

THE BALOCHISTAN CIVIL SERVANTS

(SENIORITY)

RULES, 2008

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RULES

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1 THE BALOCHISTAN CIVIL SERVANTS
(SENIORITY)
RULES, 2008

NOTIFICATION

[25" August, 2008]

No.SORL1]0.7)S&GAD/2007/929-1030. In exercise of powers conferred by Section 25 of the Balochistan Civil Servants Act, 1974, the Government of Balochistan is pleased to make the following rules, namely:-

1. Short title, application and commencement:— (1) These rules may be called the Balochistan Civil Servants (Seniority) Rules, 2008.

(2) They shall apply to all civil servants of Government of Balochistan.

(3) They shall come into force at once.

2. Definitions.— 7[(1) In these rules, unless there is anything repugnant to the subject or context,—

(a) "Appointing Authority" in relation to a post, means the Authority Competent under rule 4 of the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009 to make appointment to that post;

(b) "Chief Secretary" means an officer as defined in the Balochistan Government Rules of Business;

(c) "Commission" means Balochistan Public Service Commission;

(d) "Departmental Promotion Committee" means a Committee constituted under rule 5 of the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009 for making selection for promotion to such posts under a Department or office of Government in Basic Pay Scales 16 and below or equivalent;

(e) "Departmental Selection Committee" means a Committee constituted under rule 5 of the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009 for the purpose of making selection for initial appointment to post under a Department or office of Government in basic Pay Scales 15 and below or equivalent;

(f) "Final Seniority List" means the Seniority List issued under rule 2-A, sub rule 4;

1 These rules have been issued by the Services and General Administration Department, Government of Balochistan, vide its

Notification No.SORI.1(17)S&GAD/2007/929-1030 dated 25% August, 2008; and published in the Balochistan Gazette (Extraordinary) No. 222 dated 25" August, 2008.

2 Substituted by the S&GAD, Balochistan vide its Notification No. SO(RD1(17)2013-S&GAD/270-378, dated 16" January, 2013 published in the Balochistan Gazette (Extraordinary) No. 5, dated 16" January, 2013, for sub rule (1).

(g) "Head of Department" means an Administrative Secretary to Government of Balochistan;

(h) "Heads of Attached Departments" an officer as defined in the Balochistan Government Rules of Business;

(i) "Government" means the Government of Balochistan;

(Gj) "Provincial Selection Board" means a Board constituted by Government under rule 6-A of the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009 for the purpose of selection, promotion or transfer;

(k) "Provisional Seniority List" means a Seniority List issued under rule 2-A, sub-rule (3);

(1) "Schedule" means Schedule attached to these rules;

(m) "Selection Authority" means the Balochistan Public Service Commission or the Departmental Selection/Recruitment Committee as the case may be; and

(n) "Seniority" means the seniority assigned to a civil servant in a seniority list caused by the appointing authority to be prepared in accordance to the provisions of section 8 of the Balochistan Civil Servants Act, 1974 and these rules. }

(2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Balochistan Civil Servants Act, 1974.

2-A Issuance of Seniority List.— (1) As provided in section 8 of the Balochistan Civil Servants Act, 1974, the appointing authority shall every year in the month of January cause a Seniority list of the members for the time being of such service, cadre or post to be prepared, or revised the seniority list prepared in the previous year, as the case may be, in the manner as provided hereunder.

(2) The appointing authority or where the appointing authority is the Provincial Government or the Chief Secretary, the Head of Department concerned and in case of Civil Servants (BPS-1 to BPS-15) of Attached Departments, the Heads of Attached Departments, shall in the first instance prepare a Provisional Seniority List in the month of October every year in the Forms mentioned in Schedule appended to these rules, and satisfied itself that—

(a) all due care has been taken in the preparation of the list;

(b) no member has been left from mentioning in the list;

(c) all the particulars mentioned in the list about the members are entered correctly in accordance to the record of the department;

(d) the appointment of the member was made on regular basis, in accordance with the rules applicable to his recruitment and promotion;

1 Inserted by the S&GAD, Balochistan vide its Notification No. SO(RI)1(17)2013-S&GAD/270-378, dated 16th January, 2013; published in the Balochistan Gazette (Extraordinary) No. 5, dated 16th January, 2013.

