

THE BALOCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

No, 29 QUETTA MONDAY APRIL 16, 2012

GOVERNMENT OF BALOCHISTAN
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT
(REGULATION SECTION-J)

NOTIFICATION.

Dated Quetta, the April 16, 2012

NOTIFICATION

No.S.O.(R-I) 1(16)/2012-S&GAD/961-1060 In exercise of powers conferred by section 25 of the Balochistan Civil Servants Act, 1974 (Act No. IX of 1974), the Government of Balochistan is pleased to make the following rules regulating Confirmation of the Civil Servants and the matters connected therewith, namely:-

Short title, 1. (1) These rules may be called the Balochistan Commencement Civil Servants (Confirmation) Rules, 2012.

ent and

application

(2) They shall come into force at once.

(3) They shall apply to the civil servant who is a member of civil service of Government or who is serving in a civil capacity on regular, basis in connection with the affairs of the Provincial Government, but shall not apply to any person who is employed on contract basis or on adhoc basis.

Definitions. 2. (1) In these Rules, unless there is anything repugnant in the subject or contexts:-

(a) "Act" means the Balochistan Civil Servants Act, 1974 (Act No. IX of 1974);

Page 1 of 17

(b)

(c)

(d)

(e)

(g)

(h)

“Antecedents of the case” means all the relevant documents required for confirmation which include the appointment Order/ promotion or any other relevant orders of the service, seniority list, proof of the vacancies, Performance Evaluation Report (PER) and PERs synopsis for last two years for confirmation, certificates regarding non-pendency of any Departmental enquiry, departmental or criminal proceedings, certificate that no other officer is holding lien against the post, certificate of performance of those categories (B-6 and below) whose PERs are not to be written under the Performance Evaluation Guide of Balochistan, 2009 or any other relevant document for processing of such cases by the Departmental Confirmation Committees;

“Civil Servant” as defined in Section 2 (b) of the Balochistan Civil Servants Act, 1974;

“Confirmation Authority” means the authority Competent to confirm a Civil Servant under these rules, as specified under rule 4 of the Balochistan Civil Servants (Appointment, Promotion and _ Transfer) Rules, 2009 and as specified in Schedule-II and II];

"Departmental Confirmation Committees" means the Committees constituted under Rule-5 for making confirmation of civil servants and set out in Schedule-II and III of these rules;

“Foreign Service” means service in which a civil servant receives his pay with the sanction of Government from a source other

than the Provincial Consolidated Fund;

“Lien” means the title of a civil servant to hold substantively a post on which he has been confirmed;

“Probationer” means a_ civil servant employed on probation in or against a substantive vacancy in the cadre of a department, however, it does not cover a civil servant who holds substantively a permanent post in a cadre and is merely appointed “on probation” to another post:

Page 2 of 17

Scanned with CamScanner

(i)

(k)

(2)

Provided that:

i. the status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise; and

ii. no person appointed substantively to a permanent post in a cadre is a probationer unless definite conditions of probation have been attached to his appointment, such as that he must remain on probation pending the passing of certain examination.

“Schedule” means Schedule annexed to these Rules;

“Synopsis” means the synopsis of the ACRs/PERs alongwith grading in respect of each civil servant whose case is required to be presented before the relevant committee for confirmation, except (BPS-1 to BPS-6) employees whose PERs are not to be initiated under the Performance Evaluation Guide, 2009,

Words and expressions used herein but not

defined in these rules shall have the same meanings as are assigned to them in the Balochistan Civil Servants Act, 1974 (Act No.IX of 1974).

