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oro. The Baluchistan Gazette

eos) & PUBLISHED BY AUTHORITY || : _
Fou No. «31. 'QUETTA, » FRIDAY, MAY. 6, 1977. "
"ty." PROVINCIAL ASSEMBLY 'OF BALUCHISTAN

aes hh ~ NOTIFICATION. —

Lee ees . Dated Quetta, the 19th June, 1974.

No. Legis-x-(10)/74. The Baluchistan Civil Servants Bill.

' 1974 having beeh Passed by the Provincial Assembly of Baluchistan
" + on19th June, 1974 and assented to by the Governor. of Baluchistan,
fw, eh is hereby published as an Act of the Proyincial 'Assembly.

) THE BALUCHISTAN CIVIL SERVANTS ACT, 1974, BALUCHISTAN

oe ACT NO. IX OF 1974. .

+ . AN

i — ACT

to regulate the appointment af persons to, and the terms

| and conditions of service of persons in, the service of Baluchistan.

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| 'yo '.. Printed by the Manager Government Printing & Stationery Department : Baluchistan
ie , .., Quetta. Price Re 1/- mS

SS ; G.P.(Q)700-500-12-77.

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° Preamble... , _ WHEREAS it is expedient to ieoulaie. ky be ri *
law, the appointment. of persons to, and the - Bd
terms and conditions of "service of p2rsons ; ee ako
in, the service of Baluchistan and to provide for ot

matters connected therewith or. ancillary thereto; . yk 9

Itis hereby enacted as follows:-

| Short title appli- 1. (1) This Act may be called the Baluchistan' 2
cation and com-. Civil Servants Act, 1974. ; gH
mencement. #9 ise !

(2) It applies to all civil servants wherever ty Zor

ney may be. 'é ake

(3) It shall be deemed to have come into c \

force from the 42th March, 1974. , de:

CHAPTER I- PRELIMINARY. pee

Definitions. 2. (1) In this Act unless there is anything j
repugnant in the subject or context— ; *

(a) "ad hoc appointment" means appoint-
ment of a duly qualified person made Y
otherwise than. in accordance with the .1
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 bs
Province of Baluchistan or who holds a
a civil post in connection with -the
affairs of the Province, but does not
include— .

(i) a person whois on deputation to
the Province of 'Baluchistan from
the Federation orfrom any Province |
or other authority; or

(ii) a person whois employed on
contract, or on work -charged
basis, ;or who is paid from
contingencies or '

(c)

(d)

(e)

(f)

(g)

(h)

(i)

(2)

3:

(iii) a person who is a 'worker' or 'workman' as defined in the Factories Act, 1934 (XXV of 1934) or the Workman's Compensation Act, 1923 (VIII of

"initial appointment" means appointment made otherwise than by promotion or transfer;

"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 by the prescribed authority to be pay;

"permanent post" means a post sanctioned without limit of time;

"prescribed" means prescribed by rules;

"rules" means rules made or deemed to have been made under this Act;

"selection authority" means the Baluchistan Public Service' Commission, a departmental selection board, departmental selection committee or body on the recommendation of, or in consultation with which any appointment or promotion, as may be _ pres-

cribed, is made;

“temporary posts” means a post other than a permanent post.

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.

wae

Terms and
conditions.

Tenure of office
of civil servants.

Appointments.

Probation.

4

CHAPTER JI—TERMS AND CONDITIONS OF SERVICE OF BALUCHISTAN CIVIL SERVANTS.

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

4. Every civil servant shall hold office during the pleasure of the Government of Baluchistan.

5: Appointments to the Baluchistan Service or to a civil service of the Province of Baluchistan or to a civil post in connection with the affairs of the Province of Baluchistan shall be made in the prescribed manner by the Government of Baluchistan. or by a person authorised by it in that behalf.

6. (1) An initial appointment to a service or post referred to in section 5, not being an ad hoc appointment, shall be on probation as may be prescribed.

Provided that the period of probation shall not extend beyond a period of two years from the date of initial appointment in a service or post.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also

. be made on probation as may be prescribed.

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

Confirmation.

Seniority.

5

Provided that, in the case of initial appointment to a service or post, a civil servant one a be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in

the opinion of the appointing authority.

%. (1) A person appointed on probation shall,

on satisfactory completion of his probation: .
eligibility in a service .
eligible for confirmation

the case may be, a post as may :
and shall be entitled to have been confirmed after

the expiry of a period of two years from the date of initial appointment to service or post, unless earlier removed or reverted from the service or

post as the case may be.

(2) A civil servant promoted to a post or grade on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

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

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

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

8. (1) For proper administration of a service, cadre or grade, the appointing authority shall cause a seniority list of the members for the time

being of such service cadre or grade_ to be prepared,
but nothing therein contained shall be construed
to confer any vested right to a particular seniority in
such service, cadre or grade, as the case may be.

Promotion.

Posting and transfers.

6

(2) Subject to the provisions of sub-Section

"(1), the seniority of a civil servant shall be reckoned

in relation to other civil servants belonging to the same service or grade, whether serving in the same

department or office or not as may be prescribed.

(3) Seniority on initial appointment to a

"service, grade or post shall be determined as may be

prescribed.

(4) Seniority in the grade to which a civil servant is promoted shall take effect from the date of regular appointment of a post in that grade:

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

9. (1) A Civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a post for the time being reserved under the rules for departmental promotion in the higher grade of the service or cadre to which he belongs.

