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PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 1st January, 2025.

No.PA/Khyber Pakhtunkhwa/Admn:/2025/45. In exercise of the powers conferred on me by section 26 of the Khyber Pakhtunkhwa Provincial Assembly Secretariat Employees (Terms and Conditions of Service) Act, 2024 (Khyber Pakhtunkhwa Act No.IX of 2024), I Babar Saleem Swati Speaker, Provincial Assembly of Khyber Pakhtunkhwa, is pleased to make the following Rules, namely:

PART-I

PRELIMINARY

1. Short title and commencement.—(1) These Rules may be called the Khyber Pakhtunkhwa Provincial Assembly Secretariat Employees (Terms and Conditions of Service) Rules, 2025.

- (2) They shall come into force at once.
- **2. Definitions.**–(1) In these Rules, unless the context otherwise requires:
 - (a) "Act" means the Khyber Pakhtunkhwa Provincial Assembly Secretariat Employees (Terms and Conditions of Service) Act, 2024 (Act No. IX of 2024);
 - (b) "Adhoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
 - (c) "Appointing Authority" means the Speaker of the Provincial Assembly of Khyber Pakhtunkhwa;

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- (d) "Basic Pay Scale" means the basic pay scales prescribed by the Government from time to time and adopted by the Secretariat;
- (e) "Civil Servant" shall have the same meaning as assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973);
- (f) "Competent Authority" means the Appointing Authority;
- (g) "Constitution" means the Constitution of the Islamic Republic of Pakistan 1973;
- (h) "Deputation" means temporary transfer of the services of an employee from the Secretariat or temporary transfer to the Secretariat of a person from Federation or any Province;
- (i) "Directions" means written directions, issued by the Speaker, from time to time, duly notified in the official Gazette;
- (j) **"Employee"** means an employee of the Secretariat, but does not include,
 - (i) a person who is on deputation to the Secretariat; and
 - (ii) a person who is employed on contract or work-charged basis or who is paid from contingencies;
- (k) "Finance Committee" means the Finance Committee of the Provincial Assembly, constituted in pursuance of Article 88 of the Constitution, read with the Article 127 thereof;
- (1) **"Government"** means the Government of Khyber Pakhtunkhwa;
- (m) **"Initial recruitment"** means appointment made otherwise than by promotion, deputation or transfer;
- (n) "Pay" means the amount drawn monthly by an employee as pay and includes technical pay, special pay, personal pay and other emoluments declared as such by Government for the civil servants, subject to such modifications as the Speaker or the Finance Committee, as the case may be, may make;

- (o) **"Permanent post"** means a permanent post sanctioned in the Secretariat without limit of time;
- (p) **"Post"** means the permanent post and temporary post;
- (q) "Prescribed" means prescribed by rules or directions of the Speaker, as the case may be, notified in the official Gazette from time to time;
- (r) "Provincial Assembly" means the Provincial Assembly of Khyber Pakhtunkhwa;
- (s) "Schedule" means the Schedule appended to these rules;
- (t) "Secretariat" means the Secretariat of Provincial Assembly;
- (u) "Secretary" means the Secretary of the Secretariat and, in case of absence of Secretary, any senior officer, authorized by the Speaker to perform the functions as Acting Secretary for the time being;
- (v) "Selection Authority" in case of promotion means a Departmental Promotion Committee constituted for the purpose of making recommendations for promotion of the employees to higher posts for the time being reserved under the rules for departmental promotion, and in case of initial recruitment means a Departmental Selection Committee constituted for the purpose of making recommendations for initial appointments to posts reserved under the rules for initial appointment or selection to the posts reserved under the rules for selection to the higher posts or the posts in the same BPS in the Secretariat;
- (w) "Speaker" means the Speaker of the Provincial Assembly of the Khyber Pakhtunkhwa; and
- (x) **"Temporary post"** means a post other than a permanent post.