(e) due weight has been given to the relevant provision of law and rules in assigning the position of each member in the seniority; and

(f) the list has been signed by the persons who have actually prepared it and countersigned by the person who checked it, at the bottom of each page with their designations.

(3) The Appointing Authority or the Head of the Department/ Attached Department, as the case may be, after preparation of the Provisional Seniority List as provided hereinabove sub-rule (2) shall with his signatures and designation, issued the same in the forms mentioned in Schedule-I and circulate it amongst all the members of that particular service, cadre or post and call for objections of the aggrieved members and afforded thirty (30) days for filing objections, (if any) from the date of issuance of the Provisional Seniority List.

(4) The Appointing Authority or the Head of the Department/ Attached Department, as the case may be, on receipt of an application containing the objections with proofs of the aggrieved members, having gone through the record in view of the objections raised shall pass his order for removing the error (if any) found in the Provisional Seniority List within shortest possible time but not later than thirty (30) days opportunity and thereafter issue a Final Seniority List or a revised Final Seniority List in the forms mentioned in the Schedule-II by an Order as the case may be or by a Notification in the Official Gazette and ensure its proper acknowledgement by the stakeholders:

Provided that the Appointing Authority or the Head of the Department/Attached Department, as the case may be, may provide an opportunity of hearing to the aggrieved member if so requested by him in his application for further clarification of his objections raised:

Provided further that no application containing the objection shall be entertained after the expiry of the period of thirty (30) days.

(5) The Seniority List once finalized and notified as provided hereinabove in sub-rule (4) cannot be re-opened by the same issuing authority.]

3. Seniority on initial appointment:— (1) Persons initially appointed on the recommendations of the selection authority through an earlier open advertisement shall rank senior to those appointed through a subsequent open advertisement.

(2) If two or more persons are recommended in open advertisement by the selection authority their inter-se seniority shall be determined in order of merit assigned by the selection authority [:]

[Provided that where the selection authority is either not competent to assign such order of merit or has omitted to do so and is unable to overcome the omission for reasons beyond its control, the seniority of civil servants appointed on the same date, shall be determined on the basis of age i.e. the civil servant older in age shall rank senior to the civil servant younger in age.]

1 Substituted by the S&GAD, Balochistan vide its Notification No. SO(RI)1(17)2013-S&GAD/270-378, dated 16th January, 2013 published in the Balochistan Gazette (Extraordinary) No. 5, dated 16th January, 2013, for the full stop.

2 Proviso added to the sub-rule (2), ibid.

(3)

If only one candidate is recommended in open advertisement by the selection

authority, his seniority shall be counted from:-

(a) the date of recommendation by the selection authority, if he was already holding the same post on ad hoc basis; and

(b) the date of his joining the post after being recommended by the selection authority if he was not already holding the same post.

4. Seniority on promotion:— Seniority in a service, cadre or post to which a civil

servant is promoted shall take effect from the date of regular promotion to that service, cadre, or post: provided that:

(a)

(b)

(c)

(d)

(e)

civil servants selected for promotion to higher posts on an earlier date shall be senior to those selected for such promotion on a latter date;

civil servants selected for promotion to higher posts in one batch, shall on their promotion to the higher posts, retain their inter-se seniority as in the lower post; and

civil servants eligible for promotion who could not be considered for promotion in the original reference in circumstances beyond their control or inadvertently omitted from consideration in the original reference and are superseded, when they are subsequently considered and approved for promotion or whose case was deferred while their juniors were promoted to the higher posts, shall on promotion, without supersession take their seniority with the original batch ![:]

[Provided that 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, shall on subsequent promotion, subject to any order made by the Competent Authority in this behalf for the purpose of inter-se seniority in the higher post be deemed to have been promoted in the same batch as his juniors. |

That if a senior person declines promotion to suit his convenience, he should lose his seniority to the next junior person who is promoted in the relevant

vacancy, and that he should not be considered for promotion till after his case for promotion has been considered again by the Selection Board/Departmental Promotion Committee in the subsequent meeting.