2-A. (1) A person appointed to a post for the Service on regular basis in accordance with Rules 9, 10, 12, 13, 14 and 13-B of the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009, shall remain on probation for a period of two years of the active service if appointed by initial recruitment and for a period of one year of the active service, if a civil servant is already in the Service of Government, appointed by Promotion from one post to another post of higher grade/Transfer in accordance of Rule 7 of the aforesaid Rules:

Provided that:-

- (a) there will be no probation period for promotion within the same grade;
- (b) the probationary period begins on the date of assumption of the charge of the post as the probationary period runs from the effective date of appointment;
- (c) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation;
- (d) an employee who has resigned and is thereafter reinstated, either by the former agency/or by another agency, is required to serve a new probationary period in the same manner and subject to the same requirements as that of the original appointment;
- (e) if a person serving on probationary term is appointed to a higher post on temporary or provisional basis, the appointing authority may count the appointee's service in the higher post toward the satisfactory completion of the probationary term in the lower level post;
- (f) the probationary period does not include any period:
 - (i) of leave without pay;
 - (ii) of full-time language training;
 - (iii) of leave with pay of more than 30 consecutive days.

1 Inserted by S&GAD's Notification No. S.O. (R-I)1(16)/2012-S&GAD/3268-3367 dated 31" December, 2012,

www.ezqanoon.com

Page 4 of 17

Scanned with CamScanner

outer, to i rules provide that the probationary term

eee: W € maximum limit, unless the appointing authority B1VES written notice to the probationer that the probationary term hag been successfully completed, If the work or conduct of any member of the Service during the period of Probation has, in the opinion of appointing authority, not been satisfactory, the appointing authority may notwithstanding that the period of probation has not expired, it may:-

(a) if such member is appointed by direct recruitment, dispense with his services, or

(b) in case he has been appointed otherwise, revert him to his former post on which he held lien prior to his appointment to the Service by direct appointment; and if there be no such post, dispense with his service; or

(c) extend the period of probation by a period not exceeding two years in all during or on the expiry of such period as it could have been passed during or on the expiry of the initial probationary period.

(3) if during the period of probation, a probationer has not undergone the requisite training course or passed the requisite departmental examinations, (if any) prescribed or has not been on duty training for at least 75% of the probation period, the period of probation may be extended by such period or periods as may be necessary subject to the condition that the total period of probation shall not exceed four years the prescribed period of probation except in the cases mentioned below:-

the period of probation may be extended for such period as the appointing authority may deem fit in the circumstances of the case in respect of a probationer who is:

(1) under suspension;

(2) against whom disciplinary proceedings are pending; or

(3) against whom prosecution for criminal charge is pending.

General
Principles of
Confirmation.

_ (4) On Successful completion of probationary Period, in respect of any service or post or grade, which includes the Passing of a prescribed examination, test or course or successful completion of any training, a person "ppointed on probation to such service or post who, before the expiry of the original or extended period of his

Probation, the appointing authority shall, by specific order terminate the probation.

(5) If no orders have been made by the day following the completion of the initial probationary period, the period or Probation shall be deemed to have been extended, and if no orders have been made by the day on which the maximum period or probation expires, the probationer shall, subject to the proviso to sub-section (3) of section 6 of the Balochistan Civil Servants Act, 1974, be

deemed to have Satisfactorily completed his period of probation.

(6)

The employee has the right, upon reasonable notice, to re

turn to his permanent position at any time during the probationary term if so desired. If the employee fails to perform satisfactorily during the probationary term, he shall be returned to his former position at the end of the probationary term. Unless notified of successful completion or termination at an earlier date, the employee is deemed

to have completed probation at the end of the maximum term.]

3. (1) A Civil Servant initially appointed to a service or post as defined in Section 5 of the Balochistan Civil Servants Act, 1974, not being an adhoc appointment,, on probation including a civil servant promoted or appointed to a post on transfer, in accordance with the prescribed method of recruitment, shall on satisfactory completion of his probation and passing of Departmental Examination (if any) be eligible for confirmation in that post:

Provided that the confirmation shall be made only against a permanent post and shall take effect from the

date of creation of permanent vacancy in that service or post or from the date of continuation officiation in such service or post whichever is later. Confirmation shall be made only against clear vacancies on which no other person holds any active or suspended lien:

Provided further that two or more civil servants shall not be confirmed in the same post and at the same time or in a post on which another civil servant holds a lien:

Provided also that a civil servant shall not be confirmed on two or more posts at the same time.

