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PART-I

LIVESTOCK & FISHERIES DEPARTMENT

Karachi dated the 12th November 2021

NOTIFICATION

NO. SO(I)/L&F/SIAH(R-Rules)/2-2020:- In exercise of the powers conferred by section 29 read with section 23 of the Sindh Institute of Animal Health at Karachi Act, 2017 (Sindh Act No.XXIX of 2018), the Government of Sindh are pleased to make the following rules, namely:-

Short title, commencement and application.

1. (1) These rules may be called the Sindh Institute of Animal Health Employees (General Conditions of Service) Rules, 2020.

(2) They shall come into force at once.

(3) These rules shall not apply to casual work-charged and persons employed on deputation with the Institute who will be governed by the terms and conditions of their appointment, or deputation as the case may be.

Definitions.

2. (1) In these rules, unless there is anything repugnant in the subject or context –

(a) "Act" means the Sindh Institute of Animal Health at Karachi Act, 2017 **(Sindh Act No.XXIX of 2018)**;

(b) "appointing authority" in relation to a post means the authority competent to make appointment against that post;

(c) "basic pay scale" means scale of pay in which a post or group of posts is placed;

(d) "cadre" means the strength of service or a part of service sanctioned as a separate unit;

(e) "competent authority" means the authority designated either under the Act or by virtue of delegation or authorization made by the Board to exercise specified powers under these rules;

(f) "deputation" means the temporary transfer on loan of the services of any person from or to the Institute to or from any

remuneration for special work of an occasional (or intermittent) character;

(k) "lien" means title of an employee to hold substantively either immediately or on the termination of period or periods of absence, a permanent post including a tenure post to which he has been appointed substantively;

(l) "officiating" means performing the duties of a post on which another person holds a lien;

(m) "pay" means the amount monthly drawn by an employee as pay and includes technical pay, special pay, personal pay and other emoluments declared by the Institute to be pay;

(n) "personal pay" means additional pay granted to an employee –

(i) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(ii) in exceptional circumstances, on other personal considerations;

(o) "permanent post" means a post sanctioned without limit of time;

(p) "post" means a post sanctioned by the Institute;

(q) "service" means the service of the Institute comprising of the posts specified in the schedule of establishment;

(r) "special pay" means an additional of the nature of pay to the emoluments of an employee granted in consideration of –

(a) the specially arduous nature of duties;
(b) a specific addition to the work or responsibility; or
(c) unhealthiness of the localities in which the work is performed;

(s) "technical pay" means an addition of the nature of pay to the emoluments of an employee granted in consideration of technical qualifications or technical training abroad, in any recognized University or recognized technical institute in Pakistan, of such employee;

(a) "temporary post" means a post sanctioned for a limited time;

(b) "tenure post" means a permanent post which may not be held by an employee for more than a limited period;

(c) "time scale" means the scale of pay in which the pay is, subject to any conditions prescribed in these rules, raised by periodical increment from a minimum to a maximum.

(2) The words used but not defined in these rules shall have the same meaning as assigned to them in the Act.

PART-II
PAY, ALLOWANCES AND HONORARIA

Fixation of pay and allowances.

3. (1) The basic pay scale of various posts shall be as determined by the Board.

(2) All employees shall be entitled to such allowances as may from time to time, be allowed by the Board.

Fixation of initial pay.

4. The initial pay of an employee, who is transferred by promotion or otherwise to another post on a time scale of pay, shall be regulated as follows:-

Where the appointment to the new post –

(i) involves the assumption of duties or responsibilities of greater importance than those attached to his previous post, he will draw as initial pay the stage of the time-scale next above his pay in respect of the old post;

(ii) does not involve the assumption of such duties or responsibilities, he will draw as initial pay, the stage of the time scale which is equal to his pay in respect of the old post, or, if there is no stage new below that pay plus personal pay equal to the difference and in either case will continue to draw the pay until such time as he would have received an increment in the time scale of new post whichever is less but, if the minimum pay of the time scale of the new post is higher than his pay, in respect of the old post, he will draw that minimum as initial pay.

Change of pay of a post.

5. The holder of a post the pay of which is changed shall be treated as if he was transferred to a new post on the new pay but he may at his option, retain his old pay until the date on which he earns his next or any subsequent increment in the old scale.

