

Book VIII
MISCELLANEOUS RULES

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**Punjab Essential Services
(Maintenance) Act, 1958**

ACT XXXIV OF 1958
WEST PAKISTAN ESSENTIAL SERVICES
(MAINTENANCE) ACT, 1958

An Act to provide for the maintenance of certain essential services.

(First published, after having received the assent of the Governor of West Pakistan, in the Gazette of West Pakistan on the 25th April, 1958).

No.Leg.1(34)/58, 25th April 1958, (Gazette, Extraordinary, 25th April 1958). The following Act having received the assent of the Governor of West Pakistan on the 25th April, 1958 and was published for general information in the Gazette.

Preamble – Whereas it is expedient to provide for the maintenance of certain essential services in *the Punjab;

It is hereby enacted as follows:

1. **Short title, extent and commencement** – (1) This Act may be called *the Punjab Essential Services (Maintenance) Act, 1958.

(2) It extends to the whole of *the Punjab, except the Federal Capital and the Special Areas.

(3) It shall come into force at once.

2. **Definitions** – In this Act, unless there is anything repugnant in the subject or context –

(i) “employment” means any service for which remuneration is received;

(ii) “essential service” means a service to the employment of which this Act applies;

(iii) “Government” means the *Provincial Government of the Punjab.

3. **Employment to which this Act applies** – This Act shall apply to all employment under the Government or any agency set up by it or a local authority or any service relating to transport or civil defence.

4. **Power to order persons engaged in certain employments to remain in specified areas** – (1) The Government or an officer authorized in this behalf by the Government may, by general or special order, direct that any person or persons engaged in any employment or class of employment to which this Act applies shall not depart out of such area or areas and for such period not exceeding three months as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government, or the officer making the order, considers best calculated to bring it to the notice of the persons affected by the order.

5. **Offences** – Any person engaged in any employment or class of employment to which this Act applies who –

(a) disobeys any lawful order given in the course of such employment or attempts to persuade any person to disobey any such order; or

(b) without reasonable excuse abandons such employment or absents himself from work; or

(c) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the Government or the authority making that order, and any employer of a person engaged in an employment or class of employment to which this Act applies, who without reasonable excuse –

*Substituted vide Punjab Laws (Adaptation) Order, 1974 (President Order No. 1 of 1974).

- (1) discontinues the employment of such person; or
- (2) by closing an establishment in which such person is engaged, causes the discontinuance of his employment; or
- (3) discontinues or causes the discontinuance of an essential service is guilty of an offence under this Act.

Explanation 1 – The fact that a person apprehends that by continuing in his employment he will be exposed to increase physical danger is not reasonable excuse within the meaning of clause (b).

Explanation 2 – A person abandons his employment within the meaning of clause (b) who, notwithstanding that it is an express or implied term of his contract of employment that he may terminate his employment on giving notice to his employer of his intention to do so, so terminates his employment without the previous consent of his employer.

6. **Regulation of wages and conditions of service** – (1) The Government may make rules regulating or empowering specified authorities to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment to which this Act applies.

(2) When any such rules have been made, or when any directions regulating wages or conditions of service have been given by the authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act.

7. **Penalties and Procedure** – (1) Any person found guilty of an offence under this Act, shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to a fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director manager, secretary or other officer thereof shall unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No court shall take cognizance of an offence under this Act except upon complaint in writing made by an officer empowered by the Government in this behalf.

8. **Bar of legal proceedings** – No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith, done or intended to be done under this Act or the rules made thereunder.

9. **Saving of effect of laws imposing liability to national service** – Nothing contained in this Act or in any declaration or order made thereunder, shall have effect in derogation of any provision of law which is or may be for the time being in force, imposing upon a person engaged in an employment or class of employment to which this Act applies any liability to be called up for national service or to undertake employment in the national service.

10. **Repeal** – The North West Frontier Province Essential Services (Maintenance) Act, 1946 (*XII of 1946*), and the West Pakistan Essential Services (Maintenance) Ordinance, 1957 (*VII of 1957*) are hereby repealed.

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ANCILLARY INSTRUCTIONS

THE PUNJAB ESSENTIAL SERVICES
(MAINTENANCE) ACT, 1958

Copies of Notifications:

- (1) No.SOXII-1-61/57, dated 29th May 1958;
- (2) No.SOXII-1-61/57-A, dated 29th May 1958;

Issued by Government of West Pakistan, Services and General Administration Department, addressed to all Secretaries to Government of West Pakistan and others concerned.

Subject: WEST PAKISTAN ESSENTIAL SERVICES (MAINTENANCE) ACT,
1958 – POWERS OF SUPERINTENDENTS OF POLICE AND
DISTRICT MAGISTRATES

In exercise of the powers conferred by sub-section (3) of Section 7 of the West Pakistan Essential Services (Maintenance) Act, 1958, the Governor of West Pakistan is pleased to empower the Superintendents of Police of all the Districts in West Pakistan (except the Federal Capital and Special Areas) to lodge complaints in writing in respect of the offences under the said Act committed within their respective jurisdiction.

2. In exercise of the powers conferred by sub-section (1) of Section 4 of the West Pakistan Essential Services (Maintenance) Act, 1958, the Governor of West Pakistan is pleased to authorize the District Magistrates of all the Districts in West Pakistan (except the Federal Capital and the Special Areas) to direct, by general or special order, any person or persons engaged in any employment or class of employment to which the said Act applies, not to depart out of such areas and for such period not exceeding 3 months as may be specified in such order.

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**Ex-Government Servants
(Employment with Foreign Government)
(Prohibition) Act, 1966**

**THE EX-GOVERNMENT SERVANTS
(EMPLOYMENT WITH FOREIGN GOVERNMENTS)
(PROHIBITION) ACT, 1966**

ACT NO.XII OF 1966

*An Act to prohibit ex-Government servants from seeking or taking up employment with a foreign Government or foreign agency.

Whereas in the interest of the security of Pakistan, it is expedient to prohibit ex-Government servants from seeking or taking up employment with a foreign Government or foreign agency;

And whereas the national interest in relation to the security of Pakistan requires Central legislation in the matter under clause (2) of Article 131 of the Constitution;

It is hereby enacted as follows:

1. **Short title, extent and commencement** – (1) This Act may be called the Ex-Government Servants (Employment with Foreign Governments) Prohibition Act, 1966.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions** – In this Act, unless there is anything repugnant in the subject or context, –

(a) “ex-Government servant” means any person who was at any time, appointed or employed as an officer or servant of the Central Government or a Provincial Government and has ceased to be so appointed or employed;

(b) “foreign agency” means any office or establishment of the diplomatic or consular representative of a foreign Government by whatever name called, and includes any information, public relations, trade or commercial agency, service centre or foundation established or maintained by any such Government or by any person who is a national of a foreign country; and

(c) “foreign Government” means the Government of a foreign country.

3. **Prohibition of employment, etc.** – (1) No ex-Government servant shall, except with the previous permission in writing of the Central Government, seek or take up employment as an officer or servant of a foreign Government or a foreign agency.

(2) No ex-Government servant who is, at the commencement of this Act, in the service of a foreign Government or a foreign agency shall, except with the permission in writing of the Central Government, continue in such service after the expiry of three months from such commencement.

*4. **Penalty**— Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to fifty thousand rupees, or with forfeiture of property, or with any two or more of the said punishments.

*The Act was published in the Gazette of Pakistan, Extraordinary, 7th July 1966.

* Authority: Ordinance No. XI of 1982 dated the 18th May 1982.

The Punjab Service Tribunals Act, 1974

The Punjab Service Tribunal Bill, 1974 having been passed by the Provincial Assembly of the Punjab on the 5th day of June, 1974 and assented to by the Governor of the Punjab on the 20th Day of June, 1974, is hereby published as an Act of the Provincial Legislature of the Punjab.

THE PUNJAB SERVICE TRIBUNALS ACT, 1974
PUNJAB ACT NO. IX OF 1974

(First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated the 20th June 1974)

AN
ACT

to provide for the establishment of Service Tribunals to exercise jurisdiction regarding matters relating to the terms and conditions of service in respect of services of the Province of the Punjab.

WHEREAS it is expedient to provide for the establishment of Service Tribunals to exercise exclusive jurisdiction regarding the matters relating to the terms and conditions of service in respect of the services of the Province of the Punjab and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:

1. (1) This Act may be called the **Punjab *Service Tribunals Act, 1974**.
- (2) It shall come into force at once.
- (3) It applies to all civil servants wherever they may be.
2. In this Act, unless there is anything repugnant in the subject or context:
 - (a) "Chairman" means the Chairman of the Tribunal;
 - (b) "Civil Servant" means a person who is or who has been a member of a civil service of the Province or who holds or has held a civil post in connection with the affairs of the Province but does not include:
 - (i) a person who is or who has been on deputation to the Province from the Federation or any other Province or authority;
 - (ii) a person who is or has been employed on contract, or on work-charged basis, or who is or has been paid from contingencies; or
 - (iii) a person who is or has been 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 the Punjab;
 - (d) "Governor" means the Governor of the Punjab;
 - (e) "Member" means the Member of the Tribunal;
 - (f) "Registrar" means the Registrar of a Tribunal and includes any other person authorized by a Tribunal to perform the functions and duties for the Registrar; and
 - (g) "Tribunal" means a Service Tribunal established by this Act, or a Bench thereof.

*Substituted for the word "Administrative" vide the Punjab Administrative Tribunals (Amendment) Act, 1975.

*3. **Tribunals** – (1) The Governor may, by notification in the official Gazette, establish one or more Service Tribunals, and, where there are established more than one Tribunal, the Governor shall specify in the notification the class or classes of civil servants in respect of whom all the territorial limits within which or the class or classes in respect of which each such Tribunal shall exercise jurisdiction under this Act.

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, including disciplinary matters.

(3) A Tribunal shall consist of:

- (a) A Chairman, being a person who has been or is qualified to be judge of a High Court; and
- (b) two members each of whom is a person who possesses such qualifications as may be prescribed by rules.

(4) The Chairman and members of a Tribunal shall be appointed by the Governor on such terms and conditions as he may determine.

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the Governor.

(6) The Chairman or a member of a Tribunal shall not hold any other office of profit in the service of Pakistan if his remuneration is hereby increased.

(7) Notwithstanding anything contained in sub-section (3), sub-section (4), sub-section (5) or sub-section (6), a Tribunal established to exercise jurisdiction in respect of a specified class or classes of cases, may consist of one or more persons in the service of Pakistan to be appointed by the Governor.

*3-A **Constitution of Benches** –

(1) Notwithstanding anything contained in section 3, the Chairman may constitute a Bench consisting of himself or one member only or two Members without the Chairman or the Chairman and a Member and when so constituted a Bench shall be deemed to be a Tribunal.

(2) If a Bench is unable to arrive at a unanimous decision in an appeal, the matter shall be placed before the full Tribunal and the decision of the Tribunal shall be expressed in terms of the opinion of the majority;

Provided that if the Chairman or the Member who was not already on the Bench cannot be associated or is unable for any reason to take part in the hearing of the appeal, the decision of the Tribunal shall be expressed in terms of opinion of the senior member of the Bench.

(3) The Chairman may, at any stage of hearing of an appeal, withdraw it from the Tribunal and entrust it to a Bench or may withdraw any appeal pending before a Bench and make it over to another Bench or to the Tribunal.

@4. **Appeals to Tribunal** – (1) Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the appropriate Tribunal, whichever is later prefer an appeal to the Tribunal;

Provided that –

- (a) Where an appeal, review or representation to a departmental authority is provided under the Punjab Civil Servants Act, 1974 or any rules against any such order no

*The entire Section 3 substituted vide section 3 of the Punjab Administrative Tribunals (Amendment) (Act XXVI of 1975).

*Inserted, vide Section 2 of the Punjab Service Tribunals (Amendment) Ordinance, 1980 (Punjab Ordinance No. II of 1980).

@ Inserted, vide Section 2 of the Punjab Service Tribunal (Amendment) Ordinance, 1980 (Punjab Ordinance No. II of 1980).

appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to a departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was so preferred;

- (b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher grade; and
- (c) no appeal shall lie to a Tribunal against an order or decision of departmental authority made at any time before the 1st July 1969.

(2) Where the appeal is against an order or decision of a departmental authority imposing a departmental punishment or penalty on a civil servant, the appeal shall be preferred –

- (a) in the case of a penalty of dismissal from service removal from service, compulsory retirement or reduction to a lower post or time scale or to a lower stage in a time scale, to a Tribunal referred to in sub-section (3) of Section 3; and
- (b) in any other case, to a Tribunal referred to in sub-section (7) of section 3 and where no such Tribunal is established, to a Tribunal established under sub-section (3) of that section.

Explanation – In this section “departmental authority” means any authority, other than a Tribunal which is competent to make an order in respect of any of the terms and conditions of civil servants.

5. **Powers of Tribunals** – (1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) A Tribunal shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure, 1908 (*Act V of 1908*) including the powers of –

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents; and
- (c) issuing commission for the examination of witnesses and documents.

(3) No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document in, or obtaining any document from a Tribunal.

*6. Deleted.

*7. Deleted.

8. **Abatement of suits and other proceedings** – All suits, appeals and applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the establishment of the appropriate Tribunal shall abate on the establishment of such Tribunal;

Provided that any party to such a suit, appeal or application may, within ninety days of establishment of the appropriate Tribunal, prefer an appeal to it in respect of any such matter which is in issue in such suit, appeal or application.

9. **Applicability of the Provisions of the Limitation Act, 1908** – The provisions of section 5 and 12 of the Limitation Act, 1908 (*IX of 1908*), shall apply to appeals under this Act.

10. **Repeal and transfer of cases** – (1) The Punjab Civil Services (Appellate Tribunals) Ordinance, 1970 (*Punjab Ordinance No.IV of 1970*) is hereby repealed.

(2) All cases pending before the Tribunal established under the Punjab Civil Services (Appellate Tribunals) Ordinance, 1970 shall stand transferred to such Tribunal or the Tribunals established under this Act as Government may direct.

11. **Rules** – Government, may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

12. **Repeal of Punjab Ordinance No.V of 1974** – The Punjab Administrative Tribunals Ordinance, 1974 (*Punjab Ordinance No.V of 1974*) is hereby repealed.

*Section 6 and Section 7 deleted, vide Section 5 of the Punjab Administrative Tribunals (Amendment) Act, 1975.

Punjab Service Tribunals (Procedure) Rules, 1975

In exercise of the powers conferred by Section 11 of the Punjab Service Tribunal Act, 1974, (*Punjab Act, No. IX of the 1974*), the Governor of the Punjab is pleased to make the following rules, namely –

THE PUNJAB SERVICE TRIBUNALS (PROCEDURE) RULES, 1975

These rules may be called the Punjab Service Tribunals (Procedure) Rules, 1975.

2. (1) In these rules, unless there is anything repugnant in the subject or context:
 - (a) “Act” means the Punjab Service Tribunal Act, 1974 (*Act No.IX of 1974*);
 - (b) “Chairman” means the Chairman of a Tribunal;
 - (c) “Member” means a member of a Tribunal and includes the Chairman; and
 - (d) “Registrar” means the Registrar of a Tribunal and includes any other person authorized by the Tribunal to perform the functions of the Registrar under these rules.

3. Words and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.

4. (1) The permanent seat of a Tribunal shall be at a place which the Government may, by notification in the official Gazette, appoint.
 - (2) A Tribunal shall ordinarily hold its sittings at its permanent seat but it may hold its sittings at any other place within its jurisdiction if in its opinion the holding of sittings at such other place will be convenient to the parties to the proceedings before it.

5. (1) A Tribunal shall ordinarily observe the same hours as are observed by the offices of the Government.
 - (2) A Tribunal shall observe the holidays notified by the Government.

6. (1) An appeal to a Tribunal may be sent to the Registrar by registered post acknowledgment due or presented to him during office hours either by the appellant personally or through his advocate.
 - (2) Appeals presented to or received by any member shall be deemed to be properly presented or received under this rule.

7. Every memorandum of appeal shall:
 - (a) be legibly, correctly and concisely written, type-written or printed;
 - (b) divided into paragraphs, numbered consecutively, each paragraph containing, as nearly as may be, a separate assertion or averment;
 - (c) contain the full name official designation and place of posting of each party;
 - (d) clearly set out the relief claimed;
 - (e) be accompanied by –
 - (i) a copy of the final order, whether original or appellate, and any other order of the competent authority in respect of any of the terms and conditions of service of the appellant against which the appeal is preferred; and
 - (ii) copies of rules, orders and other documents on which the appellant proposes to rely in support of his claim;
 - (f) be signed or thumb-impressed by the appellant; and
 - (g) be accompanied by three spare copies of the memorandum of appeal and as many other copies thereof, duly signed or thumb impressed by the appellant and accompanied by the documents referred to in clause(e), as there are respondents:

Provided that where a Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in clause (e), it may waive the provisions of the clause.

8. In every memorandum of appeal, the competent authority against whose orders the appeal is preferred and any other party to the dispute shall be shown as respondents.

9. Where an appeal is presented after the period of limitation prescribed in the Act, it shall be accompanied by a petition, supported by an affidavit setting forth the cause of delay.

10. No Court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document with a Tribunal.

11. (1) The Registrar shall scrutinize every memorandum of appeal received by him, and shall:

- (i) If it is drawn up in accordance with the provisions of rule 6, cause it to be registered in the register, of appeals, to be maintained in form appended to these rules and shall, with the approval of the Chairman, fix a date for its preliminary hearing before the Tribunal; and
- (ii) If it is not drawn up in accordance with the provisions of rule 6, return it to the appellant for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, which shall in no case be less than fourteen days pointing out the deficiency.

(2) If the memorandum of appeal is not resubmitted within the period specified under clause (ii) of sub rule (1), the appeal shall stand dismissed.

12. (1) A Tribunal may, after hearing the appellant or his advocate, dismiss the appeal in limine.

(2) If the appeal is not dismissed in limine, notices of admission of appeal and of the day fixed for its hearing shall subject to the provisions of sub-rule (3), be served on the appellant, the respondents and on such other persons as the Tribunal may deem proper.

(3) The appellant shall within one week of the receipt of the notice of admission of his appeal or within such extended period as may be allowed by the Registrar, deposit with the Registrar:

- (a) case security for costs in the sum of Rs.100/- and
- (b) cost of service of notice on the respondents.

(4) If the appellant does not comply with the provisions of sub-rule (3) his appeal may be dismissed by the Tribunal.

13. (1) A notice under sub-rule (2) of rule 11 shall be in such form as may be laid down by a Tribunal and may be served by Registered Post or in any other manner, including publication in one or more daily newspapers, as the Tribunal may direct;

Provided that a notice shall not be issued for publication in a newspaper until the costs of such publication are deposited by the appellant.

(2) The notice to a respondent shall, except where it is published in a newspaper, be accompanied by a copy of the memorandum of appeal and of the documents appended thereto.

(3) Service of notice in accordance with the provisions of this rule shall be deemed to be due notice, and it shall not be necessary to prove that a party has actually received the notice.

14. (1) A respondent on whom a notice of appeal has been served under rule 12, may send his objections to the appeal by registered post acknowledgement due to the registrar so as to reach him, or deliver the same to the Registrar either personally or through his advocate, not later than seven days before the date specified in the notice for hearing of the appeal, or within such extended period as may be allowed by the Registrar.

(2) The objection shall be legibly, correctly and concisely written, type written or printed, shall be signed by the respondent or by a person authorized by him in that behalf and shall be

accompanied by a copy of every document on which the respondent wished to rely in support of his objections.

(3) The written objections shall be accompanied by four spare copies thereof, complete in all respects, for use of the members of the Tribunal and the appellant.

(4) In case objections are not received or delivered within the time allowed under sub-rule (1) the respondent may be proceeded against ex party.

15. Question arising for determination by a Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits, but the Tribunal may direct that such questions as it may consider necessary shall be decided on such other evidence and in such manner as it may deem fit.

16. (1) An application for summoning witnesses before a Tribunal shall be made as soon as possible after the issue of notice of admission of appeal under rule 11 and shall state:

- (a) the names, designations and addresses of the witnesses to be summoned; and
- (b) a brief resume of the evidence which each witness is expected to give.

(2) If the Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule (1) may be of material assistance in the disposal of an appeal before it shall direct him to be summoned on a date to be fixed by the Tribunal and direct that the daily allowance and traveling charges of such witness should be deposited by the person calling him within seven days of the date of the order.

(3) The Tribunal may, by general or special order prescribe the rates of daily allowance and traveling charges to be paid to witnesses summoned by it.

(4) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness within the period specified in sub-rule(2), or within such extended period as may be allowed by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(5) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct him to be summoned.

(6) Where the Tribunal summons a witness under the provisions of sub-rule (5):

- (a) If such witness is a Government servant, his traveling and daily allowances, if any, shall be payable by the Government as required by the provisions of the T.A. Rules applicable to such servant; and
- (b) If such witness is a private person, his traveling and daily allowance shall be payable by such party and to such extent as may be determined by the Tribunal.

