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THE SINDH CIVIL SERVANTS (AMENDMENT) ORDINANCE, 2012.

[4th September, 2012]

An Ordinance to amend the Sind Civil Servants Act, 1973.

WHEREAS it is expedient to amend the Sind Civil Servants Act, 1973, in the manner hereinafter appearing; **Preamble.**

AND WHEREAS the Provincial Assembly is not in session and the Governor 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, 1973, the Governor is pleased to make and promulgate the following Ordinance: -

(1) This Act may be called the Sindh Civil Servants (Amendment) Ordinance, 2012. **Short title and commencement.**

(2) It shall come into force at once.

2. In the Sind Civil Servants Act,1973, hereinafter referred to as the said Act, in section 2 - **Amendment of section 2 of Sind Act No.XIV of 1973.**

(i) after clause (a), the following shall be inserted:-

"(aa) "absorption" means the appointment of a person by way of absorption in accordance with sub-section (2) of section 10-A;";

(ii) after clause (b), the following shall be inserted:-

"(bb) "deputation" means the posting of a person in accordance with sub-section (1) of section 10-A;";

(iii) in clause (d), after the word "transfer", the words "or absorption" shall be inserted.

3. In the said Act, for section 9-A, the following shall be substituted:- **Amendment of section 9-A of Sind Act No.XIV of 1973.**

"9-A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force or any judgment of any court, a civil servant who provenly exhibits the act of gallantry while performing his duties or very exceptional performance beyond the call of duty, may be granted out of turn promotion or award or reward by Government (Chief Minister).

(2) All the out of turn promotions made under section 9-A prior to the coming into force of the Sindh Civil Servants (Amendment) Act,2012, shall be deemed to have been made under this section on regular basis.".

Insertion of new sections 10-A in Sind Act No.XIV of 1973.

4. In the said Act, after section 10, the following new section shall be inserted:-

"10-A. (1) Notwithstanding anything contained in this Act or any law in force or any judgment of any court, Government (Chief Minister) shall have and shall be deemed to always have had the power to appoint any person on deputation basis, who is a civil servant as defined in this Act or the Federal Civil Servants Act 1973 or is in the service of Government or Federal Government or autonomous, semi-autonomous body, corporation or any organization set up, established, owned, controlled or managed by Government or as the case may be the Federal Government, against any post, in any cadre, in the civil service of the Province or in connection with the affairs of the Province:

Provided that -

(a) such person shall possess the minimum qualifications as may be laid down for the person to be appointed to that post and shall be subject to provincial laws and rules relating to disciplinary proceedings;

(b) such deputation shall be for an initial period of three years, which may be extended only once by Government (Chief Minister) for a further period of two years; and

(c) the number of persons whose appointing authority is the Federal Government or autonomous, semi-autonomous body, corporation or any organization set up, established, owned, controlled or managed by the Federal Government shall not, unless otherwise directed by the Chief Minister, exceed ten percent of the posts in any cadre of posts sanctioned in the civil service of the Province or in connection with the affairs of the Province.

(2) Notwithstanding anything contained in this Act or any law in force or any judgment of any court, Government (Chief Minister) shall have and shall be deemed to always have had the power to appoint any person by way of absorption, who is a civil servant as defined in this Act or the Federal Civil Servants Act, 1973 or is in the service of Government or Federal Government or autonomous, semi-autonomous body, corporation or any organization set up, established, owned, controlled or managed by Government or as the case may be the Federal Government, against any post, in any cadre, in the civil service of the Province or in connection with the affairs of the Province:

Provided that -

(a) such person shall possess the minimum qualifications as may be laid down for the person to be appointed to that post;

(b) such person shall be appointed to a post of equivalent or comparable grade and if such post is not available, then to a lower grade;

(c) previous service, if not pensionable, shall not count for pension and gratuity unless Government (Chief Minister) directs otherwise;

(d) the number of persons whose appointing authority is the Federal Government or autonomous, semi-autonomous body, corporation or any organization set up, established, owned, controlled or managed by the Federal Government and who are absorbed in accordance with this sub-section shall not, unless otherwise directed by the Chief Minister, exceed ten percent of the posts in any cadre of posts sanctioned in the civil service of the Province or in connection with the affairs of the Province.

(3) Notwithstanding anything contained in this Act or any law in force or any judgment of any court, any person deputed or absorbed against any post, in any cadre, in the civil service of the Province or in connection with the affairs of the Province prior to the coming into force of the Sindh Civil Servants (Amendment) Act, 2012 shall be deemed to have been validly deputed or absorbed, as the case may be, in accordance with section 10-A.".

Amendment of section 14 of Sind Act No.XIV of 1973.

5. In the said Act, in section 14, after sub-section (2), the following new sub-section shall be added:-

"(3) Notwithstanding anything contained in this Act or any law in force or any judgment of any court, Government (Chief Minister) shall have and shall be deemed to always have had the power to appoint any retired civil servant, whose services, in view of his expertise, are required by Government in the public interest, for a period as deemed appropriate by Government.".