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THE SENATE SECRETARIAT SERVICES ACT, 2017

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ACT NO. XXII OF 2017.

AN ACT

to regulate the appointment and the terms and conditions of service of persons in the Senate

Secretariat, under clause (2) of Article 87 of the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient to regulate by law the appointment and the terms and conditions of service of persons in the Senate Secretariat as provided for in clause (2) of Article 87 of the Constitution of Pakistan, 1973 and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows: -

1. Short title, application and commencement. |) This Act may be called the Senate Secretariat Services Act, 2017.

(2) It applies to all employees in the Senate Secretariat wherever they may be

(3) It shall come into force at once.

CHAPTER-I PRELIMINARY

2. Definitions. - (I) In this Act, unless there is anything repugnant in the subject or context, -

(a) ['**']

(b) "Basic Pay Scales" or "BPS" means pay scales prescribed by the Federal Government and adopted by the Senate Secretariat;

(c) "competent authority" means the competent authority to make appointment to various posts, as may be prescribed by rules;

(d) "Chairman" means the Chairman of the Senate and includes the Acting Chairman;

(e) "Constitution" means the Constitution of the Islamic Republic of Pakistan;

'() "employee" means a person appointed in the Secretariat, who shall have the status of a civil servant, but does not include-

(i) a person who is on deputation to the Secretariat; or

'Omitted, Subs by Act. IV of 2021, s-2.

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(ii) a person who is employed on contract;]

"Finance Committee" means the Finance Committee of the Senate as provided for in Article 88 of the Constitution;

"general parliamentary group" means any group or service, as may be prescribed by rules to be a general parliamentary group, performing general parliamentary administration functions;

"Government" means the Federal Government;

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

"other categories" means any group or services, as may be prescribed by rules, to be other categories and are not part of the general parliamentary group or specialized parliamentary group;

"pay and allowances" means the amount drawn monthly by an employee as pay and includes technical pay, special pay, personal pay and other emoluments declared as such by the Chairman or the Finance Committee or the Federal Government, as the case may be, where rules of the Federal Government are adopted;

"post" means a post sanctioned in the Senate Secretariat;

"prescribed" means prescribed by rules or standing orders or as notified by a, notification in the official Gazette, as the case may be;

"rules" means the rules made under this Act by the Chairman;

"Secretariat" means the Secretariat of the Senate;

"Secretary" means the Secretary Senate, having the status of Federal

Secretary and includes the Acting Secretary in the absence of the Secretary or any other person performing the functions of the Secretary, for the time being, under the direction and supervision of the Chairman;

"specialized parliamentary group" means any group or service, as may be prescribed by rules to be a specialized parliamentary group, performing special and technical parliamentary functions; and

"standing orders" means written orders of the Chairman as notified by the Senate Secretariat.

CHAPTER - II

TERMS AND CONDITIONS OF SERVICE

3. Terms and conditions of service. - (1) The terms and conditions of an employee shall be as provided for in this Act and the rules made there under.

(2) The terms and conditions of service of any person to whom this Act applies shall not be varied to his disadvantage.

(3) Subject to this Act and rules made there under, other terms and conditions of service including pay, allowances, retirement, deputation, pension, gratuity, provident fund, benevolent fund, group insurance, financial or family assistance in case of death during service, leave or other privileges of an employee shall be governed by the law, rules and policies for the time being in force and applicable to the employees in posts in the same scale in the Federal Government:

Provided that the powers of the Federal Government shall be exercised by the Chairman, with such additions, enhancements, modifications, variations or exceptions, as he may deem fit, with concurrence of the Finance Committee:

Provided further that in case of urgency of the matter, the Chairman may exercise his powers in anticipation of the concurrence of the Finance Committee.

(4) The employees shall be entitled to such terms and conditions of service, entitlements, facilities, perks and privileges, including medical, housing, education and all other schemes of the Government, as are admissible to its civil servants or occupational groups or professionals, from time to time, notwithstanding a judgment of any court, tribunal or a quasi-judicial authority.

4. Appointment. -(1) Appointments to the Senate Secretariat shall be made according to the rules by one or more of the following methods, namely: -

a By promotion of a person employed in the secretariat; 'Tor

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(c) by direct recruitment ![.]

A) The direct recruitment to a post in BPS-17 shall be made through the Federal Public Service Commission and to a post in BPS-16 and below through the procedure as prescribed by the rules.

