, in section 3, in sub-section (2), the words “and is”, occurring after, the words “High Court” and before the word “person”, shall be substituted by the words “or any other”.
3. **Amendment in section 4 of Act X of 1997** – In the said Act, in section 4, in sub-section (1)
 - (i) the word “three” shall be substituted by the word “four”, and
 - (ii) full stop at the end shall be substituted by a colon and thereafter the following proviso shall be added:
“Provided that a sitting Judge of the High Court working as Ombudsman may be called by the competent authority before expiry of his tenure”.
4. **Amendment in section 5 of Act X of 1997** – In the said Act, in section 5, in sub-section (2)
 - (i) after the word “Ombudsman”, the commas and words “not being a sitting Judge of the High Court”, shall be inserted; and
 - (ii) the words “or the Province” shall be omitted.

**Ombudsman for the Province of
Punjab (Registration, Investigation and
Disposal of Complaints)
Regulations, 2005**

**OFFICE OF THE OMBUDSMAN PUNJAB
LAHORE**

NOTIFICATION

No. (Registrar) 1-21/2004

Dated Lahore the January
31, 2005

In exercise of powers conferred by sub-section (11) of section 10 of the Punjab Office of the Ombudsman Act, 1997 (*Punjab Act X of 1997*), the Ombudsman for the Province of the Punjab is pleased to make the following Regulations laying down the procedure for registration, investigation and disposal of complaints under the Act, namely:

CHAPTER-I

INTRODUCTION

1. **Short title and commencement.**— (1) These Regulations may be called the Ombudsman for the Province of Punjab (Registration, Investigation and Disposal of Complaints) Regulations, 2005.

(2) They shall come into force at once.

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

- (a) “Act” means the Punjab Office of the Ombudsman Act, 1997 (*Punjab Act X of 1997*);
- (b) “Authorized Officer” means an officer of the Office of the Ombudsman authorized by the Ombudsman for scrutiny of complaints at the stage of preliminary examination;
- (c) “disposal” means the completion of all proceedings in a complaint, reference or motion;
- (d) “examination” means scrutiny of complaints by the Registrar or the Authorized Officer at the preliminary stage or by the Investigation Officer on commencement of investigation;
- (e) “Form” means a form specified by the Ombudsman;
- (f) “Head Office” means the principal seat of the Office of the Ombudsman at Lahore;
- (g) “hearing” means the process of ascertaining facts by hearing of one or all the parties, examination of the record and spot inspection;
- (h) “investigation” means investigation of allegations raised in a complaint, reference or motion till its disposal and includes holding of enquiry;
- (i) “Investigation Officer” means an officer of the Office of the Ombudsman to whom a complaint, reference or motion has been entrusted for investigation;
- (j) “Record Room” means the record room maintained at the Head Office or at a Regional Office where the files are consigned after disposal;

- (k) “Regional Office” means a Regional Office of the Office of the Ombudsman established at any place in the Province of Punjab;
 - (l) “Registrar” includes an Additional Registrar, Deputy Registrar, Assistant Registrar or any other officer who may be assigned the duties of the Registrar;
 - (m) “Registry” means an office in the Head Office or the Regional Office where the complaints are presented or received; and
 - (n) “Secretary” means the Secretary of the Office of the Ombudsman Punjab.
- (2) All other terms and expressions used in these Regulations but not defined hereinbefore shall have the same meaning as have been assigned to them in the Act.

CHAPTER—II

PROCEDURE FOR REGISTRATION OF COMPLAINTS

3. **Presentation of complaints.**— (1) A complaint written in Urdu or English may be presented by the complainant personally or through his authorized representative or submitted by post or other means at the Head Office, or at a Regional Office having territorial jurisdiction in the matter.

(2) The territorial jurisdiction of the Head Office and the Regional Offices shall be as specified in the Schedule to these Regulations which may, at any time be altered by the Ombudsman by an order in writing:

Provided that the Ombudsman may direct that a complaint falling within the territorial jurisdiction of Head Office or a Regional Office may be investigated at another Regional Office or at the Head Office.

(3) Every complaint shall be made on solemn affirmation or supported by an affidavit to the effect that—

- (a) the allegations contained in the complaint are correct and true to the best of knowledge and belief of the complainant;
- (b) previously no complaint on the subject was filed at the Head Office or any Regional Office;
- (c) no suit, appeal, petition or any other judicial proceedings in connection with the subject matter of the complaint are pending before any Court.

(4) On receipt of a complaint the person incharge of the Registry shall—

- a) diarize the complaint.
- b) issue an acknowledgement receipt to the complainant in person if he is present or send it by post; and
- c) forward it to the Registrar.

4. **Examination by the Registrar.**— The Registrar shall, on receipt of the complaint from the Registry—

- (i) allot a registration number to the complaint;
- (ii) examine the complaint along with the documents attached thereto; and

- (iii) submit the complaint with his views to the Ombudsman or the Authorized Officer for orders as to its admission or otherwise.

5. **Admission or rejection of complaint at preliminary stage.**— (1) Where the grievance of a complainant against an Agency or its employee *prima facie* amounts to maladministration, and the complaint is not incompetent under the proviso to sub-section (1) or sub-section (2) of section 9 of the Act, and is not barred under sub-section (2) of section 10 thereof, the Ombudsman, or the Authorized Officer, shall admit the complaint for investigation.

(2) Where, *prima facie*, a complaint is deemed incompetent under sub-regulation(1) or does not require any investigation for any other reason, the Ombudsman or the Authorized Officer may reject the complaint in *limine*:

Provided that the Ombudsman may, in his discretion, direct that such matter may be resolved informally under section 33 of the Act.

(3) Where a complaint is rejected *in limine*, the Registrar shall inform the complainant the reasons for rejection of the complaint and consign the file to the record.

(4) Where the complaint is admitted under sub-regulation (1), the Registrar shall pass it on to the Investigation Officer authorized to investigate complaints against a particular Agency and inform the complainant of the procedure to be followed in investigation of the complaint.

6. **Suo Moto Cognizance.**— (1) Whenever suo moto cognizance of maladministration is taken by the Ombudsman, he may issue to the principal officer or any other officer of the Agency a notice incorporating brief facts and circumstances or send a copy of the written material which, in his opinion, appears to have caused maladministration and call upon him to meet the allegations contained therein and to submit a detailed report.

(2) On receipt of report as required under sub regulation (1), the Ombudsman may close the investigation if he is satisfied that no maladministration has been committed.

(3) Where the Ombudsman decides to proceed with the investigation, he may either investigate the matter himself or entrust it to any other Investigation Officer to proceed further in the matter as provided in the Act and these Regulations.

CHAPTER—III

PROCEDURE FOR INVESTIGATION

7. **Entrustment of complaints to Investigation Officers.**— (1) For the purpose of investigation of the complaint, the Ombudsman may, by general or special order in writing, authorize any officer at the Head Office or at a Regional Office to exercise powers under sub-sections (1) and (3) of section 14 of the Act.

(2) The Ombudsman may, where any request is made by a complainant or an Agency, in the interest of expeditious finalization of investigation, transfer a complaint registered at the Head Office to a Regional Office or registered at a Regional Office to the Head Office or to another Regional Office.

(3) Where a complaint is not made on solemn affirmation or is not accompanied by a copy of the National Identity Card and an affidavit in the specified form, the Investigation Officer shall require the complainant to provide it, otherwise, the complaint may be dismissed.

(4) If the Investigation Officer after perusal of the complaint comes to the conclusion that it should not have been entertained on any of the grounds mentioned in section 9 or those in section 10(2) of the Act, he shall submit the complaint with his findings to the Ombudsman for orders.

8. **Report from the Agency.**— (1) In respect of every complaint admitted for investigation under regulation 5 and further scrutinized under regulation 7, a report in writing shall be called from the Agency complained against.

Provided that where circumstances so require, the report may be called for through telephone, telex, fax, e-mail or any other means of communication:

Provided further that where an immediate action or redress is called for, the Investigation Officer may call upon the principal officer of the concerned Agency to redress or cause the grievance to be redressed within a specified period and submit a compliance report to the Ombudsman but if he is of the view that the grievance cannot be redressed, he shall submit a detailed report explaining the reasons why the same cannot be done.

(2) The notice calling for a report shall be accompanied by a copy of the complaint or relevant extracts therefrom highlighting the grievances of the complainant, the alleged nature of maladministration and where necessary, copies of all relevant documents attached with the complaint.

(3) The notice for submission of report under subsection (4) of section 10 of the Act shall be addressed to the principal officer of the Agency as well as to any other officer who is alleged in the complaint to have taken or authorized the action complained of.

(4) The report shall be submitted within such period as is specified in the notice or within such period ordinarily not exceeding 15 days as may be allowed on the written request of the principal officer or the officer concerned.

(5) Where the principal officer or the officer concerned fails to submit the report as required under sub-regulation (4), the Investigation Officer shall issue another notice requiring the principal officer or the officer concerned to appear before him or the Ombudsman on the specified date or depute an officer well conversant with the facts of the case with the written report and the relevant record of the case, failing which the Ombudsman may issue directions to the appropriate authority under sub-section (5) of section 14 of the Act for taking disciplinary action against the person who disregarded the direction. If failure or disobedience to submit report on the part of the principal officer or the officer concerned so warrants, the Ombudsman may proceed against him for contempt under section 16 of the Act.

9. **Agency's Report on allegations of the Complainant.**—(1) Where the Agency reports that the grievance of the complainant already stands redressed or relief has been provided to him on receipt of the complaint from Ombudsman Office, the complaint may be disposed of as having borne fruit unless it is considered necessary to award compensation to the complainant for the loss or damage suffered by him due to gross maladministration in accordance with section 22 of the Act.

(2) In a case where the Agency reports that for the relief sought, the complainant was required to fulfill certain procedural requirements, the complainant shall be directed to complete such requirements and, if no information is received within the time allowed by the Investigation Officer, it shall be presumed that the complainant does not wish to pursue the case further and the complaint may be filed as not pressed.

(3) Where the Agency contests some or all the allegations made by the complainant, the Investigation Officer may, if he is not satisfied with the report of the Agency, address a questionnaire to the Agency for elucidation of specific questions or call for additional information.

10. **Rejoinder.**—(1) Where the Investigation Officer is satisfied that, in the light of the report of the Agency, any clarification in respect of the allegations contained in the complaint is required from the complainant, he shall call upon the complainant to submit a rejoinder within a specified time not exceeding thirty days, or such further period not exceeding 20 days as may be extended by the Investigation Officer.

Provided that if no rejoinder is received within the extended period, the Investigation Officer may finalize investigation:

Provided further that where the Agency makes a request with plausible reasons that any portion of the report or any document annexed to its report may be kept confidential, such portion of the report or, as the case may be, document shall not be sent to the complainant unless the Investigation Officer decides otherwise.

(2) Where on receipt of rejoinder from the complainant, the Investigation Officer finds that the complainant is satisfied with the report of the Agency and does not desire to pursue his case any further, the complaint may be deemed to have been disposed of as having borne fruit unless there is sufficient material to show that there was any gross maladministration which was the basis of the complaint. In such a case the Ombudsman may pass such orders as he deems fit.

(3) Where the complainant reiterates his stand without any reasonable grounds or justification and the Investigation Officer is of the opinion that the Agency had not committed any maladministration, the complaint shall be rejected.

11. **Further investigation.**— Where the Investigation Officer is of the opinion that any further enquiry is called for, he shall bring out the controversial points between the parties for determination and require the Agency;—

- (a) to provide further comments;
- (b) to make clarification of any specific issue;
- (c) to produce the relevant record; or
- (d) to depute a representative for a hearing.

12. **Hearing of cases.**— (1) Hearing shall be fixed only when it is considered necessary in the interest of fair and expeditious disposal of the complaint.

