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SIND ORDINANCE NO.VI OF 1978

THE SIND PUBLIC SERVICE COMMISSION ORDINANCE, 1978

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SIND ORDINANCE NO.VI OF 1978

THE SIND PUBLIC SERVICE COMMISSION ORDINANCE, 1978

[29th March, 1978]

An Ordinance to repeal and, with certain modifications, re-enact the Sind Public Service Commission Act, 1973.

Preamble.

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Sind Public Service Commission Act, 1973 (Sind Act XVI of 1973);

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977, the Governor of Sind is pleased to make and promulgate the following Ordinance: -

Short title and commencement.

1. (1) This Ordinance may be called the Sind Public Service Commission Ordinance, 1978.

(2) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context—

(a) "Commission" means the Commission under section 3;

(b) "Government" means the Government of Sind;

(c) "Governor" means the Governor of Sind;

(d) "Member" means a Member of the Commission and includes the Chairman thereof;

(e) "prescribed" means prescribed by rules.

Composition of Commission.

3. (1) There shall be a Public Service Commission for the Province of Sind, which shall be called the Sind Public Service Commission.

(2) The Commission shall consist of a Chairman and such number of Members as the Governor may determine.

(3) Not less than one-half of the Members shall be persons who have held office in the Service of Pakistan for not less than twenty years.

Appointment of Chairman and Members.

4. (1) The Chairman and Members shall be appointed by the Governor.

(2) Subject to sub-section (4), the term of office of a Member shall not exceed five years; provided that he may be re-appointed for another term not exceeding three years.

(3) Notwithstanding anything contained in this section, a person holding office as Chairman or Member, immediately before the coming into force of this Ordinance, shall cease to hold the office on such date as the Governor may direct.

(4) A Member shall cease to hold office on attaining the age of sixty five years:

Provided that the Governor may in the interest of service allow him to continue to hold the office for the unexpired portion of the term but not beyond the age of sixty eight years, if he is certified by such Medical Board as the Governor may constitute in this behalf, to be in a fit state of health.

(5) A Member may resign his office by writing under his hand addressed to the Governor.

Terms and conditions of service of Chairman and Members.

5. (1) The terms and conditions of service of the Chairman or Member shall be such as may be determined by the Governor; provided that the terms and conditions shall not be varied to the disadvantage of the Chairman or Member during the term of his office.

(2) On ceasing to hold office, a Member shall not be eligible for re-employment, in the service of Government or in autonomous corporation or body established by Government by law or otherwise:

Provided that nothing contained in this sub-section shall debar a Member from becoming a Chairman:

Provided further that nothing contained in this sub-section shall apply to a Member who, immediately before his appointment as the Member, was in service of Pakistan, and has not attained the age of superannuation under the law applicable to him as Civil Servant.

Removal of Chairman and Members.

6. (1) If the Governor is of the opinion that the Chairman or Member, by reason of physical or mental incapacity, is unable to perform his duties or is guilty of misconduct, he shall appoint a Judge of the High Court as may be nominated by the Chief Justice of the Sind High Court, to inquire into the matter.

(2) If after holding the inquiry, the Judge submits a report that the Chairman or Member is incapable of performing his duties or is guilty of misconduct, the Governor may, notwithstanding the provisions of section 4, remove such Chairman or Member.

Explanation.— For the purpose of this sub-section, "misconduct" means a conduct prejudicial to the good order of service discipline or contrary to the rules of conduct applicable to civil servants of the Province of Sind or unbecoming of an officer and a gentleman and includes any act on the part of the Chairman or a Member, to bring or attempt to bring political or other outside influence directly or indirectly to bear on Government or any Government Officer, in respect of any matter relating to his retention as such Chairman or Member, punishment, retirement or other conditions of his service and includes—

(i) conviction for an offence involving moral turpitude;

(ii) active participation in sectarian, communal or political controversy;

(iii) persistent disregard of the regulations relating to conduct of affairs of Commission;

(iv) assuming a style of living beyond his legitimate means.

(3) For the purpose of inquiry under this section the Judge shall have power vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely: —

(i) enforcing the attendance of any person and examining him on oath;

(ii) requiring the discovery of documents;

(iii) receiving evidence on affidavits;

(iv) issuing commission for examination of witnesses of documents.

Functions of the Commission.

7. The functions of the Commission shall be—

(i) to conduct tests and examinations for recruitment for initial appointment to—

(a) such posts connected with the affairs of the Province of Sind;

(b) such posts in or under a Corporation or other Autonomous Body or Organization set up by Government under any law or otherwise as may be prescribed;

(ii) to advise Government on—

(a) the matters relating to qualifications for and methods of recruitment to, the posts referred to in clause (i); and

(b) any other matter which Government may refer to the Commission;

(iii) to hold such departmental or language examination as may be prescribed.

Commission to be informed when its advice not accepted.

8. Where Government does not accept the advice of the Commission, it shall give such intimation to the Commission with reasons, if any, therefore.

Report of the Commission.

9. (1) The Commission shall annually present to the Governor a report on the work done by it during the year.

(2) The report under sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission—

(a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefore;

(b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons therefore.

(3) The Governor shall cause a copy of the report to be laid before the Provincial Assembly.

Rules.

10. Government may make rules for carrying out the purposes of this Ordinance.

Regulations.

11. The Commission may frame regulations for performance of functions and transacting business assigned to it by or under this Ordinance.

Repeal.

12. The Sind Public Service Commission Act, 1973, is hereby repealed.