(1B) There shall be no direct recruitment to a post in BPS-18 and above:

Provided that in such cases where no officer of the Secretariat qualifies to hold the post for the time being and the circumstances render it necessary, appointment to a post in BPS-18 and above may be made on contract with the approval of the Senate Finance Committee, through advertisement and recruitment process by the Secretariat, up-till a period of three years, which shall not be extended or regularized.

added, Omitted, Subs, Ins. By Act IV of 2021, s. 3.

(1C) Notwithstanding the provisions of sub-section (1A), appointment on contract may be made in the interest of the Secretariat in BPS-04 and below, as prescribed by the rules:

Provided that staff allowed by the Senate Finance Committee in its meeting held on the 17th February, 2012 vide Item No. 4 (iii) may also be appointed on contract, irrespective of the grade:

Provided further that services of an employee appointed on contract in any grade shall not be regularized, extended beyond three years or transferred to any other post in the Secretariat.

(1D) There shall be no appointment on ad hoc basis.

(IE) The length of service for appointment by promotion shall not be condoned.

(IF) There shall be no placements based on seniority or length of service.]

(2) The Secretariat shall be organized in general parliamentary group, specialized parliamentary group and other categories, as may be prescribed by the rules.

[Provided that highest post for specialized parliamentary groups shall be Senior Director General (BPS-21).]

'15. Appointment on deputation. —(1) Appointment on deputation to a post shall be made in the interest of the Secretariat.

(2) The competent authority may appoint on deputation a person to a post in the general parliamentary group from an occupational group or provincial executive services and to a post in the specialized parliamentary group from any service of Pakistan.

(3) The terms and conditions of service of a person appointed to the Secretariat on deputation shall be such as may be prescribed by the rules.

(4) Services of an employee appointed to a post on deputation shall not be absorbed in the Secretariat/services.]

6. Probation. (1) Appointment to a post by direct recruitment under section 4, '[* * *]', shall be on probation for a period of two years, or for such lesser period, as may be prescribed.

(2) Any person appointed to a post by promotion '[**]' may also be placed on probation in accordance with the provisions of sub-section (1).

(3) On the satisfactory completion of period of probation, the Appointing authority may terminate the probation and confirm probationer in his appointment provided a clear vacancy exists.

(4) If in the opinion of the appointing authority, the work or conduct of an employee on probation is unsatisfactory or shows that he is unlikely to become efficient and if no order is issued under sub-section (3) on the expiry of the prescribed period, the appointing authority may order that-

' added, Omitted, Subs, by Act IV of 2021, s. 4-5.

(a) his probation be extended for such period not exceeding one year, as he may think fit; or

(b) if he was appointed to such post by direct or initial recruitment, be discharged; or

(c) if he was appointed to such post by promotion '[* * *]' be reverted to the post from which he was promoted '[* * *]' and against which he holds a lien.

7. Confirmation. — (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a post as may be prescribed.

(2) An employee promoted to a post on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) An employee who, during the period of his service, was eligible to be confirmed against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation against such post or any benefits accruing there from.

(4) Confirmation of an employee against a post shall take effect from the date of occurrence of vacancy of that post or from the date of continuous officiation on such post, whichever is later.

8. Seniority. — (1) For proper administration, the appointing authority shall cause a seniority list of the employees, for the time being, of such group, category or post to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such group, category or post, as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of an employee shall be reckoned in relation to other employees belonging to the same group or post whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a group, category or post shall be determined as may be prescribed.

(4) Seniority in a group, category or post to which an employee is promoted shall take effect from the date of regular appointment to that post:

Provided that employees who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

‘9. Posting and transfer. (1) Every employee shall be liable to serve anywhere within Pakistan, or on deputation in the Federal or Provincial Government or abroad or in an international organization at the national or international level, in any equivalent or higher post subject to approval of the competent authority:

Provided that terms and conditions of any such posting shall not be less favourable to the employee under this section.

(2) An officer belonging to the general parliamentary group (Secretariat service of the Secretariat services) serving on deputation in the Federal or Provincial Government or abroad shall be as if he is an officer of the secretariat group of the Federal Government.]

‘Omitted. Subs, by Act IV of 2021, s.6-7.

10. Termination of service. — (1) The service of an employee may be terminated without notice, -

(a) during the initial or extended period of his probation:

'[Provided that, where such employee is appointed by promotion on probation his services shall not be so terminated so long as he holds a lien against his former post but he shall be reverted to his former post.]

(b) on the expiry of the initial or extended period of his '[Contract] employment;

or

(2) Where, on the abolition of a post or reduction in the number of posts in a group, the services of an employee are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such group.