(2) All words and expressions used but not defined in these rules, shall, unless the context otherwise requires, have the same meanings assigned to them in the Khyber Pakhtunkhwa Provincial Assembly Secretariat Employees (Terms and Conditions of Service) Act, 2024(Khyber Pakhtunkhwa Act No.IX of 2024).

PART-II

THE SECRETARIAT AND ITS MANAGEMENT

3. Secretariat.—There shall be a Secretariat, to be known as the Khyber Pakhtunkhwa Provincial Assembly Secretariat, headed by the Secretary.

4. Strength and composition of the Secretariat.—(1) The Secretariat shall consist of all permanent, temporary and such other posts as may, from time to time, be sanctioned by the Speaker, and a list thereof, shall be maintained by the Secretariat.

(2) The Speaker may create, upgrade, re-designate or abolish any post:

Provided that, no such order sanctioning the creation, up-gradation, redesignation or abolition of a post in BPS-17 or above for a period exceeding six months, shall be made except after consultation with the Finance Committee.

(3) When a post is created, upgraded, re-designated or, as the case may be, abolished, it shall be notified in the official Gazette.

5. Powers and functions of the Speaker.—(1) In addition to the powers and functions conferred by the Constitution or any other law or rules for the time being in force, the Speaker shall be the Chief Executive of the Secretariat, who shall have the following functions and powers:

- (a) to manage and administer different affairs of the Secretariat as he deems fit and necessary;
- (b) to give directions for improvement, modernization and training of human resource policies about the employees of the Secretariat;
- (c) to appoint advisors, consultants, interns and experts on work charged basis or temporary posts, on such terms and conditions and for such period as he may specify, not exceeding one year and shall be paid out of contingencies.
- (d) to develop linkages with legislatures of other countries to benefit from their parliamentary experiences and procedures for improved working of the Secretariat;
- (e) to make, or cause to be made, and execute such policies and programmes that are necessary for improving the infrastructure, development and better utilization of existing infrastructure and facilities of the Secretariat; and

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(f) to perform and carry out any other act or function which is in the interest of the Secretariat.

(2) Notwithstanding anything contained in these Rules, the Speaker may, by general or special order in writing, delegate any of his powers under the Act and these rules to the Secretary or any officer of the Secretariat, not below the rank of BPS-20, fully or partly and subject to such restrictions or conditions as he may deem appropriate.

6. The Secretary.—(1) The Secretary shall be the head of the Secretariat and responsible to:

- (a) assist the Speaker in managing and organizing the Secretariat;
- (b) supervise all wings and administrative units of the Secretariat and coordinate amongst them;
- (c) assist the Speaker in the formulation of policy, and duly execute the sanctioned policy;
- (d) assist and support the House and its Committees in performance of their functions; and
- (e) keep the Speaker generally informed of the working of the Secretariat and of any important case disposed of without reference to the Speaker.

7. Terms and conditions of service.—(1) The terms and conditions of service of an employee shall be such as provided under the Act and these rules.

(2) The terms and conditions of service of any person, to whom the Act and these Rules apply, shall not be varied to his disadvantage.

(3) Subject to the Act and these rules, all other terms and conditions of service, including pay, allowances, advances, retirement, deputation, pension, gratuity, provident fund, benevolent fund, retirement benefits and death compensation, financial or family assistance packages, including in-service death, leave or all other rights, perks, privileges, prerogatives, concessions, entitlements, memberships, facilities, including medical, housing, education and all other schemes of Government, notwithstanding any judgment or order of any court, tribunal or a quasi-judicial authority, shall be such as governed by the law, rules, policies, instructions and guidelines for the time being in force and applicable, admissible or enjoyed or available to the civil servants in the corresponding posts or Basic Pay

Scales, subject to such modifications, variations or exceptions as may be made by the Speaker in consultation with the Finance Committee:

Provided that, in case of urgency, the Speaker in anticipation of the Finance Committee, may make such modifications, variations or exceptions.