17. (1) A person for service on a witness of high rank shall be sent in the form of a letter.

(2) Except in urgent cases or as may otherwise be ordered by a Tribunal a summon to a Government servant shall be served through the Head of his office.

18. (1) Daily Cause list shall be prepared under the orders of the Registrar which shall be affixed on the notice board of the Court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases shall be set down in the Cause List in the Order of the date of admission.

19. (1) Evidence of a witness examined by a Tribunal shall be taken down under the superintendence of a Tribunal ordinarily in the form of a narrative, and shall be signed by the members of the Tribunal and shall form part of the records.

(2) The parties or their advocates may suggest any questions to be put to a witness and a member, may, besides such questions, put any other questions to the witness.

(3) A Tribunal may, in the interest of justice, close the evidence of any party if in its opinion the production or continuation of such evidence would involve inordinate delay or unnecessary expenses.

(4) The Tribunal may record such remarks as it thinks material respecting the demeanor of any witness while under examination.

20. (1) If, on the date fixed for the hearing of an appeal, or on any other subsequent date to which the hearing may have been adjourned, the appellant or his advocate is not present before a Tribunal, the Tribunal may dismiss the appeal or, if it thinks fit, may proceed to hear the other party and decide the appeal.

(2) If, on the date fixed for the hearing of an appeal or on any subsequent date to which the hearing may have been adjourned, the respondent or any one or more of the respondents in case there are more than one respondents, or his or their advocates are not present before the Tribunal, the Tribunal may hear the appeal ex party against all or any of the respondents who, and whose advocates, are so absent.

(3) Where an appeal has been dismissed under sub-rule (1) or ex-party proceedings have been taken under sub-rule (2), the Tribunal may, on such order as to costs as it may deem fit, restore the appeal or, as the case may be, set aside the ex party order or allow the defaulting party to rejoin the proceedings.

21. (1) A Tribunal may make such order as to costs of proceedings before it as it may deem fit and such costs shall be paid out of the cash security deposited under clause (a) of sub-rule 3 of rule 11.

(2) If, after deduction of the costs of proceedings under sub-rule (1), any amount deposited under clause (a) of sub-rule (3) of rule 11 remains unutilized, it shall be returned to the appellant.

22. A copy of every order of final adjudication on an appeal shall be furnished by a Tribunal, free of costs, to the competent authority concerned.

23. Clerical or arithmetical mistakes arising in an order of final adjudication from any accidental slip or omission may, at any time, be corrected by a Tribunal either on its own motion or on an application made by any of the parties:

Provided that every such application shall be duly supported by an affidavit.

*24. If a Tribunal is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the view of the majority.

25. If any member of a Tribunal, for any reason, is unable to take part in the proceedings of the Tribunal, other member or members, as the case may be, may hear or continue to hear the appeal and dispose it of finally.

26. A casual vacancy in the office of the Chairman or a member of a Tribunal caused by the absence on leave or otherwise of the Chairman, or as the case may be, a member may be filled by the Governor for a specified period by appointment of a person who is qualified to be the Chairman or, as the case may be, a member of a Tribunal.

27. A tribunal may issue instructions in regard to supply of copies to an inspection of record by parties to proceedings before it.

*Substituted vide Notification No. SOR.III (S&GAD) 1-1041-73 dated 08.07.1979.

FORM "A"
REGISTER OF APPEALS*(See Rule 10)*

Sr. No.	Date of presentation of appeal	Name and address of the appellant	Name and address of the respondent	Date of registration of the appeal	Whether admitted or dismissed in limine with date of order	Amount of cash security and costs deposited by the appellant	Date of final order	Brief substance of the final order	Date on which copy of the final order sent to the competent authority
1	2	3	4	5	6	7	8	9	10

ANCILLARY INSTRUCTIONS

**THE PUNJAB SERVICE TRIBUNALS (PROCEDURE)
RULES, 1975**

Subject: IMPLEMENTATION OF DECISIONS OF PUNJAB SERVICE
TRIBUNAL

It has come to the notice of Government that final orders passed by Punjab Service Tribunal on appeals of civil servants have not been implemented in certain cases. According to Punjab Service Tribunal Act, 1974, the Tribunal has the powers of a civil court for the purpose of deciding an appeal of a civil servant in respect of any condition of his service. Appeals against the orders of the Tribunal lie to the Supreme Court. It is, therefore, imperative that the orders of the Tribunal must be implemented if it is not considered a fit case for appeal to the Supreme Court.

2. The Chief Secretary has desired that the Administrative Secretaries should ensure that orders of the Tribunal are implemented and a case report about all orders announced by the Tribunal so far should be furnished by the Administrative Departments within fourteen days of the receipt of this letter. In case there are any good grounds for not implementing the orders, these should be clearly brought out in the report.

3. Failure to comply with the above instructions would be reflected in the Annual Confidential Report of officer concerned.

No.SOR-III-1-18/74(Pt-II)
Dated the 12th February 1978

In pursuance of clause (b), Sub-section (3) of Section 3 and in exercise of the powers conferred by Section 11 of the Punjab Service Tribunals Act, 1974, the Governor of the Punjab is please to make the following rule:

- (1) These rules may be called the Punjab Service Tribunals (Qualifications of Members) Rules, 1978.
- * (2) A Member of the Tribunal shall be a person who is or has been or is eligible for appointment as Secretary to the Provincial Government and has rendered at least 18 years service in posts carrying Basic Pay Scale 17 and above.

*Substituted vide No.SOR-IV(S&GAD) 1-18/74 dated 24.03.1984.

PUNJAB GOVERNMENT SERVANTS BENEVOLENT FUND

**THE *PUNJAB GOVERNMENT SERVANTS
BENEVOLENT FUND ORDINANCE, 1960**

(W. P. Ordinance XIV of 1960)
23rd April, 1960

An Ordinance to constitute a Benevolent Fund for relief of Government servants and their families—

Preamble.— WHEREAS, it is expedient to constitute a Benevolent Fund for relief of Government servants and their families in the manner hereinafter appearing;

Now, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958 and in exercise of all powers enabling him in this behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent and commencement.**— (1) This Ordinance may be called the * (Punjab) Government Servants Benevolent Fund Ordinance, 1960.

(2) It shall apply to all Government servants, as hereinafter defined; provided that Government may, by notification, except ** (any class) of Government servants from the operation of this Ordinance.

(3) It shall come into force on such date as Government may, by notification appoint.

2. **Definition.**— In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) “family” in relation to a Government servant means his or her—
 - i) Wife or wives or husband, as the case may be;
 - ii) Legitimate children and step children less than twelve years old;
 - iii) Legitimate children and step children not less than twelve years old, if residing with and wholly dependent upon him or her;
 - iv) Parents, sisters and minor brothers, if residing with and wholly dependent upon him or her.
- (b) “fund” means the fund constituted under this Ordinance;
- (c) “gazetted Government servant” means a Government servant holding a post declared to be a gazetted post by Government or any authority empowered by Government in this behalf;
- (d) “Government” means the * (Provincial Government of the Punjab);
- (e) @ “Government servant” means:—
 - i) a person who is a member of a civil service of the province; or
 - ii) a person who holds any civil post in connection with the affairs of the province, including a member of the Civil Service of Pakistan who has opted for the fund, but excluding any other servant of Pakistan;
- (f) “non-gazetted Government servant” means a Government servant other than a gazetted Government servant;
- (g) “prescribed” means prescribed by rules made under this Ordinance.

3. **Fund.**— (1) As soon as may be, Government shall constitute a fund to be known as the * (Punjab) Government Servants Benevolent Fund.

(2) The Fund shall be divided into two parts; Part-I for gazetted Government servants and Part-II for non-gazetted Government servants.

(3) Each part of the Fund shall consist of—

* Substituted by the Punjab Laws (Adaptation) Order, 1974 for “West Pakistan”

** Government Servants in Police Department and such Government Servants of Anti-Corruption Department as are contributing towards the Police Welfare Fund, all officers and men of West Pakistan Rangers, Advocate General and Additional Advocate General Punjab, Public Prosecutors, Additional and Assistant Public Prosecutors exempted from the provision of the Ordinance.

@ Substituted by the West Pakistan Government servant’s Benevolent Fund (Amendment) Ordinance 1962.

* Substituted by the Punjab Laws (Adaptation) Order, 1974 for “West Pakistan”

- a) ^{**}(compulsory contributions recovered from) the Government servants at such rates as Government may, from time to time, prescribe;
- b) Such grants as may, from time to time, be made by Government;
- c) Other contributions and donations;
- d) Income from investments made under this Ordinance.

(4) The money credited to the Fund shall be held in such custody as may be prescribed.

4. Utilization of the Fund.— The Fund shall be utilized for—

- a) The relief of Government servants and their families by—
 - i) giving financial assistance to the families of deceased Government servants;
 - ii) giving financial assistance to Government servants invalided out of service;
 - iii) making special grants to Government servants in exceptional cases;
- b) Defraying expenditure incurred in respect of management of the Fund.

Explanation— The benefit admissible under this section will be in addition to the pensions, family pension or gratuities awarded under the rules regulating the conditions of service of Government servants.

5. Accounts and Audit.— (1) All contribution [♦](recovered) under clause (a) of sub-section (3) of Section 3 shall be deducted at the source from the salaries of the Government servants concerned.

(2) The Accountant General, ^{*}(Punjab) shall be responsible for keeping the accounts of the Fund. Audit of the assets of and expenditure from the Fund will be conducted by such authority as may be prescribed.

6. Constitution and powers of the Boards of Management.— (1) As soon as may be, Government shall, in such manner as may be prescribed, constitute the following Boards of Management, namely:—

- a) the Provincial Board of Management (gazetted);
- b) the Provincial Board of Management (non-gazetted); (and)
- c) a ^{**}District Board of Management for each District; and
- d) [♣]the Secretariat Board of Management.

(2) Subject to such directions as may be issued by Government and such rules as may be made in this behalf—

- (a) the Provincial Board of Management (gazetted) shall be responsible for management of Part I of the Fund and shall have the powers to invest money credited to that part of the Fund and to incur expenditure therefrom;
- (b) the Provincial Board of Management (non-gazetted) shall be responsible for management of Part II of the Fund and shall have the powers to invest moneys credited to that part of the Fund and to make allocations therefrom to ^{**}District Boards of Management;
- (c) a ^{**}District Board of Management shall, subject to such directions as may be issued by the Provincial Board of Management (non-gazetted), deal with all matters connected with Part II of the Fund [♥]{except in so far as it concerns non-gazetted servants serving or employed in the ^{*}(Punjab Secretariat)}, and in particular shall have the power to sanction expenditure from the allocations made to it by that Board;
- (d) [♠]the Secretariat Board of Management shall, subject to such directions as may be issued by the Provincial Board of Management (non-gazetted), deal with Part II of the Fund in so far as it concerns the non-gazetted Government servants

^{**}Substituted by the West Pakistan Government servant's Benevolent Fund (Amendment) Ordinance 1962 for the words "contributions made by".

[♦]Substituted for the word "made" by the West Pakistan Government servant's Benevolent Fund (Amendment) Ordinance 1962.

^{*}Substituted by the Punjab Laws (Adaptation) Order, 1974 for "West Pakistan"

^{**}The word "Divisional" substituted with the word "District" by the Punjab Government Servants Benevolent Fund (Amendment) Ordinance, 2001.

[♣]Added vide West Pakistan Government Servants Benevolent Fund (Amendment) Ordinance, 1969.

[♥]Inserted *ibid*.

[♠]Added vide West Pakistan Ordinance XXIII of 1969.

serving or employed in the * (Punjab Secretariat), and in particular shall have the power to sanction expenditure from the allocations made to it by that Board.

(e)

*6-A. **Power to recover rents and lease-moneys as arrears of land revenue.**— Any sum due as rent or lease money in respect of property acquired or constructed by a Board of Management constituted under section 6 and the Management whereof vests in any such Board, if not paid within thirty days of its having become due, may notwithstanding anything contained in any law, decree or order of any court, agreement, deed or instrument, be recovered as arrears of land revenue.

6-B. **Protection of action taken under this ordinance.— No suit, prosecution or other legal proceedings shall be instituted against a Board of Management constituted under section 6 or against any officer or servant of such Board for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

7. **Power to make rules**—Government may make rules for bringing into effect the provisions of this Ordinance.

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*Inserted vide West Pakistan Government Servants Benevolent Fund (Amendment) Ordinance, 1969.

** Added vide West Pakistan Ordinance XXIII of 1969.

**THE PUNJAB GOVERNMENT SERVANTS
BENEVOLENT FUND RULES, 1960**

In exercise of the powers conferred on him by Section 7 of the Punjab Government Servants Benevolent Fund Ordinance, 1960, the Governor of West Pakistan is pleased to make the following rules namely:—

Short title and commencement — (1) These rules may be called the Punjab Government Servants Benevolent Fund Rules, 1960.

(2) They shall come into force on the Twenty seventh day of December, 1960.

2. **Rate of Contribution**— (1) *In case of employees in grade 1 and above, the rate of contribution to the Fund both for Part I and Part II shall be three per cent of pay rounded to the nearest rupee.

Note— The revised rate of contribution shall take effect from 01.10.2007.

Note— For the purpose of this rule “pay” means the amount drawn monthly by a Government Servant as—

- i) the pay, other than Special Pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in officiating capacity or to which he is entitled by reason of his position in a cadre;
- ii) overseas pay, technical pay, special pay and personal pay; and
- iii) any other emoluments which may be specially classed as pay by the competent authority.

3. **Deductions**— Contribution to the Fund shall be made—

- i) In the case of Gazetted Government Servants, by deduction of the amounts by the Gazetted Government Servant from their pay bills.
- ii) In the case of non-Gazetted Government Servants by deduction of the amounts by the Drawing Officers from the pay bills of the non-Gazetted Government Servants.

4. **Contribution by Government Servants transferred to foreign service**— When a Government Servant is transferred to foreign service he shall remain subject to these rules in the same manner as if he was not so transferred, and his contribution during such period shall be remitted by the employer to the Audit Officer in whose jurisdiction he was serving immediately before he was so transferred.

4-A. **A member of the Civil Service of Pakistan** who has opted for the Fund shall cease to be entitled to the benefits under the Ordinance as soon as he ceases same in the case of death, to hold any post in connection with the affairs of the Province.

5. **Head of Account**— The amounts so deducted shall be credited to the minor head “Punjab Government Servants Benevolent Fund” under the major head “P-Deposits and Advances-E-Reserve Fund”. There shall be two sub-heads under the minor head and sub-head for Part I of the Fund and the other for Part II of the Fund. Separate accounts of the two parts of the Fund in respect of the transactions relating to each audit circle shall be maintained by the respective area audit and accounts offices.

6. **The amount deducted** as aforesaid shall be checked by the audit office in the case if payments made at Lahore, and by the Treasury Officer in the case of payments made in their respective districts.

7. **Constitution of Board of Management** — (1) The Provincial Board of Management (Gazetted) shall consist of –

- a) Chief Secretary to Government of Punjab (Chairman);
- b) Additional Chief Secretary to Government of Punjab (Vice Chairman);
- c) Member Consolidation Board of Revenue;
- d) Secretary to Government of Punjab, Finance Department;
- e) Secretary to Government of Punjab, I & P Department;
- f) Secretary to Government of Punjab, Health Department; and
- g) Deputy Secretary @@ (Fund) to Government of Punjab, S&GAD.

*Substituted vide Notification No. BF.674/07 dated 31.12.2007.

- (2) The Provincial Board of Management (Non–Gazetted) shall consist of –
 - (a) Chief Secretary to Government of Punjab (Chairman);
 - (b) Additional Chief Secretary to Government of Punjab (Vice Chairman);
 - (c) Secretary to Government of Punjab, Finance Department;
 - (d) Secretary to Government of Punjab, Communication and Works Department;
 - (e) Deputy Secretary ^{@@}(Fund) to Government of Punjab, S&GAD; and
 - (f) Such Government Servants as Government may from time to time appoint.
- (3) Each ^{*}District Board of Management shall consist of–
 - (a) The District Coordination Officer of the District (Chairman).
 - (b) [‡]not more than five other non–Gazetted Government servants including two women who shall be appointed by the Government on the recommendation of the Chairman.; and.
- (4) The Secretariat Board of Management shall consist of –
 - (a) Secretary to Government of Punjab, Services and General Administration Department (Chairman).
 - (b) Such other Government Servants not exceeding three in number as Government may from time to time appoint.

8. **Meeting of the Boards**— (1) Each Board referred to in Rule 7 shall meet for the transaction of business at least once in every three months and at such other times as its Chairman calls a meeting thereof.

- (2) The Chairman and any two members of the Board shall form the quorum.
- (3) Decisions by the Board shall be taken by majority of votes. In case of equality of votes, the Chairman shall have a second or casting vote.
- (4) The Chairman may appoint one of the members as Secretary to the Board.
- (5) All decisions of the Board shall be recorded in a minute book. The duty for recording of minutes shall be discharged by the Secretary and in his absence by any other member of the Board as directed by the Chairman.
- (6) Subject to the general supervision and control of the Chairman, the Secretary shall be responsible for –
 - i) the conduct of correspondence on behalf of the Board;
 - ii) the maintenance of the records of the Board;
 - iii) The disbursement of money from the Fund;
 - iv) The maintenance of the accounts;
 - v) Preparation of the agenda of the meeting of the Board and giving advance notice of such meetings to the members of the Board;
 - vi) Performance of such other functions as may be directed by the Chairman.

9. **Remuneration**— The Chairman and members of the various Boards referred to in Rule 7 shall not be entitled to any remuneration or honorarium for attending meetings of the Boards or performing any other functions as the Chairman or members of the Board.

10. **Custody of Money** — All moneys constituting the Fund shall be kept in the Government treasury in the name of the Chairman of the Provincial Board of Management (Gazetted) or the Provincial Board of Management (Non–Gazetted), as the case may be.

11. **The Provincial Board of Management (Gazetted) and the Provincial Board of Management (Non–Gazetted)** may invest such money constituting the Fund as are not required for immediate expenditure in any of the securities described in section 20 of the Trust Act, 1882, or in real estate, or may place them in fixed deposit with a Bank approved by Government.

^{@@} Substituted for the word “Welfare” vide Notification No.SOWF.III (S&GAD) 3–8/90, dated 04.09.1990.

^{*}The word “Divisional” wherever occurring was substituted with the word “District” vide Notification No.SOP.IV (S&GAD)2001 (WF), dated 07.12.2001.

[‡] In Rule 7, sub rule (3) of clause (b) substituted vide letter No.BF-61/14 dated 12.06.2014.

12. **Withdrawals** — (1) Any amount required to be drawn from the Fund shall be drawn by submitting to the Accountant General bills signed by the Finance Secretary, in his capacity as member of the Provincial Board of Management (Gazetted) or Provincial Board of Management (Non-Gazetted) *(or his nominee) as the case may be. The amount so drawn shall be kept in the National Bank of Pakistan in current account in the name of the Chairman of the Provincial Board concerned and shall be drawn from the Bank on cheques signed by the Chairmen provided that the Chairman may delegate his power of drawl to a member or the secretary of the Board concerned, who shall exercise such powers of drawl in the manner and subject to the conditions prescribed by the Chairman from the allocation made to it by that Board.

(2) Account—The Board concerned shall be informed by the Chairman as regards any delegation of powers made by him under this rule.

13. **Payments** — The amount of the Fund shall be maintained by the account/audit officer of the area in whose jurisdiction the Government Servant is serving. The account shall be kept by the Board in the Forms/Registers given in the Schedule.

14. **The account shall be kept in Pakistan** in rupee and all payments from it shall be made in Pakistani rupee.

15. **Grants** — Individual grants from the Fund shall be drawn by the person in whose favour such grant is sanctioned on a simple receipt by quoting therein the number and date of the sanction.

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* Added vide Notification No.SOWF.III (S&GAD) 8(1)/79 P-II, dated 08.06.1989.

**THE PUNJAB GOVERNMENT SERVANTS BENEVOLENT FUND
PART-I (DISBURSEMENT) RULES, 1965**

In exercise of the powers conferred on him by section 7 of the Punjab Government Servants Benevolent Fund Ordinance, 1960 (Punjab Ordinance XIV of 1960), the Governor of West Pakistan is pleased to make the following rules:

1. These rules may be called the ♦Punjab Government Servants Benevolent Fund Part-I (Disbursement) Rules, 1965.

(2) They shall come into force at once.

2. In these rules unless the context otherwise requires the following expressions shall have the meaning hereby respectively assigned to them, that is to say:

- (a) "Board" means the Provincial Board of Management (Gazetted) Punjab Government Servants fund as constituted under Section 6 of the Punjab Government Servants Benevolent Fund Ordinance, 1960.
- (b) "Fund" means the Punjab Government Servants Benevolent Fund, Part-I
- (c) "Pay" means the amount drawn monthly by a gazetted Government servant as —
- (i) the pay, other than special pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an Officiating capacity or to which he is entitled by reason of his position in a cadre.
 - (ii) Overseas pay, technical pay, special pay and personal pay; and
 - (iii) any other emoluments which may be specially classed as pay by the competent authority.