The ad hoc service does not reckon for the purpose of seniority and the ad hoc appointee should not be promoted to a higher grade. As defined in the Balochistan Civil Servants Act, 1974, the "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.

1 Substituted by the S&GAD, Balochistan vide its Notification No. SO(RI)1(17)2013-S&GAD/270-378, dated 16th January, 2013 published in the Balochistan Gazette (Extraordinary) No. 5, dated 16th January, 2013, for the full stop.

2 Proviso added to the clause (c), *ibid.*

5. Seniority on appointment by transfer.— Seniority in a service, cadre or post to which a civil servant is appointed by transfer shall take effect from the date of regular appointment to the service, cadre or post;

Provided that:-

(a) persons belonging to the same service, cadre or post selected for appointment by transfer to a service, cadre or post in one batch shall, on their appointment, take inter-se seniority in the order of their date of regular appointment in their previous service, cadre or post; and

(b) persons belonging to different services, cadres or posts selected for appointment by transfer in one batch shall take their inter-se seniority in the order of the date of their regular appointment to the post which they were holding before such appointment and, where such date is the same, the person older in age shall rank senior.

6. Seniority on merger of Department.— In the event of merger of departments, subordinate offices, the inter-se seniority of civil servants, other than those belonging to regularly constituted occupational groups and services, shall be determined in accordance with the date of regular appointment to a cadre or post. Whereas official rendered surplus in one department is absorbed in the other department, seniority will count in particular grade from date of absorption in the new department and benefit of past service in previous department cannot be claimed.

7. Change of cadre on one's own request — Effect on seniority.— A person initially recruited in one cadre/service/ department and subsequently on his own request absorbed in other cadre/service/ department his seniority would be reckoned from the date of joining the new cadre. Similarly, transfer not made pursuant to a policy of Government but on the request of a Government servant, particularly from one province to another, his seniority shall be fixed from the date of induction in the particular grade/cadre/service. His seniority in his original service to which he belonged would become irrelevant once he has been inducted into a new cadre with effect from a particular date.

8. Seniority of officers of the Armed Forces on induction in civil posts.—

Officers of the Armed Forces of Pakistan who are inducted in a civil service, cadre or post in accordance with the Government orders and instructions shall take seniority in that service, cadre or post from the date of such induction:

Provided that the officers inducted in one batch shall, on induction, retain their inter-se seniority as in the Armed Forces of Pakistan.

9. '[Inter-se seniority of civil Servants appointed in the same calendar years.— Civil Servants appointed by promotion, transfer, or initial appointment to a service, cadre, or post shall take seniority from the date of their regular appointment to that service, cadre or post:

Provided that the provisions of this rule shall not in any manner affect or impair the rights of the existing incumbents.]

10. {Seniority during/after availing Extra Ordinary Leave (without pay).—

The seniority of the civil servant during or after availing Extra Ordinary Leave (without pay) shall not be affected and shall retain their inter-se seniority. However, the period of Extra Ordinary Leave (without pay) shall not be counted towards prescribed length of service for promotion.

11. Fixation of Seniority of a civil servant reverted to a lower post/ grade/time scale/service as a measure of imposition of penalty.— (1) Whenever a civil servant is reduced to a lower grade/post or to a lower time scale, the order imposing the penalty of reduction to a lower grade/post to a lower time scale may or may not specify the period of reduction. Whenever a such penalty of reduction to a rank/lower grade/post or to a lower time scale is imposed upon a civil servant, thereafter his seniority shall be fixed at the top of the existing incumbents of the lower rank/ grade/post or time scale.

