

' IKHYBER PAKHTUNKHWAJ]ORDINANCE NO.VII OF 1972.

THE ?[/KHYBER PAKHTUNKHWA]GOVERNMENT
SERVANTS BENEVOLENT FUND ORDINANCE, 1972.

Peshawar, the 31 March, 1972.

AN

ORDINANCE

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to provide for certain modifications in the law relating the constitution
of a Benevolent Fund for relief of Government servants and their families.

WHEREAS it is expedient to provide for certain modification in the law
relating to constitution of a Benevolent Fund for relief of Government servants and
their families;

NOW, THEREFORE, in pursuance of the Martial Law Proclamation of
25th March, 1969, read with the Proclamation of 20th December, 1971, and the
Provisional Constitution Order, and in exercise of all powers enabling him in that
behalf, the Governor of the 3[Khyber Pakhtunkhwa]is pleased to make and
promulgate the following Ordinance:-

1. (1) This Ordinance may be called the “[Khyber Pakhtunkhwa]
Government Servants Benevolent Fund Ordinance, 1972.

(2) It shall apply to all Government Servants, as hereinafter defined;
provided that Government may, by notification, except any class of Government
Servants from the operation of this Ordinance.

(3) It shall come into force at once.

2. In the Ordinance, unless the context otherwise requires, the following
expressions shall have the meanings hereby respectively assigned to them, that is to

say-

(a) “family” in relation to a Government Servant means his or her-

- 1 Subs. Vide the Khyber Pakhtunkhwa Act.IV of 2011.
- 2.Subs.Vide the Khyber Pakhtunkhwa Act.IV of 2011.
- 3.Subs. Vide the Khyber Pakhtunkhwa Act. IV of 2011.
- 4 Subs. Vide the Khyber Pakhtunkhwa Act. IV of 2011.

Preamble.

Short title,
application and
commencement

Definitions.

- (i) wife or wives or husband, as the case may be;
- (ii) legitimate children and step children less than twelve years old;
- (iii) legitimate children and step children not less than twelve years old, if residing with and wholly dependent upon him or her;
- (iv) parents, sisters and minor brothers, if residing with and wholly dependent upon him or her;
- (b) "Fund" means the fund constituted under this Ordinance;
- (c) "gazetted Government servant" means a Government Servantholding a post declared to be a gazetted post by Government or any authority empowered by Government in this behalf;

(d) "Government" means the Government of the '[Khyber Pakhtunkhwa];

(e) "Government Servant" means-

(i) | a person who is a member of a civil service of the Province;
or

(ii) a person who holds any civil post in connection with the affairs of the Province, including a member of the Civil Service of Pakistan who has opted for the Fund, but excluding any other servant of Pakistan;

() "non-gazetted Government Servant" means a Government Servant other than a gazetted Government Servant;

(g) "prescribed" means prescribed by rules made under this Ordinance.

3. (1) As soon as may be, Government shall constitute a fund to be known as_ Fund.
the ?[Khyber Pakhtunkhwa]Government Servants Benevolent Fund.

1 Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011.

2.Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011.

(2) The Fund shall be divided into two parts; part-I for gazetted Government Servant and part-II for non-gazetted Government Servant.

(3) Each part of the Fund shall consist of-

(a) compulsory contributions recovered from the Government servants at such rates as Government may, from time to time, prescribe;

(b) such grants as may, from time to time, be made by Government;

(c) other contributions and donations;

(d) income from investments made under this Ordinance.

(4) The money credited to the Fund shall be held in such custody as may be prescribed.

4. [(1)] The Fund shall be utilized for-

?(a)_ The relief of Government servants and their families by-

(i) giving financial assistance to the families of deceased Government servants;

*[(ii) "giving financial Assistance to Government Servants on their retirement from service with effect from 1st July, 2010;"]

(iii) — giving financial assistance to serving Government servant in deserving cases;

(iv) — making special grant to Government servants in exceptional cases;

(b) defraying expenditure incurred in respect of management of the Fund.

Explanation.- The benefits admissible under this section will be in addition to the pension, family pension or gratuities awarded under the rules regulating the conditions of service of Government servants.

1 Section (4) numbered as sub-section (1) vide Khyber Pakhtunkhwa Act No. VII of 1992.

2.Clause (a) Subs by Khyber Pakhtunkhwa Act No. VIII of 1974.

3.Substituted vide Khyber Pakhtunkhwa Act No.III of 2011.

Utilization of
the Fund.

TQ) Notwithstanding the provisions contained in sub-section (1), Government may make such schemes as it considers necessary for the welfare of Government servants or their families and utilize the Fund to implement such schemes in such manner and subject to such conditions as may be prescribed'.]