@@3. The following grants from the Punjab Government Servants Benevolent Fund, Part-I shall, subject to the provisions of these rules, be admissible to government servants in BPS -16 to 22 (Gazetted) who are subscribers to the Fund or to their families, as the case may be, namely:

\$(a) MARRIAGE GRANT

For the marriage of each daughter:

- i) to a Government Servant while in service and for 15 years after his/her retirement: *Rs. 40,000/-
- ii) to the family of a retired Government servant in case his/her death occurs within 15 years of retirement for the un-expired period of 15 years from the date of retirement: **Rs. 50,000/-
- iii) to the family of a Government servant who dies while in service with no time limit: **Rs. 50,000/-
- iv) to an invalidated retired Government servant for 15 years from the date of retirement. In case of his/her death, within 15 years of retirement; to his/her family for the un-expired period of 15 years from the date of retirement: @Rs. 50,000/-

▲ Provided that the application for the grant is made within three years from the date of marriage, by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board, after recording reasons and considering individual cases of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.

♦ Substituted vide Notification No. SOWF III (S&GAD) 8 (1)/76 dated 29.04.1986.

@@ Substituted vide Notification No. SOWF III (S&GAD) 8 (1)/79, dated 09.09.1990.

\$ In Rule 3, clauses (a), (b), (c) and (d) substituted and a new clause (e) added vide Notification No. SOP-IV(S&GAD)2001(WF) dated 07.06.2002.

* The figures 25,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

** The figures 30,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

@ The figures 30,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

▲ Proviso substituted vide Notification No. BF.585/13 dated 09.09.2014.

- #(b) FUNERAL GRANT
- | | | |
|------|---|--------------|
| (i) | on the death of a Government servant. | Rs. 20,000/- |
| (ii) | on the death of a dependent member of the family of a Government servant. | Rs. 20,000/- |

§ Provided that the application for the grant is made, within three years from the date of the death of deceased, by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board after recording reasons and considering individual cases of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.

- (c) EDUCATIONAL SCHOLARSHIPS
- | | |
|---|-------------------|
| Primary to Matric level | Rs. 5,000/- P.A. |
| F.A., B.A. and equivalent classes and Diploma classes. | Rs. 14,000/- P.A. |
| M.A. and equivalent classes, BDS, MBBS, B.Sc. (Engg.), DVM, B.Sc. (Hons.), Agri B. Pharmacy etc., M. Phil and Ph.D. | Rs. 16,000/- P.A. |

* Provided that:

- (i) in case of a retired or in service Government servant:
- grant may be admissible to not more than two children of a Government servant who has or have passed all the subjects of Matric or post-Matric examination from a recognized Board of Examination or University securing at least sixty percent aggregate marks and is or are studying in the next class in a recognized educational institution;
 - if one or more of the children of a Government servant are studying in a recognized educational institution meant for special children, then not more than three children shall be eligible for the grant;
- (ii) in case of a Government servant who has died or retired on grounds of invalidation or incapacitation, the grant may be admissible to not more than three children;
- (iii) the Provincial Benevolent Fund Board shall each year invite applications on the prescribed form through publication in the newspaper;
- (iv) the application shall be verified by the head of department and the head of the educational institution and accompanied by the following documents:
- computerized national identity card of a Government servant and/or of the student (if applicable);
 - result card, detailed marks sheet, certificates and degree pertaining to the preceding educational classes;
 - certificates of recognition of previous and current education institution in case of the private educational institution; and
- (v) an application received after the cut off date mentioned in the advertisement and not verified and supported by the documents mentioned above shall not be entertained.

@ Provided further that every such child who secures at least 90% marks in any examination in Matriculation or above, shall be granted a special scholarship of Rs. 50,000/- per annum in lieu of the scholarship admissible under this clause.

- #(d) MONTHLY GRANT
- | | |
|---------------|-------------------|
| BS-16 & 17 | Rs. 5,250/- P.M. |
| BS-18 & 19 | Rs. 9,000/- P.M. |
| BS-20 & above | Rs. 12,000/- P.M. |

In rule 3, in clause (b) the expression Rs.10000/- is substituted with Rs.20000/- vide Notification No.BF-217(gazette)/2017 dated 10.08.2017.

§ In rule 3 clause (b) proviso is substituted vide Notification No.BF.585/13 dated 09.09.2014.

* Substituted vide Notification No. BF.673/07 dated 25.01.2008.

@ New Proviso inserted vide Notification No. BF-458/2011 dated 13.11.2011.

In rule 3, clause (d) is substituted vide notification No.BF-217(Gazetted)/2017 dated 10.08.2017.

**Eligibility:

- (i) If a Government servant dies while in service his widow shall get monthly grant for life provided that she does not remarry. If there are more than one widow grant shall be divided amongst them in equal shares. In the case of a widower, the grant shall be for a period of 15 years provided that he does not remarry and does not have another wife at the time of death of his spouse.
- (ii) If the Government servant is not survived by a widow then the monthly grant shall be sanctioned in favor of his family members in the following order of precedence and subject to the conditions as indicated against each:
- | | |
|----------------------|---|
| Children | ♦ For a period of 15 years or till the youngest male child attains the age of 21 years whichever is earlier. In the case of a female child for 15 years or till her marriage, whichever is earlier. |
| Parents | For a period of 15 years. |
| Brothers/
Sisters | For a period of 15 years or till the youngest attains the age of 21 years. In the case of a sister till her marriage or the attainment of the age of 21 years whichever is earlier. |
- (iii) If a Government servant dies within fifteen years of the date of retirement the grant shall be given to his/her family as the case may be in the following order of precedence subject to the conditions as indicated against each:
- | | |
|----------------------|--|
| Widow/
Widower | For the unexpired period of 15 years from the date of retirement subject to the condition that widow/widower does not remarry and the widower does not have another wife at the time of death of his spouse. If there are more than one widow grant shall be divided amongst them in equal shares. |
| Children | *For the unexpired period of 15 years from the date of retirement or till the youngest male child attains the age of 21 years whichever is earlier. In case of a female child for the unexpired period of 15 years or till her marriage, whichever is earlier. |
| Parents | For the unexpired period of 15 years from the date of retirement. |
| Brothers/
Sisters | For the unexpired period of 15 years from the date of retirement or till the youngest attains the age of 21 years. In the case of a sister till her marriage or the attainment of the age of 21 years whichever is earlier. |
- (iv) (a) If a Government servant is invalidated during service, he/she shall be entitled to a monthly grant for 15 years from the date of retirement due to invalidation, provided that he/she has been declared invalid by the concerned Medical Board in category-A on account of loss of Limbs or complete loss of eye sight or complete loss of speech or complete deafness or paralysis or complete lunacy or advanced terminal disease and the concerned B. F. Board after due inquiry is satisfied that he/she is totally incapacitated for any gainful employment in future.
- (b) In case of death of the invalidated grantee within 15 years of his retirement the grant shall be admissible to his/her family members as the case may be, in the following order of precedence subject to the condition as indicated against each:
- | | |
|----------------------|--|
| Widow/
Widower | For the unexpired period of 15 years from the date of retirement subject to the condition that widow/widower does not remarry and the widower does not have another wife at the time of death of his spouse. If there are more than one widow grant shall be divided amongst them in equal shares; |
| Children | *For the unexpired period of 15 years from the date of retirement or till the youngest male child attains the age of 21 years whichever is earlier. In case of a female child for the unexpired period of 15 years or till her marriage whichever is earlier. |
| Parents | For the unexpired period of 15 years from the date of retirement. |
| Brothers/
Sisters | For the unexpired period of 15 years from the date of retirement or till the youngest attains the age of 21 years. In case of a sister till her marriage or attainment of the age of 21 years whichever is earlier. |
- (v) Limitations
- (1) @A monthly grant shall be sanctioned:
- a) from the date of death or retirement on the ground of invalidation, if the application is made by the concerned family member or the invalid

** Added vide Notification No. SOWF.III (S&GAD)3-1/93 dated 17.08.1994.

♦ Substituted vide Notification No. SO.P-IV(S&GAD)-8-4/2003 (Pt.I) dated 15.11.2003.

* Substituted vide Notification No. SO.P-IV (S&GAD)-8-4/2003 (Pt.I) dated 15.11.2003.

@ Sub clause (v) for the existing para (1) sub para 'a' and 'b' are substituted vide Notification No.BF.585/13 dated 09.09.2014.

retired Government servant within three years of death or retirement; and.

- b) From the date of receipt of application, if the application is made after three years and within 5 years of death or retirement on the ground of invalidation; and.

- (2) Applications received after 5 years of death or retirement on the ground of invalidation of Govt. Servant, as the case may be, shall be submitted by the concerned Board after completing all necessary formalities along with their recommendations to the Provincial Benevolent Fund Board keeping in view the merit of each individual case according to the rules/instructions applicable to each case.

\$(e) FAREWELL GRANT:

Amount equal to last basic pay:

- i) to a Government servant once at the time of superannuation/ retirement on qualifying service/ invalided retirement.
- ii) to the family of a Government servant who dies during service which qualifies him/her for pension.

§Note: The revised/new rates of Marriage Grant, Funeral Grant, Monthly Grant and Farewell Grant shall be effective from 01.01.2001, while revised criteria/ new rates for educational scholarship shall be applicable from the academic year 2001-2002.

**Provided that the application for the grant shall be made, within three years of superannuation, retirement on qualifying service, invalid retirement or death during service (which qualifies him for pension), by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board after recording reasons in a case of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.

§Note: These amendments in rules shall be effective from the date of issuance of Notification and shall be beneficial in cases where marriage, death or retirement occurs on or after the date of Notification. However, in the cases of Monthly Grant, unmarried daughters of deceased Government servants above the age of 21 years shall be entitled to get financial benefit from the date of issuance of Notification although the death or retirement of the concerned Government servants might have occurred before the date of Notification.

4. The Board may in special circumstances and for reasons to be recorded in writing enhance the amount of the grants specified in rule 3.

@@4-A. The Board may introduce scheme for granting loans and advances to Government servants on such terms as it may decide.

5. (1) The grants specified in rule 3 shall be sanctioned by the Board.
- (2) In case of urgency, the Chairman of the Board may sanction a grant under rule 3 or rule 4 provided that the order sanctioning such grant shall be submitted to the Board as soon as possible for its EX-POST FACTO approval.

6. Notwithstanding anything contained in these rules, the Board may make a special grant to a gazetted Government servant or a member of his family in case of extreme financial distress which is not occasioned on account of actions or omissions on the part of the gazetted Government servant himself.

7. If Government servant has held both gazetted and non-gazetted posts at different periods of his service, he shall not be entitled to the benefit of the Funds under the rules the post held by him at the time

§In Rule 3, clauses (a), (b), (c) and (d) substituted and a new clause (e) added vide Notification No. SOP-IV(S&GAD)2001(WF) dated 07.06.2002.

** In rule 3, clause (e) proviso is substituted vide Notification No.BF.585/13 dated 09.09.2014.

§In Rule 3, clauses (a), (b), (c) and (d) substituted and a new clause (e) added vide Notification No. SOP-IV(S&GAD)2001(WF) dated 07.06.2002.

@@ Inserted vide Notification No. SOW-III (S&GAD) 8-1 (1)/76, dated 20.07.1976 and given effect from 27.11.1974.

of his retirement, or at the time of his death or invalidation during service before retirement was a gazetted post.

8. The benefits admissible under these rules to a gazetted Government servant or his family as the case may be shall become admissible immediately after the Government servant has made his first contribution to the Fund.

9. An application for a grant under these rules, shall be made to the Chairman of the Board in the form set out in Annexure-A and shall be submitted by the applicant through the Head of Office of Administrative Department in which such Government servant was employed at the time of retirement, or at the time of his death or invalidation during service before retirement.

- *10. A grant in favour of a widow/widower shall be sanctioned subject to the following:-
- (a) a widow/widower does not marry and she or he shall furnish a no marriage and life certificate every six months to the concerned Benevolent Fund Board in the form set out in Annexure-B;
 - (b) In case the certificate mentioned in clause (a) is not furnished or a widow or widower remarries during the period of such grant, the grant shall cease or stop forthwith; and
 - (c) a grant ceased or stopped due to non submission of the certificate may be restored on application of the widow or widower, from the date of:
 - (i) the stoppage of the grant, by the Chairman of the concerned Benevolent Fund Board, if the application is made within a period of two years of the stoppage of the grant;
 - (ii) the application of restoration, by the Additional Chief Secretary to the Government, if the application is made within a period of five years of the stoppage of the grant; and
 - (iii) the order of restoration by the Provincial Benevolent Fund Board if the application is made beyond a period of five years of the stoppage of the grant.

11. If a gazetted Government servant quits the Government service for one reason or the other or is forced to leave Government service, he shall not be entitled to the refund of the contribution made by him towards the Fund during the period of his service.

*Substituted vide Notification No.BF.673/07, dated 25.01.2008.

ANNEXURE 'A'
(See Rule 9)

APPLICATION FOR GRANT FROM THE PUNJAB GOVERNMENT SERVANTS BENEVOLENT
FUND PART-I

- (1) Name of the Government Servant:
- (2) Date of entry into Government Service:
- (3) Date of death, invalidation or retirement:
- (4) Total length of service at the time death, invalidation or retirement
- (5) (a) Post held at the time of retirement or at the time of death or invalidation before retirement.
(b) Whether such post was Gazetted.
(c) Whether the Government Servant held such post permanently or temporarily.
- (6) Last pay drawn and scale of pay.
- (7) (a) Details of dependent family members, such as their names, ages, whether married or unmarried, school or college, where being educated, relationship of each with Government Servants.
(b) Details of earning family members not included in item (a) above and their monthly incomes.
- (8) Details of property left by the Government Servant for his dependents.
(i) Moveable, including cash.
(ii) Immoveable.
- (9) Amount of and date from which pension/gratuity/compensation has been granted by the Government.
- (10) If insured, the amount for which insured.
- (11) Total General Provident Fund Accumulations.
- (12) (i) Date from which contributing to Benevolent Fund.
(ii) Total contribution towards Benevolent Fund.
- (13) Amount applied for.
- (14) Reasons for the application with proof, if any.
- (15) In the case of application by a widow, a statement to the effect that she has not remarried.

I do hereby solemnly affirm and verify that the contents of the above application are true to the best of my knowledge and belief and that I have concealed nothing.

I know that in the event of making a willful misrepresentation or suppression of fact, I shall be liable to criminal prosecution.

Signature and name of applicant _____
Son/Daughter/Wife/Widow of _____
Address _____

I certify and attest the details furnished above from the record available in this office: and

- (i) Recommend _____
- (ii) Do not recommend the case for the reasons.

Signature and name of the Head of Office
(with office seal) _____
Signature and name of the Head of
Administrative Department (with office seal)

ANNEXURE 'B'
(See Rule 10)

NO MARRIAGE CERTIFICATE

I do hereby solemnly affirm that I Mst./Mr. _____
_____Widow/Widower of _____ drawing Rs.

_____ (Rupees _____) per month as grant out of the Punjab Government Servants Benevolent Fund, Part-I have not yet remarried and am still a widow/widower. I, therefore, request that the sanctioned amount of Rs. _____ for the month _____ may kindly be remitted to me.

Attested _____

Signature with date _____

Name in block letters _____

Widow of _____

**THE PUNJAB GOVERNMENT SERVANTS BENEVOLENT FUND
PART-II (DISBURSEMENT) RULES, 1966**

In exercise of the powers conferred on him by section 7 of the Punjab Government Servants Benevolent Fund Ordinance, 1960 (Punjab Ordinance XIV of 1960) and in suppression of the Punjab Government Servants Benevolent Fund Part-II (Disbursement) Rules, 1963, the Governor of West Pakistan is pleased to frame the following rules:

1. (1) These rules may be called the Punjab Government Servants Benevolent Fund, Part-II (Disbursement) Rules, 1966.

(2) They shall come into force at once.

2. In these rules unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:

(a) "Controlling Officer" means the officer who, in relation to the Non-Gazetted Government Servant concerned, exercise the powers of a controlling officer under the financial rules or in the case of death of such servant, last exercised such powers;

(b) "*District Board" means the District Board of Management constituted under Section 6 of the Ordinance.

(c) "Medical Officer" means the Authorized Medical Attendant within the meaning of the Punjab Government Servants (Medical Attendance) Rules, 1959, or the medical officer specified under the corresponding other rules applicable to the Non-Gazetted Government Servants (Medical Attendance) Rules, 1959, or the medical officer specified under the corresponding other rules applicable to the Non-Gazetted Government Servant concerned, who has examined or attended on the Non-Gazetted Government Servant concerned or a member of his family.

(d) "Pay" means the amount drawn monthly by a Government Servant as:—

(i) the pay which has been sanctioned for a post held by him substantively or in an officiating capacity or to which he is entitled by reasons of his position in a cadre.

(ii) Overseas pay, technical pay, personal pay and special pay other than special pay granted in view of his personal qualification; and

(iii) any other emoluments which may specially be classed as pay by the competent authority.

(e) "Provincial Board" means the Provincial Board of Management (Non-Gazetted) constituted under Section 6 of the Ordinance; and

(f) "Ordinance" means the Punjab Government Servants Benevolent Fund Ordinance, 1960.

3. The District Board may out of the amounts allocated to it by the Provincial Board in pursuance of the provisions of Section 6 of the Ordinance and the Punjab Government Servants Benevolent Fund Rules, 1960, sanction and disburse grants admissible under rule 4 and rule 7.

*4. The following grants from the Punjab Government Servants Benevolent Fund, Part-II, shall, subject to the provisions of these Rules, be admissible to Government Servants in Basic Pay Scale No. 1 to 15 (including BPS-16 Non-Gazetted), who are subscribers to the Fund or to their families as the case may be, namely:-

- ** (a) **MARRIAGE GRANT**
For the marriage of each daughter:
- i) to a Government Servant while in service and for 15 years after his/her retirement. #Rs. 15,000/-
- ii) to the family of retired Government Servant in case his/her death occurs within 15 years of retirement for the un-expired period of 15 years from ♦ Rs. 20,000/-

*The word 'Divisional' wherever occurring was substituted by the word 'District' vide Notification No. SOP.IV (S&GAD) 2001 (WF), dated 07.12.2001

*Substituted vide Notification No.SOF.III (S&GAD) 8 (1)/76, dated 29.04.1986.

**Substituted vide Notification No.SOP.IV (S&GAD) 2001 (WF) Pt-II, dated 07.06.2002.

#The figures 6,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

♦ The figures 8,000/- replaced with new figures wherever occurred, vide Notification No. BF-458/2011 dated 13.11.2011.

- the date of retirement.
- iii) to the family of a Government Servant who dies while in service, with no time limit. ♦ Rs. 20,000/-
- iv) to an invalidated retired Government Servant for 15 years from the date of retirement. In case of his/her death, within 15 years of retirement, to his/her family for the un-expired period of 15 years from the date of retirement. ♦ Rs. 20,000/-

#Provided that the application for the grant is made, within three years from the date of marriage, by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board, after recording reasons and considering individual cases of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.

##(b) FUNERAL GRANT

- i) on the death of a Government Servant. Rs. 12,000/-
- ii) on the death of a dependant member of the family of a Government Servant. Rs. 12,000/-
- iii) on the death of a Non-Gazetted Government Servant after retirement Rs.12,000/-

@@Provided that the application for the grant is made, within three years from the date of death of deceased, by the applicant to the concerned Benevolent Fund Board through the parent office but this period may be condoned by the Provincial Benevolent Fund Board after recording reasons and considering individual cases of hardship and the responsibility to prove genuineness of documents or the case shall rest with the applicant.

@(c) EDUCATIONAL SCHOLARSHIPS

Primary to Matric level Rs.1,500/- P.A.
F.A., B.A. and equivalent classes and Diploma classes. Rs.3,000/- P.A.

M.A. & equivalent classes, BDS, Rs.6,000/- P.A.
MBBS, B.Sc. (Engg.), DVM, B.Sc. (Hons.), Agri etc., M. Phil and Ph.D.

♥Provided that:

- (i) in case of a retired or in service Government Servant;
- (a) grant may be admissible to not more than two children of a Government Servant who has or have passed all the subjects of matric or post matric examination from a recognized Board of Examination or University securing at least sixty percent aggregate marks and is or are studying in the next class in a recognized educational institution.
- (b) if one or more of the children of a Government Servant are studying in a recognized educational institution meant for special children, then not more than three children shall be eligible for the grant.
- (ii) in case of a Government Servant who has died or retired on grounds of invalidation or incapacitation, the grant may be admissible to not more than three children;
- (iii) the Provincial Benevolent Fund Board shall each year invite applications on the prescribed form through publication in the newspaper;

In rule 4 clause (a) and (b) proviso substituted vide Notification No.BF.585/13 dated 09.09.2014.

In the rule 4, clause (b), expression Rs.6000/ wherever occurs be substituted as Rs.12000/- vide Notification No.BF-217(Non-gazetted)/2017 dated 10.08.2017.