PART-III

APPOINTMENTS

8. Appointment.—(1)---Appointment in the Secretariat shall be made by the Appointing Authority by one or more of the following methods in the prescribed manner:

- (a) by promotion of a person employed in the Secretariat;
- (b) by initial recruitment;
- (c) by transfer on deputation; and
- (d) by transfer within the Secretariat in the same Basic Pay Scale from amongst employees having relevant or same qualification prescribed for the post;

(2) Appointment to all posts shall be made by the Speaker or by any other officer of the Secretariat authorized in this behalf by the Speaker.

9. Appointment by promotion.— (1) Promotion of employees possessing such minimum qualifications as prescribed may be promoted to a higher post for the time being reserved for promotion in the service or cadre to which he belongs on the recommendation of a Departmental Promotion Committee, consisting of not less than three members, to be constituted by the Speaker;

Provided that, a post, referred in sub-section(1), may either be a selection post or a non-selection post to which promotion shall be made in the manner as prescribed in the schedule.

Explanation: For the purpose of proviso referred above, the selection and non-selection post shall respectively mean promotion on the basis of selection on merit and promotion on the basis of seniority cum fitness.

- (2) No employee shall have any claim for promotion as a matter of right.
- (3) Where a percentage has been specified for departmental promotion, selection

and initial appointment, the vacant post meant for promotion and selection shall be filled first and initial appointment later.

(4) The minimum educational qualification for promotion to the post of BPS-16 and above in all categories, shall be graduation.

(5) If a substantive post remains vacant for more than one year due to shortage of required length of service, the senior most officer in the previous grade may be promoted in relaxation of required service up to two years or for such period as the Competent Authority may determine.

10. Recruitment by initial appointment.— (1) Appointment in the Secretariat to a post reserved for initial appointment shall be made upon the recommendations of the Departmental Selection Committee;

(2) For the purpose of recruitment and making recommendations for initial appointment, the Departmental Selection Committee, consisting of not less than three members, shall be constituted by the Speaker.

11. Quota for minorities and persons with disabilities.—All initial appointments shall be made on open merit, however, 2% posts of total sanctioned strength in BPS-15 and below shall be filled from amongst the persons with disabilities, and 5% in each basic pay scale shall be reserved for candidates, belonging to minorities, in addition to their participation in the open merit while 10% quota shall be reserved for women.

12. Appointment on deputation.—(1) Appointment to a post on deputation of a person serving outside the Secretariat, holding a post in the same BPS on regular basis in connection with the affairs of Federation or any Province having relevant experience, may be made in the interest of the Secretariat.

(2) Appointment to a post on deputation shall be made on a tenure basis initially for a period of three years, which may be extended for a further period of two years or as determined by the Appointing Authority.

(3) The Appointing Authority may revert an employee to his parent department before the expiry of his deputation period.

(4) If initial period of deputation is not extended by the Appointing Authority under sub-rule (2) or no action is taken under sub-rule (3), the employee on expiry of his initial or extended period of deputation, as the case may be, shall stand repatriated to his parent department.

13. Appointment by transfer within the Secretariat in the same Basic Pay Scale.—Appointment by transfer within the Secretariat in the same BPS shall be made from amongst the employees of the Secretariat upon the recommendations of the Departmental Selection Committee, provided that, the employee concerned possesses the relevant or same qualification as prescribed in the schedule.

14. Methods, Qualifications, Experience, Age Limit and other conditions for appointment.— The methods, qualifications, age limit, experience and other terms and conditions for appointment to various posts by each of the aforementioned method will be such as provided in the Schedule appended to these Rules:

Provided that, subject to provisions of the Act and these Rules, 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) prescribe other conditions or modify the provisions of the Schedule.

15. Probation.—(1) Appointment to a post by initial recruitment, not being an adhoc appointment, shall be on probation for a period of one year, or for such lesser period, as may be determined by the Appointing Authority.

(2) An employee appointed to a post by promotion or transfer, as the case may be, may also be placed on probation for a period of one year, or such lesser period, as may be determined by the Appointing Authority.

(3) The Appointing Authority may, for reasons to be recorded in writing, extend the period of probation for another one year.