(2) As far as may be, no officer of the Agency shall be summoned by name or rank and the Agency shall ordinarily be required to depute an officer fully conversant with the facts of the case.

(3) The officers of the rank of Secretary and above shall be summoned only with the approval of the Ombudsman.

(4) Any mutual agreement or undertaking given by parties shall be recorded by the Investigation Officer and signed by the persons representing the parties.

(5) If for any reason, the date of hearing already fixed is changed, the Investigation Officer shall inform both the parties well in time of the next date of hearing.

13. **Inspections.**— (1) Where an inspection of a place, or site, or the examination of any record is necessary, the Investigation Officer himself or any official authorized by him shall, with the approval of the Ombudsman, and after due intimation to the Agency proceed for the inspection of the spot or, as the case may be, examination of the record.

Provided that, if the place of such inspection falls within the jurisdiction of another Regional Office or the Head Office, the case file may, with the approval of the Ombudsman, be sent to such Regional Office or the Head Office, highlighting the points in issue involved in the matter for carrying out inspection of the site or examination of the record, as the case may be.

(2) The file of the case shall be returned to the Investigation Officer with a report of inspection of the spot or examination of the record, as the case may be.

14. **Requisitioning of record.**— (1) Where the Investigation Officer considers it necessary, the Agency may be directed to produce the record under sub-section (9) of section 10 of the Act:

(2) In case any portion of the record is considered necessary to be retained by the Investigation Officer, an authenticated copy thereof shall be prepared and provided to the Agency.

15. **Information from and to the complainant.**— (1) If at any stage of the investigation, the Investigation Officer desires to seek any clarification from the complainant, he may ask him on telephone or through post or to appear before him for the purpose.

(2) If the investigation of any case is protracted and its disposal is likely to take more than three months or if the complainant approaches the Investigation Officer to ascertain the position of his case, the complainant shall be kept informed of the progress of his case at least once in every three months.

16. **Transfer of cases.**— Where in a complaint filed in a Regional Office the Agency complained against is located within the territorial jurisdiction of another Regional Office or the Head Office, the Ombudsman may transfer such complaint to the concerned Regional Office or the Head Office, as the case may be.

CHAPTER-IV

PROCEDURE FOR DISPOSAL OF COMPLAINTS

17. **Completion of Investigation** — The investigation of a complaint shall, with the approval of the Ombudsman, be closed when it is found that—

- (a) the subject matter of the complaint does not fall within the purview of the Act; or
- (b) no case of maladministration is prima facie made out; or

- (c) the Agency is not at fault as a particular procedure has to be adopted or formalities have to be followed by the complainant for redress of his grievance; or
- (d) the complainant fails to furnish the required information or supply relevant documents, or fails to attend hearings, despite notices and it is not possible to decide the complaint on the basis of the available record; or
- (e) the relief had already been provided before the complaint was lodged and the complainant confirms the redress of his grievance or he is informed of the same through registered post; or
- (f) the complainant and the representative of the Agency agree to a proposition consequent whereof grievance is redressed without any proof of maladministration; or
- (g) the complainant without any reasonable ground or justification continues to press his allegations but the Agency is not guilty of maladministration; or
- (h) where findings for redress of grievance have been given and the directions contained therein have been complied with or a representation has been filed to the Governor under section 32 of the Act; or
- (i) where representation under section 32 of the Act is rejected or the findings have been modified, and the original or the modified findings, as the case may be, have been complied with; or
- (j) the subject matter of the complaint was subjudice before a court of competent jurisdiction on the date of receipt of the complaint, reference or motion; or
- (k) the complaint by or on behalf of a public servant or functionary concerns matters relating to the Agency in which he is or has been, working, in respect of personal grievance relating to his service therein; or
- (l) the subject matter of the complaint is the same which has already been disposed of by findings in an earlier complaint; or
- (m) the subject matter of the complaint has already been adjudicated upon by a Court or Tribunal of competent jurisdiction; or
- (n) the complaint had been made by a person who is not an aggrieved person; or
- (o) the complaint was anonymous or pseudonymous.

18. **Findings of the Ombudsman**— (1) In all cases where investigation is proposed to be closed at any stage of investigation and where a direction to the Agency or any of its officers or employees is or is not to be issued, the Investigation Officer shall prepare draft findings, as far as possible in the specified form and submit these to the Ombudsman for orders/decision.

(2) The draft findings shall be simple, impersonal, persuasive and in paragraphs duly numbered in chronological order.

(3) At the Head Office, the draft findings shall be submitted to the Ombudsman directly while those at the Regional Offices shall be submitted through

the Registrar at the Head Office or submitted to the Ombudsman during his tour to the respective Regional office.

(4) On submission of draft findings, the Ombudsman may pass orders/decision, make such changes in the draft findings as he considers necessary in the light of the investigation done, ask the Investigation Officer to redraft the findings or to carry out further investigation as indicated.

(5) These draft findings shall be resubmitted to the Ombudsman after making such changes as have been approved by him or directed by him to be made or after carrying out such investigation as directed by him, as the case may be, the draft findings will then be resubmitted to the Ombudsman for orders/decision.

(6) In all cases, a copy of the order/decision shall be communicated to the complainant and the Agency concerned.

19. **Completion of Findings and consignment of files to Record.**— (1) After the findings are signed by the Ombudsman:

- (a) all drafts shall be destroyed by the Investigation Officer;
- (b) the copies of the Findings shall be authenticated by the Investigation Officer and dispatched to the complainant and the Agency.

(2) With the approval of the Ombudsman, important findings may be circulated amongst Investigation Officers for information and selected cases may be sent to the Public Relations Section at the Head Office for publication.

(3) Where a complaint is closed or rejected it shall be consigned to the record room within 14 days of the closure or rejection.

(4) Where any findings have been communicated to the Agency under sub-section (1) of section 11, the file shall be retained by the Investigation Officer and consigned to record room only after confirmation of implementation of the recommendation has been received from the Agency or the Complainant.

(5) The Investigation Officer shall send one copy of the findings in the specified form in duplicate to the Computer Section at the Head Office for updating the record and place the other copy on the relevant file which should then be consigned to the record room.

(6) Where any person is aggrieved by a decision or order of the Ombudsman and intends to file a representation to the Governor under section 32 of the Act, the file may be consigned to record room within 14 days of the confirmation of representation having been filed.

(7) Where a representation to the Governor made under section 32 of the Act is rejected or the findings are modified, the file shall be taken out from the record room for making an entry about the decision of the Governor and shall be consigned to the record room within 14 days of the confirmation of implementation of the original or modified findings.

20. **Reconsideration Petition.**— (1) In case an Agency gives reasons in terms of subsection (2) of section 11 of the Act for not complying with the directions, a copy of its report shall be supplied to the complainant on the specified form, for his comments.

(2) On receipt of a reply from the complainant, he shall be provided an opportunity of being heard and after considering his pleadings during the hearing, if any, the Investigation Officer shall submit the case with draft findings to the Ombudsman for orders.

(3) On considering the case submitted by the Investigation Officer under sub regulation (2), the Ombudsman may pass such orders thereon as deemed appropriate and have them communicated to the complainant and the Agency.

21. **Procedure in case of non-compliance.**— Where—

- i) no representation to the Governor has been filed by the Agency under section 32 of the Act; or
- ii) a representation was filed but has been rejected; or
- iii) a modified findings have been issued as a result of the orders of the Governor on the representation;

and the Agency fails to implement the original or the modified recommendations wholly or partially and the reasons given by the principal officer or the officer concerned for non-implementation have been rejected by the Ombudsman as unsatisfactory, it shall be treated as “Defiance of Recommendations” and dealt with under section 12 of the Act.

22. **Correction of errors, mistakes, misrepresentation, etc.**— (1) Where through any typographical error, mistake or misrepresentation by the complainant or the Agency, an incorrect figure, fact or position is reflected in the findings and directions of the Ombudsman, the Investigation Officer shall, after giving notice to the complainant and the Agency and providing them an opportunity of being heard, submit the case with draft findings to the Ombudsman in specified form for consequential rectification or modification of the original findings and directions.

(2) In all cases where the consequential rectification or modification is made the decision shall be communicated to the complainant and the Agency on specified form.

23. **Proceedings for Defiance of Recommendations or Disciplinary Action.**— (1) Where it is decided by the Ombudsman to initiate proceedings for “Defiance of recommendations” in terms of Section 12 of the Act or for action under sub-section (5) or (6) of section 14 of the Act, the Investigation Officer shall submit a self contained note to the Secretary along with a show cause notice on specified form. In the case of a Regional Office, the Investigation Officer concerned shall submit the case to the Secretary through the Officer Incharge of that Office.

(2) The Secretary shall, with the approval of the Ombudsman, cause the notice to be served on the public servant concerned to show cause as to why the proposed action may not be taken against him.

(3) After considering all the facts of the case, including the reply to the show cause notice, if any, of the public servant under sub regulation (2), the Ombudsman may refer the matter to the Government under sub section (1) of section 12.

24. **Communication of Orders of the Government.**— The orders of the Government passed on a report of the Ombudsman for “Defiance of recommendations” under section 12 of the Act, shall be communicated by the office

of the Ombudsman to the public servant and the concerned Agency for compliance under intimation to the Ombudsman on or before the date specified for the purpose.

CHAPTER-V

Miscellaneous

25. **Monthly Progress Report.**— (1) Every Investigation Officer shall submit monthly reports on specified form to the Registrar at the Head Office for onward submission to the Ombudsman.

(2) The Investigation Officers at the Regional Offices shall submit monthly reports through Incharge of the Regional Office concerned who may add his comments on the covering note.

(3) The Secretary shall, by the tenth day of each month, submit to the Ombudsman, in the specified form a statement about institution and disposal of complaints for and upto the end of the preceding month.

26. **Notices.**— (1) A notice on specified form shall be issued to the complainant by registered post if he fails to —

- (a) furnish required information or documents;
- (b) confirm and verify the contents of the complaint on solemn affirmation or oath;
- (c) submit rejoinder or rebuttal within the specified time;
- (d) confirm the compliance of the procedural requirements of the Agency; and
- (e) confirm the grant of relief.

(2) Where the Ombudsman rejects a complaint being false, frivolous or vexatious and decides to award compensation to an Agency, public servant or other functionary under subsection (4) of section 14, before awarding such compensation, the Ombudsman may issue a show cause notice to the complainant on specified form.

(3) Where the Ombudsman contemplates to proceed against employee of an Agency or a public servant or the complainant or other person for contempt of his Office a notice to show cause may be issued to him/them on specified form.

(4) Where the Ombudsman considers that the complainant has suffered loss or damage on account of maladministration of an Agency or any other public servant or any other functionary and deserves awarding of compensation under section 22 of the Act, such Agency, public servant or functionary may be issued a notice to show cause on specified form before awarding compensation.

(5) As far as may be, all notices shall be issued under registered cover and special care shall be taken to record the correct mailing address.

27. **List of Principal Officers of the Agencies and their nominees.**— (1) The Registrar at the Head Office and the Additional Registrar/Assistant Registrars at the Regional Offices shall maintain a list of principal officers of Agencies.

(2) The Investigation Officers shall bring to the notice of the Registrar at the Head Office or the Additional Registrar/Assistant Registrar at the Regional

Office whenever any information is received by them in respect of any change of the principal officer of an Agency.

28. **Maintenance of files.**— (1) The Investigation Officer shall ensure that the record of every complaint is properly maintained and the proceedings are reflected in chronological order in the order sheet as given in specified form.

(2) The case file shall contain the following particulars on its cover, namely:

- (a) registration number of the complaint;
- (b) date of registration of the complaint;
- (c) complainant's name;
- (d) name of the Agency complained against;
- (e) brief subject of the complaint;
- (f) whether the file contains correspondence or noting or both;
- (g) date of disposal of complaint; and
- (h) date of consignment to record.