@@ Proviso under rule 4(b) substituted vide Notification No.BF.585/13 dated 09.09.2014

@ Substituted vide Notification No.SOP.IV (S&GAD) 2001 (WF) Pt-II, dated 07.06.2002.

♥ Proviso substituted vide Notification No.BF.673/07, dated 25.01.2008.

- (iv) the application shall be verified by the head of department and the head of the educational institution and accompanied by the following documents:
- (a) computerized national identity card of a Government Servant and/or of the student (if applicable);
 - (b) result card, detailed marks sheet, certificates and degree pertaining to the preceding educational classes;
 - (c) certificates of recognition of previous and current education institution in case of the private educational institution; and
- (v) an application received after the cutoff date mentioned in the advertisement and not verified and supported by the documents mentioned above shall not be entertained.

**Provided further that every such child who secures at least 90% marks in any examination in Matriculation or above, shall be granted a special scholarship of Rs. 50,000/- per annum in lieu of the scholarship admissible under this clause.

#(d)	MONTHLY GRANT	
	BS-1 to 10	Rs.1,950/- P.M.
	BS-11 to 16	Rs.2,550/- P.M.
	(Non Gazetted)	

Note: The revised/new rates of Marriage Grant, Funeral Grant, and Monthly Grant shall be effective from 01.01.2002, while revised criteria/new rates of educational scholarships shall be applicable from the academic year 2001-2002.

***Eligibility:**

- (i) If a Government Servant dies while in service his widow shall get monthly grant for life provided that she does not remarry. If there are more than one widow grant shall be divided amongst them in equal shares. In the case of a widower, the grant shall be for a period of 15 years provided that he does not remarry and does not have another wife at the time of death of his spouse.
- (ii) If the Government Servant is not survived by a widow then the monthly grant shall be sanctioned in favor of his family members in the following order of precedence and subject to the conditions as indicated against each:

Children ♦ For a period of 15 years or till the youngest male child attains the age of 21 years whichever is earlier. In the case of a female child for 15 years or till her marriage, whichever is earlier.

Parents For a period of 15 years.

Brothers/ For a period of 15 years or till the youngest attains the age of 21

Sisters years In the case of a sister till her marriage or the attainment of the age of 21 years whichever is earlier.

- (iii) If a Government Servant dies within fifteen years of the date of retirement the grant shall be given to his/her family as the case may be in the following order of precedence subject to the conditions as indicated against each:

Widow/ For the unexpired period of 15 years from the date of retirement

Widower subject to the condition that widow/widower does not remarry and the widower does not have another wife at the time of death of his spouse.

If there are more than one widow grant shall be divided amongst them in equal shares.

Children ♦ For the unexpired period of 15 years from the date of retirement or till the youngest male child attains the age of 21 years, whichever is earlier. In the case of a female child for the un-expired period of 15 years or till her marriage, whichever is earlier.

Parents For the unexpired period of 15 years from the date of retirement.

Brothers/ For the unexpired period of 15 years from the date of retirement or

Sisters till the youngest attains the age of 21 years. In the case of a sister till her marriage or the attainment of the age of 21 years whichever is earlier.

** New Proviso inserted vide Notification No. BF-458/2011 dated 13.11.2011.

In clause (d) of rule 4 of Punjab Government Servants Benevolent Fund (P-II) Disbursement Rule 1966, the expression of Rs.1300/- & Rs.1700/-, are substituted as Rs.1950/- PM and 2550/- PM vide Notification No. BF-217(Non-Gazetted)/2017 dated 10.08.2017.

* Substituted vide Notification No.SOWF.III (S&GAD) 3-1/93 (Pt-II) dated 17.08.1994.

♦ Substituted vide Notification No.SO.P-IV (S&GAD) 8-4/2003 (Pt-II) dated 15.11.2003.

♦ Substituted vide Notification No.SO.P-IV (S&GAD) 8-4/2003 (Pt-II) dated 15.11.2003.

- (iv) (a) If a Government Servant is invalidated during service, he/she shall be entitled to a monthly grant for 15 years from the date of retirement due to invalidation, provided that he/she has been declared invalid by the concerned Medical Board in category-A on the account of loss of Limbs or complete loss of eye sight or complete loss of speech or complete deafness or paralysis or complete lunacy or advanced terminal disease and the concerned B. F. Board after due inquiry is satisfied that he/she is totally incapacitated for any gainful employment in future.

(b) In case of death of the invalidated grantee within 15 years of his retirement the grant shall be admissible to his/her family members as the case may be, in the following order of precedence subject to the condition as indicated against each:

Widow/ Widower	For the unexpired period of 15 years from the date of retirement subject to the condition that widow/widower does not remarry and the widower does not have another wife at the time of death of his spouse. If there are more than one widow grant shall be divided amongst them in equal shares.
Children	♦ For the unexpired period of 15 years from the date of retirement or till the youngest male child attains the age of 21 years, whichever is earlier. In case of a female child for the un-expired period of 15 years or till her marriage, whichever is earlier.
Parents	For the unexpired period of 15 years from the date of retirement.
Brothers/ Sisters	For the unexpired period of 15 years from the date of retirement or till the youngest attains the age of 21 years. In the case of a sister till her marriage or attainment of the age of 21 years whichever is earlier.

(v) Limitations

- @(1) A monthly grant shall be sanctioned:
- a) from the date of death or retirement on the ground of invalidation, if the application is made by the concerned family member or the invalid retired Government Servant within three years of death or retirement; and.
 - b) From the date of receipt of application, if the application is made after three years and within 5 years of death or retirement on the ground of invalidation; and.
 - c) From such date as the Provincial B. F. Board may deem fit, if the application is made after two years and within five years of death or retirement on the ground of invalidation and the delay is condoned for the reasons to be recorded by the said Board.
- (3) Applications received after 5 years of death or retirement on the ground of invalidation of Government Servant, as the case may be, shall be submitted by the concerned Board after completing all necessary formalities along with their recommendations to the Provincial Benevolent Fund Board keeping in view the merit of each individual case according to the rules/instructions applicable to each case.

*Note: These amendments in rules shall be effective from the date of issuance of Notification and shall be beneficial in cases where marriage or death occurs on or after the date of Notification. However, in the cases of Monthly Grant, unmarried daughters of deceased Government Servants above the age of 21 years shall be entitled to get financial benefit from the date of issuance of Notification although the death or retirement of the concerned Government Servants might have occurred before the date of Notification.

**4-A. The Provincial Board or the District Board, as the case may be, may grant advances to Government Servants on such terms as it may decide.

5. An application for a grant under Rule 4 shall be made in the form set out in Annexure 'A' and shall be presented to the Controlling Officer alongwith the certificate of the medical officer, where such certificate is necessary.

♦ Substituted vide Notification No.SO.P-IV (S&GAD) 8-4/2003 (Pt-II) dated 15.11.2003.

@ In Rule 4, clause (d), sub clause (v) para (1), 'a' & 'b' are substituted vide Notification No.BF.585/13 dated 09.09.2014.

* Substituted vide Notification No.SO.P-IV (S&GAD) 8-4/2003 (Pt-II) dated 15.11.2003.

** Inserted vide Notification No. SOW-III (S&GAD) 8-1 (1)/76 dated 20.07.1976.

6. (1) Where an application is made to him under Rule 5, if the Controlling Officer, after taking into consideration the contents of the application and making such enquiries as he may consider necessary, is satisfied that the applicant is entitled to a grant under Rule 4, may recommend to the District Board, the amount to be disbursed or granted to the applicant.

(2) On receipt of the recommendation of the Controlling Officer under sub-rule (1), the District Board may, after taking into consideration such recommendations and making such enquiries (if any) as it may consider necessary, sanction out of the funds allocated to it under Rule 3, a grant or payment to the Government Servant concerned or a member of his family in accordance with the provision of Rule 4.

(3) The amount sanctioned under sub-rule (2) shall be paid by the District Board by issuing a cheque in favour of the Government Servant concerned or a member of his family, as the case may be.

(4) The District Board shall obtain proper receipts from the grantee in receipt of all such payments and maintain a record of the same in a register prescribed under Rule 13 of the Punjab Government Servants Benevolent Fund Rules, 1960.

7. (1) Notwithstanding anything contained in these rules, the District Board may, with the approval of the Provincial Board, make to a non-gazetted Government Servant or member of his family, in case of extreme financial distress which is not occasioned on account of actions or omissions on the part of the Government Servant himself, any grant not provided for in Rule 4.

(2) The procedure for a grant under this Rule shall be as provided in Rule 5 and 6.

8. Each District Board shall by the tenth of each month, submit to the Provincial Board, a monthly return relating to the last preceding month showing the amount of allocation in hand at the beginning of the last preceding month, the amount of further allocation received, if any, and the disbursement made under Rules 4 and 7 during that month.

**9. A grant in favour of a widow or widower shall be sanctioned subject to the following:

(a) a widow or widower does not marry and she or he shall furnish a no marriage and life certificate every six months to the concerned Benevolent Fund Board in the form set out in Annexure-B;

(b) In case the certificate mentioned in clause (a) is not furnished or a widow or widower remarries during the period of such grant, the grant shall cease or stop forthwith; and a grant ceased or stopped due to non submission of the certificate may be restored on application of the widow or widower, from the date of:

(i) the stoppage of the grant, by the Chairman of the concerned Benevolent Fund Board, if the application is made within a period of two years of the stoppage of the grant;

(ii) the application of restoration, by the Additional Chief Secretary to the Government, if the application is made within a period of five years of the stoppage of the grant; and

(iii) the order of restoration by the Provincial Benevolent Fund Board if the application is made beyond a period of five years of the stoppage of the grant.

10. A Non-Gazetted Government Servant who, for any reason whatsoever quits Government service or is forced to leave Government service shall not be entitled to the refund of the contributions made by him to the Fund during the period of his service.

** Substituted vide Notification No.BF.673/07 dated 25.01.2008.

ANNEXURE 'A'

(See Rule 5)

APPLICATION FOR GRANT FROM THE PUNJAB GOVERNMENT SERVANTS BENEVOLENT FUND
PART-II

- (1) Name of the Government Servant:
- (2) Date of entry into Government Service:
- (3) Date of death, invalidation or retirement:
- (4) Total length of service at the time death, invalidation or retirement
- (5) (a) Post held at the time of retirement or at the time of death or invalidation before retirement.
(b) Whether such post was Non-Gazetted.
(c) Whether the Government Servant held such post permanently or temporarily.
- (6) Last pay drawn and scale of pay:
- (7) (a) Details of dependent family members, such as their names, ages, whether married or unmarried, school or college, where being educated, relationship of each with Government Servants.
(b) Details of earning family members not included in item (a) above and their monthly incomes.
- (8) Details of property left by the Government Servant for his dependents.
(i) Moveable, including cash.
(ii) Immoveable.
- (9) Amount of and date from which pension/gratuity/compensation has been granted by the Government.
- (10) If insured, the amount for which insured.
- (11) Total General Provident Fund Accumulations.
- (12) (i) Date from which contributing to Benevolent Fund.
(ii) Total contribution towards Benevolent Fund.
- (13) Amount applied for.
- (14) Reasons for the application with proof, if any.
- (15) In the case of application by a widow, a statement to the effect that she has not remarried.

I do hereby solemnly affirm and verify that the contents of the above application are true to the best of my knowledge and belief and that I have concealed nothing.

I know that in the event of making a willful misrepresentation or suppression of fact, I shall be liable to criminal prosecution.

Signature and name of applicant _____
Son/Daughter/Wife/Widow of _____
Address _____

I certify and attest the details furnished above from the record available in this office: and

- (i) Recommend _____
- (ii) Do not recommend the case for the reasons.

Signature and name of the
Controlling Officer (with office seal)

=====

ANNEXURE 'B'
(See Rule 9)

NO MARRIAGE CERTIFICATE

I do hereby solemnly affirm that I Mst./Mr. _____
_____Widow/Widower of _____ drawing Rs. _____
(Rupees _____) per month as grant out of the Punjab
Government Servants Benevolent Fund, Part-II have not yet remarried and am still a widow/widower. I,
therefore, request that the sanctioned amount of Rs. _____ for the month _____ may
kindly be remitted to me.

Signature with date _____

Name in block letters _____

Widow of _____

=====

ANCILLARY INSTRUCTIONS

**THE PUNJAB GOVERNMENT SERVANTS BENEVOLENT FUND
(DISBURSEMENT) RULES, 1966**

Subject: TIME–LIMIT FOR VARIOUS GRANTS

I am directed to refer to the subject noted above and to state that in the West Pakistan Government Servants Benevolent Fund, Part–I (Disbursement) Rules, 1965 and the West Pakistan Government Servants Benevolent Fund, Part–II (Disbursement) Rules, 1966 the following time limits have been prescribed for submission of the application:

1. **MARRIAGE GRANT:**

“Provided that the application is made within 2 months of the marriage”.

2. **FUNERAL GRANT:**

“Provided that the application is made within 190–days of the death”;

but it has been clarified as to whom the applications were to be submitted within the above mentioned time limit.

2. The matter was placed before the Board in its meeting held on 30.05.1988 for consideration and decision. It has been decided by the Board that the date for limitation purposes may be taken from the date of receipt of the application with the department in which the applicant is serving.

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No.BF:68/88
Dated 20th September 1989

Subject: GRANT OF EDUCATIONAL SCHOLARSHIP TO 2 CHILDREN OF
SERVING GOVERNMENT EMPLOYEES – AMENDMENT IN THE
RULES

Kindly refer to the subject noted above.

2. The subject matter was discussed in the Combined Meeting of the Provincial Benevolent Fund Board (Part–I/II) held on 04.09.1989 and it was decided to grant educational scholarships to the two children of in–service Government Employees as against one at present, from the year 1989–90 under the relevant rules. Accordingly applications for two children scholarship for the year 1989–90 for two children of serving Government Employees who obtain at least 60% marks in the Matric and 55% marks in the Post Matric classes have been invited vide this office letter No.BF:109/83 dated 07.09.1989.

3. The decision of the Board is brought to your kind notice for information and compliance.

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No. BF:2/90 (P–I)
Dated the 24th November 1990

Subject: TIME LIMIT FOR VARIOUS GRANTS OUT OF BENEVOLENT FUND

Kindly refer to the subject noted above.

2. In the West Pakistan Government Servants Benevolent Fund, Part–I (Disbursement) Rules, 1965 and the West Pakistan Government Servants Benevolent Fund, Part–II (Disbursement) Rules, 1966 the following time limits have been prescribed for submission of the applications:

1. **MARRIAGE GRANT:**

“Provided that the application is made within 2 months of the marriage.”

2. **FUNERAL GRANT:**

“Provided that the application is made within 190 days of the death.”

3. It was further clarified in this office letter No. BF-68/88 dated 15.06.1988 that the date for limitation purposes might be taken from the date of receipt of the application with the department in which the applicant was serving.

4. It has been observed that this facility has been misused by the concerned parent Offices/Departments. Applications for various grants out of Benevolent Fund are held back for months together by the lower staff and are forwarded to B.F. Offices after considerable delay.

5. In order to discourage this tendency of withholding applications in parent offices/departments, it has been decided that transit time for applications from parent office to BF Offices may be restricted to 90 days. Therefore, applications for marriage grant and funeral grant should reach BF Offices within 90 days after the above time limit, indicated in para 1 above expires.

6. The maximum time-limit for receipt of applications for grant of out of Benevolent Fund will henceforth be as follows:

Grant	Days within which application must be submitted in the <u>parent office</u>	Days within which the application must reach the relevant Benevolent <u>Fund office</u>
Marriage Grant.	60 days after marriage	150 days after marriage
Funeral Grant.	190 days after death	280 days after death

7. Any application received beyond the above time limit should not be entertained in any case.

8. The above instructions may kindly be brought into the notice of all concerned.

B.F.No. 120/86
Dated the 4th November 1990

Subject: MARRIAGE GRANT OUT OF BENEVOLENT FUND ON
RE-MARRIAGE OF A DIVORCED/WIDOW DAUGHTER

Kindly refer to the subject noted above.

2. A working paper was placed before the meeting of the Provincial BF Board held on 13.10.1990 to the effect whether marriage grant out of Benevolent Fund could be paid in case of remarriage of a divorcee/widow daughter of a Government servant.

3. The Board approved that marriage grant will be admissible on re-marriage of a divorcee/widow daughter without any condition whether the marriage grant was received on previous marriage or not.

B.F.No.90/69
Dated the 4th November 1990

Subject: GRANT OF MONTHLY AID TO WIDOWS FOR LIFE

Kindly refer to the S&GAD's Notification No. SOWF.III (S&GAD) 8 (1)/79-(Provl.) dated 09.09.1990 regarding amendment in the West Pakistan Government Servants Benevolent Fund Part-I (Disbursement) Rules 1965, as well as Notification of even number and date regarding amendment in the West Pakistan Government Servants Benevolent Fund Part-II (Disbursement) Rules, 1966.

2. It has been decided in the meeting of the Provincial BF Board held on 13.10.1990 that the widows of deceased Government servants will be granted monthly aid out of Benevolent for life subject to the following conditions:

- a) Closed cases where payment has already been stopped after expiry of authorized sanctioned period will not be reopened. The life grant facility will thus be admissible only in the cases of widows who are presently getting monthly aid from the BF and for such cases which would be approved by the relevant Boards for the grant of monthly aid in future.
- b) The widowers invalided retired Government servants and other dependents will be entitled to receive monthly grant for a period of 15 years only or till the age of maturity/dependency, as the case may be.
- c) If a Government servant dies during service or within 15 years after his retirement, his widow shall be entitled till her death to a monthly grant at the rate already prescribed in this behalf, provided that:

in case of widows of retired Government servants the grant will be restricted to the un-expired period of 15 years for widows and would not be for life.
- d) In case of death of a widow, the monthly grant may be transferred in the name of the dependent minor family member/s up to the age of maturity or 15 years, whichever is less.
- e) In case where there is no widow the minor dependent family members as defined in Section 2 (a) of the Punjab Government Servants Benevolent Fund Ordinance, 1960 shall be eligible for a monthly grant upto a maximum period of 15 years or the age of maturity whichever is less, provided that:

‘in case of female minor dependents, the marriage of the individual shall be construed as reaching the age of maturity’
- f) The age of majority noted above in case of dependent minor family members is determined as 21 years.

2. In view of the above decisions of the Provincial BF Board it is clarified that life grant facility is admissible to the widows of only such Government servants who die while in-service. The widows of retired Government servants are entitled to monthly grant for the unexpired period of 15 years. For instance if a Government servant retired on 01.07.1987 and subsequently expired on 04.07.1989, his widow or the dependent minor children would be entitled monthly grant w.e.f. 04.07.1989 to 30.06.2002.

3. Similarly Government servants retired on invalided pension are also entitled to receive monthly grant for only 15 years. The case where monthly grant has been sanctioned for life in respect of invalided Government servants or widows of retired Government servants may be reviewed and sanction may be revised according to the above instructions/decision.

No.36/86 (P)
Dated the 4th November 1990

Subject: LIMITATION OF TIME FOR SUBMISSION OF APPLICATIONS
FOR MONTHLY GRANT

Kindly refer to the subject noted above.

2. The matter regarding submission of applications for the grant of monthly aid out of Benevolent Fund was considered in the meeting of Provincial BF Board held on 13.10.1990. Following decisions were taken for course of action in future:

- i) time limit for submission of application for monthly grant may be fixed as one year. In case application is received within one year after death, the monthly grant may be sanctioned with effect from the date of death.
- ii) the Addl. Chief Secretary/Vice Chairman of the Provl. BF Board may be empowered to grant relaxation for further one year in the limitation period beyond the original period of one year. In such a case the monthly grant may be

- sanctioned w.e.f. the date of application. Application received in Divisional Boards one year after death would be sent to A.C.S. for relaxation and would not be dealt with directly by the Divisional Boards.
- iii) if application is received after 2 years of death but within 5 years of the death, the case may be submitted before the Board for consideration and decision. In such a case monthly grant may be sanctioned w.e.f. the date of sanction.
 - iv) application for monthly grant may not be entertained in any case if it is received after five years from death.
 - v) the above provisions will be applicable with prospective effect and not retrospective effect.

No.BF.61/76(P)
Dated the 26th November 1990

Subject: GRANT OF MONTHLY AID TO WIDOWS FOR LIFE

Kindly refer to this office Memo No.BF.90/69 dated 04.11.1990 on the subject noted above, wherein it was stated that closed cases where payments had already been stopped after expiry of authorized sanctioned period would not be reopened.

- 2. Further to the above policy decision, it has been decided that the cases which were drawing monthly grant out of BF on 01.01.1990 will not be treated as closed cases and would automatically be continued for life even if their sanction period has already expired. However, the cases which stand closed on or before 31.12.1989 after expiry of 15 years will not be reopened.
- 3. Therefore, the widows whose cases for monthly grant were on going in BF offices on or after 01.01.1990 will continue to receive grant at the prescribed rates for life.
- 4. The above instructions may kindly be brought to the notice of all concerned.