Fixation of pay of employee receiving special pay.

6. If an employee in receipt of special pay in a post is transferred to another post, his pay in the new post will be fixed under rule 3, subject to the condition that his pay plus special pay, if any, in the new post is not less than his pay plus special pay in respect of the old post.

Reduction to lower post or penalty.

7. The competent authority may, when ordering the reduction of an employee to a lower post, or time-scale, as a penalty, allow him to draw any pay not exceeding the maximum of the lower post or time scale, which it may think proper.

Period and effect of reduction.

8. If an employee is, on account of misconduct or inefficiency, reduced to a lower scale or post or to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and on restoration, it shall not operate to postpone future increments.

Pay during training.

9. When an employee is treated as on duty during a duly authorized course of training or study in Pakistan or abroad, the Institute may allow him to draw the pay of his post:

Provided that where such employee was at the time when he was placed on duty, in receipt of higher pay on account of an officiating appointment, he may during the period of training or study, be allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

Increment.

10. (1) An increment shall ordinarily be drawn annually on the first day of December each year as a matter of course if the employee has completed at least six months service and unless it is with-held.

(2) An increment may be with-held from an employee by the competent authority if his conduct has not been good or his work has not been satisfactory.

(3) In ordering the withholding of an increment, the period for which it is with-held shall be clearly stated; provided that the postponement shall not have the effect of postponing future increment.

Service for increment.

11. The condition for counting service for increments in a time-scale shall be as under:-

(a) All duty in a post on a time scale and periods of leave

(b) Service in another post, whether in a substantive or officiating capacity and service on deputation shall count for increments in the timescale applicable to the post on which the employee holds a lien or would hold a lien had his lien not been suspended.

(c) If an employee, while officiating in a post on a time-scale of pay, is appointed to officiate in another post which does not carry less pay than the pay of his original post, his officiating service in that post shall, if he is re-appointed to his original post, count for increment in the time-scale applicable to the original post, the period of such service so counted being restricted to the period during which the employee would have officiated in the original post but for his appointment to other post. This clause shall also apply to an employee, who was not actually officiating in the original post at the time of his appointment to the other post, but who would have so officiated had he not been appointed to the other post.

Subsistence grant.

12. An employee who is placed under suspension shall be entitled to such subsistence grant as may from time to time be determined by the Institute.

Dual Charge.

13. If an employee is required on a written order of the competent authority to hold charge of another post in addition to his own duties, he may be allowed special pay at such rates as may be determined by the Institute by general or special order subject to the following conditions:-

(i) The appointment orders are issued prior to the actual date of assuming charge.

(ii) No special pay will be admissible if the charge of the additional post is held for less than a period of one month.

(iii) A special pay for such additional charge will not be admissible beyond the period of twelve months unless prior approval of the competent authority to relax this period is obtained.

Honorarium

14. The competent authority may grant or permit an employee to receive an honorarium as remuneration for work performed which is occasional in character and is either so laborious or of such special merit as to justify a special reward.

Bar on grant or acceptance of honorarium.

15. Except when special reasons, which should be recorded in writing, exist for a departure from this provision sanction to the grant or acceptance of honorarium should not be given unless the work has been done with the prior consent of the competent authority and its amount has been settled in advance.

PART-III
RETIREMENT

Retirement.

16. (1) An employee shall retire 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; provided that no employee shall be retired unless he has been given an opportunity of showing cause; or

(ii) where no direction is given under clause (i), on the completion of the sixty years of age.

(2) An employee on leave preparatory to retirement shall be deemed to be in the service of the Institute and be liable to retire on completion of sixty years of his age irrespective of the fact whether such leave has or has not expired.

Private Employment.

18. An employee may, during leave preparatory to retirement, or after retirement from service, seek any private employment:

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

Whole time employee at the disposal of the Institute and observance of rules.

19. (1) Unless in any case it be otherwise distinctly provided, the whole time employee shall be at the disposal of the Institute and he may be employed in any manner required by the Institute without claim for additional remuneration.

(2) No employee shall absent himself from his duty nor leave his station without first having obtained the permission of the competent authority.