Page 6 of 17

Scanned with CamScanner

(2) A civil servant shall be considered for confirmation strictly in order of his seniority, te. junior persons should not be confirmed in preference to their seniors if they are also eligible for confirmation.

(3) | No confirmation shall be made against the post vacated on dismissal, removal, termination or compulsory retirement of a civil servant until his appeal against such dismissal or, as the case may be, removal, termination or compulsory retirement is finally decided.

(4) A person against whom disciplinary action is pending should not be confirmed. If a person junior to him is to be confirmed, a vacancy should be earmarked for the senior person. He should be considered for confirmation in the light of the decision, that may be taken in the disciplinary case.

(5) If a person already holds a lien against some other post in another Department or cadre, his consent to termination of his lien against that post should be obtained before he is confirmed against another post.

(6) If a person is to be confirmed in the borrowing department, the consent of his parent department where he holds a lien, or where his interests are safeguarded, should be obtained.

(7) Confirmation in promotion posts should be made in the ascending order, i.e. a person, who is eligible for confirmation in more than one post, should be confirmed first in the lower post and then, step by step, in higher posts from the dates he is due for confirmation in these posts.

(8) On confirmation of a civil servant in a post, his lien, if any, on any other post shall stand terminated.

(9) A civil servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

(10) A _ civil servant cannot be appointed substantively to a post on which another civil servant holds a lien.

(11) Unless in any case it be otherwise provided in these rules, a civil servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

Procedure for
preparation of
cases.

Confirmation
Committees.

Acquiring of
lien.

(12) On availability of a permanent vacancy in a cadre, confirmation shall be made there against on the basis of seniority-cum-fitness. If that post when converted into permanent post and becomes available for confirmation, not the existin gincumbent of that permanent post but the senior most in the cadre is confirmed against it Irrespective of the fact whether he is holding the charge of that post or not. Even if an officer or official retires or dies before his confirmation in service and after his retirement it comes to knowledge that some vacancies were available for their confirmation while in service, they should be confirmed first w.e.f. the dates of availability of the vacancies in their favour. These vacancies will be treated available again for confirmation of others w.e.f., the

dates of retirement or death of the employees who were confirmed as such there against.

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

4. All cases of confirmation, shall be placed before the respective Confirmation Committees through a Working

Paper alongwith the antecedents and form set out in the Schedule-II;

5. The confirmation shall be made. onthe recommendations of the Confirmation Committees constituted for the purpose and with the approval of authorities as set out in the Schedule-II and Schedule-III.

6. (1) On confirmation in a permanent post, a civil servant shall acquire a lien in that post and shall retain it during the period when he:

(a) holds a temporary post other than a post ina

service or cadre against which he was originally appointed;

(b) holds a post on deputation with a Foreign Government, an international organization, a multinational corporation or any other organization outside Pakistan;

(c) holds a post in Foreign Service in Pakistan;

(d) is on leave;

(e) is called for duty in the Armed Forces as reservist of Armed Forces of Pakistan;

(f) is under suspension; and

Page 8 of 17

Scanned with CamScanner

Termination of lien.

(¥) is on joining time on transfer to an other post unless he is transferred substantively to post on lower-pay, in which case his lien shall transferred to the new post from the date on which he is relieved of his duties in the old post.

(2) A civil servant acquiring lien as referred in sub-rule(1), shall cease to hold lien acquired previously on any other post.

(3) | The person concerned shall have the right to retain his lien for a maximum period of two years, if he is a permanent/ confirmed employee.

7. (1) The lien of a civil servant who is reduced in rank or reverted to a lower post as a consequence of action taken against him under the Balochistan Employees' Efficiency and Discipline Act, 2011 (Act No. VI of 2011) or any rules made thereunder, shall be terminated against the post from which he is reduced in rank or, as the case may be, reverted to a lower post:

Provided that such civil servant shall acquire a lien against the lower post.