(3) The complaint along with cover sheets on specified forms shall be tagged on the right-hand side of the file, whereas the order sheet on specified form shall be placed on the left-hand side of the file.

(4) The pages should be numbered in chronological order with the last numbered page appearing on the right hand side on the file.

(5) The order sheet on specified form shall contain record of actions taken with dates for further processing and shall be used as noting part of the file for obtaining orders, instructions and directions of the Ombudsman.

29. Notwithstanding any provision in these Regulations but subject to the provisions contained in the Act, the Ombudsman shall continue to exercise his powers and have absolute discretion to modify the procedure of handling any particular case or adopt a special procedure keeping in view the special nature and facts of the case.

SCHEDULE

[see regulation 3 (2)]

TERRITORIAL JURISDICTION OF HEAD OFFICE AND REGIONAL OFFICES

NAME OF OFFICE	DISTRICTS
HEAD OFFICE, LAHORE	Lahore, Sheikhpura, Kasur, Okara, Gujranwala, Sialkot, Narowal, Gujrat, Hafizabad, Mandi Bahauddin, Rawalpindi, Jhelum, Chakwal, Attock, Sargodha, Mianwali, Khushab, Bhakkar, Faisalabad, Jhang, T.T. Singh, Bahawalnagar, Pakpattan.
REGIONAL OFFICE, MULTAN	Multan, Sahiwal, Khanewal, Lodhran, Vehari, D.G.Khan, Muzaffargarh, Rajanpur, Layyah,

OMBUDSMAN FOR THE PROVINCE OF PUNJAB



Punjab Pension Fund Rules 2007

NOTIFICATION

No. PA/GM.Pb.Pension Fund/FD/2007. In exercise of the powers conferred upon him under section 24 of the Punjab Pension Fund Act 2007 (I of 2007), the Governor of the Punjab is pleased to direct that the following rules shall be made:

CHAPTER-I PRELIMINARY

1. **Short title and commencement.**— (1) These rules may be cited as the **Punjab Pension Fund Rules 2007.**

(2) These shall come into force at once.

2. **Definitions.**— (1) In these rules:

- (a) “Act” means the Punjab Pension Fund Act 2007;
- (b) “accounting period” means the period ending on the 30th day of June each year;
- (c) “asset” means property of any kind including shares, securities, deposits, right and bonus shares, cash, bank balance, profits, dividends, fee, commission, a receivable, claim, contract, license, privilege, accrued or accruing or contingent;
- (d) “asset management company” means a company which has been licensed by the Commission as an asset management company;
- (e) “auditor” means a person qualified under the provisions of the Ordinance to act as an auditor of a company;
- (f) “Commission” means the Securities and Exchange Commission of Pakistan established under the Securities and Exchange Commission of Pakistan Act, 1997 (XLII of 1997);
- (g) “family” means a spouse, a parent, a grand parent, sibling or adopted sibling, child or an adopted child, or a maternal or paternal first cousin; or a parent, sibling or adopted sibling, child or an adopted child, or a maternal or paternal first cousin of the spouse;
- (h) “Government securities” means Government securities defined in the Securities Act, 1920 (X of 1920) and includes securities repayable or irrevocably guaranteed to be paid by a Provincial Government or the Federal Government;
- (i) “life insurance company”, means a company registered or deemed to have been registered under the Insurance Ordinance, 2000 (XXXIX of 2000) to transact life insurance business and includes the State Life Insurance Corporation of Pakistan;
- (j) “Ordinance” means the Companies Ordinance, 1984 (XLVII of 1984);
- (k) “portfolio” means the amount of the Reserve Fund directly invested by the Fund and not through a third party;
- (l) “record” includes a ledger, day book, cash book or any manual or magnetic record, maintained and used by the Fund;
- (m) “Schedule” means the Schedule to these rules;
- (n) “shares” mean the shares of a company listed on a stock exchange;

- (o) “stock exchange” means a stock exchange registered under the Securities and Exchange Ordinance, 1969 (XVII of 1969);
 - (p) “third party” means an asset management company or a life insurance company;
 - (q) “trustee” means a trustee appointed under the rules; and
 - (r) “value of the Fund” means the aggregate value of all investments, deposits together with accrued interest and other assets less liabilities of the Fund.
- (2) A word or an expression used in the rules but not defined shall have the same meaning as is assigned to it in the Act.

CHAPTER–II GENERAL

3. **Investment policy.**– (1) The Management Committee shall, within six months from the date of its establishment, make an investment policy establishing clear investment objectives for investments of the amounts from the Reserve Fund subject to the limitations prescribed in the Act or the rules.

(2) The Fund may invest amounts from the Reserve Fund through a portfolio or through a third party in a transparent, efficacious, prudent and sound manner.

4. **Obligations of the Fund.**– The Fund shall:

- (a) manage its assets to the best of its ability and without any undue advantage to its employees or related parties;
- (b) maintain at its principal office, proper accounts and records to enable a complete and accurate view of its assets and liabilities, income and expenditure, transactions of the Fund including receipts and payments from and to the Reserve Fund;
- (c) Prepare and transmit an annual report, together with a copy of the balance sheet, income and expenditure account and the auditor’s report of the Fund within three months of end of an accounting period to the Government; and
- (d) be jointly and severally responsible for an act or omission of a person to whom it has delegated any of its functions.

5. **General restrictions on the Fund.**– The Fund shall not:

- (a) merge, acquire or take over management of any other pension fund unless it has obtained prior approval of the Government for the merger, acquisition or take over;
- (b) pledge securities owned by the Fund except for the benefit of the Fund and with prior approval of the Government;
- (c) make a loan or advance money to a person except in connection with the normal business of the Fund;
- (d) participate in a joint account with a person in any transaction;
- (e) invest in the real estate except that it may purchase or rent real estate for its official use;
- (f) employ as a broker, directly or indirectly, a Member, the General Manager or an employee or a member of the family of such a person; and
- (g) acquire, purchase or sell any security to a Member, the General Manager or an employee or a member of the family of such a person.

CHAPTER–III MANAGEMENT COMMITTEE

6. **Management Committee.**– Subject to the provisions of the Act and the rules, the Management Committee may:

- (a) receive, administer and invest amounts from the Reserve Fund;
- (b) approve the investment policy, standards and procedures for the operation of the Fund;
- (c) enter into a contract on behalf of the Fund;
- (d) authorize the General Manager or any other employee to sign a contract or any other document on behalf of the Fund;
- (e) borrow to pay for the purchase of securities if at the time of making an investment the Fund anticipates that resources would be available to pay for the purchase in full;
- (f) institute or defend any legal or administrative proceedings;
- (g) acquire, hold, alienate movable or immovable property for the operations of the Fund;
- (h) invest amounts through a third party;
- (i) make, amend, or repeal the regulations;
- (j) approve transfer of amounts from the Fund to the Reserve Fund;
- (k) approve the budget of the Fund;
- (l) delegate any of its powers or functions to a sub–committee, the General Manager or any other employee; and
- (m) do any other act to attain the objectives of the Fund.

7. **Meetings of the Management Committee.**– (1) The Management Committee shall meet at least once every three months and the General Manager, with the approval of the Chairman or the Vice Chairman, shall convene the meeting.

(2) The General Manager shall, if so directed by the Chairman or the Vice Chairman, convene a meeting of the Management Committee.

(3) At least four ex–officio members including the Chairman or the Vice Chairman, two members appointed by the Government from the private sector, and the General Manager shall constitute the quorum of a meeting of the Management Committee.

(4) If the quorum is not complete, the General Manager shall reconvene the meeting to be held within fifteen days.

(5) The General Manager or any other Member, as the Chairman or the Vice Chairman may nominate, shall record the minutes of the meeting which shall be submitted for confirmation in the next meeting.

(6) The General Manager shall send minutes of the meeting to the Members within ten working days of the meeting.

(7) A Member may ask for additional information from the General Manager with regard to an investment decision or policy of the Fund.

(8) The Management Committee shall take decisions by a simple majority of Members present and voting and the Chairman shall have the casting vote in case of a tie.

(9) The meetings of the Management Committee shall be chaired by the Chairman and in his absence by the Vice Chairman.

8. **Sub–committees.**– (1) The Management Committee may constitute the following sub–committees:

- (a) investment sub–committee;

- (b) accounts sub-committee;
 - (c) audit sub-committee;
 - (d) compliance sub-committee; and
 - (e) any other sub-committee.
- (2) The Management Committee shall nominate a chairperson and members for a sub-committee.
- (3) No sub-committee shall be constituted without one member appointed by the Government from the private sector and the General Manager.
- (4) The quorum at a meeting of a sub-committee shall be a majority of members of the sub-committee including a member appointed by the Government from the private sector and the General Manager.
- (5) Decisions of a sub-committee shall be made by a simple majority vote of the members present and voting.
- (6) The recommendations and report of a sub-committee shall be considered for approval by the Management Committee.

CHAPTER-IV INVESTMENTS

9. **Investment decisions.**— The Management Committee shall approve all investment decisions regarding amounts from the Reserve Fund.

10. **Permissible investments.**— Subject to the Act and the rules the Fund shall invest, in a portfolio or through a third party, in:

- (a) Government securities at a fixed or variable rate of interest;
- (b) the National Savings Schemes of the Federal Government at a fixed or variable rate of interest;
- (c) bonds, term finance certificates and other forms of debt:
 - (i) listed on a stock exchange; or
 - (ii) issued under a prospectus approved by the Commission subject to a minimum credit rating to be determined by the Management Committee;
- (d) shares listed on a stock exchange as part of the portfolio investment of the Fund;
- (e) unit trusts, mutual funds and other collective investment funds authorized by the Commission; and
- (f) deposit in a scheduled bank that has a minimum credit rating as to be determined by the Management Committee; provided that the aggregate of deposits in a scheduled bank shall not exceed 20% of the value of the Fund at the time of making a deposit; provided further that no such deposit may be made for a period exceeding six months.

11. **Limit on investment in Government securities and the National Savings Schemes.**— The Fund shall not invest in the Government securities or the National Savings Schemes, if at the time of the investment:

- (a) it would result in any such investment exceeding 25% of the value of the Fund;
- (b) it would result in the Fund owning more than 25% of the total issue of such a security; or
- (c) the cumulative investment in such investments exceeds 75% of the value of the Fund.

12. **Limit on shares, unit trusts and mutual funds and other collective investment funds.**— The Fund shall not invest in shares, unit trusts and mutual funds and other collective investment funds if at the time of making an investment the aggregate of such investments exceeds 40% of the value of the Fund.
13. **Prohibited investments.**— The Fund shall not invest in:
- (a) land, buildings or real estate of any kind including buying or making loans of any description except for its official use or in shares as part of its portfolio;
 - (b) exploration or exploitation of minerals or petroleum including buying or making loans of any description other than in shares as part of its portfolio; and
 - (c) a real estate investment trust or other investment company that is not listed on a stock exchange.

CHAPTER—V APPOINTMENTS

14. **Power of appointment.**— (1) The Management Committee may employ a person for the operations of the Fund on such terms and conditions as it may determine.
- (2) The Management Committee may constitute a sub-committee, to process and make recommendations for the employment.
15. **Appointment and duties of General Manager.**— (1) The Management Committee shall in the appointment of the General Manager by the Government, after advertising and an open process of selection submit to the Government a list of suitable candidates.
- (2) In absence of a General Manager the Government may appoint an acting General Manager for a maximum period of six months.
- (3) The General Manager shall prepare valuations and commentaries on the investments of the Fund at least on a monthly basis and shall submit such information to the Members.
- (4) The General Manager shall arrange for meetings of the relevant employees of the Fund including the compliance officer, at least on a weekly basis, to review the investments of the Fund and provide minutes of such meetings to the Members.
16. **Appointment of auditor.**— The Government shall, within six months of notification of the Management Committee, appoint an auditor for an accounting period under such terms and conditions as it may determine.
17. **Appointment of legal advisor.**— The Management Committee shall, within six months of its notification, appoint a legal advisor on such terms and conditions as it may determine.
18. **Appointment of trustee.**— (1) The Management Committee shall, within six months of its notification, appoint a trustee with the approval of the Government.
- (2) The trustee shall be:
- (a) a scheduled bank with a minimum A+ rating from a credit rating company registered with the Commission, and has been in business for at least five years;

- (b) a trust company which is a subsidiary of a scheduled bank referred to in clause (a);
- (c) a foreign bank operating as a scheduled bank in Pakistan and operating as trustee internationally; or
- (d) a central depository company registered under the Securities and Exchange Ordinance, 1969 (XVII of 1969) and approved by the Commission.

