

THE BALOCHISTAN PROSECUTION SERVICE
(MINISTERIAL STAFF) (B 1 TO 15) SERVICE
RULES, 2009

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RULES

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NOTIFICATION

[22nd March, 2010]

No. SO (Legal) Pros:/(1-6)/2009/949-98. In exercise of the powers conferred by Section 15 of the Balochistan Prosecution Service (Constitution, Functions, and Powers) Act, 20032 (VI of 2003), the Government of Balochistan is pleased to make the following rules regulating the recruitments to the post in basic pay scale 1 to 15 of the Balochistan 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 Service (Ministerial Staff) (B 1 to 15) Service Rules, 2009.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless there is anything repugnant in the subject or:—

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

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

(c) "Board" means the Board of Intermediate and Secondary education established by Law in Pakistan or any other educational authority or Institution declared by Government in consultation with the Commission to be a Board for the purpose of these rules;

(d) "Commission" means the Balochistan Public Service Commission?;

(e) "Department" means the Prosecution Department, Government of Balochistan;

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

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

(h) "Recognized Institute" means any Institution recognized by Government consultation with Commission to be a recognized Institute for the purpose of these rules;

(i) "Service" means the Prosecution Department Balochistan (Ministerial Staff) (BPS 1 to 15) Service;

1 These rules have been issued by Government of Balochistan, Prosecution Department vide its notification No. SO(Legal)Pr

6)/2009/949-98, dated 22nd March, 2010; and published in Balochistan Gazette (Extraordinary) No. 32, dated 22nd March, 2010.

This Act was passed by the Provincial Assembly of Balochistan on 7th October, 2003; assented to by the Governor of Balochis

and published in the Balochistan Gazette (Extraordinary) No. 74, dated 17th October, 2003.

3 Constituted under the Balochistan Public Service Commission Act, 1989 (Act II of 1989); published in the Balochistan Gazet

(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).

(j) "Selection Committee" means the Selection Committee constituted by or under orders of Government.

PART II— RECRUITMENT

3. Eligibility 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) above may be relaxed by Government.

(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 the Authority as specified in rule 4 of the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009.

5. Method of Recruitment— |The method of recruitment for appointment to the service shall be as specified in the Column 4 of appendix.

6. Age.— (1) No person, who is less than 18 years or more than 30 years of age shall be appointed to the Service; provided that:—

(a) in the case of a person who is already in Government Service the upper age limit shall be 35 years.

(b) in the cases of 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; and

(c) for upper age limit for appointment to the service by initial recruitment in case of candidates from scheduled castes or under developed areas, age shall be relaxed as per policy of the Government issued from time to time.

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

(a) where the 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 application for appointment.

7. Qualification. (1) No person shall be appointed to a post in the Service by initial recruitment unless he possesses the qualification as 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

Rules issued by the Services and General Administration Department, Government of Balochistan; and published in the Balochistan Gazette (Extraordinary) No. 165, dated 27th October, 2009.

persons/gazetted Officers, 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 physically fit by the Government Medical Officer not below the rank of a District Health Officer or a Medical Board constituted by Government for the purpose.

PART II — CONDITIONS OF SERVICE

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) extended 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 probation 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 subject to provision of sub-section (5) of Section 7 of Balochistan Civil Servants Act, 1974".

(4) No Person shall be confirmed in Service unless he successfully completes such training and passes such Departmental examinations as may be prescribed by Government from time to time.

(5) If a member of the Service whether appointed by initial recruitment or otherwise fails to complete successfully any training and pass any department examination prescribed under

* Balochistan Act IX of 1974 was passed by the Balochistan Assembly on 19 June, 1974; assented to by the Governor of

Balochistan; and published in the Balochistan Gazette (Extraordinary) No. 41 dated 20" July, 1974.

sub rule (4) within such period or in such number of attempts as may be prescribed by the Government the appointing authority may:—

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

(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 inter se seniority of the members of the Service in the various grades thereof shall be determined:—

(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Committee, where the appointment is made on the recommendation of the Selection Committee, 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 later 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—I. If a junior official is 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 dated 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 otherwise has been appointed against a temporary 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 subject to the provisions of the Balochistan Prosecution Service (Constitution, Function and Powers) Act, 2003! (Act VI of 2003), by such rules as have been may hereafter be prescribed by Government under the Balochistan Civil Servant Act, 1974? (Act IX of 1974) or any other enactment for the time being in force in respect of its civil servants.

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 rules 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)

1 This Act was passed by the Provincial Assembly of Balochistan on 7 October, 2003; assented to by the Governor of Balochi

and published in the Balochistan Gazette (Extraordinary) No. 74, dated 17" October, 2003.

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APPENDIX

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

Nomenclature of Qualifications Prescribed for the Post Appointment by Initial Recruitment

University; and

A minimum speed of 120 words per minute in shorthand and 40 words per minute in typing in English and Urdu (Knowledge of Computer shall be preferred).

Graduate from a_ recognized University (preference will be given to the candidates having knowledge of typing)

Librarian 1) Graduate from a recognized

(B-14) University; and

Diploma in Library Science from a recognized University.

Junior Scale i) Intermediate from Stenographer recognized Board; and

(B-12) A minimum speed of 80 words per minute in shorthand and 30 words per minute in typing.

Knowledge of Computer shall be preferred.

Method of Recruitment

50% by initial recruitment; and

(ii) 50% by promotion from amongst the members of the Service holding the post of Junior scale stenographer (B-12) with at lest five years service as such, on

seniority cum fitness basis.

50% by initial recruitment; and

50% by promotion from amongst the members of the Service holding the post of Senior Clerk (B-9) with at least three years service as such, on seniority cum fitness basis.

By initial recruitment.

By initial recruitment.

5. Sub Accountant (B- | B. Com/ BBA from recognized By initial Recruitment.

a

Matric from a recognized Board; | (i 80% by initial and recruitment; and

Typing skill with a speed of 30 | (11) 20% by promotion from

words per minute. amongst the member of Service holding the post of Naib Qasid, Daftari who posses Matric Certificate from a recognized Board having 3 years service such, on seniority-cum-fitness basis.

Provided that they will be considered for promotion as Junior Clerk with reference to the date of acquiring Secondary School Certificate.

Middle pass possessing valid | By initial recruitment. LTV License.

Daftari Primary pass By initial recruitment.

(B-04)

Naib Qasid Literate to be preferred By initial recruitment.

(B-1)