5. (1) All contributions recovered under clause (a) of sub-section (3) of section 3 shall be deducted at the source from the salaries of the Government servants concerned.

(2) The Comptroller, ?[Khyber Pakhtunkhwa], shall be responsible for keeping the accounts of the Fund. Audit of the assets of and expenditure from the Fund shall be conducted by such authority as may be prescribed.]

6. (1) As soon as may be, Government shall, in such manner as may be prescribed, constitute the following Boards of Management, namely;-

- (a) the Provincial Board of Management (Gazetted);
- (b) the Provincial Board of Management (Non-Gazetted);*[* * *]
- (c) a Divisional Board of Management for each Division;“[and]

*[(da District Board of Management for each District].

(2) Subject to such directions as may be issued by Government and such rules as may be made in this behalf-

(a) the Provincial Board of Management (Gazetted) shall be responsible for management of part — I of the Fund and shall have the powers to invest moneys credited to that part of the Fund and to incur expenditure therefrom;

(b) the Provincial Board of Management (Non-Gazetted) shall be responsible for management of part II of the Fund and shall have the powers to invest moneys credited to that part of the Fund and to make allocations there from to the Divisional Boards of Management;

1. Added vide Khyber Pakhtunkhwa Act No. VII of 1992..

2.Subs. Vide the Khyber Pakhtunkhwa Act. IV of 2011.

3.The word “and” omittedby Khyber Pakhtunkhwa Act No. VIII of 1974.

4 The full-stop was replaced by semi-colon and the word “and” Ins Vide Act:ibid.

5 Added Vide Act:ibid.

Note:-Any act done or proceedings taken by Government within the meaning of sub-section 2 of section 4 of this Act before its coming into force, shall be deemed to have validity done or taken and shall not be called in question in any Court. Vide Khyber Pakhtunkhwa Act No.III of 1992 Section:3.

Account and
audit.

Constitution
and Power of

the Board

Management.

X(c) a Divisional Board of Management shall, subject to such directions as may be issued by the Provincial Board of Management (Non-Gazetted), deal with all matters connected with part — II of the Fund in so far as it concerns the non-gazetted Government servants serving or employed in the Divisional Offices, and in particular shall have the power to sanction expenditure from the allocations made to it by that Board and to make allocations therefrom to the District Board of Management];

*[(d) a District Board of Management shall, subject to such directions as may be issued by the Provincial Board of Management (Non- Gazetted) or the Divisional Board of Management of the Division concerned, deal with all matters connected with part-II of the Fund in so far as it concerns the non-gazetted Government servants serving or employed in the District Offices and in particular shall have the powers to sanction expenditure from the allocations made to it by the Divisional Board of Management of the Division concerned].

Provided that the Provincial Board of Management (Non-Gazetted) shall deal with part- II of the Fund in so far as it concerns the Non-gazetted Government servants serving or employed in the *[Khyber Pakhtunkhwa] Secretariat.

7. Any sum due as rent or lease-money in respect of property acquired or constructed by a Board or Management constituted under section 6 and the management whereof vests in any such Board, if not paid within thirty days of its having become due, may, notwithstanding anything contained in any law, decree or order of any Court, agreement, deed or instrument, be recovered as arrears of land revenue.

8. No suit, prosecution or other legal proceedings shall be instituted against a Board of Management constituted under section 6 or against any officer or servant of such Board for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

9. Government may make rules for bringing into effect the provisions of this Ordinance.

10. (1) The West Pakistan Government Servants Benevolent Fund

Ordinance, 1960 (W.P.Ord: XIV of 1960), hereinafter referred to as the said Ordinance, in its application to the “[Khyber Pakhtunkhwa], is hereby repealed.

1.subs Vide Act:ibid.

2 Inserted Vide Khyber Pakhtunkhwa Act No. VIII of 1974.

3.Subs.Vide the Khyber Pakhtunkhwa Act NoIV of 2011.

4 Subs. Vide the Khyber Pakhtunkhwa Act No. IV of 2011.

Powers to
recover rent and
lease money as
arrears of land
revenue.

Protection of
action taken
under this
Ordinance.

Power to make
rules.

Repeal and
savings.

(2) Notwithstanding the repeal of the said Ordinance, everything done, action taken, liability incurred, jurisdiction or powers conferred, contract entered into and proceeding instituted, rights and assets acquired officer appointed or person authorized, notification or order issued, Fund created and utilized or Board of Management constituted under any of the provisions of the said Ordinance and rules made thereunder, shall, if not inconsistent with the provisions of this Ordinance, and the rules made thereunder continue in force and, so far as may be, be deemed to have been respectively done, taken, incurred, conferred, entered into and instituted, acquired, appointed or authorized, issued, created and utilized or constituted under this Ordinance and the rules made thereunder.