(2) A civil servant shall cease to hold lien against a post under Government if he takes up an appointment on selection in an Autonomous Body, Semi-Autonomous Body, Corporation etc and private Organization, under the control of Federal Government, Provincial Government, local authority or a private organization, must on accepting it, resign his appointment under Government.

(3) Furthermore, before issuing NOCs to the Civil Servants while applying against the posts in Autonomous and Semi Autonomous Bodies, it should clearly be mentioned that in case of selection, the applicant shall have to tender resignation and shall have no right of lien. The Civil Servants if selected for appointment in Autonomous/Semi-Autonomous Bodies remains no more a Civil Servant. Consequently, right of lien cannot be granted to such employees. Appointment of civil servants in the Autonomous/Semi-Autonomous Bodies is considered as fresh/direct appointment, therefore they have to tender resignation before joining the Autonomous/Semi-Autonomous Bodies.

(4) Notwithstanding the consent of a civil servant, his lien on a post under the Provincial Government shall not be terminated until he acquires lien on any other post.

(5) The lien of civil servant could not be terminated even with his/her consent before he/she was confirmed in another post.

Page 9 of 17

Scanned with CamScanner

(6) A confirmed civil servant who, of his own accord, joins some other service, post or cadre on regular basis shall have, after being selected through a regular selection process, the right of reversion to the previous post against which he shall hold lien only during the period of his probation on his new service, post or cadre.

(7) | Where the deputationists opt for permanent absorption in the borrowing organizations and such organizations are other Governments/Departments, the deputationists will not be required to resign but their liens in the parent Government/ Department will be terminated.

(8) (1) A competent authority shall suspend the lien of a civil servant on a permanent post which he holds substantively if he is appointed in a substantive capacity:

(a) to a tenure post, or

(b) to a permanent post outside the cadre on which he is borne, or

(c) Provisionally, to a post on which another civil servant would hold a lien had his lien not been suspended under this rule.

(2) A competent authority may, at its option, suspend the lien of a civil servant on a permanent post which he holds substantively if he is deputed out of Pakistan or transferred to foreign service, or in circumstances not covered by sub-rule (1) of this rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than two years.

(3) Notwithstanding anything contained in sub-rule (1) or (2) of this rule, a civil servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(4) If a civil servant's lien on a post is suspended under sub-rule (1) or (2) of this rule, the post may be filled substantively, and the civil servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

Explanation:— (a) This sub-rule applies also
www.ezqanoon.com if the post concerned is a
post in a selection grade

of a cadre.

(b) When a post is filled
substantively under this
sub-rule, the appointment
will be termed "a
provisional appointment"
the civil servant
appointed will hold a
provisional lien on the
post; and that lien will be
liable to suspension
under sub rule (1) of this
Rule.

(5) A civil servant's lien which has been
suspended under sub rule (1) of this rule shall revive as
soon as he ceases to hold a lien on a post of the nature
specified in sub-clauses (a),(b) and (c) of that clause.

(6) A civil servant's lien which has been
suspended under sub rule (2) of this rule shall revive as
soon as he ceases to be on deputation out of Pakistan or on
Foreign service or to hold a post in another cadre, provided
that a suspended lien shall not revive because the civil
servant takes leave if there is reason to believe that he will,
on return from leave, continue to be on deputation out of
Pakistan or on Foreign service or to hold a post in another
cadre and the total period of absence on duty will not fall
short of three years or that he will hold substantively a
post of the nature specified in sub-clause (a), (b) or (c) of
sub-rule (1).

(9) (1) Except as provided in sub-rule (3) of
this rule and in Explanation under sub-rule 8, a civil
servant's lien on a post may in no circumstances be
terminated, even with his consent, if the result will be to
leave him without a lien or a suspended lien upon a
permanent post.

