

**SINDH HIGH COURT ESTABLISHMENT (APPOINTMENT AND CONDITIONS OF
SERVICE) RULES, 2006.**

Contents

Rules.

1. Short title and commencement.
2. Definitions.
3. Strength of the Officers and Servants.
4. Power to create posts.
5. Method of Appointment.
6. Qualifications and mode for consultation with the Administration Committee.
7. Appointment by promotion.
8. Initial appointment.
9. Appointing Authority.
10. Probation.
11. Retirement.
12. Vacations.
13. Efficiency and Discipline.
14. Seniority.
15. Terms and conditions.
16. Relaxation of Rules.
17. Residuary Powers.
18. Interpretation.
19. Amendment of Rules.
20. Repeal and Savings.
21. Appeal.
22. SCHEDULE- Under Rule -3—PART-I.
23. PART-II

PART-I
BY THE REGISTRAR HIGH COURT OF SINDH KARACHI.

**SINDH HIGH COURT ESTABLISHMENT
(APPOINTMENT AND CONDITIONS OF
SERVICE) RULES, 2006.**

HIGH COURT OF JUDICATURE AT KARACHI

(GAZETTE BRANCH)

NOTIFICATION.

Karachi, the 21st October, 2006.

No. GAZ/II.D.4.

In exercise of the powers conferred by Article 208 of the constitution of Islamic Republic of Pakistan, 1973, the High Court of Sindh is made the following rules with the approval of the Governor of Sindh, to regulate the appointment and conditions of employment of the officers and servants of the High Court of Sindh:

1. **Short Title and Commencement.-** (1) The rules may be cited as the High Court Establishment (Appointment and Conditions of Service) Rules, 2006.
 - (2) They shall come into force on publication in the official Gazette.
2. **Definitions:**
 - (a) "Administrative committees" mean the Administration Committee of the High Court of Sindh.
 - (b) "Administration Judge" means the Judge notified under the provisions of Rule 4(a) of Chapter 10A of Rules and orders of High Court, volume v or any other Judge whom the Chief Justice may appoint as such to deal with the matter connected with the establishment arising out of these Rules.
 - (c) "Appellate Authority" means the authority mentioned in column No. 2 of Rule 21.
 - (d) "Post" means the posts mentioned in the First and Second parts of the Schedule.
 - (e) "Chief Justice" means Chief Justice of the High Court and includes Acting Chief Justice holding office for the time being.

- (f) "High Court" means the High Court of Sindh.
- (g) "Judicial Officer" means member of Sindh Judicial Service.
- (h) "Officer" means an employee of the High Court in BS-16 and above, mentioned in the Schedule, other than a Judicial Officer.
- (i) "Provincial Government" means Government of Sindh.
- (j) "Servants" means an employee of the High Court in BS-1 to 15 mentioned in the Schedule.
- (k) "Schedule" means the Schedule of these Rules.

3. Strength of the Officers and Servants: (1) The strength shall comprise of persons holding posts specified in Parts I and II of the Schedule and such other posts that may be created under Rule 4 other than Judicial Officer for the time being appointed against such post.

Provided that persons holding posts not specified in the Schedule will continue to hold their respective offices till they are absorbed against scheduled posts or their services are otherwise terminated according to these Rules and

(2) When a post is created or abolished, consequential amendment shall be made in the Schedule.

4. Power to create Posts: (1) The power to create or abolish, upgrade and down grade a post, temporary or permanent, vests in the Chief Justice.

Provided that a post in pay Scale-16 or above may be created or abolished with concurrence of the Administration Committee.

5. Method of Appointment: (1) Appointment to a post may be made:-

- a) By direct recruitment.
- b) By promotion of officer or other persons employed in the High Court.
- c) By posting a Judicial Officer. Provided that for posts to be filled in by direct recruitment preference be given to the employees and children of deceased or retired employees of the High Court who are otherwise fit for the appointment.
- d) In case no suitable person is available for appointment for under clause (a) to (c), by appointment of a person on contract for a period not exceeding three years upon such terms and conditions as may be laid down in the contract or appointment.

(2) Appointment of officers shall be made on all Sindh basis and the persons so appointed may be required to serve either at the Principal seat or at Bench of the court. The servants, however, may be appointed either to serve at the Principal Seat or at the particular Bench.

(3) Chief Justice may, whenever he considers it expedient or at the request of the servant, transfer him or her from and to Principal Seat/court or Bench and post him or her to any such Seat/Bench/Court.