(4) If in the opinion of the Appointing Authority, the work or conduct of an employee on probation is un-satisfactory or shows that he is likely to become inefficient, or where, in respect of any post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete the course or the training shall, except as may be prescribed otherwise:

- (a) if he was appointed to such post by initial 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:

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

(5) On the satisfactory completion of period of probation, the Appointing Authority may terminate the probation and confirm a probationer in his appointment.

PART-IV

CONFIRMATION AND LIEN

16. Confirmation.—(1) A person appointed to a post by initial recruitment, shall, on satisfactory completion of his probation, be eligible for confirmation in that post.

(2) An employee, promoted on regular basis, shall be eligible for confirmation, after rendering satisfactory service, for the period as provided in sub rule (2) of Rule 15.

(3) An employee, who, during the period of his service, was eligible to be confirmed against any permanent post, retires from service before being confirmed, shall not merely by reason of such retirement, be refused confirmation against such post or any benefits accruing therefrom.

(4) Confirmation of an employee against a post shall take effect from the date of occurrence of permanent vacancy of that post or from the date of continuous officiation on such post, whichever is later.

(5) The confirmation shall be made only against a permanent post.

(6) No confirmation shall be made against the post vacated on dismissal, removal or compulsory retirement of an employee until his representation against such dismissal or, as the case may be, removal or retirement is finally decided.

(7) The confirmation shall be made by the Appointing Authority.

17. Lien.—(1) On confirmation in a permanent post, an employee shall acquire a lien in that post and shall retain it during the period when he–

- (a) holds a temporary post other than a post in a service, group or category of posts against which he was originally appointed;
- (b) holds a post on deputation with Provincial or Federal Government;
- (c) is on leave; and
- (d) is under suspension.

(2) An employee acquiring lien, as referred in sub rule (1), shall cease to hold lien acquired by him previously on any other post.

(3) The lien of an employee, who is reduced in rank or reverted to a lower post as a consequence of action taken against him under the rules, shall be terminated against the post from which he is reduced in rank or, as the case may be, reverted to a lower post:

Provided that, such employee shall acquire a lien against the lower post and on completion of the period of the penalty again acquire a lien against the post from which he was reduced in rank or reverted.

(4) An employee shall cease to hold lien against a post if he takes up an appointment on selection in an autonomous body under the control of Federal or Provincial Government, local authority or private organization.

(5) Notwithstanding the consent of an employee, his lien on a post shall not be terminated until he acquires lien on any other post.

(6) Notwithstanding anything contained in these rules, a confirmed employee shall acquire lien against the substantive post held by him when he is relieved as a consequence of his selection against some other post, cadre or service in the service of Pakistan or any Province of Pakistan, he shall retain his lien in the Secretariat until he is confirmed in the said other post, cadre or service or for a maximum period of three years, whichever is earlier, and the said period of lien shall in no case be extended.

(7) The Competent Authority may grant lien to a temporary employee on his appointment in any other organization for such period as may be determined by the Appointing Authority.

PART-V

SENIORITY

18. Seniority on initial appointment.—(1) A person appointed by initial recruitment through an open advertisement shall rank senior to those appointed through a subsequent open advertisement.

(2) If two or more persons are appointed in open advertisement, their inter se seniority shall be determined in order of merit assigned to them by the selection authority:

Provided that, if seniority cannot be determined in order of merit, the older in age shall rank senior.

Provided further that, if seniority cannot be determined in order of age, the person who submitted his arrival report first, shall rank senior.

(3) If only one candidate is appointed in open advertisement, his seniority shall be counted from the date of his appointment against the post after being recommended by the committee.

19. Seniority on promotion.—Seniority to a post or category of posts to which an employee is promoted shall take effect from the date of regular promotion to that post or category of post:

Provided that—

- (a) employees promoted to higher posts on an earlier date shall rank senior to those promoted on a later date;
- (b) employees promoted to higher posts in one batch shall on their promotion to the higher post, retain their inter se seniority as in the lower post; and
- (c) employees eligible for promotion who could not be considered for promotion in the original reference in circumstances beyond their control or whose case was deferred, without any shortcoming on their part, while their juniors were promoted to the higher post, shall on promotion, without supersession, retain their inter se seniority as in the lower post.

