

THE FEDERAL PUBLIC SERVICE COMMISSION
ORDINANCE, 1977.

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THE FEDERAL PUBLIC SERVICE COMMISSION
ORDINANCE, 1977.

ORDINANCE No. XLV OF 1977

[22nd December, 1977]

An Ordinance to repeal and, with certain modifications, re-enact the Federal Public Service Commission Act, 1973.

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Federal Public Service Commission Act, 1973 (LXVI of 1973);

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance: —

1. Short title and commencement. — (1) This Ordinance may be called the Federal Public Service Commission Ordinance, 1977.

(2) It shall come into force at once.

2. Definition. In this Ordinance, unless there is anything repugnant in the subject or context, —

(a) "Commission" means the Federal Public Service Commission; and

(b) "member" means a member of the Commission and includes the Chairman thereof.

3. Composition of commission, etc.— (1) There shall be a Federal Public Service Commission.

(2) The President shall by regulations determine—

(a) the number of members of the Commission and their conditions of service; and

(b) the number of members of the staff of the Commission and their conditions of service:

Provided that, the salary, allowances and privileges of a member of the Commission shall not be varied to his disadvantage during his term of office.

(3) The Chairman and other members of the Commission shall be appointed by the President.

(4) The Commission shall have—

(a) not less than one half of the members who shall be persons having held office in the service of Pakistan in basic pay scale 21 or above post:

Provided that no serving Government servant shall be appointed as a member:

(b) at least one member each from—

(i) retired judges of the superior judiciary;

(ii) retired officers not below the rank of Major-General or equivalent of the Armed Forces; and

(iii) women and the private sector possessing such qualifications and experience as the Federal Government may by rules prescribe.]

*[(5) No proceedings or act of the Commission shall be invalid merely on the ground of the existence of a vacancy in, or a defect in the constitution of, the Commission].

4. Term of office members, etc.— *[1) A member of the Commission shall hold office for a term of three years from the date on which he enters upon office or till he attains the age of sixty-five years whichever is earlier:

Provided that a member of the Commission who is a retired Judge of the Supreme Court or a High Court shall hold office for a term of three years within five years from the date of his retirement:

Provided further that a member of the Commission shall not be eligible for re- appointment.

(1A) Notwithstanding anything in any contract, agreement or any instrument containing terms and conditions of the service, a member who, on or after the commencement of the Federal Public Service Commission (Amendment) Act, 2006 (V of 2006), completes his tenure or attains upper age-limit specified in sub-section (1) shall on such commencement forthwith cease to be member as defined in clause (b) of section 2.]

(2) A member may resign his office by writing under his hand addressed to the President.

'144A. Oath of office. Before entering upon office the Chairman and a member shall make oath in the form set out in the Schedule to this Ordinance before the President in case of Chairman and before the Chairman in case of a member.]

115. Ineligibility for further employment. On ceasing to hold office a member shall not be eligible for further employment in the service of Pakistan.]

'Subs. and Ins. by Ord. (LVI of 2000), ss. 2, 4 and 5.

*Ins. and shall be deemed always to have been so Ins. by the Federal Public Service Commission (Amdt Subs. by Act (V of 06), s. 2 and shall be deemed always to have been substituted.

115A. Appointment of a serving member as a chairman. A serving member of the Commission shall be eligible for appointment as Chairman for a term not exceeding the unexpired portion of his term as such member.]

6. Removal from office. A member shall not be removed from office except in the manner applicable to a Judge of a High Court.

'(7. Functions of the Commission.— (1) The functions of the Commission shall be—

*[(a) to conduct tests and examinations for recruitment of persons to All-Pakistan

*[(la)

(b)

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Services, the civil services of the Federation and civil posts in connection with the affairs of the Federation in basic pay scales 16 and above or equivalent; |

The recruitment to the post in basic pay scale 11 to 15 made by any authority or person on or after 28" May 2003, other than through the Commission, shall, notwithstanding any provision of this Ordinance or any other law, rule, notification or any order, decision of judgment of any court or forum, be deemed to be, and always to have been, validly made, taken or done and shall not be called in question in any court or forum or any ground whatsoever.]

to advise the President—

(i) on matters relating to qualifications for and method of recruitment to, services and posts referred to in clause (a);

(ii) on the principles to be followed in making initial appointments to the services and posts referred to in clause (a) and in making appointments by promotion to posts in BS 18 and above and transfer from one service or occupational group to another; and

(iii) on any other matter which the President may refer to the commission

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[; and]

to hold examinations for promotion for such posts as the Federal Government may, from time to time, by notification in the official Gazette, specify.]