(2) An order imposing the penalty of reduction to a lower grade/post or to a lower time scale shall invariably specify the period. The penalty cannot be made operative for an indefinite period and the concerned Civil Servant is entitled to the benefit of seniority without privileges, so availed by his juniors. However, on expiry of the period of penalty the civil servant shall be re-promoted automatically to the post/grade/time scale from which he was reduced. His seniority in the original service, grade or post or time scale shall be fixed/restored in the higher service, grade or post or the higher time scale at which it would have been but for his reduction. If his juniors were promoted in between to the next higher post/Basic Pay Scale, his seniority shall be fixed on the top of the existing incumbents of his substantive post/rank and he shall be entitled for promotion on first available vacancy and after promotion his seniority shall be fixed with his original batch, but shall not be entitled for proforma promotion from the date his juniors were promoted.]

BY ORDER OF
GOVERNOR BALOCHISTAN

CHIEF SECRETARY
BALOCHISTAN

(See *Schedule on next page)

1 Rule 10 and 11 added by the S&GAD, Balochistan vide its Notification No. SO(RI)1(17)2013-S&GAD/270-378, dated 16" January, 2013; published in the Balochistan Gazette (Extraordinary) No. 5, dated 16" January, 2013.

Schedule-I and Schedule-II (containing Form-A and Form-B) are added with the amendments made vide S&GAD, Balochistan Notification No. SO(RD1(17)2013-S&GAD/270-378, dated 16% January, 2013; published in the Balochistan Gazette (Extraordinary) No. 5, dated 16" January, 2013.

SCHEDULE -I

FORM-A

www.ezqanoon.com {See rule 2 (1) (1) and 2-A (3)}

(For BPS-16 and above Civil Servants)

GOVERNMENT OF BALOCHISTAN

(Name of Department)

Dated, the ——s day of ——s 2013.

NOTIFICATION

No. SO. 2013- In pursuance of sub-Section-1 of Section-8 of the Balochistan Civil Servants Act, 1974 read with Rule 2-A (3) of (Seniority) Rules, 2008, the Provisional Seniority List of (BPS- _) of the (designation of the Post) (Name of Department/Attached Department) as stood on is hereby issued for information of all the BPS and objections (if any) are invited along with necessary (date of issue) (name of posts)

Proofs/documents within a period of thirty (30) days from the date of issuance mentioned above, failing which it will be assumed that the data incorporated therein is correct. Any objection received after the said period shall not be entertained.

Seniorit Name of Civil Qualification Home District Date of 1* Source of appointment in the Date of Status of Remarks

No. y Servant and and Date of appointment in DATE OF REGULAR APPOINTMENT/PROMOTION IN BASIC present grade s

Designation Birth Government PAY SCALE examination/

thereof Service other mandatory

courses

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pos Tas

DG DO (O/N (OO (ON (I (OO

Prepared by: Checked _b' Issuing Authority:

(Signature) (Signature) (Signature)

Name: Name: Name:

Designation: Designation: Designation:

Dated: Dated: Dated:

NO. EVEN. DATED. EVEN.

A copy is forwarded to:-

1. The Secretary S&GAD (in case of BPS-19 and above Officers)

2. The Head of the Attached Department (concerned)

3. The Officer Concerned

4. Master File.

Endorsing Authority:

(Signature)

Name:

Designation:

Date:

SCHEDULE -I

FORM-B

{See rule 2 (1) (1) and 2-A (3)}

(For BPS-1 to BPS-15 Civil Servants)

GOVERNMENT OF BALOCHISTAN

www.ezqanoon.com

(Name of Department/Attached Department)

Dated, the day of 2013.

www.ezqanoon.com ORDER.

No. SO. 2013- In pursuance of sub-Section-1 of Section-8 of the Balochistan Civil Servants Act, 1974 read with Rule 2-A (3) of the Balochistan Civil Servants (Seniority) Rules, 2008, the Provisional Seniority List of (BPS-) of the as stood on is

(designation of the Post) (Name of Department/Attached Department) (date of issue)

hereby issued for information of all the BPS and objections (if any) are invited along with

(name of posts)

necessary proofs/documents within a period of thirty (30) days from the date of issuance mentioned above, failing which it will that you have been assigned right position and all the data incorporated therein is correct. Any objection received after the said

be entertained.