20. Seniority on appointment by transfer in the same BPS.—An employee appointed by transfer in the same BPS shall reckon his seniority in a post, service, group, category of posts with effect from the date of his regular appointment to that post, service or cadre:

Provided that, employees belonging to the same service, cadre, group, category or posts selected for appointment by transfer to another service, group or category of posts in one batch shall, on their appointment, take their *inter se seniority* in the order of their date of regular appointment in their previous service, group or category of posts:

Provided further that, employees belonging to different service, cadre, group, category or posts selected for appointment by transfer in one batch shall, on their appointment, take their *inter se seniority* in the order of their date of regular appointment to the post which they were holding before such appointment and, where such date is the same, the person older in age shall rank senior.

21. Fitness.—The fitness of an employee for promotion shall be evaluated on the basis of capabilities, including physical and mental fitness, acquirement of qualification prescribed for promoted post, and other factors including PER, experience, performance, skills and suitability for the higher post to which he is being considered for:

Provided that, for the purpose of promotion of an employee, due and equal regard shall be paid both to the seniority and fitness.

PART-VI

PAY, ALLOWANCES, PENSION AND FINANCIAL BENEFITS

22. Pay, allowance, pension, commutation and gratuity.—(1) An employee appointed to a post shall be entitled in accordance with rules to the pay, allowances etc sanctioned for such post:

Provided that, where an employee has been dismissed or removed from service or reduced in rank under an order, which is later set aside, he shall, on the setting aside of such order, be entitled to such arrears of pay, as the authority setting aside such order, may determine:

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Provided further that, where the appointment is made on a current-charge basis or by way of additional charge, his pay shall be fixed as prescribed by the Government.

(2) On retirement from service, an employee shall be entitled to receive such pension, commutation or gratuity as may be prescribed by the Government.

(3) No pension shall be admissible to an employee who is dismissed or removed from service for reasons of discipline:

Provided that, the Competent Authority may sanction compassionate allowance to such an employee, not exceeding two-thirds of the pension, commutation or gratuity which would have been admissible to him, had he been invalidated, on the recommendations of a medical board, from service on the date of such invalidation:

Provided further that, the authority on reversal of an order of dismissing or removing an employee may declare that the employee's past service be counted.

(4) If the determination of the amount of pension, commutation or gratuity admissible to an employee is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension, commutation or gratuity as may be determined by the authority concerned, according to the length of service of the employee which qualifies for pension, commutation or gratuity, and any over payment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such employee or his family.

(5) Notwithstanding anything contained in these Rules and unless otherwise provided by the Appointing Authority, the matters relating to pay, pension, allowances, commutation and gratuity, etc., of the employees of the Secretariat shall be regulated in accordance with rules, instructions and orders issued by the Government, from time to time, as are or shall be applicable to civil servants.

(6) Employees of the Secretariat shall be entitled to such additional allowances and financial benefits as decided or may be decided by the Speaker in consultation with Finance Committee, from time to time.

23. Provident fund, Benevolent fund, Retirement benefits, Death compensation and Group insurance.—Unless otherwise provided by the Appointing Authority in these Rules, the matters relating to provident fund,

benevolent fund and group insurance, etc., and all other related matters regarding the employees of the Secretariat shall be regulated in accordance with rules, instructions and orders issued by the Government, from time to time, as are or shall be applicable to civil servants.

24. Government schemes and Chief Minister's packages etc.— The Government schemes and Chief Minister's packages etc. regarding death in service, post-retirement benefits such as housing schemes, medical, insurance, etc., for employees of the Government shall be admissible to the employees of the Secretariat.

PART-VII

CONDUCT, EFFICIENCY AND DISCIPLINE

25. Conduct.—Unless otherwise provided in these Rules or prescribed by separate rules to be framed or directions notified or instructions issued by the Speaker, the conduct of employees shall be regulated by rules made, or instructions issued, from time to time, by the Government.