(3) The trustee shall not in any way be related or connected to a Member or investment advisor or consultant appointed by the Fund.

19. **Appointment of investment advisor.**— (1) The Management Committee may

appoint a non-bank finance company to provide investment advisory services.

(2) The Management Committee may appoint a person as an investment advisor, being a person approved by the Commission for such services, to give advice to the Fund on selection of a third party and portfolio.

(3) The person appointed as investment advisor shall attend such meetings and prepare such reports as the Management Committee may direct.

(4) The Management Committee shall determine terms and conditions of an investment advisor.

20. **Appointment of actuary.**— The Management Committee may appoint an actuary being a duly qualified person or a firm to advise on the pension liabilities of the Government and to advise the Fund generally.

21. **Appointment of compliance officer.**— (1) The Management Committee shall appoint a compliance officer who has sufficient experience in legal and investment matters to ensure that the Fund complies with the Act, the rules, the regulations and the laws of Pakistan.

(2) The compliance officer shall prepare and update a Compliance Manual for the Fund.

(3) The compliance officer shall submit a report at least on a monthly basis to the compliance sub-committee.

CHAPTER-VI OBLIGATIONS OF THE TRUSTEE

22. **Obligations of the trustee.**— (1) The trustee shall keep the assets of the Fund in the safe custody and –

- (a) take into its custody or under its control all the assets of the Fund in accordance with the law;
- (b) collect interest, dividends and other amounts due;
- (c) settle purchases and sales of securities;
- (d) ensure that the cash and registerable assets shall be registered in the name of and to the order of the trustee;
- (e) shall be liable for any act or omission of its agent as if it is an act or omission of the trustee in relation to any investment forming part of the assets of the Fund;
- (f) carry out the instructions of the Management Committee in respect of investments unless the instructions are in conflict with the provisions of the Act or the rules;
- (g) ensure that the investment limitations and prohibitions as provided in the Act and rules are complied with; and

- (h) issue a report to be included in the annual report of the Fund in which in its opinion the Fund has in all material respects operated in accordance with the Act and the rules and if the Fund has not done so, the steps which the trustee has taken.
- (2) In the case of assets deposited with the trustee which is a scheduled bank, the return on such deposits shall be at a rate not lower than the rate offered on deposits of similar amount and maturity.

CHAPTER-VII BUDGET, ACCOUNTS AND AUDIT

23. **Budget of the Fund.**– (1) The annual budget of the Fund shall be considered by the Management Committee not later than 1st April each year.

(2) The Management Committee shall approve the annual budget of the Fund not later than 30th June each year.

(3) All expenses estimated in the budget shall be paid from the Fund, provided that the Government may provide funds for the operations of the Fund in case no funds are received from the Reserve Fund.

(4) The Management Committee may constitute a sub-committee for the preparation of the budget.

24. **Expenses.**– Expenses of the Fund, other than the investments, incurred on the operation of the Fund, including expenses relating to the functioning of the Management Committee, salaries of employees and other such expenses shall be met through the establishment of a separate expense account.

25. **Books of accounts.**– The Fund shall:

- (a) maintain such books of accounts and other record as shall depict a true and fair picture of its state of affairs, including –
 - (i) journals, cash book and other records of original entry forming the basis of entry in any ledger;
 - (ii) ledgers or other comparable records reflecting assets, liabilities, income and expenses;
 - (iii) ledgers or other comparable records showing securities in the portfolio;
 - (iv) record of transactions with banks; and
 - (v) record of all transfers from and to the Reserve Fund; and
- (b) maintain such books of accounts and other records for a period of not less than ten years.

26. **Appointment of chief accounting officer.**– (1) The Management Committee shall appoint on such terms and conditions as it may determine, a chief accounting officer who is a chartered accountant or a cost and management accountant or a person with a master's degree in commerce or business administration with specialization in finance and senior management level experience of at least five years in a bank or development finance institution or modaraba or non-banking finance company.

(2) The chief accounting officer shall prepare accounts, establish procedures for financial controls and other matters to be determined by the Management Committee.

27. **Functions of accounts and audit sub-committees.**– (1) The accounts subcommittee shall ensure compliance with accounting standards, and prudential rules.

(2) The audit sub-committee shall ensure compliance with audit standards, recommendations of the auditor and adopt risk management controls for the Fund.

(3) The chief accounting officer shall provide quarterly reports and any such information that any of the above sub-committees may require.

(4) The accounts sub-committee and the audit sub-committee shall meet at least once in three months.

28. **Accounts of the Fund.**– (1) The accounts of the Fund shall be reported in the form and manner as specified in the Schedule.

(2) The annual accounts of the Fund shall be approved by the Management Committee and shall be signed by the Chairman or the Vice Chairman, the General Manager and a Member from the private sector authorized by the Management Committee.

29. **Audit report of the Fund.**– (1) The audit report of the Fund shall be in the form and manner as specified in the Schedule.

(2) The auditor shall forward to the Management Committee an audited copy of the annual accounts within three months of the end of the accounting period.

30. **Directions and guidelines of the Commission.**– The Management Committee shall take into consideration guidelines and directions issued by the Commission.

SCHEDULE ACCOUNTS OF THE FUND

1. General:

(a) The Annual reports shall comply the accounting requirements included in this Schedule. The Management Committee shall publish a report for the six months period following each year to include a statement of income and expenditure, asset and liabilities and the portfolio.

(b) All reports shall contain comparative figures for the previous period except for the investment portfolio.

(c) The items listed under the statement of assets and liabilities, income statement, statement of movements in reserves and the notes to the accounts, where applicable, shall be disclosed.

(d) All statements and accounts referred hereunder should be prepared in conformity with the International Accounting Standards notified under subsection (3) of section 234 of the Companies Ordinance, 1984, and technical releases issued by Institute of Chartered Accountants of Pakistan from time to time.

(e) The Annual Report shall be in both English and Urdu and be made available to employees and pensioners of the Government on request and be published on the internet.

2. Statement of assets and liabilities:

The following must be separately disclosed for every accounting period:

- (a) total value of investments;
- (b) bank balances;
- (c) dividends and other receivables;
- (d) bank loans and overdrafts or other forms of borrowings;
- (e) amounts received and paid into the Reserve fund;
- (f) total value of all assets;
- (g) total value of all liabilities;

3. Income statement:

The following information shall be included in the income statement:

- (a) total investment income net of tax, if any, broken down by category;
- (b) total other income, broken down by category;
- (c) an itemized list of various costs which have been debited to the Fund including:
 - (i) fees paid to a third party;
 - (ii) remuneration of the trustee;
 - (iii) safe custody and bank charges;
 - (iv) auditor's remuneration;
 - (v) borrowing expenses;
 - (vi) other amounts paid to any connected person of the Fund;
 - (vii) legal and other professional fees; and
 - (viii) any other expenses borne by the Fund;
- (d) taxes; and
- (e) amounts transferred to and from the Reserve Fund.

4. Statement of movements into and from the Reserve Fund:

The following information shall be included in the statement of movements in and from the Reserve Fund:

- (a) value of the pension fund as at the beginning of the period;
- (b) amount received from the Reserve Fund;
- (c) amount paid into the Reserve Fund;
- (d) any item resulting in an increase or decrease in value of the Fund including—
 - (i) surplus or loss on sale of investment;
 - (ii) exchange gain or loss;
 - (iii) unrealized appreciation or diminution in value of investment; and
 - (iv) net income for the period; and
- (e) value of the Fund as at the end of the period.

5. Notes to the accounts:

The following shall be set out in the notes to the accounts:

- (a) principal accounting policies including:
 - (i) the basis of valuation of the assets of the Fund including the basis of valuation of unlisted securities;
 - (ii) the revenue recognition policy regarding dividend income and other income;
 - (iii) foreign currency translation, if any;
 - (iv) taxation; and
 - (v) any other accounting policy adopted to deal with items which are judged material or critical in determining the transactions.

Any changes to the above accounting policies and their financial effects upon the accounts should also be disclosed;

- (b) disclosure of transactions with connected persons;—
 - (i) details of all transactions entered into during the accounting period between the Fund and the Management Committee or any entity in which these parties or their connected persons have a material interest; and
 - (ii) name of any member of the Management Committee or of any employee or contracted if such person becomes entitled to profits from transactions in securities or from management of the Fund and the amount of profits to which such person becomes entitled.
- (c) borrowings,—
 - (i) whether the borrowings are secured or unsecured and the duration and maturity of such borrowings;
 - (ii) contingent liabilities and commitments of the Fund; and
 - (iii) if the free negotiability of any asset is restricted by statutory or contractual requirements.

6. Contents of the audit report:

The report of the auditor should state,—

- (a) whether in the auditor's opinion, the accounts prepared for that period have been properly prepared in accordance with the relevant provisions of the Act and the rules and according to such International Accounting Standards as generally apply in Pakistan;
- (b) without prejudice to the foregoing, whether in the auditor's opinion, a true and fair view is given of the disposition of the pension Fund at the end of the accounting period and of the transactions of the pension fund;
- (c) whether costs and expenses debited to the Fund are as specified in the Act, rules or regulations;
- (d) if the auditor is of opinion that proper books and records have not been kept by the Fund or the accounts prepared are not in accordance with the Fund's books and records, that fact; and
- (e) if the auditor has failed to obtain all the information and explanations which, to the best of his knowledge and belief, are necessary for the purpose of the audit, that fact.

7. Investment portfolio:

Information regarding the investment portfolio should state, —

- (a) number or quantity of each holding of a security together with the description and market value;
- (b) the total cost of each security;
- (c) the value of each security as a percentage of the total assets less liabilities of the Fund; and
- (d) the statement of movements in securities purchased and sold during the accounting period.

Provincial Management Service Rules, 2004

NOTIFICATION
The 17th January 2004

NO.SOR.III(S&GAD) 1-12/2000. In exercise of the powers conferred on him under Section 23 of the Punjab Civil Servants Act, 1974, (*VIII of 1974*) the Governor of the Punjab is pleased to direct that the following rules shall be made, namely—

1. Short title and commencement:

(1) These Rules may be called the **Punjab Provincial Management Service Rules, 2004.**

(2) They shall come into force at once.

2. Definitions:

In these Rules unless the subject or context otherwise requires:

- a) “Appointing Authority” means the authority specified in column 4 of Schedule-I;
- b) “Commission” means the Punjab Public Service Commission;
- c) “Chief Minister” means the Chief Minister of the Punjab;
- d) “Department” means Services & General Administration Department;
- e) “Government” means Government of the Punjab;
- f) “Graduate” means holder of a bachelor or equivalent degree from a recognized university;
- g) “PMS” means the Provincial Management Service;
- h) “Prescribed Departmental Examination” means examination to be conducted by the department for confirmation within probationary period;
- i) “Prescribed Departmental Training/ Examination” means examination to be conducted by the department or any other agency after completion of training course for promotion to BS-18 and BS-19; and
- j) “Secretariat” means the Punjab Civil Secretariat, Lahore.

3. Nomenclature of the posts:

The Provincial Management Service shall consist of the posts as specified in Schedule-II.