!

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

(a) in the case of a selection post on the basis of selection on seniority-cum-merit; and

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

10. Every civil servant shall be liable to serve any

where within or outside the Province of Baluchistan
in any post under the Federal Government, or
any Provincial Government or local authority, or a
corporation or body set up or established by any.
such Government. {8}

Termination
of service.

7

Provided that nothing contained in this'

section shall apply to a civil servant recruited
specifically to serve in a particular area or region;

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

11. (1) The service of a civil servant may be
terminated after expiry of one month's notice
served on him for the purpose of payment of one
month's salary in lieu of such notice-

° & during 'the initial or extended
period of his probation:

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

but he shall be reverted to his ©

former grade, cadre or post, as
the case may be;

(ii) on the expiry of the initial or
extended period of his empl-
oyment; or

(iii) if the appointment is made ad hoc
terminable on the appointment of
a person on the recommendation
of the selection authority, on the
appointment of such person.

{2}> Where, on the abolition of a post or
reduction in the number of posts in a cadre or
grade, the services of a civil servant are required

to be terminated, the person, whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade. -

Reversion to a
lower grade
or service.

8

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

12. A civil servant appointed to a higher post or grade ad hoc or on temporary or officiating basis shall be liable to reversion to his lower post or Qgrade without notice.

Retirement from 13. A civil servant shall retire from service—
service.

Employment
after retirement.

|

(i) in the case of a person holding the

post of an Additional Secretary to the

Baluchistan Government or any equi-

valent or higher post, on such date as

the competent authority may, in the
public interest, direct;

(ii) in any other case, on such date

after he has completed twenty-five

' years of service qualifying for pension

or other retirement benefits as the

competent authority may, in the public
interest, direct; or

(iii) where no direction is given under
clause (1), or as the case may be under
clause (ii), on the completion of the
fifty-eight years of his age.

Explanation.—In this section, 'competent authority' means the appointing authority or a person duly authorised by the appointing authority in that behalf, not being a person lower in rank than the civil servant concerned.

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

Conduct.

Efficiency and discipline.

Pay.

Leave.

9.

Provided that, where the appointing authority is the Government, such re-employment may be ordered with the approval of the Government.

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

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

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

16. A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

17. 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 basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order,

be entitled to such arrears of pay as the authority setting aside such order may determine.

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

Pension and
gratuity.

Provident Fund.

10

19. (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 the 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 civil servant, not exceeding two-thirds of the pension or gratuity which would have been admissible to him had he been invalidated from 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 over-payment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

20. (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

¹ 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 eviderice as may be prescribed.

Pha > Be ntFund 21. All civil servants and their families shall be
ie - * aad Group, entitled to the benefits admissible under the West
423) Insurance, Pakistan Government Servants Benevolent Fund
pe" ei Ordinance, 1960 (West Pakistan Ordinance X!

ce ek a of 1960), and the West Pakistan Governmen
ee ie" . Employees Welfare Fund Ordinance, 1969 (West
oi See" Bakistarr Ordinance | of 1969) and the rules made
2 thereunder. a

'Right of appeal '22. -(1) Where a right -to prefer an appeal or
'or representa-. apply fer review in respect of any Order relating
tion. . "to the' terms and conditions of his service is
we - provided to a civil servant under any rules -
rp applicable to 'him, such appeal or application
a a Shall, except as may be otherwise prescribed, be
. Ts , _ Made within thirty days of the date of such order.

4 / *(2) Where no provision for appeal or.

' ° 'review exists under the. rules in respect of any order

"or class of orders a civil servant aggrieved by any.

such order may, within thirty days of the communi-
ti : cation to him of such order, make a representation

BP one against it to the authority next above the authority.
which made the order:

Provided that no representation shall lie

gp ; on matters relating to the determinatn of fitness
ae i i . of a person to hold 'a particular post or to be pro-
ne @ 'moted to a higher' post or grade.

CHAPTER III—MISCELLANEOUS.

_ Saving 23.. —Nothing in this Act or in any rule shall
jeg? * be construed ta limit or abridge the power of the
; a Government of Baluchistan to deal with the case
i Raa" ~ y of any civil servant in such manner as may appear.
A ae 4 ' to it 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 orsuch rule.

(4 'Removal of 24. If any difficulty arises in giving effect to
difficulties | —_anyofthe provisions of this Act the Government of
; . Baluchistan may make such order,/ not. inconsistent

bee , 'with the provisions of this Act, as may appear to

it to be necessary for the purpose of removing the
difficulty: | ; ®

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Rules.

respect of any terms and conditions of service of

inconsistent with the provisions of this Act, be

a ; - — pe eS ya 3 de Sf é

. Provided that no, sych power "shalt be a
exercised after. the: expiry of one year fron the » og
gaming into force. of this Act. -

CHAPTER IV—RULES. .

25. (1) The Government or any person 'Biitho-: Foe Cee "A
rised by itin this behalf, may make such rules as.' Is - "a
appear to him to be necessary or expedient tor." 3 oy
carrying out the purposes, of the Act.- .. eta,

(2) Any rules, orders' dr instructions int *

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:

deemed to. be rules aaa under this Act. |

fies

MUHAMMAD ATHAR,
Secretary,
Provincial aN of Baluchistan.