Provided an employee transferred at his own request shall not claim seniority as a matter of right. The Chief Justice, however can allow seniority in a deserving case in the light of principles of justice and equity.

6. Qualifications and mode for consultation with the Administration Committee may from time to time-

- (a) prescribe qualifications and experience for appointment to a post including passing of written test with such minimum number of marks as may be prescribed.
- (b) No person shall be appointed against a post either through direct recruitment or promotion unless he fulfills the prescribed minimum criteria in terms of sub-clause (a).

7. Appointment by promotion (1) Promotion to a post be made on the basis of seniority-cum-fitness, on the recommendation of the Promotion Committee.

(2) Promotion to a post may be made from the officers or servants in the line of promotion in the schedule.

Provided the appointing authority may, in exceptional case promote a person from lower post to a higher post outside the prescribed line of promotion.

(3) The Chief Justice may constitute a Promotion Committee consisting of at least two members in respect of the posts to be filled in through promotion from time to time.

Provided that the Promotion Committee for officers shall be headed by a High Court Judge nominated by the Chief Justice.

8. Initial Appointment: (1) An initial appointment through direct recruitment shall be made on the recommendation of the Selection Board.

(2) (a) The Chief Justice, from time to time, shall constitute a Selection Board comprising three members.

(b) A Selection Board for officers shall comprise of Judges of the High Court nominated by the Chief Justice; Provided that such Board may co-opt any officer to assist it.

9. Appointing Authority: The power to appoint a person to a post vests-

- (a) In the Chief Justice in respect of officers.
- (b) In the Administration Judge in respect of posts in BS-7.
- (c) In the Registrar in respect of posts in BS-1 to 6.

10. Probation: (1) An initial appointment to a post through direct recruitment shall be on probation for a period of two years;

Provided that the Appointing Authority may, for sufficient reasons, extend the period of probation for one year or curtail it before two years.

(2) If in the opinion of the Appointing Authority, the work or conduct of an employee on probation is unsatisfactory, or he is unlikely to become efficient, the Authority may discharge him after notice.

(3) A person appointed to a post by promotion will also be placed on probation for the period mentioned in sub-rule (1). If, in the opinion of the Appointing Authority, the work or conduct of any employee is unsatisfactory, it may revert him to his substantive post.

Provided that if no order is passed before the expiry of initial or extended period of probation, the probation shall stand terminated.

11. Retirement: An officer or servant shall stand retired on attaining the age of sixty years.

Provided that Appointing Authority may order retirement of an officer or servant on completion of service for twenty years, considering his no more useful.

12. Vacations: The officers and servants shall be entitled to summer vacations to the extent of 15 days. The vacation, if availed, would be subject to adjustment to the extent of 2/3 against earned leave.

13 Efficiency and Discipline: (1) To ensure efficiency and discipline, the Appointing Authority may impose any of the penalties laid down in Sub-Rule(2) upon an employee, who:-

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct as defined in the Sindh Civil Servants Conduct Rules 1966; or
- (c) is corrupt, or may reasonably be considered corrupt because-
 - (i) he, is or any of his departments or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - (iii) he has a persistent reputation of being corrupt; or

(d) is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with other engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person; and his retention in service is therefore prejudicial to national security, the authority may impose on him one or more penalties.

(2) One or more of the following penalties may be imposed upon an employee found guilty of any of the charges mentioned in clause (1);

(a) Censure.

(b) Withholding of promotion or increments or a specified period of time.

(c) Recovery of the whole or any part of any pecuniary loss caused to the Court or to a party litigating before the Court.

(d) Reduction in rank to a lower post.

(e) Removal from service.

(f) Dismissal from service.

(3) (a) No penalty would be imposed upon an employee unless he is apprised of the allegations against him and has been given an opportunity of submitting his defence in writing and is personally heard by the Appointing Authority.

(b) The Appointing Authority may also, in appropriate cases, appoint an Enquiry Officer above the rank of the person against whom proceedings are initiated to hold a detailed fact-finding of examine evidence in the presence of the person being proceeded against.

(c) Provided that no penalty shall be imposed unless the person proceeded against is provided with a copy of the enquiry report and given an opportunity of being heard.

14. **Seniority:** Seniority lists of persons appointed against different posts enumerated in the Schedule shall be maintained in the following manner:-

(a) The seniority of an employee shall be reckoned from the date of his regular appointment against the post held by him or from the date of such appointment in an equivalent post in the Schedule.