4. Method of Recruitment:

The method of recruitment, minimum qualifications, age limit and other matters related thereto for the service shall be as given in Schedule-II.

5. Repeal:

The following rules are hereby repealed:

- i) The West Pakistan Secretariat (Section Officers) Service Rules, 1962;
- ii) The West Pakistan Deputy Secretaries’ Recruitment Rules, 1963;
- iii) The Punjab Extra Assistant Commissioners’ Recruitment Rules,

1992;

♥ Provided that the existing incumbents of the ex-PCS, ex-PSS in different grades shall stand inducted in the PMS in their respective grades.

♦ Provided further that the inter-se-seniority of ex-PCS and ex-PSS cadres shall continue to be maintained separately and sharing of percentage between them, in different grades, shall be 63 and 37, respectively.

~~** 6. Transitional: ————— The condition of graduation shall not apply for a period of nine years from the date of promulgation of these rules for existing incumbents for promotion against BS 17 posts, as given in column 6 para (2)(b) of Schedule I.~~

**BY ORDERS OF THE GOVERNOR OF THE
PUNJAB
ADDITIONAL CHIEF SECRETARY**

♥ Proviso substituted vide Notification No. SOR-III(S&GAD)1-12/2000 dated 02.12.2004.

♦ Proviso substituted vide Notification No.SOR-III(S&GA)1-12/2000(PI) dated 14.10.2018.

** Rule 6 omitted vide notification No. SORIII(S&GAD)1-16/2006 dated 11.01.2012.

SCHEDULE-I
(See Rule 4)

Name of the Deptt.	Functional Unit	Name/Scale of the post	Appointing Authority	Qualification for appointment by		Method of Recruitment	Age for initial recruitment		Examination, Training and other conditions required for confirmation
				Initial Recruitment	Promotion		Min	Max	
1	2	3	4	5	6	7	8	9	10
S & GAD	Provincial Management Service	@ PMS (BS-17) as per details in Schedule-II	Additional Chief Secretary	Graduate (2 nd Div.) from a recognized University		(1) 50% by initial recruitment on the recommendations of the Punjab Public Service Commission based on the result of combined competitive examination. to be filled by promotion: (a) 22.5% on the basis of seniority-cum-seniority from amongst Tehsildars, who are graduates, and have five years service as Tehsildar* ; and (b) 22.5% on the basis of seniority-cum-fitness from amongst the Superintendents and Private Secretaries, who are graduates, in the ratio of 50:50, respectively. (3) 05% by selection on merit from amongst the civil servants holding	21 In the case of officials serving in connection with the affairs of the Federal Govt. who are domiciled in the Punjab as well as officials serving in connection with the affairs of the Punjab Govt. having at least four years service as such, the upper age limit shall be 35 years.	28 30	Prescribed Departmental Examination ♥ Note: The officers who are promoted on the basis of seniority-cum-fitness against 45% (22.5%+22.5%) quota in terms of paragraph (2) of column and are less than fifty eight years of age and those who are promoted on the basis of selection on merit against 5% quota as mentioned in paragraph (3) of that column shall also undertake the comprehensive post induction training at Management and Professional Development Department.

1	2	3	4	5	6	7	8	9	10
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@Entry in Column No. 1 to 10 against the post of PMS (BS-17) substituted vide Notification No. SOR-III (S&GAD)1-16/2006 dated 11.01.2012.

*The words “and have passed the prescribed departmental examination” deleted vide Notification No. SOR-III(S&GAD)1-16/2005 dated 12.01.2013.

†In schedule-I, in column 9, figure 28 is substituted as 30 vide Notification No.SOR-III(S&GAD)1-12/2000(PI) dated 05.11.2018

♥ The Note in Column-10 of Schedule-I of PMS Rules, 2004 is substituted vide notification No.SOR-III(S&GAD)1-16/2006(P) dated 22.01.2018. (The original existing Note of Column 10 is available in history of PMS Rules, 2004).

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S&GAD	Provincial Management Service					Respective posts on regular basis in BS-5 to BS-16 with Master's Degree or Bachelor's Degree (4 years) or LL.B from a recognized University, serving under the Government and having the following experience: (a) For officials in (BS-11 to 16) = 05 years; and (b) For officials in (BS-5 to 10) = 08 years. Note: The selection against this quota of 5% shall be made by the Punjab Public Service Commission.			
		PMS (BS-18) as per detail at Schedule-II	Chief Secretary		100% by promotion	By promotion on seniority-cum-fitness basis from amongst the cadre of PMS/BS-17 having at least five years service.			Prescribed Departmental Training/ Examinations
		PMS (BS-19) as per detail at Schedule-II	Chief Minister		100% by promotion	♦ By promotion on the basis of selection-on-merit from amongst PMS officers holding posts in BS-18 and having at least 12 years service against posts in BS-17 and above.			Prescribed Departmental Training/ Examinations
		PMS (BS-20) as per detail at Schedule-II	Chief Minister		100% by promotion	♦ By promotion on the basis of selection-on-merit from amongst PMS officers holding posts in BS-19 and having at least 17 years service against posts in BS-17 and above.			Advance Training Course from NIPA or from any other training course prescribed by the Govt.

♦ Amended vide No. SOR-III(S&GAD)1-12/2000 dated 11.01.2011.

♦ Amended vide No. SOR-III(S&GAD)1-12/2000 dated 11.01.2011.

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1	2	3	4	5	6	7	8	9	10
S&GAD	Provincial Management Service	PMS (BS-21) as per detail at Schedule-II	Chief Minister		100% by promotion	◆ By promotion on the basis of selection-on-merit from amongst PMS officers holding posts in BS-20 and having at least 22 years service against posts in BS-17 and above.			Course from Pakistan Administrative Staff College/ National Defence College or from any other training Institute prescribed by Government.

◆ Amended vide No. SOR-III(S&GAD)1-12/2000 dated 11.01.2011.

◆SCHEDULE-II*(See rule 3)*

After allocating the share of All Pakistan Unified Group (APUG) officers, as may from time to time be determined by the Competent Authority and the share of technical services in the Secretariat, the balance of the following posts in different Basic Pay Scales shall form cadre strength of PMS in each such scale:

1	PMS (BS-17)	Section Officer/Assistant Commissioner / Assistant Commissioner (Revenue)/ Collector (Consolidation)/ General Assistant (Revenue) / Colony Assistant/Sub Registrar/ Assistant Commissioner (HR & Coordination) / Finance & Planning Officer / Special Judicial Magistrate / Assistant Director (Investigation), Anticorruption Establishment / Assistant Commissioner (Headquarters)(one at each Divisional Headquarters/Administrative Officer / PSO to Deputy Commissioner Lahore and other equivalent posts, as per ANNEX, PART-I.
2	PMS (BS-18)	Deputy Secretary in the Secretariat / Board of Revenue / Chief Officer of a Municipal Committee / Chief Officer of a District Council, Additional Deputy Commissioner of a Division / District: (i) Headquarters; (ii) Revenue; (iii) General; (iv) Finance and Planning; and other equivalent posts, as per ANNEX, PART-II.
3	PMS (BS-19)	Additional Secretary/ Deputy Commissioner / Secretary (Revenue/Settlement and Rehabilitation) Board of Revenue, Punjab Settlement Officer / Chief Officer, Municipal Officer (Category I&II) / Chief Officer of a District Council / Deputy Chief Officer / Metropolitan Officer (Finance) / Metropolitan Officer (Services / Metropolitan Officer (Planning) in Lahore Metropolitan Corporation / Additional Commissioner: (i) Revenue; (ii)Consolidation; (iii)Coordination & other equivalent posts, as per ANNEX, PART-III.
4	PMS (BS-20)	Secretary to Government of the Punjab/Commissioner of the Division/Deputy Commissioner/ Member (Judicial) Board of Revenue at Rawalpindi / Chief Officer, Lahore Metropolitan Corporation and other equivalent posts, as per ANNEX, PART-IV.
5	PMS (BS-21)	Secretary to Government of the Punjab/Commissioner of the Division and other equivalent posts as per at ANNEX-PART-V.

Note: The share of technical services in the Secretariat posts shall be as under:

(i)	Section Officer	20%
(ii)	Deputy Secretary	20%
(iii)	Additional Secretary	20%

◆ Substituted vide Notification No.SOR-III(S&GAD)1-12/2000(P-I) dated 26.03.2018.

**ANNEXURE
(PART-I)
(Posts in BS-17)**

Sr. No.	Name of the Post	Share percentage of total posts
1.	Section Officer	100%
2.	Assistant Commissioner	100%
3.	Assistant Commissioner (Revenue)	100%
4.	Collector (Consolidation)	100%
5.	General Assistant (Revenue)	100%
6.	Colony Assistant	100%
7.	Sub-Registrar	100%
8.	Assistant Commissioner (HR & Coordination)	100%
9.	Finance & Planning Officer	100%
10.	Special Judicial Magistrate	100%
11.	Assistant Director (Investigation), Anti-Corruption Establishment	-
12.	Assistant Commissioner (Headquarters) (one at each Divisional Headquarters)	100%
13.	Admin. Officer / PSO to Deputy Commissioner, Lahore	-
14.	Such other equivalent posts, as may, from time to time, be specified by the Chief Minister.	-

**PART-II
(Posts in BS-18)**

Sr. No.	Name of the Post	Share percentage of total posts
1.	Additional Deputy Commissioner of the Division / District:	100%
	(i) Headquarters;	100%
	(ii) Revenue;	100%
	(iii) General; and	100%
	(iv) Finance & Planning	100%
2.	(i) Chief Officer in Municipal Committees in District.	33%
	(ii) Chief officer in District Councils.	33%
3.	Deputy Secretary in the Secretariat and Board of Revenue	100%
4.	Such other equivalent posts, as may, from time to time, be specified by the Chief Minister.	-

PART-III
(Posts in BS-19)

Sr. No.	Name of the Post	Share percentage of total posts
1.	Deputy Commissioner	56%
2.	Additional Commissioner:- (i) Revenue (ii) Consolidation; and (iii) Coordination	100% 100% 100%
3.	Collector of the District	100%
4.	Additional Secretary in the Secretariat	100%
5.	Secretary (Revenue/Settlement & Rehabilitation), Board of Revenue, Punjab	100%
6.	Director, Land Records, Board of Revenue, Punjab	100%
7.	Settlement Officer	100%
8.	(i) Chief Officer, Municipal Corporation (Category-I & II) (ii) Chief Officer, District Councils (iii) Deputy Chief Officer, Metropolitan Officer (Finance), Metropolitan Officer (Services) & Metropolitan Officer (Planning) in Metropolitan Corporation, Lahore.	45% 20% 45%
9.	Such other equivalent posts, as may, from time to time, be specified by the Chief Minister.	-

PART-IV
(Posts in BS-20)

Sr. No.	Name of the Post	Share percentage of total posts
1.	Secretary to Government of the Punjab	100%
2.	Commissioner of the Division	100%
3.	Deputy Commissioner	44%
4.	Member (Judicial), Board of Revenue at Rawalpindi	100%
5.	Chief Officer, Metropolitan Corporation Office	S&GAD/LG&CD
6.	Such other equivalent posts, as may, be specified by the Government, from time to time,	-

PART-V
(Posts in BS-21)

Sr. No.	Name of the Post	Share percentage of total posts
1.	Additional Chief Secretary	100%
2.	Chairman, Planning & Development Board	100%
3.	Chairman, CMIT	100%
4.	Secretary to Government of the Punjab	100%
5.	Sr. Member/Member, BOR, Punjab/Chief Land Commissioner/Relief Commissioner	100%
6.	Commissioner of the Division	100%

7.	Such other equivalent posts, as may, from time to time, be specified by the Chief Minister.	
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HISTORY OF AMENDMENTS

Prescribed departmental examination.

Note: Those promoted against 45% quota or selected on merit against 5% quota would also undergo comprehensive post-induction training at MPDD.