(2) In a case covered by sub-rule (1) (b) of sub
rule 8 the suspended lien may not, except on the written
request of the civil servant concerned, be terminated while
the civil servant remains in Government service.

(3) | Notwithstanding the provisions of sub-rule 8
(1), the lien of a civil servant holding substantively a
permanent post shall be terminated on his appointment
substantively to the post.

www.ezqanoon.com _=|

Scanned with CamScanner

baba 2S TI (10) Subject to the provisions of sub-rule 11, a competent authority may transfer to another permanent post in the same cadre the lien of a civil servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

(11) (1) Government may transfer a civil servant from one post to another; provided that except—

(a) on account of inefficiency or misbehaviour, or

(b) on his written request, a civil servant shall not be transferred substantively to, or, except in a case covered by rule appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under sub rule (8).

(2) Nothing contained in sub rule (1) above shall operate to prevent the re-transfer of a civil servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of sub-rule

(8) (1).

Supersession 8. These rules shall supersede all previous rules, of previous notifications, orders and instructions issued by the rules __, Government, from time to time relating to confirmation of notifications, civil servants.

orders etc.

BY ORDER OF
GOVERNOR BALOCHISTAN

CHIEF SECRETARY
BALOCHISTAN

Page 12 of 17

www.ezqanoon.com

Scanned with CamScanner

www.ezqanoon.com

www.ezqanoon.com

SCHEDULE-I

See Rule-4

SYNOPSIS OF PERs OF LAST TWO YEARS

CONFIRMATION CASE

SEEM VASE

NAME OF PERMANENT POST:

(Against which the Civil Servant is to be confirmed)

PERMANENT POST BECOME AVAILABLE ON

SENIORITY NO:

BPS OF POST:

HOW BECOME AVAILABLE

BRIEF OF ANNUAL PERFORMANCE EVALUATION REPORTS

Eee VN eR es

(1) Name of Officer:

(2) Father's Name:

(3) Designation:

(4) Date of Birth

(5) Date of first entry into service

(6) Date of appointment/ promotion in present Basic Pay Scale:

Fitness for
promotion as
judged by
Counter-
signing
Officer

Applicable to the BPS-16 and above employees only.

Adverse

report

with

remarks
(if any)

Whether Whether Whether
adverse representatl qualified
remarks on against Departmental
communicated adverae Examination
remarks
made, if so,
with what
results.

Section Officer (Estt/Admn)

Scanned with CamScanner

Page 13 of 17

SCHEDULE-I

See Rule-4

www.ezqanoon.com

SYNOPSIS OF PERs OF LAST TWO YEARS

CONFIRMATION CASE SENIORITY NO:

NAME OF PERMANENT POST: BPS OF POST:

(Against which the Civil Servant is to be confirmed)

PERMANENT POST BECOME AVAILABLE ON HOW BECOME AVAILABLE

BRIEF OF ANNUAL PERFORMANCE EVALUATION REPORTS

(1) Name of Official:

(2) Father's Name:

(3) Designation:

(4) Date of Birth

(5) Date of first entry into service

(6) Date of appointment/ promotion in present Basic Pay Scale:

Year/ Remarks by Remarks by the Fitness for
Period the Countersigning promotion

Reporting Officer

Applicable to the Non-Gazetted employees whose PERs to be written in pursuance of PEG of Balochistan 2009

Section Officer (Estt/Admn)

Page 14 of 17

www.ezqanoon.com

Scanned with CamScanner

SCHEDULE-I

Wwww.ezqanoon.com See Rule-4

PERFORMANCE OF OFFICIAL DURING THE LAST TWO YEARS

CONFIRMATION CASE SENIORITY NO; ____.

NAME OF PERMANENT POST: _____. «APS OF POST:_____.

(Against which the Civil Servant is to be confirmed)

PERMANENT POST BECOME AVAILABLE ON HOW BECOME AVAILABLE

(1) Name of Official: _____

(2) Father's Name: =

(3) Designation: a

(4) Date of Birth aia

(5) Date of first entry into service___EEEEEESESSSFSSFSFeSFSFeFeEFeFeFe

(6) Date of appointment/promotion in present Basic Pay Scale:

It is hereby certified that the performance of above named official during the period of probation remains satisfactory and is therefore recommended for confirmation.