(b) That a consolidated seniority list with respect to the post in Part-I of the Schedule will be maintained on all Sindh basis. While a separate seniority list for the posts in Part-II shall be maintained in respect of those working at the Principal Seat and at the Benches.

(c) Notwithstanding anything contained in clause (a), upon the enforcement of these Rules, the Chief Justice shall constitute a Committee or Committees

comprising at least two Judges for determination of inter-se-seniority of officers and staff in various pay scales and the findings of such Committee or Committees will be final.

15. Terms and Conditions: Subject to these Rules other terms and conditions of service including pay, allowances, retirement, deputation, pension, gratuity, Provident fund, Benevolent Fund, Group Insurance or other privileges of an employee shall be governed by the provisions for the time being in force and applicable to the employees in posts in the same scale in the Provincial Government.

Provided that the powers of the Provincial Government shall be exercised **by** the Administration Committee or such other judges upon whom power may be delegated by the Administration Committee.

Provided further that the Chief Justice whenever he thinks fit may grant a special allowance to any officer of an employee keeping in view the nature of the services that he is required to perform.

16. Relaxation of Rules: Where the Chief Justice is satisfied that the and the Rules mentioned in **Rule 13** causes undue hardship in a case, he may dispense with or relax the requirement of that provisions to such extent and submit to such condition, as he may consider necessary for dealing with the case in a just and equitable manner.

17. Residuary Powers: All matters not specifically provided for in these Rules or in the provisions referred to in Rule 15, and all questions relating to the detailed working of these Rules, shall be regulated in accordance with such orders as the Chief Justice may make.

18. Interpretation: Questions relating to the interpretation of these Rules shall be referred to the Administration Committee, whose decision thereon, shall be final.

19. Amendment of Rules: Full Court by a majority vote, may make an amendment in the Rules.

20. Repeal and Savings: (1) The High Court Establishment (Appointment and Conditions of Service) Rules, made under the authority of the constitution 1956 stand repealed.

(2) The Repeal shall not effect any appointment made the right accord, liability acquired, penalty imposed or punishment imposed and the proceeding and action, under the Rules reported under sub-clause (1) and any such proceedings action. Inquiry may be continued, penalty imposed or enforced.

21. Appeal: An employee aggrieved by an order relating to the terms and conditions of his service may, within 30 days from the date of such order prefer an appeal to the Appellate Authority indicated herein below:-

Authority passing the orders

1. Registrar.
2. Administration Judge.
3. Chief Justice

Appellate Authority

- Administration Judge.
Chief Justice
Chief Justice for review.**

**Annexure-I
Schedule
(Under Rule 3)
Part-I**

Name of Post	<u>Status & Scale of Pay</u>	<u>Mode of Appointment, Qualification and Other conditions.</u>
1.	2.	3.
1. Registrar.	BS-20 & 21	<p>(1) By transfer of one of Senior District Judge serving under the High Court preferably of Selection Grade.</p> <p>(2) By promotion of an officer of the High Court serving in BPS-19 on regular basis provided he is law graduate.</p> <p>Provided that length of service for promotion to this post shall be seven years in BPS-19.</p> <p>(3) By direct recruitment on contract basis, of a suitable person having reasonable experience of administration and financial matters or by way of transfer on deputation of a civil servant of equivalent rank, from the Federal Government or Provincial Government.</p>
2. M.I.T.	BS-20 & 21	<p>(1) By transfer of one of Senior District Judge serving under the High Court preferably of Selection Grade.</p> <p>(2) By promotion of an officer of the High Court serving in BPS-19 on regular basis provided he is law graduate.</p> <p>Provided that length of service for promotion to this post shall be seven years in BPS-19.</p>

THE SINDH GOVERNMENT GAZETTE
KARACHI, DATED NOVEMBER 18, 2006.