♦SCHEDULE-II

(See rule 3)

After allocating the share of All Pakistan Unified Group (APUG) officers as may, from time to time, be determined by the Competent Authority and the share of technical services in the Secretariat, the balance of the following posts in different grades shall form the cadre strength of PMS in each grade:

(1)	PMS: (BS-17)	Section Officer/Assistant Commissioner/Collector (Consolidation)/General Assistant (Revenue)/Colony Assistant/Sub Registrar and other equivalent posts as per details at Annex-Part-I.
(2)	PMS: (BS-18)	Deputy Secretary/Additional Collector of the District and other equivalent posts as per details at Annex-Part-II.
♦(3)	PMS: (BS-19)	Additional Secretary/District Coordination Officer/Additional Commissioner (Revenue)/ Additional Commissioner (Consolidation)/Additional Commissioner (Coordination)/Collector of the District and other equivalent posts as per details at Annex-Part-III.
(4)	PMS: (BS-20)	Secretary to Government of the Punjab/Commissioner of the Division/District Coordination Officer and other equivalent posts as per details at Annex-Part-IV.
(5)	PMS: (BS-21)	Secretary to Government of the Punjab/Commissioner of the Division and other equivalent posts as per details at Annex-Part-V.

Note: The share of technical services in the Secretariat posts shall be as under:

(i)	S.Os in the Secretariat	20%
(ii)	Deputy Secretaries in the Secretariat	20%
(iii)	Additional Secretaries in the Secretariat	20%

♦Schedule-II and Annexes appended to it substituted vide Notification No. SORIII(S&GAD)1-12/2000(P-I) dated 30.05.2011.

♦Entries in column 3 against Sr. No. (3) substituted vide Notification No. SORIII(S&GAD)1-12/2000 (P-I) dated 24.03.2012.

Punjab Civil Servants (Transferred from Federal Government) Service Rules, 2015

NOTIFICATION

Dated Lahore, the 11th August, 2015

No.SOR-III(S&GAD)1-22/2012-A. In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.– (1) These rules may be cited as the Punjab Civil Servants (Transferred from Federal Government) Service Rules, 2015.

(2) They shall come into force at once.

2. Definitions. – (1) In these rules:

(a) “Act” means the Punjab Civil Servants Act, 1974 (VIII of 1974);

(b) “functional unit” means a group of posts or a part of such group sanctioned as a separate unit in or under a department;

(c) “pay” means the amount drawn monthly by a person as a pay and also includes technical pay, special pay, personal pay and any other emoluments declared as pay by the prescribed authority;

(d) “person” means a person transferred from Federal Government to the Government and who immediately before the commencement of the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) was holding a post in connection with the affairs of the Federation; and

(e) “post” means a post in connection with affairs of the Government.

(2) A word or expression used but not defined in the rules shall have same meaning as assigned to it in the Act or any other rules made under the Act.

3. Terms and conditions of service. - (1) The Government may, by notification, appoint a person to a post under section 22C of the Act.

(2) The seniority inter se amongst the persons shall be maintained in the functional unit as it existed at the time of their transfer to the Government.

(3) The functional unit of a person shall be called as federal functional unit and shall be a dying cadre.

(4) If a post falls vacant due to retirement, removal, death or otherwise of the incumbent, it shall be allocated to provincial cadre and if the post is to be filled through:

(a) initial recruitment, it shall be filled as per eligibility criteria or service rules of that post; and

(b) promotion, it shall be filled by promotion of senior most incumbents in the cadre as per service rules.

(5) The seniority in a functional unit in which a person is promoted shall take effect from the date of regular appointment to that post.

(6) The services rendered by a person in the Federal Government shall be counted for the purpose of promotion and seniority of the person in the relevant functional unit.

(7) The Government shall, in accordance with the relevant rules, contribute towards the pension, final payment of General Provident Fund and such like payments or benefits of the person as per the prevailing rules of the Government.

(8) A person appointed under these rules shall be entitled to get pensionary benefits as admissible to his counterparts in the Government under section 18 of the Act.

(9) A person appointed under these rules shall contribute to the Provincial Benevolent Funds, General Provident Funds and Group Insurance in accordance with relevant rules of the Government.

(10) A person appointed under these rules shall be entitled to such pay, pension and allowances as determined by the Government and his pay and pay scale shall be protected as personal to him.

(11) All other laws including rules, regulations or policies as are applicable to other civil servants of the Government shall, as nearly as possible, be applicable to the person appointed under these rules.

THE PUNJAB CIVIL ADMINISTRATION ACT 2017

***THE PUNJAB CIVIL ADMINISTRATION ACT 2017**
(III of 2017)

[8th February, 2017]

An
Act

to institute a comprehensive system of civil administration in the Punjab for efficient administration and improved service delivery to the people.

It is essential to institute a comprehensive system of civil administration in the Punjab for efficient administration, improved service delivery, better coordination, supervision and regulatory enforcement, and for ancillary matters.

Be it enacted by the Provincial Assembly of the Punjab as follows:—

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Civil Administration Act 2017.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless the subject or the context otherwise requires:

(a) “Additional Commissioner” means an officer appointed as Additional Commissioner under the Act;

(b) “Additional Deputy Commissioner” means an officer appointed as Additional Deputy Commissioner under the Act;

(c) “Assistant Commissioner” means an officer appointed as Assistant Commissioner under the Act;

(d) “Commissioner” means an officer appointed as Commissioner under the Act;

(e) “Deputy Commissioner” means an officer appointed as Deputy Commissioner under the Act;

(f) “Division”, “District” and “Tehsil” respectively mean the Division, the District and the Tehsil constituted under the Punjab Land Revenue Act, 1967 (*XVII of 1967*);

(g) “employee” means a person performing duties in an office;

(h) “Government” means Government of the Punjab;

(i) “head of District Police” means the head of the district police appointed under the Police Order, 2002 (*22 of 2002*);

(j) “head of the local government” means the Mayor or a Chairman of a local government under the Punjab Local Government Act 2013 (*XVIII of 2013*);

(k) “head of office” means the head of an office in the Tehsil, District or, as the case may be, the Division;

(l) “local government” means a local government constituted under the Punjab Local Government Act 2013 (*XVIII of 2013*);

* This Act was passed by the Provincial Assembly of the Punjab on 2 February 2017; assented to by the Governor of the Punjab on 7 February 2017; and, was published in the Punjab Gazette (Extraordinary), dated: 8 Feb 2017, pp. 4065-4071.

- (m) “office” means such office of the Government in the Tehsil, District or, as the case may be, the Division as the Government may, by notification, specify for purposes of the Act but does not include any office of the local government established by or under the Punjab Local Government Act 2013 (*XVIII of 2013*) or of the Police constituted by or under the Police Order, 2002 (*22 of 2002*);
- (n) “officer-in-charge” means the officer incharge of, and responsible for, maintaining a public facility;
- (o) “prescribed” means prescribed by rules made under the Act;
- (p) “public facility” means such office or public facility or work relating to such office of the Government in the Tehsil, District or, as the case may be, the Division as the Government may, by notification, specify but does not include any office or public facility or work relating to the local government established by or under the Punjab Local Government Act 2013 (*XVIII of 2013*) or of the Police constituted by or under the Police Order, 2002 (*22 of 2002*);
- (q) “rules” means the rules made under the Act; and
- (r) “Service” means Pakistan Administrative Service or Provincial Management Service Punjab.

3. Commissioners, Deputy Commissioners and Assistant Commissioners.—

(1) The Government shall appoint a Commissioner for each Division, a Deputy Commissioner for each District and an Assistant Commissioner for each Tehsil in the Punjab from amongst the officers of the Service.

(2) A Commissioner shall be the officer-in-charge of general administration and principal representative of the Government in the Division.

(3) A Deputy Commissioner shall be the officer-in-charge of general administration and principal representative of the Government in the District.

(4) An officer appointed under subsection (1) shall perform the functions and exercise the powers under this Act or any other law or as the Government may, by order or notification, assign or delegate.

(5) The Commissioner and Deputy Commissioner shall be subject to general superintendence and control of the Government.

4. Functions of the Commissioner.— A Commissioner, in addition to any function under subsection (4) of section 3 and section 15, shall:

- (a) supervise and monitor the discharge of duties by the Deputy Commissioners in the Division;
- (b) coordinate the work of all the offices and public facilities in the Division;
- (c) facilitate and coordinate any work which concerns two or more Districts in the Division or two or more Divisions for purposes of integrated development, efficient use of public resources and effective service delivery; and
- (d) supervise and coordinate the implementation of the policies, instructions and guidelines of the Government.

5. Functions of the Deputy Commissioner.— A Deputy Commissioner, in addition to the functions mentioned in subsection (4) of section 3 and section 15, shall:

- (a) supervise and monitor the discharge of duties by the Assistant Commissioners in the District;
- (b) coordinate the work of all the offices and public facilities in the district for purposes of integrated development, efficient use of public resources and effective service delivery;
- (c) support and facilitate the offices and public facilities in the District;
- (d) ensure that the standards set by the Government in respect of a public facility are fully observed; and
- (e) supervise and coordinate the implementation of the policies, instructions and guidelines of the Government.

6. Functions of the Additional Commissioners and Additional Deputy Commissioners.— (1) The Government may appoint one or more Additional Commissioner in each Division and one or more Additional Deputy Commissioner in each District from amongst the officers of the Service.

(2) An Additional Commissioner shall serve under the general administration and control of the Commissioner and shall perform the functions under this Act or any other law or as the Commissioner may, by order, assign.

(3) An Additional Deputy Commissioner or an Assistant Commissioner shall serve under the general supervision and control of the Deputy Commissioner and shall perform functions under the Act or any other law or as the Deputy Commissioner may, by order, assign.

(4) An Assistant Commissioner may distribute work among the officers subordinate to him in the manner and to the extent prescribed.

7. Vacancy.— In case the office of a Commissioner, Deputy Commissioner or Assistant Commissioner is vacant, the Government shall make appropriate arrangement for the discharge of the functions of that office.

8. Code of Conduct.— (1) The Government may issue a Code of Conduct in relation to the exercise of authority and discharge of functions under this Act.

(2) Any deviation from the Code of Conduct or any violation of any lawful directions under the Act shall be referred to such authority as may be prescribed for action in accordance with law.

9. Information.— (1) A Commissioner shall keep the Government informed on all important matters relating to the Divisional administration.

(2) A Deputy Commissioner shall keep the Commissioner informed on all important matters relating to the District administration.

(3) An Assistant Commissioner shall keep the Deputy Commissioner informed on all important matters relating to the Tehsil administration.

(4) A head of office in the District shall keep the Deputy Commissioner informed on all important matters relating to that office.

10. Coordination Committees.— The Government may constitute Divisional, District or Tehsil Coordination Committees consisting of such heads of local governments, members of National Assembly and Provincial Assembly, heads of Division, District and Tehsil administrations and police and such other persons as

may be specified to achieve the goals of good governance, effective service delivery, public welfare and better coordination through democratic control and oversight.

11. Assistance.— On a request by a head of office or head of a local government, the Deputy Commissioner and the Assistant Commissioner shall extend such assistance and support as may be necessary in the circumstances.

12. Public facilities.— (1) The Deputy Commissioner may, from time to time, review the quality, standard and efficacy of public facilities in the District.

(2) If the Deputy Commissioner, for reasons to be recorded, is of the view that the public service is not being delivered on the prescribed or reasonable standards, he may require the officer-in-charge to take such measures as may be necessary for improving the quality, standard and efficacy of the public facility.

(3) The officer-in-charge shall take prompt remedial steps and inform the Deputy Commissioner of the action taken by him.

(4) If the officer-in-charge does not take remedial steps as advised, the Deputy Commissioner may, through the Commissioner, make a report to the Government for necessary action in accordance with law.