(3) Every employee shall conform to and abide by the rules and regulations of the Institute and shall observe, comply with and abide by all orders and directions which may, from time to time, be given by any person under whose jurisdiction, superintendence or control, he may be.

Posting.

20. Every employee shall be liable to serve anywhere in connection with the affairs of the Institute:

Provided that where an employee is recruited 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 to those to which he would have been entitled if he had not been so required to serve.

Lien.

21. (1) Unless his lien is suspended, an employee holding substantively a permanent post retains a lien on that post-

(a) while performing the duties of that post;

(b) while on deputation, or holding a temporary post, or officiating in another post;

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) while on leave; and

(e) while under suspension.

(2) The competent authority shall suspend the lien of an employee on a permanent post which he holds substantively if he is appointed in a substantive capacity –

(i) to a tenure post; or

(ii) to a permanent post outside the cadre on which he is borne; or

(iii) provisionally, to a post on which another employee would hold lien had his lien not been suspended.

(3) The competent authority may, at its option, suspend the lien of an employee on a permanent post which he holds substantively and where is deputed outside the Institute, or transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if there is reason to believe that he will remain absent from the post on which he holds a lien, for a period of not less than three years.

(4) Notwithstanding anything contained in sub-rules (2) and (3) an employee's lien on a tenure post may, in no circumstances, be suspended, but if he is appointed substantively to another permanent post, his lien on the tenure post shall be terminated.

(5) If any employee's lien on a post is suspended under sub-rule (2) or sub-rule (3), the post may be filled substantively and the employee appointed to hold it substantively shall acquire a lien on it;

fall short of three years or that he will hold substantively a post of the nature specified in sub-rule (2).

(8) Subject to the provisions of rule 22, the competent authority may transfer the lien of an employee who is not performing the duties of the post to which the lien relates to another post in the same cadre even if that lien has been suspended.

(9) An employee's lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(10) In the case of an employee whose lien on a permanent post has been suspended on his appointment in a substantive capacity to a post outside the cadre on which he is borne, the suspended lien may not, except on the written request of the employee concerned, be terminated while the employee remains in the service of the Institute.

(11) Two or more employees shall not be appointed substantively to the same permanent post at the same time.

(12) An employee shall not be appointed substantively, except as a temporary measure, to two or more permanent posts at the same lien.

Transfer.

22. (1) An employee may be transferred to another equivalent post:

Provided that –

(a) except on account of inefficiency or misbehavior or on his written request, an employee shall not be transferred substantively to, or, appointed, to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under sub-rule (2) of rule 21;

(b) nothing contained in clause (a) or any other provision of these rules shall operate to prevent the re-transfer of an employee to the position on which he would hold a lien, had it not been suspended in accordance with the provisions of sub-rule (2) or sub-rule (3) of rule 21.

Record of service and confidential report.

23. (1) A record of service and a confidential annual report about the work of each employee shall be maintained or, as the case may be, recorded in the form and manner specified by the Institute.

(2) An employee shall not have access to his confidential reports; provided that such employee shall be informed of adverse remarks, if any, relating to remedial effect in order to give him an opportunity to explain his position or to correct himself.

(3) A service book/record containing events relating to the service shall be maintained in respect of all employees in such form as may be prescribed by the Institute.

(4) The identification marks of the employee shall be given in the service book/record and a passport size photograph and finger prints of both hands of the employees shall be affixed to the service book/record.

(5) All entries in the service book/record shall be initialed by the Head of the office concerned.

Appointment of convicted person.

24. No person convicted for an offence involving moral turpitude shall be appointed as an employee, unless the Board otherwise directs, be appointed as an employee.

Suspension.

25. (1) An employee against whom an investigation for a cognizable offence is pending or who is challaned in a court of law on a criminal charge or is in police custody may be placed under suspension if the appointing authority considers it necessary.

(2) Where an employee is placed under suspension, the

would otherwise have been promoted to such post but for his suspension he shall not be entitled to the pay of the higher post retrospectively in which he has not actually worked.

Explanation:- When a charge against the accused is dismissed without any suggestion by the Court that the conduct of the accused has been suspicious or any indication that is merely giving the accused benefit of doubt, the acquittal will be treated as honourable acquittal.