No.BF.90/69
Dated the 4th November 1990

Subject: GRANT OF MONTHLY AID TO WIDOWS FOR LIFE

Kindly refer to the S&GAD's Notification No. SOWF.III(S&GAD) 8(1)/79-II(Prov1) dated 09.09.1990 regarding amendment in the West Pakistan Government Servants Benevolent Fund Part-I (Disbursement) Rules, 1965 as well as Notification of even number and date regarding amendment in the West Pakistan Government Servants Benevolent Fund Part-II (Disbursement) Rules, 1966.

2. It has been decided in the meeting of the Provincial BF Board held on 13.10.1990 that the widows of deceased Government servants will be granted monthly aid out of Benevolent Fund for life subject to the following conditions:

- a) Closed cases where payment has already been stopped after expiry of authorized sanctioned period will not be re-opened. The life grant facility will thus be admissible only the cases of widows who are presently getting monthly aid from the BF and for such cases which would be approved by the relevant Boards for the grant of monthly aid in future.
- b) The widowers invalided retired Government servants and other dependents will be entitled to receive monthly grant for a period of 15 years only or till the age of maturity/dependency, as the case may be.
- c) If a Government servant dies during service or within 15 years after his retirement, his widow shall be entitled till her death to monthly grant at the rate already prescribed in this behalf, provided that:

In case of widower or retired Government servants the grant will be restricted to the un-expired period of 15 years for widows and would not be for life.

- d) In case of death of a widow, the monthly grant may be transferred in the name of the dependent minor family member/s upto the age of maturity or 15 years, whichever is less.

- e) In case where there is no widow the minor dependent family members as defined in Section 2(a) of the Punjab Government Servants Benevolent Fund Ordinance, 1960 shall be eligible for a monthly grant upto a maximum period of 15 years or the age of maturity whichever is less, provided that :

In case of female minor dependents, the marriage of the individual shall be construed as reaching the age of majority.

- f) The age of majority noted above in case of dependent minor family members is determined as 21 years.

2. In view of the above decisions of the Provincial BF Board it is clarified that life grant facility is admissible to the widows of only such Government servants who die while-in-service. The widows of retired Government servants are entitled to monthly grant for the unexpired period of 15 years. For instance if a Government servant retired on 01.07.1987 and subsequently expired on 04.07.1989 his widow or the dependent minor children would be entitled to monthly grant w.e.f. 04.07.1989 to 30.06.2002.

=====
No. BF.108/90
Dated 28th November 1990

Subject: GRANT OF MONTHLY AID TO A SIXTY SEVEN YEARS OLD
DEPENDENT SISTER

Reference your memo No. BF/BEC-1/4189/M-Aid dated 14.10.1990 on the subject noted above.

2. Under the instructions contained in this office Memo No. BF.90/69 dated 04.11.1990, unmarried sisters beyond the age of 21 years are not entitled to receive monthly grant out of Benevolent Fund.

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No.BF. 95/91
Dated the 14th October 1991

Subject: RATIONALIZATION OF INVALIDATION GRANTS FROM
BENEVOLENT FUND

Due to recent increase in rates of monthly grant, there has been a spate of fresh applications for monthly grant on invalidation basis. The reason behind this sudden increase is that, it is now financially lucrative to be invalidated from service. In order to curb the above noted tendency it is essential that some firm guidelines may be adopted for rationalizing the approval of invalidation grant from Benevolent Fund. This issue was discussed in detail in the last meeting of the Combined Board held on 07.07.1991 and 29.09.1991 and the following policy guidelines were approved for strict compliance in all future cases pertaining to invalidation grant from Benevolent Fund.

2. It has been approved that in future, instructions already issued by Finance Department, Government of Punjab vide their circular letter No. FD-SR-III-4/1-77 dated 17.01.1977 (♦ copy enclosed for ease of reference) would be strictly observed by all invalidation Boards and the disabilities classified under Class-A only would be deemed to be sufficient for invalidation grant from Benevolent Fund Account.

3. In order to avoid any confusion the disabilities noted at Class-A are further clarified as under:

- (1) LOSS OF A HAND AND A FOOT OR LOSS OF
USE OF TOW MORE LIMBS

The two limbs noted in this classification could either be both hands/arms or one foot/leg may be considered for invalidation grant provided the applicant was engaged in actual physical work (e.g. Beldars, Malies and Chowkidars etc.)

♦ See page 47.

(2) TOTAL LOSS OF EYE-SIGHT

This disability may be considered for invalidation only if the loss of eye-sight is total and is not removable either through operation or through use of glasses.

(3) TOTAL LOSS OF SPEECH

Requires no clarification.

(4) TOTAL DEAFNESS BOTH EARS

This disability should imply that loss of hearing is total and is not removable either through operation or through use of hearing aids.

(5) PARALECIA OR HEMIPLEGIA

In paralysis cases it may be clarified that paralysis should be of a nature which should render the Government servant concerned totally immobile either at one side of the body or for the total body.

(6) LUNACY

Lunacy should cover actual cases of lunatic behavior and as such cases should be considered only if actual commitment to a Mental Hospital has taken place for a minimum period of one month in the past and the competent Board of a Government Mental Hospital has confirmed the invalidation.

(7) ADVANCED CASES OF TERMINAL DISEASE

Presently some forms of Cancer and AIDS are terminal diseases, as other disease like bronchitis, asthma and T.B. etc. are now very much curable. This category should, therefore, cover only such diseases for invalidation which are terminal. Application under such diseases should also be accompanied by actual hospitalization record which should clearly indicate prolonged hospital treatment for the applicant. The minimal hospitalization period in such cases, before application for grant, should be two months.

4. It may once again be clarified that monthly grant out of Benevolent Fund is admissible if disability is only of "A" category i.e. completely and permanently incapacitated for further service of any kind. It implies that an invalided Government servant is unable to perform any duty, open a shop or private school or business, join any other profession, do private legal or medical or educational or any professional practice, etc. Disability under "B & C" categories does not qualify for monthly grant out of Benevolent Fund.

5. In addition to above no case for invalidation grant shall be sanctioned by Divisional Boards unless the applicant is first called for personal appearance before the full Board meeting of the concerned Divisional Board.

6. The above instruction are being issued with the approval of Combined Board of Provincial Fund for strict compliance in future.

COPY OF FINANCE DEPARTMENT'S LETTER NO.FD-SR-III-4/1-77
DATED THE 17TH JANUARY 1977

Subject: LIBERALIZED PENSION RULES FOR CIVIL SERVANTS

I am directed to state that in modification of West Pakistan Civil Services Pension Rules, 1963, the then Government of West Pakistan issued fresh pension rules and rates in their circular letter No. SO (SR) V-257/67 dated 27th April, 1967. The question of liberalizing the existing pensionary benefits has been under the consideration of the Government for sometime past. The Governor of the Punjab has now been pleased to decide that pension and retirement benefits of civil servants who retired or expired on or after the 1st March, 1972, should be determined in accordance with the provisions that follow.

2. (a) Pension shall be calculated at the rate of 70% of the average emoluments on completion of 30 years qualifying service. Where qualifying service is less than 30 years, but not less than 10 years, proportionate reduction in percentage shall be made. Any amount of pension in excess of Rs.1,000 shall be reduced by 50%. A revised Pension Table regulating all the four pensions, namely, Compensation Pension, Superannuation Pension, Invalid Pension and Retiring Pension is enclosed in Annex-I.

(b) If, for a pensioner with a qualifying service of 30 years or more, the amount of pension calculated under para, 2(a) above falls short of the amount of pension (inclusive of dearness increases) that would have been admissible under the existing rules, or exceeds it by less than Rs.45, the amount shall be so increased as to make such difference one of Rs.45. Where the qualifying service is less than 30 years, but not less than 10 years, proportionate reduction at the rate of Rs.1.50 for each year short of 30 years shall be made while working out the amount of minimum increase mentioned above.

(c) The term “average emoluments”, i.e. pensionable pay, shall also include dearness allowances sanctioned from time to time.

(d) On the pensions sanctioned under this circular letter such dearness increases in pensions shall not be admissible as were sanctioned before 1st February, 1977.

3. In the case of person retiring after completing more than 5 but less than 10 years, the existing rate of gratuity shall continue. If, however, retirement is due to invalidation, or if a civil servant dies in service, the rate shall be 1 ½ months of pay for each completed year of service.

4. (a) In the case of person who retires after completing 10 years service or more, a pensioner shall, subject to sub-para (b) and (c) below, be allowed to draw full gross pension, i.e. one-fourth of the pension need not compulsorily be paid in the form of gratuity.

(b) If a pensioner so wishes, he may, at any time before expiry of one month from the date of his retirement, ask for gratuity upto 25% of his gross pension together with the remaining net amount of pension; the gratuity shall be paid at the existing rates.

(e) The existing provision for commutation of a further 25% of the gross pension shall continue to be in force; the commutation shall be at the existing rates. Commutation shall, however, not be subject to medical certification if it is asked for within one year of the date of retirement.

5. (a) In the case of death of a civil servant while in service, gratuity in lieu of one-fourth of the gross pension will be allowed at the existing rates. In addition, family pension shall be admissible for a period of 10 years at 50% of the gross pension.

(b) In the case of death within 10 years of retirement, family pension shall be admissible for the unexpired portion of 10 years at 50% of his pension (net or gross, as the case may be).

6. Disability pension and gratuity shall be allowed at the following scale:

Class of Injury	Pension	Gratuity	CHILDREN'S PENSION	
			Child without own mother	Child with own mother living

A.	20% of pay subject to a maximum of Rs.600 and a minimum of Rs.100 P.M. (Note – After death it will devolve on the widow)	6 months pay	5% of pay, subject to a maximum of Rs.100 and minimum of Rs.50 per child	2 ½% of pay subject to a maximum of Rs.50 and minimum of Rs. 25 per child
B.	15% of pay subject to a maximum of Rs.450 and a minimum of Rs.75 P.M.	Nil	4% of pay, subject to a maximum of Rs.80 and a minimum of Rs.40 per child	2% of pay subject to a maximum of Rs.50 and a minimum of Rs.25 per child
C.	15% of pay subject to a maximum of Rs.150 and a minimum of Rs.75 P.M.	Nil	Nil	Nil
In case of death these shall be allowed at the following scale:				
	20% of pay subject to a maximum of Rs.600 and a minimum of Rs.100 P.M.	6 months pay	5% of pay subject to a maximum of Rs.100 and a minimum of Rs.50 per child	2 ½% of pay subject to a maximum of Rs.50 and a minimum of Rs.25 per child

Note: As at present, the pensions/gratuities mentioned in this para will be in addition to the pensions and/or gratuities mentioned in paras 4 and 5 above.

The classification of disabilities and the criteria for determining whether these were attributable to service, have been detailed in Annex-II and I am to express the hope that necessary precautions will be taken by all concerned in determining this question.

7. In the case of pensioners who retired before 1st March, 1972 they shall have the following choice in recalculating their retirement pensions:

- (i) To have their pensions recalculated on the basis mentioned in para 2(a) above, on their average emoluments without dearness increases sanctioned before 1st February, 1977.
Or
- (ii) To receive an increase of 5% (in the case of employees who retired between 1st July, 1963 and 29th February, 1972) or 12 ½ % (in case of employees who retired upto 30th June, 1963) over their existing gross pension plus dearness increase admissible thereon. For the purpose of these commutations, the average emoluments, as calculated at the time of retirement, will remain the same. Gratuity will not be revised or recalculated. Commutation will be allowed on the basis of the original gross pension.

8. If the demise of an existing pensioner occurs, or occurred on or after 1st March, 1972, within ten years of his retirement, family pension will be admissible for the unexpired portion of ten years.

9. Family pensions sanctioned with effect from 1st March, 1972, or later shall continue as before for a period of ten years after the date on which the death of the Government servant took place.

10. The provisions of this circular letter will take effect from the 1st March 1972, but the financial benefits shall be paid with effect from the 1st February 1977.

11. A Government servant seeking the benefits allowed under this circular letter shall apply to the audit officer who issued his PPO and, while doing so shall mention the number of his PPO and the name of the treasury at which he is drawing his pension.

12. I am to add that the existing rules and general orders on this subject shall be deemed to have been modified to the extent indicated above, and necessary amendments shall be notified in the rules in due course.

PART-I

CLASSIFICATION OF DISABILITY

CLASS 'A' –

1. Loss of hand and foot or loss of use of two more limbs
2. Total loss of eye–sight
3. Total loss of speech
4. Total deafness both ears
5. Paralegia or hemiplegia
6. Lunacy
7. Very severe facial disfigurement
8. Advanced cases of incurable disease
9. Wounds, injuries or diseases resulting in a disability due to which a person becomes incapacitated
10. Emasculation

Note: Wounds, injuries or disease of limb resulting in damage of nerves, joints or muscles making the whole of limb useless would mean loss of that limb. Cases in which a partial function is retained will not be included in this class. However, if the partial retention of function does not help in walking in case of leg or does not help in holding an object even with partial efficiency, it should be considered as total loss of function. Those cases will also be included in this class where the earning capacity of the civil servant has been totally impaired due to the invaliding disability.

Class 'B' –

1. Loss of thumb or at least three fingers of hand.
2. Partial loss of one or both feet at or beyond tarsometatarsal joint.
3. Loss of vision of one eye/
4. Loss of all toes of one or both feet.

Class 'C' –

11. Limited restriction of movement of joint due to injuries
12. Disease of limb restricting performance of duties.

General Note: When the wound, injury or illness causing the disability is not entered in the above Schedule, the disability shall be assessed by the medical board at the classification most closely corresponding to those given above.

PART-II

PRINCIPLES AND PROCEDURE FOR DETERMINING ATTRIBUTABILITY TO SERVICE OF DISABILITY

(A) Casualties due to Wound or Injury –

- (1) It should be established in such cases that the cause of casualty was the result of duty in service
- (2) Where the injury resulted from the risk inherent in service attributability will be conceded
- (3) An individual is on duty for 24 hours of the day except when on leave other than casual leave
- (4) An individual will be deemed to be in the performance of duty when –
 - (i) he is physically present in his headquarters;
 - (ii) he is traveling on leave at Government expense;
 - (iii) when traveling to or from duty (e.g. from residence to place of duty and back but not whilst he is in his residence);
 - (iv) Whilst traveling on duty i.e. where it is established that but for the duty he would not have been traveling at all.
- (5) Disability resulting from purely personal acts such as shaving or similar private would not normally be treated as attributable to service.

Subject: RESTORATION OF CASES OF MONTHLY GRANT

Please refer to this office letter No. BF-71/91 dated 04.06.1992 and BF-150/92 dated 30.05.1992.

2. The issue of restoration of monthly grant and payment of arrears where the beneficiaries did not contact Benevolent Fund Board/Bank authority was considered by the Combined Provincial Board of Management of Benevolent Fund in its meeting held on 02.09.1993.

3. It was decided that restoration of the monthly grant and payment of arrears thereof shall be determined in accordance with the following procedure:

- i) Where applicants contact the relevant BF Board within 2 years of the stoppage of their monthly grant, the Chairman of relevant BF Board may, after due verification, restore monthly grant with effect from the date, of suspension of monthly grant.
- ii) Where applications for restoration is made to relevant BF Board after 2 years but before 5 years of the stoppage of monthly grant, approval for restoration shall be obtained from Additional Chief Secretary. The monthly grant in such cases will be restored from the date of the receipt of application.
- iii) If the application for restoration of monthly grant is received after 5 years of the stoppage of the grant, the approval shall be obtained from Provincial BF Board and monthly grant will be restored from the date of the meeting of the Provincial Benevolent Fund Board.

No.BF. 37/86-Part-II
Dated 27th February 1999

Subject: DELEGATION OF POWER OT DIVISIONAL BF BOARD REGARDING
CONDONATION OF DELAY IN CASES OF MONTHLY GRANT
OUT OF BENEVOLENT FUND

Please refer to Clause (v)(1)(c) of Notification No. SOWF.III(S&GAD) 3-1/93-(Part-II) dated 17.08.1994.

2. The matter regarding condonation of delay on applications of monthly grants submitted by Divisional BF Board was considered in the combined meeting of Provincial BF Board held on 26.01.1999. The Provincial BF Board (Part-II) decided to delegate its power as contained in the Clause referred to above to the Divisional BF Boards. Decision of the Provincial BF Board (Part-II) is as under:

“Divisional Benevolent Fund Board shall condone delay on the applications of monthly grants received after 2 years but before 5 years from the date of death or retirement on invalidation, from the date of meeting of the Divisional Benevolent Board.”

No.BF.61/14/2009
Dated the 09th September 2014

Subject: 33% WOMEN REPRESENTATION ON ALL BOARDS OF STATUTORY
ORGANIZATIONS, PUBLIC SECTOR COMPANIES AS WELL AS SPECIAL PURPOSE
TASK FORCES AND COMMITTEES

Kindly refer to this office letter of even Number dated 12.06.2014 on the subject cited above.

2. A copy of notification number 61/2014 dated 09.05.2014 is enclosed for with the request to recommend two non Gazetted women Government servants from your district for appointment by the Government as members of the District Board of Management Punjab Government Savants Benevolent Fund in the light of above referred amendments.

3. It may be treated as Top Priority Basis.

Subject: CONSTITUTION OF DISTRICT BENEVOLENT FUND BOARDS

In continuation of this department's order bearing No.BF-96/2001 dated 02.01.2002 and circular letter of even number dated 18.01.2017, it is hereby clarified that in the wake of promulgation of Punjab Local Government Act, 2013 as well as Punjab Civil Administration Ordinance, 2016 (XX of 2016), following changes / replacements shall take effect in order to run the business of District Benevolent Fund Boards smoothly:-

	<u>Old prior to 01.01.2017</u>	<u>New after 01.01.2017</u>	
1	District Coordination Officer	Deputy Commissioner	Chairman
2	Executive District Officer (Education)	Chief Executive Officer (Education)	Member
3	Executive District Officer (Works)	Chief Executive Officer (Health)	Member
4	District Officer (Coordination)	Additional Deputy Commissioner (HQ) <u>OR</u> Additional Deputy Commissioner (Revenue) <u>OR</u> Additional Deputy Commissioner (G)	

The Punjab Government Employees Welfare Fund Ordinance, 1969

**THE *(PUNJAB) GOVERNMENT EMPLOYEES
Welfare Fund Ordinance, 1969
(W.P.Ord. 1 of 1969)**

18th March 1969

An ordinance to establish a Welfare Fund for the relief and security of the employees of *(the Punjab) Government and their families.

Preamble—Whereas, it is expedient to establish Welfare Fund for the relief and security of the employees of the *(Punjab) Government and their families;

And Whereas the Provincial Assembly of *(the Punjab) is not in session and the Governor of *(the Punjab) is satisfied that circumstances exist which render immediate legislation necessary;

Now, therefore, in exercise of the powers conferred on him by clause (I) of Article 79 of the Constitution, the Governor of *(the Punjab) is pleased to make and promulgate the following Ordinance:

1. **Short title, extent and commencement**—(1) This Ordinance may be called the *(Punjab) Government Employees Welfare Fund Ordinance, 1969.

(2) It shall apply to all Government servants as hereinafter defined provided that Government may, by notification exempt any class of Government servants from the operation of this ordinance.

(3) It shall come into force on such date as Government may by notification, appoint in this behalf.

2. **Definition** – In this ordinance, unless the context otherwise require, the following expressions shall have the meanings hereby respectively assigned to them:

(a) “family” in relation to a Government servant means his or her –

- i) wife or wives or husband, as the case may be;
- ii) legitimate children and step children less than twelve years old;
- iii) legitimate children and step children not less than twelve years old, if residing with and wholly dependent upon him or her; and
- (iv) parents, sisters and minor brothers, if residing with and wholly dependent upon him or her;

(b) #“Gazetted Government Servant” means a Government servant holding a post in National Pay Scale 16 and above);

(c) “Government” means the ***(Provincial Government of the Punjab);

(d) “Government servant” means a person who is a member of a civil service of the Province of *(the Punjab) or who holds any civil post in connection with the affairs of the province, but does not include a member of an All–Pakistan Service;

(e) “non–gazetted Government servant” means a Government servant other than Gazetted Government servant;

(f) “Prescribed” means prescribed by rules made under this Ordinance;

(g) “rules” means rule made under this Ordinance;

(h) “Welfare Fund” means the Welfare fund established under this Ordinance.

3. **Welfare Fund** – (1) There shall be established a fund to be called the *** (Punjab) Employees Welfare Fund.

(2) To the credit of the Fund shall be placed:

- (a) all contributions received under section 6 from Government servants;

*Substituted for the words “West Pakistan” vide Punjab Laws (Adaptation), Order, 1974.

Substituted by the ‘Punjab Government Employees Welfare Fund (Amendment) Ordinance, 1980’, given effect from 1st July 1979.

**Substituted for the words “Government of West Pakistan” vide Punjab Laws (Adaptation) Order, 1974.

*Substituted for the words “West Pakistan” vide Punjab Laws (Adaptation) Order, 1974.