13. Calamities.— (1) The Government may, by notification, declare the whole or any part of the Province, as the case may be, as calamity-affected area under section 3 of the Punjab National Calamities (Prevention and Relief) Act 1958 (XXXIII of 1958).

(2) On issuance of the notification mentioned in subsection (1), the Commissioner, Deputy Commissioner, Assistant Commissioner or officers subordinate to them may, in consultation with the respective head of the local government, exercise such powers within the area of their respective jurisdiction as the Relief Commissioner may delegate to them under section 7 of the said Act.

(3) All the offices in the District or, as the case may be, in the Division shall extend such assistance to the officer mentioned in subsection (2) as he may require or as may be necessary in the circumstances.

(4) On a request by or on behalf of the Deputy Commissioner, the local governments in the district shall also render such assistance to the Deputy Commissioner or officers subordinate to him as may be necessary in the circumstances.

14. Record and inspection.— (1) On a complaint or otherwise, the Commissioner or the Deputy Commissioner may call for the record of any case from any office in the Division or, as the case may be, the District to satisfy himself as to the propriety or legality of any action taken or proposed to be taken by any office and pass appropriate directions in accordance with law.

(2) The Commissioner, Deputy Commissioner and Assistant Commissioner may inspect any office or public facility within his jurisdiction, and give such directions as may be necessary to achieve the objectives of this Act.

(3) It shall be the duty of every head of office and officer-in-charge to facilitate inspection and provide record, information, report and otherwise assist the Commissioner, Deputy Commissioner or Assistant Commissioner.

15. Public order etc.— (1) The Deputy Commissioner on his own, or on the request of the head of a local government or head of the District Police, may convene a meeting for purposes of maintaining public order and public safety and safeguarding public or private properties in the District; and, the decisions taken in the meeting shall be executed by all concerned accordingly.

(2) Notwithstanding anything in subsection (1), in case of any unforeseen or sudden situation that threatens or is likely to threaten public order, public safety or public and private properties in the District, the Deputy Commissioner and the head of the District Police shall jointly take appropriate action to address the situation.

(3) The provisions of subsection (1) and subsection (2) shall apply *mutatis mutandis* to the Commissioner and Assistant Commissioner respectively in relation to the Division and the Tehsil.

16. Public processions etc.— (1) No public meeting, procession, assembly or gathering shall take place without prior permission in writing of the Deputy Commissioner.

(2) On receipt of an application for the purpose, the Deputy Commissioner, in consultation with the head of District Police, may grant permission subject to such terms and conditions as he deems fit or reject the application after recording reasons.

(3) The Deputy Commissioner may, in consultation with the head of the respective local government, requisition such assistance of the local government as may be necessary in the circumstances.

17. Public properties.— (1) The Deputy Commissioner shall oversee the use of all public properties in the district and where required direct the concerned head of office or officer incharge for the proper maintenance and use of a property or safeguarding it against illegal trespass, undue wastage or destruction.

(2) The Deputy Commissioner may exercise the powers of the Government under the Punjab Government Lands and Buildings (Recovery of Possession) Ordinance 1966 (IX of 1966), and the powers of an autonomous body under the Punjab Autonomous Bodies Immovable Property (Ejection of Unauthorized Occupants) Ordinance, 1965 (XXXVII of 1965).

(3) The Deputy Commissioner and Assistant Commissioner shall oversee the use of public space in their respective jurisdictions and where required, in consultation with the respective head of the local government, cause the obstructions removed in accordance with law, allow and define use of public space for public meeting, procession, assembly or gathering and other temporary uses and otherwise prevent it from illegal use, and for the purpose pass such directions in accordance with law as may be considered necessary.

(4) The Deputy Commissioner shall maintain a registry of all public properties in such form as may be prescribed or as the Government may direct.

18. Police support.— On the requisition from the Assistant Commissioner or Deputy Commissioner or on receipt of a request for police assistance from any head of office, head of the local government, statutory body or body or corporation owned, set up or controlled by the Government or the Federal Government in relation to discharge of official duties, the head of the District Police shall provide such police assistance as may be necessary.

19. Enquiry.— (1) The Commissioner or the Deputy Commissioner may, on a complaint or any other information, cause an enquiry to be made by such officer as he may deem appropriate, into the affairs of an office or a public facility and take appropriate action in accordance with law.

(2) Any person aggrieved by any case of maladministration, neglect, excess or misconduct by any employee serving in a District or is dissatisfied with a

public service may make a complaint in writing under his signature to the Deputy Commissioner.

(3) The Deputy Commissioner may either himself or through an officer subordinate to him take such action in accordance with law as may be necessary to redress the legitimate grievance of the complainant.

(4) It shall be the duty of every head of office and officer-in-charge of the public facility to comply with the directions under subsection (3) and shall report compliance to the Deputy Commissioner or inform him of the reasons on account of which the direction cannot be implemented.

(5) On receipt of the report from a head of office or officer-in-charge of a public facility, the Deputy Commissioner may either withdraw the direction or, if he is not satisfied with the reasons, report the matter to the Government for action in accordance with law.

(6) The inquiry officer shall, for purposes of the inquiry, have all the powers of a civil court under the Civil Procedure Code, 1908 (V of 1908) in relation to summoning and enforcing the attendance of any person and examining him on oath, compelling the production of documents, receiving evidence on affidavits, and issuing commission for the examination of witnesses.

20. Statistics.— For purposes of better coordination and effective planning, the Deputy Commissioner shall maintain or cause to be maintained such updated local statistics in such manner as may be prescribed and until so prescribed as the Government may direct.

21. Performance evaluation.— The Commissioner and Deputy Commissioner, through the Commissioner, shall report the performance of the offices and, if necessary, of the employees under their respective jurisdiction to the Government in such manner and at such intervals as the Government may, by notification, determine.

22. Reports.— (1) Every head of office shall prepare and submit a periodic report on the working of his office to the Deputy Commissioner at such time and in such form as may be prescribed.

(2) The Deputy Commissioner shall prepare a consolidated report on the working of all offices in the district and shall, through the Commissioner, submit the report of each financial year to the Government at such time and in such form as may be prescribed.

(3) The Government may take such action on the report as it deems necessary.

23. District Gazetteer.— (1) The Deputy Commissioner shall make arrangements for formulating for each financial year the District Gazetteer and shall publish it after approval by the Commissioner.

(2) The District Gazetteer shall contain information about the socio-cultural and economic activities, the developmental goals accomplished, key features of governance, key indicators, the future plans and any other matter of public importance or interest.

24. Delegation of powers.— (1) The Government may, by notification, delegate such of its powers to its officers in the district as it considers appropriate in the interest of effective, efficient and economical delivery of public services subject to such conditions, if any, as may be specified in the order.

(2) In the like manner, the Government may by notification, place such of its employees, excluding the employees of the Police Department and the local governments, under the administrative control of the Commissioner or Deputy Commissioner.

25. District Account and Audit.— (1) There shall be an account in respect of each District to be called the 'District Account' which shall vest in the Deputy Commissioner for undertaking development, improvement of public services in general, provision of relief in emergencies or such other purposes as may be prescribed.

(2) All moneys received by the Deputy Commissioner shall be credited to the District Account under a head of account authorized by the Controller General of Accounts.

(3) The Deputy Commissioner shall maintain the Account and expend money from the Account for such purposes and in such manner as may be prescribed.

(4) The District Account shall be audited by the Auditor General at the end of each financial year.

(5) In addition to the audit, under subsection (3), the Government may direct that a special audit of the District Account shall be conducted by such auditors and in such manner as may be prescribed and until, so prescribed, as determined by the Government.

26. Transparency and due diligence.— The Government may prescribe arrangements to ensure that the functions and powers under this Act are discharged diligently and in a transparent manner.

27. Divisional Boards.— (1) The Government may constitute for each Division the Grievance Redress Board consisting of the Convener and two other members.

(2) The Board may enquire into serious cases of maladministration, corruption and corrupt practices, violation of law, dereliction from duty and any other act or omission detrimental to the public interest by the employees of the Government and the employees and elected representatives of a local government in the prescribed manner.

(3) The Board shall submit its report and recommendations to the Government for necessary action in accordance with law.

28. Indemnity.— No suit, prosecution, or other legal proceedings shall lie against any public servant for anything done in good faith under this Act.

29. Power to make rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

30. Removal of difficulties.— The Government may, by order in writing, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act within a period of one year of the commencement of the Act.

31. Repeal.— The Punjab Civil Administration Ordinance 2016 (XX of 2016) is hereby repealed.

THE PUNJAB RIGHT TO PUBLIC SERVICES ACT, 2019

NOTIFICATION

January 22, 2019

No.PAP/Legis-2(3)/2018/1904. The Punjab Right to Public Services Bill 2018, having been passed by the Provincial Assembly of the Punjab on January 14, 2019, and assented to by the Governor of the Punjab on January 21, 2019, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB RIGHT TO PUBLIC SERVICES ACT, 2019 I of 2019

[22nd January, 2019]

An Act

to provide for delivery of public services to the people within the stipulated time limit.

It is necessary to provide for delivery of public services to the people within the stipulated time limit, including liabilities of the government servants in case of default, administrative efficiency and for the matters connected therewith and ancillary thereto;

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Right to Public Services Act 2019.

(2) It extends to whole of the Punjab.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of the Act.

2. Definitions.— In this Act:

(a) “Act” means the Punjab Right to Public Services Act 2019;

(b) “Appellate Authority” means the concerned Administrative Secretary of the department or such other person or authority, as may be specified by the Government through notification in the official Gazette;

(c) “Authority” means:

(i) any department or attached department of the Government and subordinate offices thereof;

(ii) any office, Board, Commission, Council or any other body established by, any law for the time being in force;

(iii) all institutions, established or constituted under the Punjab Local Government Act 2013 (XVIII of 2013);

(iv) subordinate Courts and Tribunals;

(v) a body which is owned, controlled or substantially funded by the Government, including enterprises owned by the Province by whatever name

called, required to render any services of public utility or to control, manage or regulate public services within a specified local area; and

- (vi) any other body which undertakes public services;
- (d) “Commission” means the Punjab Right to Public Services Commission, constituted under the Act;
- (e) “department” means a department of the Government, established under the Punjab Government Rules of Business, 2011;
- (f) “designated officer” means an officer designated under section 4 of the Act;
- (g) “e-governance” means the use by the Government of web-based internet applications together with other information technologies, combined with processes that implement these technologies, to:
 - (i) enhance the access to and delivery of the Government information and services to the public, other agencies and other Government entities; or
 - (ii) bring about improvements in the Government operations that may include effectiveness, efficiency, service quality, or transformation;
- (h) “eligible person” means a person domiciled in the Punjab and having any accrued right to public service in the Province and shall include corporations, companies, firms, businesses and organizations working in the Punjab;
- (i) “Government” means Government of the Punjab;
- (j) “prescribed” means prescribed by the rules and the regulations made under the Act;
- (k) “public service” means any service or services notified by the Government under section 4 of the Act;
- (l) “regulations” means regulations framed under the Act;
- (m) “rules” means the rules made under the Act; and
- (n) “specified time limit” means the time limit within which the designated officer is required to provide service as specified under subsection (1) of section 4 of the Act.

3. Right to public services.– (1) Subject to the provisions of the Act, every eligible person shall have a right to public services.

- (2) The right conferred under subsection (1) shall include the right to:
 - (a) have access to the public service;
 - (b) receive the public service within a specified time limit;
 - (c) receive the public service in a transparent manner;
 - (d) demand performance of duties and functions by the designated officers in accordance with the provisions of the Act;
 - (e) hold the concerned designated officer accountable for any service deficiency in the public service; and

- (f) claim compensation from the concerned designated officer for his failure to provide, or delay in providing a public service.

4. Notification of public services and time limit.– (1) The Government may, by notification in the official Gazette, from time to time, specify any service to be a public service, for the purposes of the Act and also specify, by a notification, the time limit within which such services shall be provided by the designated officer to the eligible persons.