SIGNATURE OF IMMEDIATE
CONTROLLING OFFICER

Where PER are not to be written of the Non-Gazetted employees in pursuance af PEG of Balochistan 2009

Section Officer (Estt/Admn)

Page 15 of 17

www.ezqanoon.com

Scanned with CamScanner

SCHEDULE-II
(See Rule-5)

Confirming Authorities.

Composition of the Committees in case of Civil
Servants of Attached Departments

Government,

Departmental Confirmation Committee No-I
shall be comprised of at least four Members,
which shall be headed by Senior Member (BoR)
as Chairman, Administrative Secretary
concerned Member/Secretary and Secretary,
S&GAD and Secretary Finance Department as
Members.

Posts in B-20 and
above.

Government.

POSTS IN
B-18 to B-19

Departmental Confirmation Committee No-II
shall be comprised of at least four Members,
which shall be headed by an Administrative
Secretary with each Member from the S&GAD
and Finance Department and Deputy Secretary
concerned as Secretary/Member

POSTS IN Chief Secretary.

B-16 and B-17

Departmental Confirmation Committee No-III
shall be comprised of at least four Members,
which shall be headed by an Additional
Secretary where there is no Additional Secretary,
then Deputy Secretary with each Member from
the S&GAD and Finance Department and
Deputy Secretary or Section Officer concerned as
Secretary /Member

(a) Administrative
Secretary.

POSTS IN
B-1 TO B-15

Departmental Confirmation Committee No-IV,
headed by a Deputy Secretary with a Member
from the S&GAD and Finance Department and

Section Officer concerned as Member/ Secretary.

OR

Confirmation Committee No-IV, headed by
Deputy Commissioner concerned as Chairman,
Additional Commissioner, Additional Deputy
Commissioner (General) as Members and
Assistant Commissioner (Revenue) as
Member/Secretary (For Board of Revenue
employees in District and Division).

(b) Divisional
Commissioner
(For Board of
Revenue
employees in
District and
Division).

Page 16 of 17

.ezqanoon.com

Scanned with CamScanner

SCHEDULE-III
(See Rule-5)

www.ezqanoon.com

Confirming Authorities.

Composition of the Committees in case of Civil
Servants of Balochistan Civil Secretariat.

Government.

Posts in B-20 and
above.

Departmental Confirmation Committee No-I
shall be comprised of at least four Members,
which shall be headed by Senior Member (BoR)
as Chairman, Secretary S&GAD, Secretary
Finance Department as Members and Additional
Secretary (Regulation) as its Member/Secretary.

Government.

POSTS IN
B-18 to B-19

Departmental Confirmation Committee No-II
shall be comprised of at least four Members,
which shall be headed by Secretary S&GAD and
Members Finance Department and Deputy
Secretary (Services-II) S&GAD as Member and
Deputy Secretary (Services-I) S&GAD concerned
as Secretary /Member

Chief Secretary

POSTS IN
B-16 and B-17

Departmental Confirmation Committee No-III
shall be comprised of at least four Members,
which shall be headed by Additional Secretary
(Admn)- S&GAD with Member from the Finance
Department, Section Officer (Regulation-I)
S&GAD as Member and Section Officer
(Services-II) S&GAD as Secretary/ Member.

Administrative Secretary.

Departmental Confirmation Committee No-IV
shall be comprised of at least four Members,
which shall be headed by a Deputy Secretary
(Services-II)- S&GAD with a Member from the
Finance Department, Section Officer

(Regulation-II)-S&GAD as Member and Section
Officer (Services-V) as Member/ Secretary.

POSTS IN
B-1 TO B-15

Page 17 of 17

www.ezqanoon.com

Scanned with CamScanner