***Substituted for the words “West Pakistan” vide Punjab Laws (Adaptation) Order, 1974.

- (b) the contributions made to the Fund by Government, the Government servants Benevolent Fund or the Police Welfare Fund; and
- (c) any interest or profit accruing on such contributions.

(3) The Welfare Fund shall be divided into two parts; Part-I for gazetted Government servants and Part-II for non-gazetted Government servants and each such part shall be maintained and administered separately in accordance with the provisions of this Ordinance.

(4) The contribution from gazetted Government servants received under section 6 shall be credited into Part-I of the Welfare Fund and the contributions received from non-gazetted Government servants shall be credited into Part-II of the Fund.

(5) The moneys credited into the Welfare Fund shall be kept in such bank or banks as may be prescribed.

(6) The Welfare Fund shall be utilized for meeting the expenses on arrangements to be made with an insurance company or other insurer for the insurance of Government servants.

(7) any sums remaining in the Welfare Fund after defraying the expenses referred to in sub-section (6) may be utilized for such benefits to Government servants and their families as may be prescribed.

4. **Constitutions and powers of the Welfare Board** – (1) As soon as may be, Government shall constitute the following Welfare Boards, namely:

- (a) the Provincial Welfare Board (Gazetted);
- (b) the Provincial Welfare Board (Non-Gazetted); and
- (c) a Divisional Welfare Board for each Division.

(2) Part-I of the Welfare Fund shall vest in the Provincial Welfare Board (Gazetted), and Part-II of the Welfare Fund shall vest in the provincial Welfare Board (Non-gazetted), and each of the said Boards shall administer the part of the Welfare Fund vesting in it in such manner as may be prescribed.

(3) Subject to such rules as may be made in this behalf and to such directions as may be issued by Government, the Provincial Welfare Boards:

- (a) shall from time to time, arrange for the insurance of the Government servants with which they are concerned in the sums specified in the Schedule with such insurance company or other insurer as it deems fit;
- (b) shall have the power to sanction expenditure connected with the administration and management of that part of the Welfare Fund which vests in them; and
- (c) may do or cause to be done all the things ancillary or incidental to any of the aforesaid powers or to the purposes of the Welfare Fund.

(4) The Divisional Welfare Board shall exercise such powers and perform such functions in relation to Part-II of the Welfare Fund as may be prescribed or as may be delegated to them by the Provincial Welfare Board (Non-Gazetted).

5. ♦(1) **The arrangement to be made with an insurance company or other insurer** under clause (a) of sub-section (3) of section 4 shall be to the effect that on the death ^{*}(caused due to any reason other than war, invasion or civil war), of a Government servant of the class specified in column 1 of the Schedule, the sum specified against that class of Government servant in column 2 of the Schedule be paid:

- (a) to such member or members of his family as he may have nominated for the purpose, in full or in the shares specified by him at the time of making the nomination; and
- (b) where no valid nomination by the Government servant exists at the time of his death, the sum assured shall be paid to his family, and in the absence of a family, to his surviving relatives, if any,

♦The existing Section 5 was renumbered as sub-section (1) vide the West Pakistan Government Employees Welfare Fund (Punjab Amendment) Act, 1975.

*Inserted vide the West Pakistan Government Employees Welfare Fund (Punjab Amendment) Act, 1975.

in the manner and in the shares in which the gratuity of deceased Government servant is payable under the ~~** (West Pakistan)~~ Pension Rules, as in force for the time being.

♥(2) Where death of a Government servant is caused as a result of war, invasion or civil war, the sum, as specified in column 2 of the Schedule shall be paid by Government in the same manner as is provided in clauses (a) and (b) of sub-section (1).

6. **Payment of contribution** – (1) Every Government servant shall be liable to pay to the Welfare Fund as his contribution such sum of money as may be prescribed, the amount of such contribution shall, as far as possible, be deducted at the source from his pay and credited or remitted to the Welfare Fund.

(2) Where the contribution cannot for any reason be deducted from the pay of the Government servant, he shall remit to the prescribed officer, the amount of the contribution payable by him.

(3) Any contribution remaining unpaid due to inadvertence or negligence of the Government servant or otherwise shall be recoverable from him together with interest.

7. **Government may make rules for the purposes of giving effect** to all or any of the provisions of this ordinance.

**The words “West Pakistan” deleted by Punjab Laws (Adaptation) Order, 1975.

♥Sub-section (2) was added vide the West Pakistan Government Employees Welfare Fund (Punjab Amendment) Act, 1975.

SCHEDULE

(See Sections 4 and 5)

The sums in which various classes of Government servants are to be insured:

<u>CLASS OF GOVERNMENT SERVANT</u>	<u>SUM ASSURED</u>
	Rs.
*NPS 1 to 4	7,500.00
NPS 5 to 10	10,000.00
NPS 11 to 15	20,000.00
NPS 16 to 17	30,000.00
NPS 18	50,000.00
NPS 19	80,000.00
NPS 20 and above	1,00,000.00

*Substituted vide the Punjab Government Employees Welfare Fund (Amendment) Ordinance, 1980 which was given effect from 1st July 1979.

GOVERNMENT OF *~~WEST PAKISTAN~~ PUNJAB
FINANCE DEPARTMENT
NOTIFICATION

The 3rd September 1969

No.FD-BI-32(2)/69- In exercise of the powers conferred by section 7 of the ~~West Pakistan~~ Punjab Employees Welfare Fund Ordinance, 1969 (~~West Pakistan~~ Ordinance 1 of 1969), the Government of the ~~West Pakistan~~ Punjab is pleased to make the following rules, namely:

1. (1) These rules may be called the ~~West Pakistan~~ **Punjab Government Employees Welfare Fund Rules, 1969.**

(2) They shall be deemed to have come into force on the 19th day of March, 1969.

2. In these rules unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

(a) "Board" means the Provincial Welfare Board (Gazetted) the Provincial Welfare Board (Non-Gazetted) or the Divisional Welfare Board, as the case may be, as constituted under sub-section (1) of section 4 of the ordinance;

(b) "Ordinance" means the ~~West Pakistan~~ Punjab Employees Welfare Fund Ordinance, 1969;

(c) "Pay" means the amount drawn monthly by a Government servant as-

i) the pay which has been sanctioned for a post held by him/her substantively or in an officiating capacity or to which he/she is entitled by reason of his/her position in a cadre;

ii) overseas pay, technical pay, personal pay and special pay; and

iii) any other emolument which may specifically be classed as pay by the competent authority.

3. Every Government servant under the age of sixty years shall be assured the sum specified in the Schedule to the Ordinance in respect of the class to which he belongs.

4. For the purposes of these rules, and the insurance of Government servants under the Ordinance:

(a) A Gazetted Government servant shall be deemed to be as Class-I Officer, if he is either classified as Class-I Officer by Government or an Authority empowered in this behalf by Government or if he has not been so classified, the scale of pay drawn by him is identical with the pay scale of a Class-I Officer. All other Gazetted Government servants in regular employment shall be deemed to be Class-II Officers.

(b) a non-Gazetted Government servant shall be deemed to be a Class-III Government servant, if he is either so classified by the Government or an Authority empowered in this behalf by Government or if he has not been so classified the scale of pay drawn by him is identical with the pay of a Class-III Employee. All other non-Gazetted Government servants in regular employment shall be deemed to be Class-IV Government servants.

*5. Every Government Servant drawing pay in Basic Pay Scale No. 5 and above shall be liable to contribute towards the Welfare Fund per annum a sum of **Rs.3.65 (rupees three and paisa sixty five) per thousand rupees of the sum in which he is insured.

6. Contribution to the Welfare Fund shall be made -

(i) in the case of a Gazetted Government servant by deduction of the amount of contribution from his/ her pay bill.

*Substituted for the words "West Pakistan" vide Punjab Laws (Adaptation) Order, 1974, wherever occurs.

*Substituted vide Notification No. SOWF-III(S&GAD) 3 (3)/74 dated 24.12.1984.

**The rate of contribution was reduced to Rs. 3.60 vide circular No. SOWF.III (S&GAD)3-1/87 dated 9th July 1987.

- (ii) in the case of a Non-Gazetted Government servant, by deduction of the amount of contribution by the Drawing Officer from his/her pay bill.

7. (1) Where a Government servant is transferred to foreign service he/she shall continue to be governed by these rules in the same manner as if he/she was so transferred and his/her contribution to the Welfare Fund during such period shall be remitted by him/her to the Audit Officer in whose jurisdiction he/she was serving immediately before he/she was so transferred.

(2) If for any reason contribution to the Welfare Fund has not been deducted from the pay of a Government servant, or paid in the manner provided in sub-rule (1), the same shall, in lump sum, be –

- (a) deducted from his/her subsequent pay bill; or
- (b) remitted to the Audit Officer in whose jurisdiction he/she was last serving or to the Head of the Department under whom he/she is serving and who shall then take action as provided in rule 13.

8. Notwithstanding the fact that a Government servant may have at different times belonged to different classes of Government servants, the assured sum to be paid on his death to the member or members of his family nominated by him/her in this behalf or the other persons specified in section 5 of Ordinance, shall be the sum specified in the Schedule to the ordinance, in respect of the class to which he belonged immediately before his death.

9. If a Government servant, for any reason whatsoever, quits Government service or is discharged or dismissed from service, or his services are terminated, he/she shall neither be entitled to any benefit from the Welfare Fund, nor to any claim for the refund of the contributions made by him/her towards the said Fund during the period of his/her service.

10. Within three months of the coming into force these rules –

- (a) every Gazetted Government servant below sixty years of age nominate, in the form set out in Annexure “A” a member of his/her family to whom he desires the sum assured to be paid in the event of his/her death, specifying in case the sum assured to be paid to more than one member of his/her family, the proportion in which such sum is to be paid to them, and forward the same direct to the Insurance Company concerned, whereupon the Insurance Company concerned, shall assign a nomination number to him and furnish a receipt thereof for the record of the Government servant; and
- (b) the Head of Office or the Head of Department concerned shall obtain from every non-Gazetted Government servant working under him who is below sixty years of age, two copies of the nomination, in the form set out in Annexure “A” duly filled in and complete in all respects and place the same in the service book of the assured person concerned.

11. Claims under these rules shall become payable only upon submission by the Head of Office or the Head of Department concerned to the Insurance Company of –

- (i) a certificate in the form set out in Annexure “B” or “C” as the case may be certifying the death of the Government servant concerned and indicated the class of Government servant to which such Government servant belonged immediately before his/her death;
- (ii) where the deceased was a Non-Gazetted Government servant, one copy of the nomination form referred to in clause (b) of sub-rule (I) of rule 10; and
- (iii) where no valid nomination under rule 10 subsists in respect of a Government servant at the time of his death, a certificate specifying the name of the members of his family, and in the absence of any member of his family, the names of his surviving relatives to whom the sum assured is payable under the provision of clause (b) of sub section (1) of section 5 of the Ordinance, and the shares in which the sum is payable to them.

12. (1) On receipt of the documents referred to in rule 11, the Insurance Company concerned shall make immediate arrangements for the payment of the sum assured, depending on the class to which such assured person belonged, in the manner provided in section 5 of the Ordinance.

(2) In case the nominee is a minor, the Government servant shall nominate one or more person through whom the payment of the share/amount of the minor shall be paid by the Insurance Company.

(3) A Government servant may, at any time, cancel a nomination by sending a notice in writing to the appropriate authority and may also send a fresh nomination along with such notice.

(4) If the nomination relates only to a part of the total sum assured, the part to which it does not relate shall in the event of his/her death, be distributed in accordance with the provisions of clause (b) of section 5 of the Ordinance.

13. (1) All contribution made under these rules shall be credited into the Welfare Fund in the minor head "Punjab Government Employees Welfare Fund".

(2) There shall be two sub-heads under the minor head referred to in sub-rule (1) above one sub-head for Part-I of the Fund and the other for Part-II of the Fund.

14. The contribution towards the Welfare Fund shall be checked by the Audit Offices concerned in the case of payments made at Lahore, Karachi and Peshawar and by the Treasury Officer concerned in the case of payments made in their respective districts.

15. (1) There shall be held at least one meeting of each Board in every three months period.

(2) A special meeting of the Board may however, be called by the Chairman whenever he so considers necessary.

(3) The Chairman and any two members of the Board shall form the quorum at the meeting.

(4) Decisions by the Board shall be taken by majority of votes. In case of equality of votes, the Chairman shall have a second or casting vote.

(5) The Chairman may appoint one of the members as Secretary to the Board.

(6) All decisions of the Board shall be recorded in writing by Secretary and in his absence by such other member of the Board as may be authorized in this behalf by the Chairman.

(7) Subject to the general supervision and control of the Chairman, the Secretary shall be responsible for:

- i) the conduct of correspondence on behalf of the Board;
- ii) the maintenance of the records of the Board;
- iii) the disbursement of money from the Fund;
- iv) the maintenance of the accounts;
- v) preparation of the agenda of the meeting of the Board and giving advance notice of such meeting to the members of the Board;
- vi) performance of such other functions as may be specified by the Chairman.

16. The Board may make to a Government servant, who has retired from service or has completed the age of sixty years, such grants out of the Welfare Fund, not exceeding rupees two thousands as it may consider appropriate or feasible.

17. Members of the Provincial Welfare Board (Gazetted), Provincial Welfare Board (Non-Gazetted) and Divisional Welfare Board shall not be entitled to any remuneration.

18. All moneys credited into the Welfare Fund shall be kept in the Government treasury in the name of the Chairman of the Provincial Welfare Board (Gazetted) and the Provincial Welfare Board (Non-Gazetted), as the case may be.

19. Any amount required to be drawn from the Welfare Fund shall be drawn by submitting to the Accountant-General, West Pakistan Punjab bills which shall be signed by the Chairman of the Provincial Welfare Board (Gazetted) or the Provincial Welfare Board (Non-Gazetted), as the case may be, Provided that if the amount, to be drawn exceeds one lack of rupees, the cheque shall be signed by the Chairman and another member of the Board.

20. The account of the contributions made to the Funds shall be maintained by the Audit Officer of the area in whose jurisdiction the Government servant is serving.

21. The account of the Welfare Fund shall be kept in rupees and all payments from it shall be made in rupees.

ANNEXURE "A"

FORM OF NOMINATION

I, _____ son/daughter/wife of _____ the _____ Department of Government of the Punjab hereby nominate the person/persons mentioned below, who is/are member/members of my family as defined in the Government of the Punjab Employees Welfare Fund Rules, 1969 to receive the assured sum in the event of my death under the Group Term Life Insurance Scheme:

Name and address of Nominee	Relationship	Age	Proportion of the amount to be paid	If the nominee is minor, name of the person or persons to whom payments to be made on his/her behalf
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Dated the _____ day of _____ 20 ____

Attested by
Signature and Seal

Signature of Subscriber
Seal of Office

The Signature of the subscriber should be attested by Class-I officer who should affix his seal of office below his signature.

ANNEXURE "B"

(GAZETTED)

GOVERNMENT OF THE PUNJAB

_____ DEPARTMENT/OFFICE

Dated _____

To

(Address of the Insurance Co.)

Dear Sirs,

Claim No. _____

**GROUP INSURANCE SCHEME FOR THE EMPLOYEES OF
THE GOVERNMENT OF THE PUNJAB**

With reference to the above noted Scheme, I have to report that Mr/Mrs/
Miss _____ who was working as _____ Aged _____ Years,
died on _____ due to _____
(state age at death) (state age at death) (cause of death)

It is, therefore, requested that the payment of Rs. _____ (Rupees _____) only, the amount
for which the deceased was covered, may be made in favour of the nominee/nominees.

It is hereby certified:

- (1) That the necessary premium has been paid.
- (2) That at the time of the death the deceased was a class _____ employee.
- (3) That the deceased was getting the pay in BS. No. _____
- (4) The deceased died during service in case of retirement;
exact date of retirement _____

Yours faithfully,

Head of Office/Department
(with official seal)

ANNEXURE "C"

(NON-GAZETTED)

GOVERNMENT OF THE PUNJAB

_____DEPARTMENT/OFFICE

Dated _____

To

(Address of the Insurance Co.)

Dear Sirs,

Claim No. _____

**GROUP INSURANCE SCHEME FOR THE EMPLOYEES OF
THE GOVERNMENT OF THE PUNJAB**

With reference to the above noted Scheme, I have to report that
Mr/Mrs/Miss _____ who was working as _____ Aged
_____ Years, died on _____ due to _____
(state age at death) (state age at death) (cause of death)

It is, therefore, requested that the payment of Rs. _____ (Rupees _____) only, the amount
for which the deceased was covered, may be made to the nominee/nominees. A copy of nomination from
his/her service record is enclosed.

It is hereby certified:

- (1) That the necessary premium has been paid.
- (2) That at the time of the death the deceased was a class _____ employee.
- (3) That the deceased was getting the pay in BS. No. _____
- (4) The deceased died during service in case of retirement,
exact date of retirement _____

Yours faithfully,

Head of Office/Department
(with official seal)

=====

ANCILLARY INSTRUCTIONS

**THE PUNJAB GOVERNMENT EMPLOYEES WELFARE FUND
RULES, 1969**

Subject: REVISION OF SUM ASSURED UNDER GROUP INSURANCE
SCHEME AND BENEVOLENT FUND CONTRIBUTION

For sometime past revision of sum assured under Group Insurance Scheme and other benefits have been under the consideration of the Government. Finally on the recommendation of a high level Committee, the Governor has been pleased to approve of the following:

GROUP INSURANCE SCHEME

- (A) (i) Sums assured of different categories of Government Servants have been increased as under:

Category of Govt. Servants	Sum Assured	Annual premium (Rs.3.00 per thousand per annum.
NPS 1 to 4	7,500.00	22.50
NPS 5 to 10	10,000.00	30.00
NPS 11 to 15	20,000.00	60.00
NPS 16 to 17	30,000.00	90.00
NPS 18	50,000.00	150.00
NPS 19	80,000.00	240.00
NPS 20 and above	1,00,000.00	300.00

- (ii) The premium of Government servants in NPS 1 to 4 shall be contributed by the Government and remaining categories of Government servants shall pay their premium at three rupees per thousand per annum.
- (iii) Re-employed Government servants shall also be covered by Group Insurance scheme up to the age of 62 years on regular payment of premium according to their category.

BENEVOLENT FUND

- (B) (i) Monthly aid to widow children is increased from Rs.300/- per month to Rs.500/- per month under Part-I (Gazetted).
- (ii) Monthly aid to widow children is increased from Rs.150/- to Rs.250/- per month under Part-II (Non-Gazetted).
- (iii) The benefits of marriage grant are extended to retired deceased Government servants subject to the condition that the grant will be admissible to two daughters only at the rate of Rs.500/- each.
- (iv) In order to meet the increase in expenditure the rate of contribution from Government servants is increased from 1% to 2% in case of Government employees in Grade 5 and above. The rate of contribution in case of employees in NPS-1 to 4 remain un-changed and they will continue to contribute at 1 % of their pay.

2. The Punjab Employees Welfare Fund Ordinance 1969 and the Punjab Government Servants Benevolent Fund Ordinance 1960 and rules made hereunder are being amended simultaneously.

3. New rates will be effective from 1st July 1979.

NO.SOWF.III(S&GAD)3-3/74.
Dated the 23rd August 1984

Subject: RATE OR PREMIUM IN RESPECT OF GROUP TERM

INSURANCE SCHEME

I am directed to refer to this Department's circular letter of even number, dated 13.08.1979 relating to the subject noted above and to state that the rate of premium for Group Insurance Scheme, which was fixed at Rs. 3/- per thousand sum assured per annum on 01.07.1979 has now been increased and fixed at Rs. 3.65 per thousand sum assured per annum with effect from 01.07.1984.

2. The annual and monthly rates of premia for different categories of employees with effect from 01.07.1984 will be as under:

Category of Govt. Servants	Sum Assured	Annual premia	Monthly deduction
BS 1 to 4	7,500.00	27.37	2.28
BS 5 to 10	10,000.00	36.50	3.04
BS 11 to 15	20,000.00	73.00	6.08
BS 16 to 17	30,000.00	109.50	9.12
BS 18	50,000.00	182.50	15.20
BS 19	80,000.00	292.00	24.33
BS 20 & above	100,000.00	365.00	30.41

3. The balance of premia that may remain unpaid at the above monthly deduction may all be paid and adjusted in the last month of the year.

4. The premium of the employees in BS-1 to 4 shall be paid by the Government as usual.

5. You are requested to issue instructions to all Drawing and Disbursing Officers of your Department to ensure that, while passing the pay bills of the employees working under them, deduction of Group Insurance Premia is made according to new rates.