(2) For providing public services specified under subsection (1), the Government may, by notification, designate different officers for different public services, at tehsil, district, division, department or at any other appropriate level, who shall be responsible for providing each of such service to the eligible persons.

(3) While specifying the time limit for provision of any public service, in order to arrive at an informed decision, the Government may invite and receive recommendations from all related public functionaries, as well as general public through prior publication of the proposed time limit along with a precise description of such service.

5. Provision of public service within the specified time limit.– (1) The designated officer shall provide public services to the eligible persons within the time limit as may be specified in the notification issued under subsection (1) of section 4 of the Act.

(2) The specified time limit shall start from the date when an application is submitted by the eligible person to the designated officer or to a person subordinate to him, authorized to receive the application for providing the public service.

(3) All applications received by the designated officer or the authorized person, shall be duly acknowledged by putting an inward stamp specifying the inward number, date and time of receipt of such application on the duplicate copy of such application.

(4) On receipt of an application under subsection (3), the designated officer, shall, within the specified time limit, either provide the public service or reject the application:

Provided that in case of rejection of the application, the designated officer shall record reasons thereof and intimate the same to the applicant.

6. Appeal.– (1) Any person, whose application has been rejected under subsection (4) of section 5 of the Act, or who does not receive public service within the specified time limit, or where the public service received by him is deficient in any manner, may prefer an appeal to the Appellate Authority, within a period of thirty days from the date of such rejection or expiry of the specified time limit or receipt of deficient service, as the case may be.

(2) The Appellate Authority shall dispose of the appeal preferred under subsection (1) within a period of thirty days from the date of presentation of the appeal.

(3) The Appellate Authority may direct the designated officer to provide the public service within such period of time as it may specify but not more than the time specified in the notification or to remove the deficiency in public service provided to the appellant or to pass such other order, including rejection of the appeal, as it may deem fit:

Provided that before passing any order under subsection (3), the Appellate Authority shall provide an opportunity of being heard to the appellant and to the designated officer.

(4) In case the appellant or the designated officer is aggrieved of a final order passed under subsection (3), he may prefer an appeal to the Commission, within fifteen days of issuance of such final order of the Appellate Authority.

7. Time frame for disposal.— (1) An appeal under subsection (4) of section 6 of the Act, shall be disposed of within thirty days of the receipt of appeal.

(2) Any other matter or complaint, to be adjudicated by the Commission, may be disposed of, within a period of sixty days, from the date of receipt of such complaint or entrustment of such matter, as the case may be.

8. Powers of Appellate Authority.— The Appellate Authority shall, while deciding an appeal under section 6 of the Act, have the same powers as are vested in the Civil Court under the Code of Civil Procedure, 1908 (*V of 1908*), in respect of the following matters:

- (a) requiring the production and inspection of documents;
- (b) issuing summons for hearing to the designated officer and the appellant;
- (c) requisitioning any public records or copies thereof from any Government office;
- (d) levying of fine or compensation upon the concerned designated officer to pay compensation;
- (e) directing the designated officer to pay compensation to the eligible person; and
- (f) any other matter which may be prescribed by the rules.

9. Display of public services.— The details of the designated officers, public services and the specified time limit thereof shall be displayed locally on the notice board in every Authority and notified in the official Gazette and if possible, also on the website of the concerned Authority, for the information of the general public.

10. E-governance of services.— The Government shall endeavor and encourage all the authorities required under the Act to deliver to the eligible persons, the public services within the specified time limit, as a part of e-Governance.

11. Penalty for not providing public service.— (1) If the Appellate Authority is of the opinion that the designated officer has failed to provide a public service to the eligible person within the specified time limit or has caused delay in providing the public service or has provided the public service, which is deficient in any manner, the Appellate Authority shall by notice, call upon the designated officer to show cause, within thirty days of the receipt of such notice, for failure to provide such public service.

(2) If, after having considered the cause, if any shown by the designated officer, the Appellate Authority opines that the designated officer has acted in the manner as provided in subsection (1), the Appellate Authority shall, impose a fine on such designated officer which may extend to rupees twenty five thousand but shall not be less than rupees five hundred.

12. Penalty for not deciding the appeal within the specified time.— Where the Commission is of the opinion that the Appellate Authority has failed to decide the appeal within the time limit specified in subsection (2) of section 6, without any

sufficient or reasonable cause, it may impose a fine on the Appellate Authority, which shall not be less than rupees one thousand but may extend to rupees twenty five thousand:

Provided that before imposition of such fine, the Appellate Authority shall be given a reasonable opportunity of being heard by the Commission.

13. Compensation.— On imposition of fine under section 11 or section 12, the Appellate Authority or the Commission, as the case may be, by order, direct that a portion of such fine imposed, as it may deem fit, be awarded to the aggrieved person, as compensation:

Provided that the amount of such compensation awarded shall not exceed seventy percent of the amount of fine imposed.

14. Disciplinary action.— In addition to the imposition of fines under section 11 or section 12, the Commission may, if it is satisfied that the designated officer or the Appellate Authority, as the case may be, has failed to discharge the duties assigned to him under the Act without sufficient or reasonable cause, recommend disciplinary action against him under the relevant law and the rules for the time being in force.

15. Acknowledgment of good performers.— (1) The Government, may by notification or otherwise, maintain and publish from time to time but at least once in every quarter, a roll of honour, acknowledging the names of those designated officers and other Government servants appearing on it, who have been consistently performing well either in providing public services timely and in efficient manner, or have been reputed for discharging their administrative duties and disposal of case work, adequately and within prescribed time as envisaged under the Act.

(2) The Government may prescribe independent evaluation criteria, designate an independent panel of evaluators from amongst members of Commission or otherwise and devise a comprehensive policy for the purposes of acknowledgment of the services of good performers, as laid down in subsection (1):

Provided that while prescribing the policy, the Government may, amongst other things to acknowledge the services of good performers and promote the culture of efficient and timely service delivery, also prescribe and approve cash rewards for the best performers.

16. Establishment of the Punjab Right to Public Services Commission.— (1) The Government shall, by notification in the official Gazette, establish an independent Commission to be known as the Punjab Right to Public Services Commission, to exercise the jurisdiction, powers and authority conferred under the Act, including:

- (a) hearing appeals against the orders of the Appellate Authority;
- (b) making provisions for speedy access to public services in accordance with the provisions of the Act; and
- (c) payment of compensation for delayed delivery of public service by any designated officer to the eligible person.

(2) The Commission shall comprise a Chief Commissioner and two Commissioners, to be appointed by the Government from persons having domicile of the Punjab, in such manner and on such terms and conditions, as may be prescribed, and until so prescribed, as may be determined by the Government.

(3) The Commission shall be headed by the Chief Commissioner, who shall be a retired senior Government servant, not below the rank of BPS-21 with proven integrity and intellect.

(4) The other two Commissioners shall be appointed by the Government, in the following manner:

- (a) a former civil servant of BPS-20 or above, with proven integrity and intellect, who has demonstrated expertise in one or more of the following:
 - (i) financial management; or
 - (ii) public administration, regulation and discipline;
- (b) an eminent person, having a bachelor degree in the relevant field and has been associated with public services for a period of fifteen years, provided that he may not be less than forty five years of age.

(5) The Chief Commissioner and the Commissioners shall hold office for a period of three years from the date on which they enter upon office or until they attain the age of sixty five years, whichever is earlier.

(6) Upon completion of their term, the Chief Commissioner and the Commissioners shall not be eligible for reappointment.

(7) In the event of the absence or incapacity of the Chief Commissioner or any of the Commissioners, or if that office is vacant, the Government may appoint any qualified person to hold that office in the interim for a term not exceeding six months on the terms and conditions determined by the Government.

(8) The Government may remove the Chief Commissioner or the Commissioner before the expiry of his term on ground of misconduct or of being incapable of properly performing the duties of his office by reason of physical or mental incapacity:

Provided that before removing the Chief Commissioner or the Commissioner, as the case may be, the Government shall give him an opportunity of being heard in person.

(9) The Chief Commissioner and the Commissioners shall engage exclusively in the duties and functions of the Commission and may not hold any other office of profit or engage in any other employment for reward.

(10) The Government shall provide the Commission with such officers and ministerial staff, as may be required for the discharge of its functions under the Act.

(11) The Commission may, in consultation with the Government, appoint such officers and ministerial staff, as may be necessary for the discharge of its functions under the Act.

17. Powers of the Commission.— (1) The Commission shall, for the purposes of its functions under the Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (V of 1908) in respect of the following matters, namely:

- a. summoning and enforcing the attendance of any person and examining him on oath;
- b. discovery and production of any document or other material object producible as evidence;
- c. receiving evidence on affidavits;
- d. requisitioning of any public record;
- e. issuing commission for the examination of witnesses;
- f. reviewing its decisions, directions and orders; and

g. any other matter which may be prescribed by the rules.

(2) The Commission shall have powers to regulate its own procedure.

(3) The Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

18. Staff and officers to be public servants.— The staff and officers of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (*XLV of 1860*).

19. Power to issue directions.— (1) The Commission shall, upon adjudication of a complaint, have the power to issue directions:

(i) requiring any Authority entrusted with administration to take such steps as may be necessary to secure compliance with the provisions of the Act or any other law under which the eligible person, entitled to a right or benefit; and

(ii) requiring the payment of compensation to the eligible person,

(2) Where the Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof and shall enjoy powers available to a Tribunal under the Tribunals of Inquiry Act, 1969 (II of 1969).

20. Punishment for frivolous complaints.— (1) Any person, whose appeal complaining against an alleged provision of public service or alleging any deficiency therein, within stipulated time is rejected by the Appellate Authority and while deciding so, the Appellate Authority is also of the view that his complaint was false, frivolous or vexatious and if such order is upheld by the Commission also, the complainant shall be served by the Commission, with a show cause notice, requiring him to submit his reply within a period of fifteen days of show cause in writing that why he shall not be prosecuted for filing a frivolous complaint.

(2) If the Commission is satisfied, upon receiving the reply to show cause notice and hearing the parties that the complaint so filed was false and frivolous, it may proceed to fine the complainant for an amount up to rupees fifty thousand.

21. Deposit of fines and fees.— (1) All fines, except those in nature of compensation to be paid to the eligible person under the Act, shall, upon recovery, be immediately deposited in the Public Account of the Province, so maintained in terms of Article 118 of the Constitution while all fees shall be deposited in the Provincial Consolidated Fund.

(2) All Authorities shall be bound to give effect to the orders and directions of the Commission in enforcing its decisions and orders, including but not limited to orders related to attachment and remission of properties, salaries and other receivable of the defaulters.

22. Protection of action taken in good faith.— No suit, prosecution or any other legal proceedings shall lie against any person for anything which is done or intended to be done in good faith, in pursuance of the provisions of the Act or the rules made thereunder.

23. Act to have overriding effect.— The provisions of the Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

24. Power of the Commission to send applications to the Appellate Authority directly.— Notwithstanding anything contained in the Act, the

Commission, if it receives any application alleging non-compliance of the provisions of the Act, may, if it deems fit, send such an application directly to any Appellate Authority for taking further action in the matter in accordance with the provisions of the Act.

25. Bar of jurisdiction of Courts.— No Court shall entertain any suit, application or other proceeding in respect of any order made under the Act and no such order shall be called in question otherwise than by way of appeal under the Act.

26. Power to make rules.— (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of the Act.

(2) Without prejudice to the generality of subsection (1), the Government shall have the power to prescribe forms and fees for making applications under the Act.

27. Power to frame regulations.— The Commission may, for the purposes of the Act, frame regulations not inconsistent with the Act and the rules.

28. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order, make such provisions, as it may deem necessary or expedient, for removal of the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before Provincial Assembly of the Punjab.