- Name of Civil
Seniority Servant and
No Designation
thereof

Po

Qualification Home Date of 1*

District and appointment in

DATE OF REGULAR

Source of appointment in Date of Status of Remarks
the present grade superannuation Departmental (if any)

Date of Government APPOINTMENT/PROMOTION IN BASIC PAY examination/

Birth Service

other mandatory
courses

BPS-7 BPS-9 BPS-14 BPS-15 By By
direct promotion

Poe ft 7 tt

a a

Prepared by: Checked by Issuing Authority:

(Signature) (Signature) (Signature)

Name: Name: Name:

Designation: Designation: Designation:

Dated: Dated: Dated:

NO. EVEN. DATED. EVEN.

A copy is forwarded to:-

1. The Secretary concerned (in case of BPS-14 and above Officials)

2. The Divisional Head Department (concerned)

3. The Official concerned

4. Master File.

Endorsing Authority:

(Signature)

Name:

Designation:

Dated:

SCHEDULE -IT

FORM-A

{See rule 2 (1) (1) and 2-A (4)}

(For BPS-16 and above Civil Servants)

TO BE PUBLISHED IN THE EXTRA GOVERNMENT OF BALOCHISTAN

ORDINARY ISSUE OF BALOCHISTAN GAZETTE

(Name of Department)

Dated, the day of 2013.

NOTIFICATION

www.ezqanoon.com

No. SO. 2013- In pursuance of sub-Section-1 of Section-8 of the Balochistan Civil Servants Act, 1974 read with Rule 2-

www.ezqanoon.com~ (4) of the Balochistan Civil Servants (Seniority) Rules, 2008, the Final Seniority List of (BPS- _) of the as stood on

(designation of the Post) (Name of Department/Attached Department) (date of issue of Provisional Seniority list)

is hereby issued for information of all the BPS
(name of posts)

Date of Birth Govt Service PAY SCALE examination/

other mandatory

Seniority Name and Qualification Home Date of 1* Source of appointment in the Date of Status of Remarks

No Designation District and appointment in DATE OF REGULAR APPOINTMENT/PROMOTION IN BASIC present grade sup

courses

Prepared by: Checked _by Issuing Authority:

(Signature) (Signature) (Signature)

Name: Name: Name:

Designation: Designation: Designation:

Dated: Dated: Dated:

NO. EVEN. DATED. EVEN.

A copy is forwarded to:-

1. The Secretary S&GAD (in case of BPS-19 and above Officers)

2. The Head of the Attached Department (concerned)

3. The Officer concerned

4. Master File.

Endorsing Authority:

(Signature)

Name:

Designation:

Dated:

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SCHEDULE -I

FORM-B

{See rule 2 (1) (1) and 2-A (4)}

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(For BPS-1 to BPS-15 Civil Servants)

GOVERNMENT OF BALOCHISTAN

(Name of Department/Attached Department)

Dated, the day of 2013.

ORDER.

No. SO. 2013- In pursuance of sub-Section-1 of Section-8 of the Balochistan Civil Servants Act, 1974 read with Rule 2-A (4) of

Balochistan Civil Servants (Seniority) Rules, 2008, the Final Seniority List of (BPS-)

(designation of the Post)

of the as stood on is hereby issued for information of all the BPS .

(Name of Department/Attached Department) (date of issue of Provisional Seniority list) (name of posts)

Name of Civil Qualification Home District Date of 1* Source of appointment in the Date of Status of Remarks

Seniority Servant and and Date of appointment in DATE OF REGULAR present grade superannuation Departmental (if any)

Designation i Government Service APPOINTMENT/PROMOTION IN BASIC PAY examination/

thereof other mandatory

courses

(Signature)

Name:

Designation:

Dated:

NO. EVEN. DATED. EVEN

A copy is forwarded to:-

1. The Administrative Secretary (concerned) (in case of BPS-14 and above Official)

2. The Official concerned

3. Personal file.

4. Master File.

Endorsing Authority:

(Signature)

Name:

Designation:

Dated:

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