6. The Punjab Employees Welfare Fund Rules, 1969 are being amended separately to the extent of modification in the rate of premium

NO.SOWF.III(S&GAD)3-1/87
Dated the 9th July 1987

Subject: RATE OR PREMIUM IN RESPECT OF GROUP TERM
INSURANCE SCHEME

I am directed to refer to this Department's circular letter No. SOWF.III (S&GAD)3-3/74, dated 23.08.1984 relating to the subject noted above and to state that the rate of premium for Group Insurance Scheme, which was fixed at Rs. 3.65 per thousand sum assured per annum on 01.07.1984 has now been decreased and fixed at Rs. 3.60 per thousand sum assured per annum with effect from 01.07.1987.

2. The annual and monthly rates of premia for different categories of employees w.e.f 01.07.1987 will be as under:

Category of Govt. Servants.	Sum Assured	Annual premia	Monthly deduction
BS 1 to 4	7,500.00	27.00	2.25
BS 5 to 10	10,000.00	36.00	3.00
BS 11 to 15	20,000.00	72.00	6.00
BS 16 to 17	30,000.00	108.00	9.00
BS 18	50,000.00	180.00	15.00
BS 19	80,000.00	288.00	24.00
BS 20 & above	100,000.00	360.00	30.00

3. The premium of the employees in BS-1 to 4 shall be paid by the Government as usual.

4. You are requested to issue instructions to all Drawing and Disbursing Officers of your Department to ensure that, while passing the pay bills of the employees working under them, deduction of Group Insurance Premia is made according to new rates.

5. The Punjab Government Employees Welfare Fund Rules, 1969 are being amended separately to the extent of modification in the rate of premium.

NO.SOWF.III(S&GAD)3(2)72
Dated the 20th August 1990

Subject: FEDERAL INSURANCE FEE

I am directed to refer to the subject noted above.

2. As notified in the Finance Act, 1989 (V of 1989) (copy enclosed) the Federal Government has levied, the Federal Insurance Fee to be charged from all the Government employees at the rate of 1% of the premium paid on all types of insurance. Accordingly the Provincial Government has decided to levy the Federal Insurance Fee from their employees w.e.f. 01.07.1989 at the rate of 1%.

3. Government is paying premium of Group Insurance for its employees in BS-1 to BS-4, therefore, deductions of Federal Insurance Fee from their pay bill will not be needed. However, the deduction of Federal Insurance Fee will be made from the pay bills of the employees in BS-5 and above on the total Group Insurance premium paid during 12th Calendar month at the rate of 1% in the month of June paid in July. This may kindly be notified to all Government Servants in BS-5 and above for information.

NO. SOWF.III(S&GAD)3-8/90
Dated the 25th November 1990

NOTIFICATION

In exercise of the powers conferred on him under Section 4 (1) of the Punjab Government Employees Welfare Fund Ordinance, 1969 (1 of 1969) and in supersession of the Government of West Pakistan Punjab Finance Department's Notification No. BI-32 (3)/69, dated 19th March 1990, the Governor of the Punjab is pleased to constitute the following Welfare Boards; namely:

a) PROVINCIAL WELFARE BOARD (GAZETTED)

- | | | |
|----|---|----------------------|
| 1. | Secretary to Govt. of the Punjab,
Finance Department | Chairman |
| 2. | Secretary to Govt. of the Punjab,
Law & Parliamentary Affairs Deptt. | Member |
| 3. | Addl. Secretary (Budget), Govt. of the
Punjab Finance Department. | Member |
| 4. | Economic Advisor (BF).Deputy
Secretary (Fund), S&GAD. | Member/
Secretary |

b) PROVINCIAL WELFARE BOARD (NON-GAZETTED)

- | | | |
|----|---|----------------------|
| 1. | Secretary to Govt. of the Punjab,
Finance Department | Chairman |
| 2. | Secretary to Govt. of the Punjab,
Law & Parliamentary Affairs Department | Member |
| 3. | Addl. Secretary (Budget), Govt. of the
Punjab, Finance Department. | Member |
| 4. | Economic Advisor (BF).Deputy
Secretary (Fund), S&GAD. | Member/
Secretary |

SOWF.III(S&GAD)6-1/96 (P)Enh-85
Dated 28th January 1997

Subject: ENHANCEMENT OF SUM ASSURED IN RESPECT OF GROUP TERM

**INSURANCE SCHEME AND COVERAGE FOR FIVE YEARS AFTER
RETIREMENT OF GOVERNMENT SERVANT**

I am directed to state that the Punjab Government Employees Welfare Funds Ordinance has been amended vide Government of Punjab Law and Parliamentary Affairs Department Notification No. Legis.3(v)97 dated 22nd January 1997 with effect from 01.09.1996.

2. Apart from the enhancement of the sum assured the coverage shall also be extended to five years after retirement of Government Servant without requiring the retired Government servant to pay premium after his retirement.
3. The revised sum assured annual and monthly rates of premium for different categories of employees shall be as follows with effect from 01.09.1996.

BPS	Sum Assured	Annual Premium	Monthly Premium
1-4	Rs. 30000	Rs. 109.50	Rs. 9.13
5-10	Rs. 35000	Rs. 127.75	Rs. 10.65
11-15	Rs. 60000	Rs. 219.50	Rs. 18.25
16	Rs. 90000	Rs. 328.00	Rs. 27.38
17	Rs. 120000	Rs. 438.00	Rs. 36.50
18	Rs. 175000	Rs. 638.00	Rs. 53.22
19	Rs. 210000	Rs. 766.50	Rs. 63.87
20	Rs. 250000	Rs. 912.50	Rs. 76.04

As regards the Government Employees in BS-1-4 the premium of Rs. 2.28 per employees per month will be paid by the Government and the balance of premium of Rs. 6.85 per month shall be deducted from their monthly salary.

4. You are requested to issue instructions to all drawing and disbursing officers of your Department to ensure that while passing the pay bill of the employees working under them deduction of Group Insurance premium is made according to new rates with effect from 01.09.1996. The arrears of balance premium for the period for the month of September 1996 to January 1997 may be deducted in installments within next three months.
5. The Department Heads are requested to ensure that apart from the cases of death during service claim of retired Government Servants may also be lodged with State Life Insurance Corporation of Pakistan in case death occurs within five years after retirement.

SOWF.III(S&GAD)6-1/96 (P)Enh-86
Dated the 28th January 1997

Subject: AMENDMENT OF SECTION 5 OF ORDINANCE 1 OF 1969

I am directed to state that the Punjab Government Employees Welfare Funds Ordinance 1969 has been amended vide Government of Punjab Law and Parliamentary Affairs Department Notification No. Legis.3(xiv)/96 dated 06.11.1996 with effect from 06.11.1996.

2. According to this amendment if a Government Servant dies without having a valid nomination for Group Insurance and without being survived by any family member of surviving relative, the amount of his/her Group Insurance will be paid to his legal heirs i.e. to the person/s in whose favour the succession certificate is issued by the competent court of law.
3. You are requested to issue instruction conveying this amendment to all the offices of your department.

AS (Funds) S&GAD (G.I)-1/2002
Dated the 5th October 2002

Subject: ENHANCEMENT OF SUM ASSURED IN RESPECT OF GROUP TERM INSURANCE SCHEME AND COVERAGE FOR FIVE YEARS AFTER RETIREMENT

I am directed to state that the Punjab Government Employees Welfare Funds Ordinance has been amended vide Government of Punjab Law and Parliamentary Affairs Department Notification No. Legis.13-22/91 dated 23rd September 2002 with effect from 01.07.2002.

2. Apart from the enhancement of the sum assured the coverage shall continue to remain extended to five years after retirement of Government Servant without requiring them to pay premium after retirement. The Government Servants retiring on or after 01.07.2002 shall be covered for the revised enhanced sums, while Government Servants who retired on or before 30.06.2002 shall be covered for the previous sums assured.

3. With effect from 01.07.2002 the annual and monthly rates of premium for the revised assured sums, in respect of different categories of employees of the Punjab Government shall be as follows:

BPS	Sum Assured	Annual Premium	Monthly Premium
1-4	Rs. 120000	Rs. 450	Rs. 37.50
5-10	Rs. 140000	Rs. 525	Rs. 43.75
11-15	Rs. 240000	Rs. 900	Rs. 75.00
16	Rs. 360000	Rs. 1350	Rs. 112.50
17	Rs. 480000	Rs. 1800	Rs. 150.00
18	Rs. 700000	Rs. 2625	Rs. 218.75
19	Rs. 840000	Rs. 3150	Rs. 262.50
20 & above	Rs. 1000000	Rs. 3750	Rs. 312.50

As regards the Government Employees in BS-1-4, 1/4th of total premium (i.e. Rs. 9.37 per employee per month) will be paid by the Government and the balance of premium of Rs. 28.13 per month shall be deducted from their monthly salaries.

4. You are requested to issue instructions to all drawing and disbursing officers of your Department to ensure that while passing the pay bills of the employees working under them deduction of Group Insurance premium is made according to new rates with effect from 01.07.2002. The arrears of balance premium from the month of July, 2002 to September, 2002 may be deducted in installments within next four months.

5. The Department Heads are requested to ensure that apart from the cases of death during service, claim of retired Government Servants may also be lodged with State Life Insurance Corporation of Pakistan in case death occurs within five years after retirement.

NO. Secy (Funds) S&GAD/GI/1-2/2008
Dated the 6th February 2008

Subject: ENHANCEMENT OF SUM ASSURED IN RESPECT OF GROUP TERM INSURANCE SCHEME AND COVERAGE FOR FIVE YEARS AFTER RETIREMENT

I am directed to state that the Punjab Government Employees Welfare Fund Ordinance has been amended vide Government of Punjab Law and Parliamentary Affairs Department Notification No. Legis.13-73/2007 dated 17.11.2007 with effect from 01.07.2007.

2. Apart from the enhancement of the sum assured the coverage shall continue to remain extended to five years after retirement of Government Servant without requiring them to pay premium after retirement. The Government Servants retiring on or after 01.07.2007 shall be covered for the revised enhanced sums, while Government Servants who retired on or before 30.06.2007 shall be covered for the previous sums assured.

3. With effect from 01.07.2007 the annual and monthly rates of premium for the revised assured sums, in respect of different categories of employees of the Punjab Government shall be as follows:

BPS	Sum Assured	Annual Premium	Monthly Premium
1-4	Rs. 1,50,000	Rs. 719.00	Rs. 60.00
5-10	Rs. 1,75,000	Rs. 838.00	Rs. 70.00
11-15	Rs. 3,00,000	Rs. 1437.00	Rs. 120.00
16	Rs. 4,50,000	Rs. 2156.00	Rs. 180.00
17	Rs. 6,00,000	Rs. 2874.00	Rs. 240.00
18	Rs. 8,75,000	Rs. 4191.00	Rs. 349.00
19	Rs. 10,50,000	Rs. 5030.00	Rs. 419.00
20 & above	Rs. 12,50,000	Rs. 5988.00	Rs. 499.00

As regards Government Employees in BS-1-4, 1/4th of total premium (i.e. Rs. 15.00 per employee per month) will be paid by the Government and the balance premium of Rs. 45.00 per month shall be deducted from their monthly salaries.

4. You are requested to issue instructions to all drawing and disbursing officers of your Department to ensure that while passing the pay bills of the employees working under them deduction of Group Insurance premium is made according to new rates with effect from 01.07.2007. The arrears of balance premium from the month of July, 2007 to January, 2008 may be deducted in 05 installments.

5. The Department Heads are requested to ensure that apart from the cases of death during service, claim of retired Government Servants may also be lodged with State Life Insurance Corporation of Pakistan in case death occurs within five years after retirement.

Punjab Public Service Commission Ordinance, 1978

GOVERNMENT OF THE PUNJAB
LAW DEPARTMENT

No. Legis:3(II)/78
Dated the 18th January 1978

The following Ordinance promulgated by the Governor of the Punjab is hereby published for general information:

**THE PUNJAB PUBLIC SERVICE COMMISSION
ORDINANCE, 1978
PUNJAB ORDINANCE NO. II OF 1978**

**AN
ORDINANCE**

to repeal and, with certain modifications, re-enact the Punjab Public Service Commission Act, 1974.

Preamble.—

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Punjab Public Service Commission Act, 1974;

AND WHEREAS the Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the proclamation of the fifth day of July, 1977, read with the Laws (Continuance in force) Order, 1977 (CMLA Order No. 1 of 1977), the Governor of the Punjab is pleased to make and promulgate the following Ordinance:

Short Title and Commencement.—

1. (1) This Ordinance may be called the Punjab 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 Punjab Public Service Commission;
 - (b) “Member” means a member of the Commission and includes the Chairman thereof; and
 - (c) “Service of Pakistan” means the Service of Pakistan as defined in the Constitution of Islamic Republic of Pakistan.

***Composition of the Commission etc.—**

3. (1) There shall be a Commission consisting of a Chairman and such number of members as the Governor may determine.
- (2) The Governor shall appoint the Chairman and the members of the Commission but no person who is sixty-five years of age or above and no serving Government servant shall be so appointed.
- (3) The Government shall determine the terms and conditions of service of the members but the Government shall not, during the term of office of a member, vary salary, allowances and privileges to the disadvantage of the member.

*Substituted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012.

- (4) The Commission shall have—
- (a) not less than one-half of the members who have held office in the service of Pakistan in basic scale 21 or above;
 - (b) at least one Member each from—
 - (i) retired judges of the superior judiciary;
 - (ii) retired officers not below the rank of Major General or equivalent of the Armed Forces;
 - ** (iii) women from public or private sector possessing such qualification and experience as the Government may, by rules, prescribe; and
 - (iv) retired professionals in basic scale 20 or above of the Government with not less than fifteen years experience in the field of engineering, agriculture, education, medicine or dentistry, forensics, environment, information technology, law or any other professional field.

(5) No proceedings or act of the Commission shall be invalid merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

•Term of Office.—

4. *** (1) A member shall be appointed for a term of three years and shall not be eligible for reappointment but a member may be appointed as the Chairman for the residual period of the term; provided that the residual period of the member is not less than six months.

(2) Notwithstanding anything contained in sub-section (1), a member shall cease to hold office on completion of his term or on attaining the age of sixty-five years, whichever is earlier.

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

Oath of office.—

*4.A. Before entering upon the office the Chairman and members shall make oath in the form set out in the Schedule to this Ordinance before the Governor in case of Chairman and before the Chairman in case of a member.

Removal from Office.—

5. (1) A member shall not be removed from office during the term of his office except in the manner hereinafter provided.

(2) If, the Governor is of the opinion that a member:

- (a) may have been guilty of misconduct; or
- (b) may be incapable of properly performing the duties of his office by reason for physical or mental incapacity;

the Governor shall appoint a Judge of the High Court to inquire into the matter.

(3) If, after inquiring into the matter the Judge reports to the Governor that he is of the opinion that the member has been guilty of misconduct or is incapable of performing the duties of his office, the Governor may remove the member from office.

~~Ineligibility for further employment.—~~

∇6. Omitted.

** Paragraph (iii) substituted vide Notification No. PAP-Legis-2(157)/2012/820 dated 14.01.2013 (previous version is available at page 96).

• Substituted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012.

*** Sub-section (1) of Section 4, substituted vide Notification No. PAP-Legis-2(157)/2012/820 dated 14.01.2013 (previous version is available at page 96).

* New clause added vide Notification No. Legis: 13-42/97 (P-I) dated 22.11.2002.

∇ Omitted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012.

Functions of Commission.–

- *7. The functions of the Commission shall be:
- (a) to conduct tests and examinations for recruitment to—
 - (i) such Provincial Services and posts connected with the affairs of the Province, as may be prescribed; and
 - (ii) such posts in or under a Corporation or other body or organization set up by Government under any law, as may be prescribed;
 - (b) to advise the Government on such matters as may be prescribed relating to the terms and conditions of service of persons who are members of a Provincial Service or hold posts in connection with the affairs of the Province; and
 - (c) such other functions as may be prescribed.

Commission to be informed when its advice is not accepted.–

8. Where the Governor does not accept the advice of the Commission he shall inform the Commission accordingly.

Report of Commission.–

9. (1) The Commission shall, not later than 15th day of February in each year, prepare report as to the work done by it during the preceding year ending on the 31st day of December and submit the report to the Governor.

(2) The report shall be accompanied by a statement setting out, so far as known to the Commission:

- (a) The cases, if any, in which the advice of the Commission was not accepted and the reasons therefore; and
- (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* and Regulations.–

10. (1) The Government may, by notification in the official gazette, make rules for carrying out the purpose of this Ordinance.

* (2) Subject to the provisions of this Ordinance and the rules the Commission may make regulations for carrying out the purposes of this Ordinance and the rules.

Repeal.–

11. The Public Service Commission Act, 1974 (*1 of 1974*) is hereby repealed.

*Substituted vide Notification No. Legis. 3(18)/78 dated 22.08.1978.

*The words “and Regulations” added vide Law Department Notification No. Legis: 3(32)/85 dated 27th February 1985.

***SCHEDULE**

(See section 4–A)

I, _____ do solemnly swear that I will bear true faith and allegiance to Pakistan.

That, as Chairman (or Member) of the Punjab Public Service Commission, I will discharge my duties, and perform any functions, honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well being and prosperity of Pakistan.

That, I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, I will act without fear or favour, affection or ill will.

May Allah Almighty help and guide me (A'meen).

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*Added vide Notification No. Legis: 13-42/97(P-I) dated 22.11.2002.

**PREVIOUS VERSIONS OF AMENDED SECTIONS, OF THE
PUNJAB PUBLIC SERVICE COMMISSION ORDINANCE, 1978**

Previous version of section 3, which was substituted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012:

“Composition of Commission etc.–

3. (1) There shall be a Commission consisting of such number of members as may be determined by the Governor.

(2) The members of the Commission shall be appointed by the Governor.

(3) The terms and conditions of service of the members shall be such as may be prescribed by rules.

Provided that the salary, allowances and privileges of a member shall not be varied to his disadvantage during his term of office.

(4) The Commission shall have:

(a) not less than one half of the members who shall be persons having held office in the Service of Pakistan in basic pay scale 21 or above post:
Provided that no serving Government servant shall be appointed as a Member;

(b) at least one Member each from:

(i) retired judges of the superior judiciary;

(ii) retired officers not below the rank of Major General or equivalent of the Armed Forces; and

(iii) women and the private sector possessing such qualification and experience as the Provincial Government may by rules prescribe.

(5) No proceeding or act of the Commission shall be invalid merely on the ground of existence of any vacancy in, or any defect in the constitution of the Commission.

(6) The Governor shall nominate one of the members to be the Chairman of the Commission.

(7) A person appointed as member and holding office as such immediately before the commencement of this Ordinance shall be deemed to have been appointed as member under this Ordinance.

(8) Deleted.”

Previous version of section 3, sub-section (4), in clause (b) paragraph (iii) which was substituted vide Notification No. PAP-Legis-2(157)/2012/820 dated 14.01.2013:

“(iii) women and persons from private sector possessing such qualification and experience as the Government may by rules prescribe; and”

Previous version of section 4, which was substituted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012:

“Terms of Office of a Member–

4. (1) The term of office of a member shall not exceed 3 years:

Provided that a member may be reappointed for another term not exceeding two years.

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

(3) A Member shall cease to hold office on completion of his term or on attaining the age of 65 years, whichever is earlier.”

Previous version of sub-section (1) of Section 4, which was substituted Notification No. PAP-Legis-2(157)/2012/820 dated 14.01.2013

“(1) A member shall be appointed for a term of three years and shall not be eligible for reappointment as such.”

Previous version of section 6, which was omitted vide Notification No. Legis-2(110)/2011/543 dated 11.02.2012:

“Ineligibility for further employment–

6. (1) On ceasing to hold office a member shall not be eligible for further employment in the service of Pakistan:

Provided that the Government may in an individual case and in public interest allow such employment on such terms and conditions as may be prescribed, in the case of a member who had ceased to hold office either as a result of completing the terms of office or had resigned.

(2) Nothing contained in sub–section (1) shall be deemed–

- (i) to prevent a member, other than the Chairman, from being appointed as Chairman; and
- (ii) to apply to a person, who, at the time of the commencement of this Ordinance, was holding the office of the member and immediately before his appointment as member, was holding an office in service of Pakistan.”

Previous version of section 7, which was substituted vide Notification No. Legis-2(20)97/43 dated 21.06.1998:

“7. The functions of the Commission shall be:

Functions of Commission

- (a) to conduct tests, examinations or interviews for selection of suitable persons for appointments to Civil Services of the Punjab and posts connected with the affairs of the Province in Grade–16 and above or equivalent posts and such other posts as may be prescribed;
Explanation: In this clause, “appointment” means initial appointment otherwise than by transfer or promotion.
- (b) to advise the Governor on matters relating to qualifications for and method of recruitment to the civil services of the Province and posts connected with the affairs of the Province; and
- (c) such other functions as may be prescribed.”

=====

**Punjab Public Service Commission
(Functions)
Rules, 1978**

NOTIFICATION

In exercise of the powers conferred by Section 10 of the Punjab Public Service Commission Ordinance, 1978, the Governor of the Punjab is pleased to make the following rules:

1. (1) These rules may be called the **Punjab Public Service Commission (Functions) Rules, 1978.**

(2) They shall come into force at once.