Explanation. — In this section, "recruitment" means initial appointment other than by promotion or transfer

(2) Recruitment to the following posts shall be outside the purview of the Commission:—

'Ins and subs by Ord. (LVI of 2000), s. 6-7.

*Subs and ins by Act (X of 05), s. 2 (w.e.f 28-05-2003)

3Subs and added by Ord. (XLIX of 2002), s.2.

'[(ia)

(ii)

(iii)

(iv)

(v)

*[(3)(a)

(b)

(d)

in the President's Secretariat;

in the Directorate General of Inter Services Intelligence (ISI);]

filled by appointing a person on contract for a specified period 7[* * * *];
filled on ad hoc basis for a period of six months or less

Provided that—

(1) no ad hoc appointment shall be made before placing or requisition with the Commission for regular appointment; and

(2) before filling the post on ad hoc basis, prior approval shall be obtained from the Commission;

filled by re-employing or retired officers, provided that the re-employment is made for a specified period 7[* * * *] in a post not higher than the post in which the person was employed on regular basis before retirement; and

filled by the employment or re-employment of persons on the recommendations of the High Powered Selection Board, constituted by the President who are, or have been, Officers of the Armed Forces and hold, or have held, such posts therein as are declared by the President to be equivalent to the posts to be so filled.]

A Candidate aggrieved by any decision of the Federal Public Service Commission may, within thirty days of such decision, make a representation to the Commission and the Commission shall decide the representation within fifteen days after giving the candidate a reasonable opportunity of hearing. The decision of the Commission, subject to the result of review petition, shall be final.

A candidate aggrieved by the decision of the Commission made under paragraph (a) may, within fifteen days of the decision, submit a review petition to the Commission and the Commission shall decide the review petition within thirty days under intimation to the petitioner.

Save as provided in this Ordinance, no order made or proceeding taken under this Ordinance, or rules made thereunder, by the Commission shall be called in question in any court and no injunction shall be granted by any court in respect of any decision made or taken in pursuance of any power conferred by, or under, this Ordinance.

Any candidate aggrieved by a decision of the Commission under paragraph (b) may, within thirty days of the decision, prefer an appeal to the High Court.]

4(7A). Conduct of Business of Commission, etc. The Chairman of the Commission may, with the approval of the Federal Government, make rules for regulating the conduct of the business of the Commission, and such rules may provide for any of the functions of the Commission specified by it being performed by a Committee composed of two or more members constituted by the Chairman for the purpose.]

¹Ins. by Act (XI of 04), s. 2.

Omitted by Ord. (XLVI of 2007), s. 2.

*Added by Ord. (XVI of 2001), s. 2.

¹Ins. by the Federal Public Service Commission (Amdt.) Ordinance, 1978 (25 of 1978), s.3.

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8. Commission to be informed when its advice not accepted. Where the President does not accept the advice of the Commission, he shall inform the Commission accordingly.

9. Reports of Commission. — (1) It shall be the duty of the Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the National Assembly and the Senate.

(2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission—

(a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefor: and

(b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons therefor.

10. Rules. The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

11. [Repeal] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981) s. 3 and Sch., IL.

'ISCHEDULE

[(See section 4A)]

I,

do solemnly swear that I will bear true faith and allegiance to Pakistan:

That, as a Chairman (or Member) of the Federal Public Service Commission I will discharge my duties, and perform my functions, honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well-being and prosperity of Pakistan.

That, I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, I will act without fear or favour, affection or ill will.

May ALLAH Almighty help and guide me (A'meen).]

TAdded by Ord. (LVI of 2000), s. 8.

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