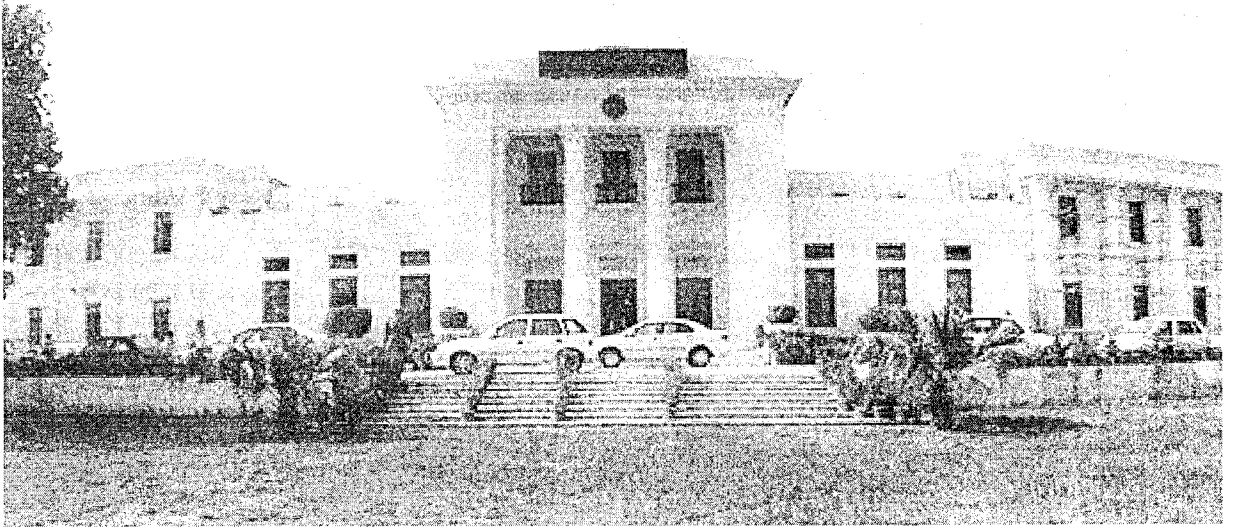




**PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA**

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**KHYBER PAKHTUNKHWA
PROVINCIAL ASSEMBLY SECRETARIAT
(RECRUITMENT) RULES, 1974**

(i)

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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).

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(2) All words and expressions used but not defined in these rules shall unless the context otherwise requires, have the meanings assigned to them in Constitution.

PART-II THE SECRETARIAT

3. **Secretariat.**-- There shall be a Secretariat headed by the Secretary.

4. **Strength and composition of the Secretariat.**--(1) The Secretariat shall consist of such permanent and temporary posts as are respectively specified in Schedule-I and Schedule-II and such other temporary posts as the Speaker may, from time to time, by order, sanction:

Provided that no order sanctioning the creation of a post in grade No.17 and above for a period exceeding six months, shall be made except after consultation with the Finance Committee.

(2) The Speaker may from time to time, amend Schedule I so as to increase or reduce the number of posts specified therein or to add there to any new category of post or posts:

Provided that where such amendment relates to a post in Grade No.17 and above it shall not be made except after consultation with the Finance Committee.

PART-III RECRUITMENT

5. **Methods of Recruitment.**-- (1) Recruitment to a post or class of post may be made by one or more of the following methods, namely:-

- (a) By promotion of a person employed in the Secretariat;
- (b) By transfer on deputation of a person serving outside the Secretariat in connection with the affairs of the Federation or the Province; and
- (c) By direct recruitment.

(2) The Speaker may, from time to time by general or special order:-

- (a) specify the method or methods by which recruitment to a post or class of post shall be made; and

(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.

8. Appointment by direct recruitment.--(1) Appointment by direct recruitment to posts in Grade No.17 and above shall be made upon the recommendation of a Selection Committee, consisting of not less than three members, to be constituted by the Speaker.

(2) Appointment by direct recruitment to post other than those referred to in sub-rule (1) shall be made upon the recommendation of a Recruitment Committee, consisting of not less than three members, to be constituted by the Secretary.

9. Qualification, etc. for Appointment.-- The qualification, experience and age for appointment to various categories of posts by departmental promotion or otherwise shall be:-

- (a) the same as required for appointment to the corresponding posts in the Provincial Secretariat subject to such modifications, variations or exceptions as the Speaker may, from time to time, by order, specify; and
- (b) the qualifications, experience and age required for appointment to any post which has no corresponding post in the Provincial Secretariat shall be such as the Speaker may specify.

10. Appointing Authority.-- Appointment to all posts in Grade No.17 and above shall be made by the Speaker and appointment to all other posts shall be made by the Secretary or by any other officer of the Secretariat authorized by the Secretary in this behalf.

11. Probation.--(1) An initial appointment to a post, not being an ad hoc appointment, shall be on probation for a period of two years, or for such lesser period as may be determined by the appointing authority:

Provided that the appointing authority may, for good and sufficient reasons to be recorded in writing, extend the period of probation or terminate it before two years.

(2) If, in the opinion of the appointing authority, the work or conduct of an employee on probation is not satisfactory or shows that he is not likely to become efficient, such authority may order that:-

- (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 recruitment, be discharged; or

- (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).

Provided that, where such employee is appointed by promotion on probation or, as the case may be is transferred from one grade, cadre or post to another grade, cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such grade or cadre, but he shall be reverted to his former grade, cadre or post, as the case may be;

(ii) on the expiry of the initial or extended period of his employment; or

(iii) if the appointment is made ad hoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or grade, 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 cadre or grade.

(3) Notwithstanding the provisions of sub-rule (1) above, but subject to the provisions of sub-rule (2) above, the service of an employee in temporary employment or appointed on ad hoc shall be liable to termination on fourteen day's notice or pay in lieu thereof.

***11-B. Reversion to a lower grade or service:-** An employee appointed to a higher post or grade ad hoc or on temporary or officiating basis shall be liable to reversion to his lower post of grade without notice.

****11-C. Retirement from service:-** An employee shall retire from service:-

(i) 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 the public interest, direct; or

(ii) where no direction is given under clause(i), on the completion of the Sixty years of his age.

* & ** 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.

PART-V
MISCELLANEOUS

15. Residuary powers.-- All matters not specifically provided for in these rules or in the rules and orders referred to in rule 12 shall be regulated in accordance with such orders as the Speaker may make.

16. Interpretation.-- All questions relating to the interpretation of these rules shall be referred to the Speaker whose decision thereon shall be final.