11. Reversion to a lower post, etc.— (1) An employee appointed to a higher post on [*] temporary or officiating basis shall be liable to reversion to his lower post.

(2) No employee shall be dismissed or removed from service or reduced in rank by an authority subordinate to that by which he was appointed.

(3) No such employee as aforesaid shall be dismissed or removed from service, or reduced in rank, until he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided that this sub-section shall not apply-

(a) where an employee is dismissed or removed from service or reduced in rank on the grounds of conduct which has led to his conviction on a criminal charge; or

(b) the employee is still on probation '[* * *] or

(c) where the Chairman or any person authorized by him under this Act is satisfied, for reasons to be recorded in writing, that in the interest of the security of Pakistan or any part thereof, it is not expedient to give to that employee such an opportunity.

12. Retirement from service, — (I) An employee shall retire from service, __

(a) 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 public interest, direct; or

(b) where no direction is given under paragraph (i), on the completion of the sixtieth year of his age.

+subs, Ins, Omitted, by Act IV of 2021, s. 7-8.

(2) No direction under clause (a) of sub-section (I) shall be made until the employee has been informed in writing of the grounds on which it is proposed to make the direction and has been given a reasonable opportunity of showing cause against the said direction.

13. Employment after retirement— (1) A retired employee shall not ordinarily be re-employed in the Secretariat, unless such re-employment is in the broader interest of the Institution and is made with the prior approval of the authority next above the appointing authority:

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

(2) Subject to the provisions of his terms and conditions of service and rules, an employee may, during leave preparatory to retirement, or after retirement from Secretariat, seek any private employment:

Provided that, where employment is sought by an employee while on leave preparatory to retirement, he shall obtain prior approval of the competent authority.

14. Conduct. —The conduct of an employee shall be regulated by rules made, standing orders notified or instructions issued by Chairman or a prescribed authority, whether general or in respect of a specified group of employees.

15. Efficiency and discipline. —An employee shall be liable to disciplinary action and penalties in accordance with the prescribed rules and procedure.

16. Right of appeal or representation — (1) Where a right to prefer an appeal or apply for a review in respect of any order relating to the terms and conditions of his service is provided to an employee under any rules applicable to him, such appeal or application for review shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, an employee aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it, to the authority next above the authority which passed an order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

CHAPTER-III

MISCELLANEOUS

17. Saving. —Nothing in this Act or in any rule, shall be construed to limit or abridge the power of the Chairman to deal with the case of an employee in such manner as may appear to him to be just and equitable:

Provided that, where this Act or any rule, is applicable to the case of an employee, the case shall not be dealt with in a manner less favourable to him than that provided by this Act or such rule.

18. Indemnity. —No suit, prosecution or other legal proceedings shall lie against an employee for anything done in his official capacity which is in good faith done or intended to be done under this Act or the rules, instructions or directions made or issued, or adopted from time to time.

19. Jurisdiction barred. —Save as provided under this Act and the Service Tribunals Act, 1973 (LXX of 1973) or the rules, no order made or proceedings taken under this Act or the rules by the Chairman or any officer authorized by him shall be called in question in any court and no injunction shall be granted by any court in respect of any decision made or proceedings taken in pursuance of any power conferred by, or under, this Act or the rules.

20. Removal of difficulties. —If any difficulty arises in giving effect to any of the provisions of this Act, the Chairman may make such order as may appear to him to be necessary for the purpose of removing the difficulty.

21. Interpretation—All questions relating to interpretation of provisions of this Act shall be referred to the Chairman whose decision thereon shall be final.

22. Gender. —In this Act, unless there is anything repugnant in the subject or context, words importing the masculine gender shall be taken to include females.

CHAPTER-IV RULES

23. Rules. -The Chairman may make rules for carrying out the purposes of this Act: Provided that the said rules shall be notified after concurrence of the Finance Committee.

24. Application of standing orders. —The standing orders, as notified by the Secretariat, from time to time, shall be read as an extension to this Act.

25. Repeal and saving. —(1) The Senate Secretariat (Recruitment) Rules, 1973 are hereby repealed.

(2) Notwithstanding the repeal of Senate Secretariat(Recruitment) Rules, 1973, everything done, action taken, appointments made either through initial recruitment, induction, absorption, promotion, regularization or on contract basis, obligation, liability or penalty incurred, power conferred or exercised, orders issued under the said Rules and everything done in exercise of the powers conferred by or under the said Rules, shall continue and be deemed to have been respectively done, taken, incurred, conferred, exercised or issued under this Act.