26. Efficiency and Discipline.—(1) Subject to the Act and these Rules or separate rules framed under this Act, an employee shall be liable to disciplinary action and penalties in accordance with the prescribed procedure as laid down in Khyber Pakhtunkhwa (Efficiency and Discipline) Rules, or instructions issued by the Government or under any law applicable to civil servants for the time being in force and as amended from time to time.

(2) Notwithstanding anything contained in any other law or rules, the Competent Authority may for the purpose of taking action against an employee, shall cause a list of officers concerned from time to time to be persona *designata*.

27. Right of representation.—Subject to the Act and these Rules, an employee aggrieved from any order relating to the terms and conditions of his service, may file a representation to Speaker within 30-days of such order:

Provided that, an aggrieved employee, after exhausting departmental remedy may prefer a service appeal to the Khyber Pakhtunkhwa Service Tribunal within the period as provided in Section-4 of the Service Tribunal Act, 1974.

Provided further that, where a court case is subjudice, the vacancy shall not be filled till final decision of the case.

PART-VIII

FINANCIAL MATTERS AND FINANCE COMMITTEE

28. Control of expenditure and other financial matters.—Control over expenditure of the Secretariat shall be exercised by the Secretary in accordance with the general or special directions of the Speaker or the Finance Committee, as the case may be:

Provided that, all other matters relating to financial and accounting shall be as provided in the Provincial Assembly of Khyber Pakhtunkhwa (Finance Committee) Rules, 1974.

PART-IX

LEAVE

29. Leave.—(1) Unless otherwise prescribed by the Speaker, the leave rules of the Government shall be applicable to the employees of the Secretariat.

(2) The employees shall be entitled to encashment of leave, upto a maximum of 48 days in a calendar year, subject to availability of leave balance at the credit for the specific year:

Provided that—

- (a) total balance of leave available at the credit of an employee will be considered for encashment and at least one year (365 days) leave shall remain in balance of an employee all the times out of the total leave so accumulated;
- (b) an employee may apply annually for encashment of leave on or after 31st December but no later than 15th January of the next calendar year. If an employee does not apply for encashment of leave for a particular year within this time, it shall be credited to his leave account;
- (c) calculation for encashment will be made on the basic pay of an employee as drawn on 1st December of that particular year; and
- (d) persons appointed on deputation can also avail the facility, however, contract or ad-hoc appointees shall not be eligible for encashment of leave.

PART-X

MISCELLANEOUS

30. Relaxation of upper age limit on initial appointment.— (1) Age relaxation to overage candidates may be granted up to fifteen (15) years by the Appointing Authority.

31. 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, orders and instructions 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, orders or instructions, as the Speaker may, from time to time, by order specify.

32. Interpretation of rules.—All questions relating to the interpretation of these Rules shall be referred to the Speaker whose decision thereon shall be final.

33. Repeals and Savings.— (1) The Khyber Pakhtunkhwa Provincial Assembly Secretariat (Recruitment) Rules, 1974 are hereby repealed.

(2) Notwithstanding the repeal of the Khyber Pakhtunkhwa Provincial Assembly Secretariat (Recruitment) Rules, 1974, all orders made, proceedings taken and acts done, including appointments made either through initial recruitment, induction, absorption, promotion, regularization or on contract basis, obligation, liability or penalty incurred, power conferred or exercised, by any authority or by any person, under the said rules and anything done in exercise of the powers, or purported exercise of the powers, conferred by or under the said rules, shall continue and be deemed to be and always to have been validly made, taken, done, incurred, conferred, exercised or issued under these rules and shall not be called in question in any court on any ground whatsoever.

34. Relaxation and Amendment.— Any relaxation and amendment in these rules shall be made by the Speaker for carrying out the purpose of the Act.

sd/-xxx-(BABAR SALEEM SWATI) Speaker Provincial Assembly of Khyber Pakhtunkhwa

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