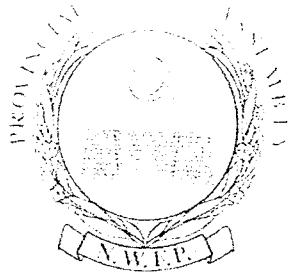
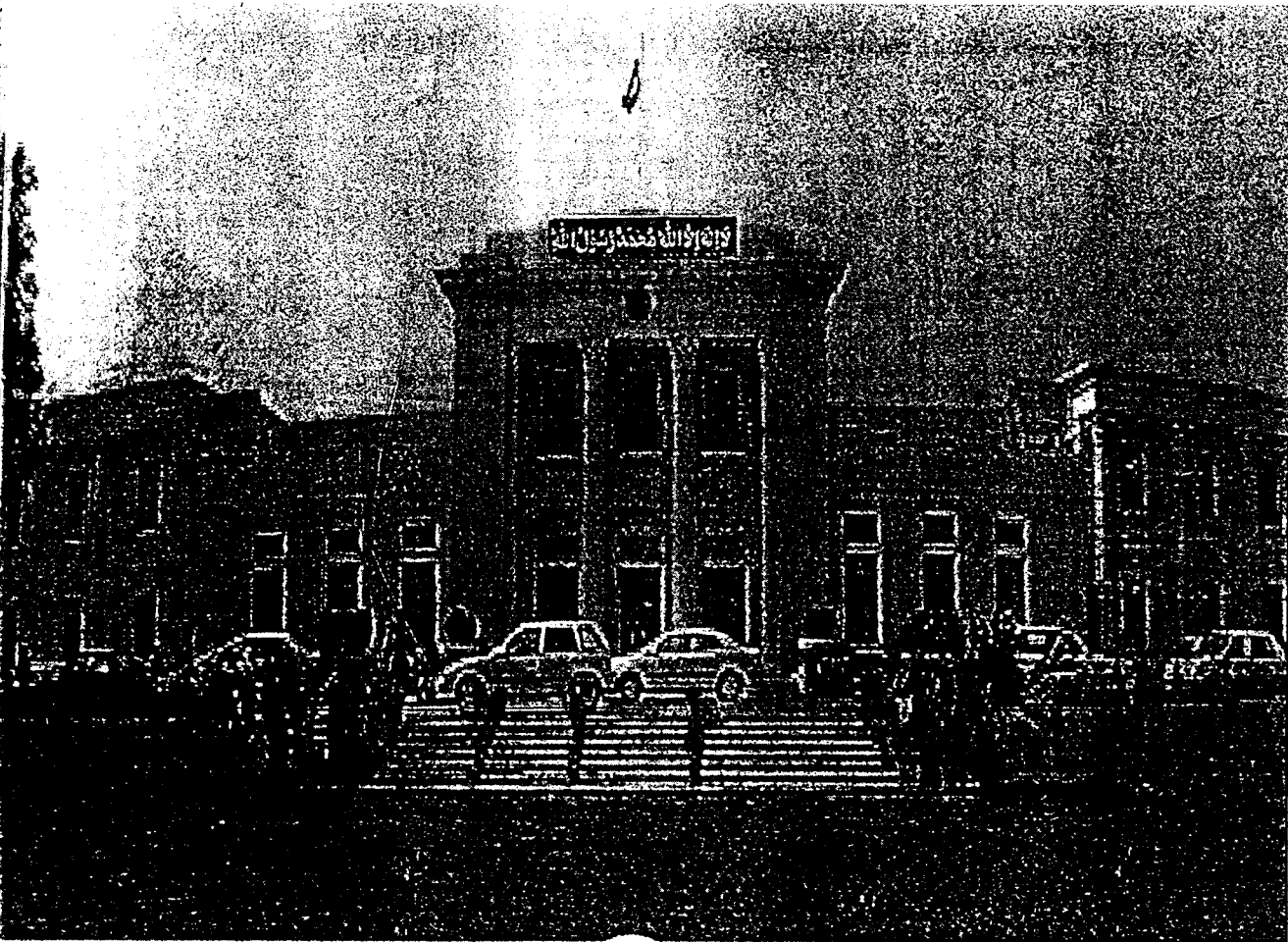


Item No. 6



Memo

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**NORTH-WEST FRONTIER PROVINCE
PROVINCIAL ASSEMBLY SECRETARIAT
(RECRUITMENT) RULES, 1974**

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THE NORTH-WEST FRONTIER PROVINCE
PROVINCIAL ASSEMBLY SECRETARIAT (RECRUITMENT) RULES.
1974

PART-I
PRELIMINARY.

1. **Short title and commencement.**-- (1) These rules may be called the North-West Frontier Province Provincial Assembly Secretariat (Recruitment) Rules, 1974.

(2) They shall come into force at once.

