

THE BALOCHISTAN PROSECUTION (B-16 AND ABOVE)
SERVICE RULES, 2006

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RULES

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'THE BALOCHISTAN PROSECUTION
(B-16 AND ABOVE) SERVICE
RULES, 2006

NOTIFICATION
[18" July, 2006]

No. 4-64/2000-Admn: Law/5632-67 In exercise of the powers conferred by Section 15 read with Sub Section (2) of Section 6 of the Balochistan Prosecution Service (Constitution, Functions, and Powers) Act, 2003? (VI of 2003), the Government of Balochistan is pleased to make the following rules regulating the recruitments to the Balochistan Independent Prosecution Service and to prescribe conditions of service for the persons appointed thereto, namely :—

PART I— GENERAL

1. Short title and commencement. (1) These rules may be called the Balochistan Prosecution (B-16 and above) Service Rules, 2006.

(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) "Appendix" means the Appendix to these rules;

(b) "Appointing Authority" means the authority specified in rule 4;

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

(d) "Department" means the Law and Parliamentary Affairs Department, Government of Balochistan;

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

(f) "Initial recruitment" means the appointment made otherwise than by promotion or transfer from another Service/Department/ Post;

(g) | "Posts" means the posts specified in column 2 of the Appendix;

(h) "Recognized University" means any University incorporated by law in Pakistan or any other University, which may be declared by Government in consultation with the Commission to be a recognized University for the purpose of these rules;

1 These rules have been issued by Government of Balochistan, Law and Parliamentary Affairs Department vide its notification 4-64/2000-Admn: Law/5632-67, dated 18" July, 2006; and published in Balochistan Gazette (Extraordinary) No. 115, dated 18 July, 2006.

This Act was passed by the Provincial Assembly of Balochistan on 7" October, 2003; assented to by the Governor of Balochistan and published in the Balochistan Gazette (Extraordinary) No. 74, dated 17" October, 2003.

Constituted under the Balochistan Public Service Commission Act, 1989 (Act II of 1989); published in the Balochistan Gazette (Extraordinary) No. 88, dated 23" May, 1989; and earlier to that under the Balochistan Ordinance II of 1978 (repealed) and the Balochistan Act IV of 1974 (repealed).

(i) "Service" means the Balochistan Prosecution (B-16 and above) Service.

(2) Words and expressions used but not defined in these rules, unless the context otherwise requires, shall have the meanings as assigned to them in the Balochistan Prosecution Service (Constitution, Functions and Powers) Act, 2003).

PART II— RECRUITMENT

3. Eligibility, Constitution and Composition of Service.— (1) No person who is married to a foreign national shall be eligible for appointment to the service.

(2) The restriction imposed by sub-rule (1) may be relaxed by Government in special circumstance.

(3) The service shall comprise of the posts specified in column 2 of the Appendix

and such other posts as may be determined by Government from time to time.

4. Appointing Authority — Appointment to the service shall be made by Government.

5. Method of Recruitment— Appointment to the post in the service shall be made as specified in the appendix.

6. Age.— (1) No person, who is less than 21 years or more than 35 years of age shall be appointed to a post in the Service by initial recruitment;

Provided that in the case of a person whose services under the Government have been terminated for want of a vacancy, the period of service already rendered by him shall, for the purpose of the upper age limit under this rule, be excluded from his age;

(2) For the purpose of this rule, age shall be reckoned:—

(a) Where recruitment is to be made on the basis of a written examination, as on the 1st January of the year in which the examination is proposed to be held; and

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

7. Qualification.— (1) No person shall be appointed to a post in the Service by initial recruitment unless he possesses the qualification prescribed for the post in column 3 of the Appendix.

(2) No person, not already in Government service, shall be appointed to the Service

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 other responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(3) No person shall be appointed by initial recruitment to the Service unless he is declared to be medically and physically fit by the Medical Board as notified by the Government of Balochistan for medical examination of the Government Servants.

PART II — CONDITIONS OF SERVICE

1 Act passed by the Provincial Assembly of Balochistan on 7th October, 2003; and published in the Balochistan Gazette (Extraordinary) No. 74, dated 17th October, 2003.

8. Probation.— (1) A person appointed to the Service 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.

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) If the work or conduct of a member of the service during the period of probation has in the opinion of the Appointing Authority not been satisfactory, the Appointing Authority may, notwithstanding that the period of probation has not expired, dispense with his services, if he has been appointed by initial recruitment, and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services.

(3) On completion of the period of probation of a member of the Service, the appointing authority may, subject to the provisions of sub-rule (4), confirm him in his appointment or if his work or conduct has, in the opinion of such authority, not been

satisfactory:—

(a) In case he has been appointed by initial recruitment, dispense with his services; or

(b) In case he has been appointed otherwise, revert him to his former post,

and if there be no such post, dispense with his services or

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

Explanation—I. 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.

Explanation— II. 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 he was appointed to the post; provided that during the period of his service, if he was eligible to be confirmed in 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 there from.

(4) No person shall be confirmed in service unless he successfully completes such training and passes such departmental examination as may be prescribed by Government from time to time, whether appointed against a substantive vacancy or otherwise.

