

EXTRAORDINARY

GOVERNMENT



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## North-West Frontier Province

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GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,  
LAW DEPARTMENT.

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**NOTIFICATION**

9th August, 2002.

No. LEGIS:1(20)/73/6131.—The following Ordinance by the Governor of the North-West Frontier Province is hereby published for general information:—

**THE NORTH-WEST FRONTIER PROVINCE  
PUBLIC SERVICE COMMISSION (AMENDMENT)  
ORDINANCE, 2002.**

**N.-W.F.P. ORDINANCE NO. XXVII OF 2002.**

**AN  
ORDINANCE**

*further to amend the North-West Frontier Province  
Public Service Commission Ordinance, 2002.*

WHEREAS it is expedient further to amend the North-West Frontier Province Public Service Commission Ordinance, 1978 (N.-W.F.P. Ord. No XI of 1978), for the purposes hereafter appearing;

AND WHEREAS the Governor of the North-West Frontier Province is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, as amended uptodate, and the Provisional Constitution Order No. 1 of 1999, read with Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:

1. Short title and commencement.—(1) This Ordinance may be called the North-West Frontier Province Public Service Commission (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Amendment of section 3 of N.-W.F.P. Ord. No. XI of 1978.—In the North-West Frontier Province Public Service Commission Ordinance, 1978, hereinafter referred to as the said Ordinance, in section 3,—

(a) in sub-section (3), the full stop appearing at the end shall be replaced by a colon and thereafter the following proviso shall be inserted, namely:

“Provided that a serving member of the Commission may be appointed as Chairman for a term not exceeding the un-expired portion of his term as such member.”;

(b) in sub-section (4), the words and figure “and has been retired in basic pay scale 20 or above” shall be added after the word “years” appearing at the end.

3. Amendment of section 4 of N.-W.F.P. Ord. No. XI of 1978.—In the said Ordinance, in section 4, for sub-section (1), the following shall be substituted, namely:

“(1) A member of the Commission shall hold office for a term of five years from the date on which he enters upon office and shall not be eligible for re-appointment:

Provided that a person holding office as Chairman or a member immediately before the commencement of the North-West Frontier Province Public Service Commission (Amendment) Ordinance, 2002, shall cease to hold office on such date as the Governor may direct.”.

4. Insertion of new section 4A to N.-W.F.P. Ord. XI of 1978.—In the said Ordinance, after section 4, as so amended, the following new section 4A shall be inserted, namely:

“4A. Oath of office.—Before entering upon office, the Chairman and a member shall take oath in the form set out in the Schedule to this Ordinance, before the Governor in the case of Chairman, and before the Chairman in case of a member.”.

5. Insertion of new section 5 to N.-W.F.P. Ord. XI of 1978.—In the said Ordinance, for section 5 omitted by N.-W.F.P. Act No. XX of 1987, following shall be inserted, namely:

“5. Ineligibility for further employment.—On ceasing to hold office, a member shall not be eligible for further employment in the Service of Pakistan.”.

6. Amendment of section 7 of N.-W.F.P. Ord. No. XI of 1978.—(1) In the said Ordinance, for section 7, the following shall be substituted, namely:

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

(a) to conduct tests and examinations for recruitment of persons to—

(i) the civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent, and

(ii) posts in basic pay scales 11 to 15 or equivalent specified in following Departments (except the District cadre posts)—

1. Civil Secretariat (through Establishment Department);
2. Board of Revenue;
3. Police Department;
4. Prison Department;
5. Services and Works Department;
6. Irrigation Department;
7. Industries, Labour and Manpower Department;
8. Health Department;
9. Education Department;
10. Local Government and Rural Development Department;
11. Excise and Taxation Department;
12. Food Department;
13. Physical Planning and Environment Department including Urban Development Board; and
14. Organizations, except autonomous bodies, under the Health and Education Departments;

(b) to advise the Governor—

(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:

(1) initial appointments to the services and posts referred to in clause (a);

(2) appointments by promotion to posts in BPS-17 and above; and

(3) transfer from one service to another; and



- (iii) on any other matter which the Governor may refer to the Commission.

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

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

- (i) post in the Governor's House;
- (ii) posts to be filled on adhoc basis for a period of six months or less; provided that before filling the post, prior approval shall be obtained from the Commission;
- (iii) posts to be filled by re-employing as retired officer; provided that the re-employment is made for a specified period not exceeding two years in a post not higher than the post in which the person was employed on regular basis before recruitment."

7. **Insertion of Section 10A of Ordinance XI of 1978.**—In the said Ordinance after section 10, the following new section shall be inserted, namely:

**"10A. Power of the Commission to make regulation.**—Subject to the provisions of this Ordinance and the rules made thereunder, the Commission may make regulations for carrying out the purposes of this Ordinance."

8. **Addition of Schedule to the N.-W.F.P. Ordinance XI of 1978.**—In the said Ordinance, the following Schedule shall be added at the end, namely:

**"SCHEDULE**

[Section 4A]

I, \_\_\_\_\_ do solemnly swear that I will bear true faith and allegiance to Pakistan. That, as a Chairman (or Member) of the North-West Frontier Province 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 and well-being and prosperity of Pakistan.

That I will not allow any 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."

Peshawar,  
Dated the 6th August, 2002.

**Lt. Gen. (Rtd.) IFTIKHAR HUSSAIN SHAH,**  
Governor of the North-West Frontier Province.

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**SALIM KHAN,**  
Secretary to Government of North-West Frontier Province,  
Law Department.

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