2. **Definition.**-- (1) In these rules, unless there is anything repugnant in the subject or context:-

- (a) **“ad hoc appointment”** means appointment of duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
- (b) **“appointing authority”** means the authority competent to make an appointment under rule 10;
- (c) **“constitution”** means the Constitution of the Islamic Republic of Pakistan;
- (d) **“deputation”** means the temporary transfer or loan of the services of an officer from or to the Secretariat to or from any office outside the Secretariat;
- * (e) **“employee”** means a person appointed to a post but does not include a person who is on deputation to the Secretariat;
- (f) **“Finance Committee”** means the Finance Committee of the Provincial Assembly constituted under Article 88, read with Article 127, of the Constitution;
- (g) **“post”** means a post in the Secretariat;
- (h) **“Provincial Assembly”** means the Provincial Assembly of the North-West Frontier Province;
- (i) **“Provincial Secretariat”** means the Secretariat Department of the Provincial Government when referred to collectively;
- (j) **“Schedule”** means Schedule appended to these rules;
- (k) **“Secretary”** means the Secretary of the Provincial Assembly and includes any person for the time being performing the duties of the Secretary; and
- (l) **“Secretariat”** means the North-West Frontier Province Provincial Assembly Secretariat.

* substituted vide Notification No.PA/NWFP/Admn:/75/4258 dated 23rd June, 1975 (Published in Extra ordinary gazette on 27th June, 1975).

- (b) fix the percentage of vacancies to be filled by each method.

(3) Where a percentage has been fixed under sub-rule(2), for departmental promotion and direct recruitment, promotion against the posts reserved for departmental promotion shall be made first and posts reserved for direct recruitment shall be filled later.

(4) Notwithstanding anything contained in these rules:-

- (a) short term vacancies reserved for the direct appointment may be filled by any other method of recruitment prescribed in these rules; and
- (b) if no suitable person is available for promotion or transfer, the vacancy may be filled by direct appointment.

6. Recruitment by Promotion.--(1) Promotion to a post may be made:-

- (a) in the case of selection post, on the basis of selection on merit; and
- (b) in the case of non-selection post, on the basis of seniority-cum-fitness.

(2) Appointment to posts from one grade to another and from one category to another within a grade shall be made on the recommendation of a Departmental Promotion Committee, consisting of not less than three members, to be constituted:-

- (a) in the case of posts in Grade No.17 and above by the Speaker; and
- (b) in the case of all other posts, by the Secretary.

(3) No employee shall have any claim for promotion as a matter of right.

7. Recruitment by transfer.--(1) Appointment of officers in Grade No.17 and above by transfer shall be made on a tenure basis for maximum period of three years which may, from time to time, be extended by appointing authority.

(2) In any exceptional case, the Secretariat may, after consultation with the Federal Government or, as the case may be, the Provincial Government, revert an officer to his parent Department to which he belongs or his original post before the expiry of the period of his tenure.

- (c) if he was appointed to such post by promotion or transfer, be reverted to the post from which he was promoted or transferred and against which he holds a lien; or
- (d) if there be no such post, be discharged.

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

(4) If no action is taken under sub-rule(2) or sub-rule(3), the period after the prescribed period of probation shall be treated as temporary engagement until further orders.

(5) Any person appointed to a post by promotion or transfer may also be placed on probation in accordance with the provisions of sub-rule (1).

(6) Where, in respect of any post, the satisfactory completion of the period of probation includes the passing of an examination, test or course, a person appointed on probation to such post who, before the expiry of the original or extended period of his probation, fails to pass such examination or test or to successfully complete the course, may:-

- (a) if he was appointed to such post by direct recruitment, be discharged; or
- (b) if he was appointed to such post by promotion or transfer, be reverted to the post from which he was promoted or transferred and against which he holds a lien; or
- (c) if there be no such post, be discharged:

Provided that, in the case of initial appointment to a post, an employee shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

***11-A. Termination of service.--** (1) The service of an employee may be terminated without notice:-

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

* Added vide Notification No.PA/NWFP/Admn:/75/4258 dated 23rd June, 1975 (Published in extra ordinary gazette on 27th June,1975).

Explanation.-- In this section, "competent authority" means the appointing authority or a person duly authorized by the appointing authority in that behalf, not being a person lower in rank than the employee concerned.

12. Matters not specifically provided for.-- In respect of all other matters, including recruitment policy, eligibility for appointment to a post and the rank, status, seniority, prospects of promotion and privileges of the employees for which no provision has been made in these rules, the employees shall be governed by such rules and orders for the time being in force and applicable to the employees holding corresponding posts in the Provincial Secretariat, subject to such modifications, variations or exceptions, if any, in such rules and orders, as the Speaker may, from time to time, by order, specify.

13. Relaxation of rules.-- Where the Speaker is satisfied that the operation of any provision of these rules causes undue hardship in any particular case, he may, with the approval of the Finance Committee, by order, dispense with, or relax the requirements of that provision to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

PART-IV RE-EMPLOYMENT

14. Re-employment.-- (1) A retired employee shall not ordinarily be re-employed in the Secretariat unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

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

(2) Subject to the provisions of sub-section (1) of Section 3 of Ex-Government Servants (Employment with Foreign Government) (Prohibition) Act, 1966, an employee may during leave preparatory to retirement, or after retirement from service, seek any private employment:

Provided that, where employment is sought by an employee on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the appointing authority for the post from which he retired from service.