(5) If an employee is exonerated in a departmental enquiry or acquitted or discharged in a trial in a Court of law either on purely technical ground or on being given benefit of doubt, or otherwise then honourably acquitted on any other ground, his absence on account of suspension, will not be treated as period spent on duty unless the appointing authority, for reasons to be recorded in writing otherwise directs.

Reversion to a lower grade.

26. An employee appointed to a higher post on adhoc or on temporary or officiating basis shall be liable to reversion to his lower post or basic pay scale without notice.

Termination.

27. (1) The services of an employee may be terminated without notice –

(i) during the initial or extended period of his probation; provided that where the employee is appointed by promotion or, as the case may be, is transferred from one cadre or post to another post or cadre, his service shall not be so terminated so long as he holds lien against his former post in such cadre, but he shall be reverted to his former cadre or post, as the case may be;

(ii) on the expiry of the initial or extended period of his probation; 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 temporary post or reduction in the number of the posts in the cadre, the services of an employee are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or post.

(3) Notwithstanding the provisions of sub-rule (1) but subject to the provisions of sub-rule (2), the services of an employee in temporary employment or appointed adhoc shall be liable to termination on fourteen days notice or pay in lieu thereof.

Resignation.

28. (1) A permanent employee shall not resign from his post without giving the appointing authority one month's previous notice in writing failing which he shall be liable to pay to the Institute a sum equal to his substantive pay for three months.

(2) The right to recover pay in lieu of notice may be reviewed by the appointing authority.

Absence from duty.

29. Unless the competent authority, in view of any special circumstances of the case, otherwise determines, an employee shall cease to be in the employment after five years absence from duty, elsewhere than on deputation.

Employee being unfit for service.

30. (1) The competent authority may require an employee to appear before the Medical Officer for medical examination if, in its opinion the employee is suffering from a disease which renders him unfit for the proper and efficient discharge of his duties or from a disease which is communicable and is likely to endanger the health of other employees.

(2) If the Medical Officer certifies, after examining the employee, that the employee requires a period of absence from duty for the purpose of rest and treatment and that there is reasonable prospect of

not include the Medical Officer who issued the certificate in the first instance and if the reviewing Medical Board certifies that the employee is permanently incapacitated for further service or the employee fails to apply for review the competent authority may require him to retire from service and may grant him such an amount as may be admissible to him under rules.

(6) In case the reviewing Medical Board holds that the employee is fit for service he shall be reinstated forthwith and the period of his absence will be treated as duty and the fees deposited by him for getting his case reviewed by Medical Board will be refunded to him.

(7) If, the reviewing Medical Board certifies that the employee is not fit but there is a reasonable prospect of his recovery, the case shall be regulated under the provisions of sub-rule (2) and the fees deposited by him for getting his case reviewed shall be refunded.

Cessation of service.

31. Service of an employee may cease in the following circumstances:-

(i) by discharging at any stage of a probationary period due to unsatisfactory performance;

(ii) by termination of service on account of his failure in the prescribed departmental examination for the post, unless exempted therefrom;

(iii) by resignation subject to the following:-

(a) the resignation shall, in the case of permanent employee, be effective on its acceptance by the competent authority; and in the case of a temporary employee on the expiry of fourteen days notice or forfeiture of fourteen days pay in lieu thereof from either side;

(b) if a permanent employee leaves service before acceptance of his resignation and without handing over proper charge of his office, he shall be liable to dismissal from service;

(c) resignation once accepted shall not be withdrawn unless permitted by the competent authority in exceptional circumstances for reasons to be recorded;

(iv) by retirement on reaching the age of superannuation;

(v) by compulsory retirement due to permanent disability which in the opinion of the Medical Officer renders him unfit for service;

(vi) by termination of service or abolition of post;

(vii) by retrenchment, the junior most employee in a cadre being retrenched first; and

(viii) by removal, dismissal or compulsory retirement from service as a penalty.

Appeal.

32. (1) Where a right to prefer an appeal or review in respect of any order relating to the terms and conditions of his service is provided to an employee 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, any employee 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.

Relaxation of rules.

33. Where the Managing Director is satisfied that the interpretation of any provision of these rules causes undue hardship in any particular case, he may, with the prior approval of Government, by order, dispense with or relax the requirements of that provision to such extent and subject to such conditions as he may consider