(5) If a member of the Service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4), within such period or in such member of attempts as may be prescribed by Government, the appointing authority may:—

(a) In case he has been appointed by initial recruitment, dispense with his services; or

(b) In case he has been appointed otherwise, revert him to his former post,

and if there be no such post, dispense with his services.

9. Seniority— (1) The seniority inter se of the members of the Service in the various grades thereof shall be determined:—

(a) In the case of member appointed by initial recruitment, in accordance with the order of merit assigned by the Commission, if the appointment is made on the recommendation of the Commission and in other cases in accordance with the order of merit, assigned by the appointing authority; provided that persons selected for the Service in an earlier selection shall rank senior to the persons selected in a late selection; and

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

Explanation—TI. If a junior official in a lower grade is promoted to a higher grade temporarily 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 junior official in a lower grade is promoted to a higher grade by superseding a senior official and subsequently that official is also promoted, the official promoted first shall rank senior to the official promoted subsequently.

Explanation— II. (1) A junior official appointed to a higher grade

shall be deemed to have superseded a senior official only if both the junior and the senior officials were considered for a higher grade and the junior official was appointed in preference to the senior official.

(2) The seniority in the various grades of the Service of the members appointed by initial recruitment vis-a-vis those appointed otherwise shall be determined as under: —

(a) In case both the officials appointed by initial recruitment and the official appointed otherwise have been appointed against substantive vacancies, or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancy in the case of the official appointed by initial recruitment and to the date of continuous appointment against such vacancy in the case of the official appointed otherwise; provided that if the two dates are the same the official appointed otherwise, shall rank senior to the official, appointed by initial recruitment;

(b) In case the official appointed by initial recruitment has been appointed against a substantive vacancy, the official appointed by initial recruitment shall rank senior to the official appointed against a temporary vacancy, the official appointed otherwise shall rank senior to the official appointed by initial recruitment.

10. General Rules.— In all matters not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

11. Relaxation.— Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned.

12. Delegation.— Government may delegate all or any of its powers under these rules to any officer subordinate to it.

BY ORDER OF
GOVERNOR BALOCHISTAN

CHIEF SECRETARY
GOVERNMENT OF BALOCHISTAN

(See Appendix on next page)

'[APPENDIX

{See Rules 2 (1) (b) 3 (3), 5 and 7 (1)}

Nomenclature and
basic pay scale
(BPS) of the Post.

Qualification for Appointment

by Initial Recruitment.

Method of Recruitment.

Additional Prosecutor | (a) Master's Degree at least in| (a) 30% by promotion from

General
(BPS-19).

District Public
Prosecutor,
(BPS-19).

Deputy District
Public Prosecutor,

Second Division in Law from
a recognized University; or

Bachelor's Degree at least in
Second Division in Law from
a recognized University; and

Five (5) years active practice
as an Advocate of High Court
or as a Public Prosecutor/
Government Pleader on
criminal side in the District
Courts.

Master's Degree at least in
Second Division in Law from
a recognized University; or

Bachelor's Degree at least in
Second Division in Law from
a recognized University; and

Seven (7) years active practice
as an Advocate or a Public
Prosecutor/ Government
Pleader on criminal side in the
District Courts.

Master's Degree at least in

Second Division in Law from

amongst the members of
the Service holding the
post of District Public
(BPS-19) having at least
two (2) years service as
such, on seniority-cum-
fitness basis.

20% by promotion from
amongst the Members
of the Service holding
the post of Deputy
Prosecutor General

(BPS-18) having at least
seven (7) years service
as such, on seniority

cum fitness basis; and

50% by initial
recruitment.

50% by promotion from
amongst the members
of the Service holding
the post of Deputy
District Public
Prosecutor (BPS-18)
having at least twelve
(12) years service in
BPS-17 and above or
seven (7) years service
as such, on seniority
cum fitness basis; and

50% by initial
recruitment.

20% by promotion from

amongst the members
of the Service holding

Substituted by the Government of Balochistan, Prosecution Department vide its notification No. SO (Legal-II) Pros:/(1-6)/2014, dated 25th January, 2016; and published in the Balochistan Gazette (Extraordinary) No. 16, dated 25th January, 2016, for the ex-
Appendix.

For earlier appendix and amendments see:-

- i. The Balochistan Gazette (Extraordinary) No. 115, dated 18th July, 2006.
- ii. The Balochistan Gazette (Extraordinary) No. 24-A, dated 22nd March, 2010.

Deputy Prosecutor
General,
(BPS-18).

Assistant District
Public Prosecutor,

Bachelor's Degree at least in
Second Division in Law from
a recognized University; and

Five (5) years active practice
as an Advocate or as a Public
Prosecutor/ Government
Pleader on criminal side in the
District Courts.

Master's Degree at least in
Second Division in Law from
a recognized University; or

Bachelor's Degree at least in
Second Division in Law from
a recognized University; and

Three (3) years active practice
as an Advocate of High Court
or as a Public Prosecutor/
Government Pleader on
criminal side in the District

Courts.

Bachelor's Degree at least in
Second Division in Law from
enized University.

the post of Assistant
District Public
Prosecutor (BPS-17)
having at least five (5)
years service as such,
on seniority cum fitness
basis; and

80% by initial
recruitment.

By initial recruitment.

By initial recruitment.]