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SINDH ORDINANCE NO.X OF 1973

THE SIND CIVIL SERVANTS ORDINANCE, 1973

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SINDH ORDINANCE NO.X OF 1973

THE SIND CIVIL SERVANTS ORDINANCE, 1973

[7th September, 1973]

An Ordinance to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan in connection with the affairs of the Province of Sind.

Preamble.

WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan in connection with the affairs of the Province of Sind and provide for matters connected herewith or ancillary thereto;

AND WHEREAS the Provincial Assembly is not in session and the Governor of Sind is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sind is pleased to make and promulgate the following Ordinance:-

Short title, application and commencement.

1. (1) This Ordinance may be called the Sind Civil Servants Ordinance, 1973.

(2) It applies to all civil servants wherever they may be.

(3) It shall come into force at once.

CHAPTER I – PRELIMINARY

Definitions.

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

(i) for clause (a), the following shall be substituted, namely:-

(a) "adhoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending the recruitment I accordance with such method;

(b) "civil servant" means a person who is a member of a civil service of the Province or holds a civil post in connection with the affairs of the Province, but does not include—

(i) a person who is on deputation to the Province from the Federation or any other Province or authority; or

(ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or

(iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (XXV of 1934), or the Workmen's Compensation Act, 1923 (VIII of 1923);

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

(d) Initial appointment" means appointment made otherwise than by promotion or transfer;

(e) "pay" means the amount drawn monthly by a civil servant as pay, and includes technical pay, special pay, personal pay and any other emoluments declared by the prescribed authority to be pay;

(f) "permanent post" means prescribed by rules;

(g) "prescribed" means prescribed by rules;

(h) "rules" means rules made or deemed to have been made under this Ordinance;

(i) "selection" authority" means the Sind Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made;

(j) "temporary post" means a post other than a permanent post.

(2) For the purpose of this Ordinance, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

CHAPTER II—TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

Terms and conditions.

3. The terms and condition of service of a civil servant shall be as provided in this Ordinance and the rules.

Tenure of office of civil servants.

4. Every civil servant shall hold office during the pleasure of Government.

Appointment.

5. Appointment to a civil service of the Province or a civil

post in connection with the affairs of the Province shall be made in the prescribed manner by Government or by a person authorised by it in that behalf.

Probation.

6. (1) An initial appointment to a service or post referred to in Section 5, not being adhoc appointment shall be on probation as may be prescribed.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

(3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointment on probation to such service or 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 course or the training shall, except as may be prescribed otherwise—

(a) If he was appointed to such service or post by initial recruitment, be discharged; or

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

Provided that, in the case of initial appointment to a service or post, a civil servant 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.

Confirmation.

7. (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post or grade on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service,

was eligible to be conformed in any service or against any post retires from service before being confirmed shall not, merely be reason of such retirement, be refused confirmation in such service or post of any benefits accuring therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

Seniority.

8. (1) For proper administration of a service, cadre or grade, the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or grade to be prepared, but noting herein contained shall be construed to confer an vested right to a particular seniority I such service, cadre or grade, as the case may be.

(2) Subject to the provision of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or grade, whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, grade or post shall be determined as may be prescribed.

(4) Seniority in the grade to which a civil servant is promoted shall take effect from the date of regular appointment to a post in that grade:

Provided that civil servants who are selected for promotion to a higher grade in one bath shall, on their promotion to the higher grade, retain their inter se seniority as in the lower grade.

Promotion.

9. (1) A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a post for the time being reserved under the rules for departmental promotion in the higher grade of the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed—

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

Posting and transfers.

10. Every civil servant shall be liable to serve anywhere within or outside the Province in an post under Government, Federal Government, or any Provincial Government or local authority, or corporation or body set up or established by an such Government.

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Termination of service.

11. (1) The service of a civil servant may be terminated without notice—

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

Provided that, where such civil servant 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 adhoc 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 f a civil servant or 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 provision of sub-section (1), but subject to the provisions of sub-section (2) the service of a civil servant I temporary employment or appointed adhoc shall be liable to termination on fourteen days' notice or pay in lieu thereof.

Reversion to a

12. A civil servant appointed to a higher post or grade adhoc

or on temporary or officiating basis shall be liable to reversion to his lower post or grade without notice. **lower grade or service.**

13. A civil servant shall retire from service— **Retirement 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 fifty-eight years of his age.

Explanation—In this section, "competent authority" means the appointing authority or a person duly authorised by the appointing authority in that behalf, not being a person lower in rank than the civil servant concerned.

14. (1) A retired civil servant shall not ordinarily be re-employed under Government, 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: **Employment after retirement.**

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

(2) Subject to the provision of sub-section (1) of section 3 of the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (XII of 1966), a civil servant may, during leave preparatory to retirement, or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

15. The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of specified group or class of civil servants. **Conduct.**

16. A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribe procedure. **Efficiency and discipline.**

17. A civil servant appointed to a post or grade shall be entitled, in accordance with the rules, to the pay sanctioned for **Pay.**

such post or grade:

Provided that, when the appointment is made on a current-charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, 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.

Leave.

18. A civil servant shall be allowed leave in accordance with the leave rules applicable to him, provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority.

Pension and gratuity.

19. (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.

(2) In the event of the death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two-thirds of the pension or gratuity which would have been admissible to him had he been invalidated from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant 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 or gratuity as may be determined by the prescribed authority according to the length of service of the civil servant which qualifies for pension 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 civil servant or his family.

Provident Fund.

20. (1) Before the expiry of the third month of every financial year, the accounts, officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which his is required to maintain a statement under his hand showing the subscriptions to, including the interest accuring thereon, if

any, and withdrawals or advances from his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been sown or credited in the account by the accounts or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

Benevolent Fund and Group Insurance.

21. All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan Government Servants Benevolent Fund Ordinance, 1960 (West Pakistan Ordinance XIV of 1960) and the West Pakistan Government Employees Welfare Fund Ordinance, 1969 (West Pakistan Ordinance I of 1969) and the rules made thereunder.

Right of appeal or representation.

22. (1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

CHAPTER III.— MISCELLANEOUS

Saving.

23. Nothing in this Ordinance or in any rule shall be construed to limit or abridge the power of Government to deal with the case of any civil servant in such manner as may appear to it to be just and equitable:

Provided that, where this Ordinance or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favourable to him than that provided by this Ordinance or such rule.

Removal of

24. If any difficulty arises in giving effect to any of the

provision of this Ordinance, Government may make such order, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty: **difficulties.**

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Ordinance.

CHAPTER IV. – RULES

Rules.

25. (1) Government or any person authorised by it in this behalf, may make such rules as appear to be necessary or expedient for carrying out the purpose of this Ordinance.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Ordinance shall, in so far as such rules, orders or instruction are not inconsistent with the provision so this Ordinance, be deemed to be rules made under this Ordinance.