3 Additional Registrars (Admin)	BPS-19 Secretary.	Appointed to the post shall be made; (1) By promotion of an officer with law degree of the High Court serving in B-18 on regular basis. OR. (2) By transfer of an Addl. District Judge serving under the High Court.
4. Financial & Management Advisor	BPS-19.	By direct recruitment of a suitable person having reasonable experience in finance and accounts or by transfer on deputation of a civil servant on equivalent rank in one of the account services of the Federation or a Province.
5. Director Library and Research.	By same pay scale, rank and status as may, from time to time be prescribed for the post of Additional District Judge (BPS-19).	By direct recruitment of a person possessing qualification in Library Science and have a suitable experience in the management and maintenance of Libraries or a person demonstrating exceptional skill and aptitude for research work of high quality.
6. Deputy Registrars.	The same pay scale, rank and status as may, from time to time, be prescribed for the post of Senior Civil Judge (BPS-18).	By transfer of:- (1) A Senior Civil Judge serving under the High Court; (2) Any other officer of the High Court of equivalent rank.
7. Secretary to Chief Justice.	BPS-18.	It shall be special post and the Chief Justice may fill it by direct recruitment or by transfer of officer of this Court or a Senior Civil Judge serving under the High Court.
8. Research Officer	BPS-18.	(1) By transfer of a Senior Civil Judge serving under High Court or an officer serving under the High Court. Provided he is a law graduate. (2) By promotion from amongst the member of the staff of the High Court provided he is a law graduate and has rendered at seven years service in BPS-16 and above. (3) By direct recruitment of an advocate of High Court.

THE SINDH GOVERNMENT GAZETTE
KARACHI, DATED NOVEMBER 18, 2006.

9. System Analyst	BPS-18.	By (a) Direct recruitment. (b) promotion amongst the programmer with a minimum of 5 years service who fulfills the qualifications prescribed under Rule 6
10. Senior Protocol Officer.	BPS-18.	This shall be special post and may be filled either by direct recruitment or by selection on merit from amongst officials of the Court having served in BPS-17. Minimum qualification will be a degree from a recognized university, but only those persons will be considered who have special aptitude for protocol duties and possessing initiative.
11. Assistant Registrars and Readers.	The same pay scale, rank and status as may, from time to time, be prescribed for the post of Civil Judge (BPS-17).	(i) By promotion from amongst the— (a) Senior Translators; (b) Assistants. (ii) By transfer from officers of equivalent scale.
12. Librarian.	BPS-17.	Appointment to the post shall be confined to persons possessing degree in Library service.
13. Confidential Secretary to Chief Justice and Private Secretaries to Chief Justice and Judges.	BPS-17. The incumbent of the post will be eligible for the grant of B-18 after putting in seven years satisfactory service in B-17. The grant of BPS-18 shall be treated selection grade.	By promotion from Personal Assistants, who qualify the test prescribed under Rule 6. Provided that Confidential Secretary to Chief Justice will also be entitled to special allowance of such amount as may be determined by the Chief Justice, till such time that he holds that post.
14. Programmer.	BPS-17.	By (a) direct appointment. (b) Promotion amongst the Data Processor, provided he has the basic qualification and experience prescribed under Rule 6.
15. Senior Translator.	16.	By promotion amongst Junior Translator on seniority-cum-fitness basis.
16. P.A to Judges & Officers.	16.	By Direct appointment through selection.
17. Data Processor.	16.	By (a) direct appointment. (b) promotion amongst the Data Coder.

PART-II

Name of Post	<u>Status & Scale of Pay</u>	<u>Mode of Appointment, Qualification and Other conditions.</u>
1.	2.	3.
1. Assistant	14.	By promotion from amongst Senior Clerks on seniority-cum-fitness basis.
2. Junior Translator.	13.	By direct appointment on the basis of qualification and experience determined from time to time.
3. Data Coder.	11.	By direct appointment with qualification and experience determined from time to time.
4. Telephone Operators.	11.	By direct appointment.
5. Research Assistant	11.	By direct appointment of a graduate with five years experience in Court library.
6. Sr. Clerk.	9	By promotion of Junior Clerks or persons of equivalent rank on seniority-cum-fitness basis.
7. Jr. Clerk/Lodge Caretakers.	7.	By direct appointment.
8. Head Bailiff.	5.	By promotion amongst bailiff on seniority-cum-fitness basis.
9. Bailiffs, Book binders, Daftries, Drivers and Electric Machine Operators/Lift Operators and Cooks.	4.	By direct appointment, preferably amongst the High Court staff provided they meet the prescribed qualification.
10.(a) Building Supervisors. (b) Garden Supervisors.	3.	(a) By promotion from amongst Naib Qasids, Chowkidars and Farash. (b) By promotion amongst Gardners.
11. Dispatch riders, Gestenser Operator, Naib Qasids, Gardener and Attendant.	2.	By direct appointment.
12. Chowkidars, Farash, and Sanitary workers.	1	By direct appointment.