2. In these rules, unless there is anything repugnant in the subject or context—

(1) “Grade” means the National Scale of Pay in which a post or group of posts is placed:

Provided that in the case of a post or group of posts which have not been placed in any National Scale of Pay, Grade means the “National Scale of Pay”, corresponding to the “existing scale of pay”, in which a post or group of posts would have been placed; and

♦(2) “Test” includes written examination, psychological test, appraisal of record, interview and viva voce.

3. (1) The Commission shall conduct tests and examinations * [and take all steps ancillary thereto] for recruitment to:

- (i) the Provincial services and civil posts connected with the affairs of the Province falling in Grade * [(16 to 22) except those specified in Schedule-I];
- (ii) such posts in or under a Corporation or other body or Organization set up by Government under any law carrying a scale of pay the maximum of which is Rs. 2,750/- per mensem or above as may be referred to the Commission;
- (iii) any other posts which may be referred to the Commission for recruitment by the ** (~~Governor~~) Chief Minister; and
- (iv) the posts to be filled on contract for a period not less than two years as may be referred to the Commission by Government Departments.

♥“1(a) The Commission, on reference from a Government Department, shall conduct test, examination or any other ancillary steps to advise the Government on eligibility and suitability of a class of persons, holding posts in connection with the affairs of the Province, for purposes of their appointment on regular basis in accordance with the policy of the Government”

(2) The Government may associate the Commission in the framing of rules regulating appointments to Provincial Services or such posts connected with the affairs of the Province, as may be prescribed, in such manner as it may determine.

4. Notwithstanding anything contained in rule 3, the Commission shall not conduct test for recruitment to posts which are filled –

- ♣i) for a period of # [one year] or less pending selection of a candidate on the basis of test conducted by the Commission;

♦ Substituted vide Notification No. SO(CAB-I)/1-3/85 dated 24.06.1985.

★ Added vide Notification No. SO(CAB-I)/1-3/85 dated 24.06.1985.

* Substituted vide Notification No. SOR-III-1-49/73 dated 5th June 1979.

** The word “Governor” substituted with the words “Chief Minister” vide Notification No. SOR.IV(S&GAD)15-4/85 dated 24th December 1985.

• Sub-clause (iv) of Rule 3, added vide Notification No. SO.CAB-I/1-16/2002 dated 07.05.2007.

♥ Added vide notification No. SO(CAB-I)4-6/2004 dated 2nd April 2013.

♣ Clause (i) deleted and (ii) & (iii) renumbered as (i) & (ii) also in the ‘Explanation’ clause (iii), substituted with “clause (ii)” vide Notification No. SO.CAB-I/1-16/2002 dated 07.05.2007.

Substituted, vide Notification No. SOR.III-1-29/81 dated 14th June 1982.

Provided that the above period may be extended:

- (a) for a further period of six months with the approval of the Commission if a requisition for filling the post was sent to the Commission before filling of the post on ad hoc basis and the Commission had failed to nominate a candidate; or
 - (b) in any other case, by order of the *~~Governor~~ Chief Minister; or
- ii) by transfer of an officer of the Armed Forces of Pakistan or an officer already holding a post on regular basis in equivalent grade under the Federal or a Provincial Government.

Explanation: For the purpose of *clause (ii), “regular basis” means other than ad hoc, contract or temporary basis for a specified period.

5. Notwithstanding anything contained in rule 3, the *~~Governor~~ Chief Minister may, in the public interest, specify posts which may be filled, without reference to the Commission, by persons possessing such qualifications and experience and in such manner as he may determine.

*Word “Governor” substituted by the word “Chief Minister” vide Notification No. SOR.IV (S&GAD)15-4/85 dated 24th December 1985.

SCHEDULE-I

(See Rule 3)

Posts excluded from the purview of the Commission.

Sr. No.	Department	Name of posts
* (1)	Services & General Administration Department.	Posts of Additional District & Sessions Judges and posts of District & Sessions Judges.
@ (2)	Governor's House.	Comptroller.
** (3)	Deleted.	
▲ (4)	Deleted.	

*This entry was numbered as "1" vide Notification No. SOR-III-1-29/81 dated 21.12.1981.

@Added vide Notification No. SOR-III-1-29/81 dated 21.12.1981.

**Deleted vide Notification No. SORIV(S&GAD)15-2/86 dated 25.12.1987.

▲Deleted vide Notification No. SOR-III-2-87/90 dated 18.04.1992.

**PREVIOUS VERSIONS OF AMENDED RULES OF
PUNJAB PUBLIC SERVICE COMMISSION (FUNCTIONS) RULES, 1978 AND HISTORY OF
AMENDMENTS**

Previous version of rule 3.(1)(i) and 4(ii) which were substituted vide Notification No. No. SOR.III-1-49/73 dated 5th June, 1979.

“3. (1) (i) the provincial services and civil posts connected with the affairs of the Province falling in Grade 17 to 22 except those specified in Schedule-I;

The figures "17 to 22" in the above previous versions of rule 3 (1) (i) were substituted by the figures "16 to 22" vide Notification No. SOR.III-1-49/73 dated 5th June, 1979.”

4. (ii) for a period of six months or less pending selection of a candidate on the basis of test conducted by the Commission;

Provided that the above period may be extended:

- a) for a further period of six months with the approval of the Commission if a requisition for filling the post was sent to the Commission before filling of the post on ad hoc basis and the Commission had failed to nominate a candidate; or
- b) in any other case, by order of the Governor; or

The words "six months" appearing in the first line of clause (ii) of Rule 4 were substituted vide Notification No. SOR.III-1-29/81 dated 14th June 1982 with the words one year.”

Addition was made at Sr.No.3 of the Schedule No.I vide Notification No.SORIV(S&GAD)15-2/86 dated 19.05.1986 as under, which was subsequently deleted vide Notification No.SORIV(S&GAD)15-2/86 dated 25.12.1987.

"All Departments Posts to be filled in under Rule 16(2) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974."

Previous version of Sr. No. (4) in Schedule No. I, which was inserted vide Notification No. SORIII-1-29/81 dated 02.10.1986, subsequently withdrawn vide Notification No.SOR-III-2-87/90 dated 18.04.1992:

“(4) Board of Revenue, Punjab Tehsildar.
(Revenue Department).”

Previous version of rule 2(2) which was substituted vide Notification No. CAB-I/1-3/85 dated 24th June, 1985:

“2. (2) “Test” includes written examination, interview and Viva Voce.”

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**Punjab Public Service Commission
(Terms and Conditions of Service)
Rules 2012**

NOTIFICATION

In exercise of the powers conferred under section 10 of the Punjab Public Service Commission Ordinance 1978 (*II of 1978*), hereinafter referred to as the Ordinance, Governor of the Punjab is pleased to make the following rules:

1. **Short title and commencement.**— (1) These rules may be cited as the Punjab Public Service Commission (Terms and Conditions of Service) Rules 2012.

(2) They shall come into force at once.
2. **Pay, allowances and other terms and conditions.**— In addition to the provisions of the Ordinance, the pay, allowances and other terms and conditions of service of the Chairman and members of the Commission shall be such as mentioned in the Schedule appended to these rules.
3. **Qualification and experience for women and persons from private sector.**— For purposes of clause (iii) of subsection (4) of section 3 of the Ordinance:
 - (a) minimum qualification for women and persons from private sector shall be Master's degree (at least second division) from a recognized university in the field of economics, engineering, agricultural, finance, business administration, public administration, basic sciences, social sciences or information technology; and
 - (b) minimum experience:
 - (i) for a person from private sector shall be twenty years at top management position in a private organization relating to industry, commerce, trade, finance, banking, information technology or academia; and
 - (ii) for women shall be twenty years experience at top management position in public sector or in private organization relating to industry, commerce, trade, finance, banking, information technology or academia.
4. **Seniority.**— (1) The inter se seniority of the members shall be determined in accordance with the dates of their entering upon office as members.

(2) In case two or more members enter on office the same day, their inter se seniority shall be determined on the basis of seniority in age.
5. **Leave.**— The Governor may grant leave to the Chairman or a member as follows:
 - (a) on leave salary equivalent to full pay up to one eleventh of the period spent on duty as Chairman or member, subject to a maximum of four months at any one time;
 - (b) on medical certificate on leave salary equivalent to half pay up to two elevenths of the period spent on duty as Chairman or member, subject to a maximum of three months at any one time; and
 - (c) extraordinary leave without salary.
6. **Post to be non-pensionable.**— The appointment of the Chairman or member shall be non-pensionable, and he shall not contribute to benevolent fund, general provident fund or group insurance.
7. **Repeal.**— The Punjab Public Service Commission (Conditions of Service) Rules, 1978 are hereby repealed.

***SCHEDULE**
(see rule 2)

Salary, Allowances & Utilities

Sr. No.	Items	Chairman	Member
1.	Salary	Rs. 3,24,000/- PM	Rs.2,63,000/- PM
2.	House Rent Allowance	Rs. 1,42,000/- PM	Rs. 101,000/- PM
3.	Utilities	Rs. 016,200/- PM	Rs. 013,100/- PM

Facilities

Sr. No.	Items	Chairman	Member
1.	One Chauffeur driven car maintained at the Government expense for official and private use.	1600 CC capacity	1300 CC capacity
2.	Petrol Limit	340 Liter P.M	270 Liter P.M
3.	TA/DA	As admissible to civil servants of highest grades	As admissible to civil servants of highest grades
4.	TA/DA on official duty abroad	As admissible to civil servants in Category-I	As admissible to civil servants in Category-I
5.	Medical facilities	Reimbursement of medical and hospitalization charges for self, spouse and children for treatment received at Government or Government recognized institution in Pakistan.	Reimbursement of medical and hospitalization charges for self, spouse and children for treatment received at Government or Government recognized institution in Pakistan.

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* Substituted vide Notification No.SO(CAB-I)4-7/2005(Vol-I) dated 06.02.2013.

Punjab Public Service Commission Regulations, 2016

PUNJAB PUBLIC SERVICE COMMISSION

NOTIFICATION

No. PPSC/Secy/2016/385 dated 02.09.2016. In exercise of the powers conferred by Sub-Section (2) of Section 10 of the Punjab Public Service Commission Ordinance 1978, the Commission is pleased to make the following Regulations:

PART-I
GENERAL

TITLE, EXTENT AND COMMENCEMENT

1. These Regulations may be called the Punjab Public Service Commission Regulations, 2016. These Regulations shall come into force with immediate effect.
2. The Regulations may be amended in a Commission's Meeting by majority of total members.
3. The Commission may make policy decision to specify detailed procedure for activities of the selection process and matters consequential, incidental and ancillary. Such Decision shall be incorporated in the Manual of Policy decisions.

PART-II
DEFINITIONS

4. In these Regulations, unless the context otherwise requires:-
 - a) **“Additional Vacancy”** means a vacancy added to the number of vacancies in respect of which a department had sent a requisition before the process of selection is completed.
 - b) **“Advisor”** means a person nominated by the Commission to assist in the conduct of interview by the Commission.
 - c) **“Application”** means an On-line Application received from a candidate for a specific post advertised by the Commission.
 - d) **“Appointing Authority”** means an officer or authority designated as such in the relevant service rules framed by the Government for the post (s).
 - e) **“Attached Department”** means Attached Department as defined in Rules of Business of Government of the Punjab, 1974.
 - f) **“Commission”** means the Punjab Public Service Commission as defined in PPSC Ordinance 1978.
 - g) **“Committee”** means a Committee constituted by the Chairman to conduct interviews of eligible candidates for selection to specified posts. The strength and composition of such Committee shall be determined by the Chairman.
 - h) **“Department”** means an Administrative Department as defined in Rules of Business of Government of the Punjab, 1974.
 - i) **“Departmental Representative”** means a senior officer of the concerned Department, who is accepted by the Commission as member of Interview Committee, constituted for selection of candidate(s) against the post(s) advertised concerning that Department.
 - j) **“Government”** means the Government of the Punjab.
 - k) **“Interview/Viva Voce”** means an oral examination to assess the suitability of a candidate for the job/post applied for. In the case of candidates of Combined Competitive Examination or any other Exam/Post where it may be so required, interview, also includes psychological assessment.
 - l) **“Member”** means a Member of the Commission and includes the Chairman.
 - m) **“Policy Decision”** means decisions taken in the Full Commission Meeting by the Commission to lay down detailed procedure(s) for various activities/proceedings of the selection process.
 - n) **“Requisition Form”** means the Requisition Form as devised by the Commission.
 - o) **“Requisition”** means a requisition received from a Department of the Government for purposes of selection to various posts.
 - p) **“Test”** includes written examination, psychological test, appraisal of record, interview and viva voce.

- q) “**Written Examination**” means a written examination conducted by the Commission as required by Govt. of the Punjab or by the Commission.
- r) “**Written test**” means one paper written test (Subjective or Objective or both) conducted by the Commission.

PART-III
REQUISITIONS

- 5. Requisitions from the Departments are received by the Commission on the “Requisition Form” for recruitment against the available vacancies.
- 6. The broad parameters of existing schedule for forwarding the requisitions by the departments to the Commission, are as follows:
 - a) Requisitions for competitive examinations shall be sent by 1st September of each calendar year so as to enable the Commission to hold the examination within the same year.
 - b) All Administrative Departments shall forward their requisitions for filling up vacant posts other than those filled through competitive examinations from 1st July to 31st December each year so that the Commission may process them in the planned program.
 - c) The Administrative Departments, may, in emergent cases forward their requisitions between 1st January to 30th June after obtaining approval of the Chief Secretary/Additional Chief Secretary.
- 7. All requisitions shall be signed by the Administrative Secretary of the Department.
- 8. All requisitions shall be accompanied by:-
 - a. Copy of the notified Service Rules; and
 - b. Job description of the post.
- 9. All posts shall be filled on open merit/all Punjab basis unless otherwise decided by the Government. Zonal or Regional allocation, if any where applicable and notified quota for women / minorities / disabled shall be provided with the Requisition.
- 10. In case any discrepancy / ambiguity / deficiency is detected in the requisition, the same shall be returned to the Department for rectification.
- 11. The time schedule fixed by the Commission shall be followed for advertising requisitions complete in all respects forwarded by the Department(s).
 - a. A requisition for Combined Competitive Examination within five (05) days of its receipt.
 - b. For all other posts, within three (03) days after the receipt.

PART-IV
ADDITIONAL VACANCIES

- 12.
 - a. Approval of (S&GAD), (Additional Chief Secretary) shall be required if the Department decides to increase or decrease the number of vacancies subsequent to the original requisition but before the posts are advertised except for valid reasons. No request for decrease in the number of post(s) advertised or complete withdrawal of the original requisition shall be entertained after the same has been advertised.
 - b. in cases where selection is to be made only on the basis of interview / viva voce, the new requisition indicating increase in number of vacancies shall be accepted if the interviews are still in progress.
 - c. Requisition for additional vacancies indicating increase in number of original vacancies shall be accepted only if no date for Written Test/Examination has been fixed or academic shortlisting has not been carried out.
 - d. After acceptance of additional vacancies, a fresh advertisement / amendment to the previous advertisement shall be issued inviting fresh applications.
 - e. The eligible candidates who have already applied in response to the original advertisement shall not be required to apply again.

- f. In the case of Combined Competitive Examinations, variation in number and nature of posts shall be accepted by the Commission without inviting fresh applications when an indication to this effect has been given in the original advertisement and the change in number and nature is received by the Commission before the finalization of the interview.

PART-V
SUBMISSION OF APPLICATIONS
AND THEIR CONSIDERATION

13. a. An application by an eligible candidate(s) shall be submitted through on-line system on the specified form available on the Commission's website.
- b. In case of posts falling in BS-19 and above, the candidates shall submit hard copies of the on-line applications alongwith two (02) sets of all relevant documents and research papers as per time specified in the Advertisement.
- ♥(c) Eligibility of a candidate shall be determined in accordance with the Advertisement for the Post, Service rules governing appointments to the relevant post and such other ancillary instructions issued by the Government and /or the Commission from time to time. For this purpose, the age, qualifications, experience and other credentials, etc. of the candidates existing on or up to the closing date fixed for such posts as advertised shall be taken into account. No relaxation in this regard shall be allowed by the commission. (Note: where recruitment is to be made on the basis of a written examination, age shall be reckoned as on the 1st of January of the year in which the examination is proposed to be held).
14. The Commission shall forward advertisement to the Ministry of Foreign Affairs for circulation to Pakistan's Mission abroad.
15. The commission shall not entertain any application received after the closing date.
16. In case the closing date fixed for receipt of applications falls on a gazette holiday, the next working day shall be considered as the closing date.
17. A period of two weeks from the date of advertisement shall be allowed to candidates for submission of their applications.
18. In case of recruitment to posts on the basis of written examination, the commission shall, subject to these Regulations, issue separate instructions giving necessary details for the information of the candidates.
19. In case the Commission decides to hold a Written Test/Examination, all the applications of a particular post shall be called provisionally at their own risk, subject to their eligibility in all respects.
20. Candidates shall bring their original documents / testimonials alongwith two sets of photocopies if and when called for interview and the Commission shall undertake scrutiny of such documents. If a candidate is found ineligible, his/her application shall be rejected and rejection letter shall be issued accordingly.

PART-VI
CALCULATION OF CANDIDATE'S AGE

21. a. The age of a candidate is calculated from his/her date of birth as given in Secondary School Certificate (Matriculation). In case the candidate has appeared in any other examination equivalent to Secondary School Certificate such as Senior Cambridge/O-Level and certificate of such examination does not bear date of birth of the candidate, he/she shall be required to produce the School Leaving Certificate bearing his/ her date of birth or Computerized National Identity Card (CNIC) issued by National Database and Registration Authority (NADRA) or birth certificate duly issued by the concerned Local Council.
- b. Relaxation / concession in upper age limit to a candidate shall be admissible as per Law, Rule and Policy of the Government.

♥ Para 13(c) is inserted vide F.C Meeting No.06/2017 dated 21.09.2017

- c. In case a candidate is underage or becomes over-age even by one day after adding the actual day of his/ her birth, to his/ her age on the closing date for the receipt of applications or on 1st January of the year of the combined competitive examinations as advertised, he/ she shall be considered ineligible.
 - d. Subsequent alteration or amendment in the date of birth including any substitute/revised certificate of Matriculation or any other document etc. after the closing date of applications shall not be entertained / accepted.
22. The age in case of additional vacancies shall be calculated in the manner hereunder:
- a. For candidates who had applied in response to the original advertisement, the date shall be the closing date as indicated in the advertisement.
 - b. For candidates who apply in response to the subsequent advertisement, (increasing the number of posts of the original advertisement), except the candidates for Combined Competitive/Competitive Examination, the date shall be the closing date of the subsequent advertisement.
 - c. For those candidates who could not apply in response to the original advertisement being under-age on the closing date shall become eligible if they attain the requisite age limit on the closing date of the subsequent advertisement which would be reflected in the subsequent advertisement.

Part-VII
Domicile

23. a. Only such candidates shall be eligible for selection by Punjab Public Service Commission as are domiciled in any district of the Province of Punjab.
- b. A candidate is essentially required to mention his/ her district of domicile at the time of submission of application.
- c. The Domicile Certificate shall be issued by the competent authority.
- d. If a candidate has applied for domicile before closing date for submission of application and provides a documentary evidence in this regard, his/her domicile issued after closing date shall be accepted.
- e. A married female candidate may opt for the district of domicile of her husband till she acquires her own Domicile. In such a case she shall produce domicile certificate of her husband alongwith the evidence of her marriage.
24. A permanent resident of Azad Kashmir shall be considered to be the resident of the district of Punjab where he/ she is living presently, subject to production of domicile certificate of his/ her present district.

PART-VIII
ACTION AGAINST CANDIDATES ON GROUNDS OF USING UNFAIR MEANS

25. A candidate may be disqualified and /or debarred from any examination, test or interview for any post held or to be held by the Punjab Public Service Commission in future, who is found guilty in any one of the following:-
- a. Furnishes any false or incorrect information to gain undue advantage.
 - b. Suppresses material information.
 - c. Canvasses or attempts to influence the Members of the Commission, the Officers and officials of the Commission, Advisors, Departmental Representatives, Examiners, Supervisors, Invigilators and any other person who have been called to assist the Commission in interview or written test/examination.
 - d. Attempts to obtain support for his/ her candidature through any means.
 - e. Submits forged certificates/ documents.
 - f. Tampers with the entries in his/her age and academic certificates or other documents.
 - g. Is found guilty of misconduct during examination/test/ interview.
 - h. Fails to observe the instructions issued by the Commission.
 - i. Uses unfair means in the Written Test/ Written Examination.
 - j. Is guilty of impersonation at any stage or in any form.
 - k. Is in possession of weapon/arms, mobile phone or electronic device, except those permitted at the time of Written Examination/ Test or Interviews.
 - l. In addition, the Commission may initiate criminal proceedings against any such candidate under the relevant law.

26. If at any stage, i.e., during the process of selection or even after the recommendations have been sent to the concerned Department, a person has been found to be deficient in any of the conditionalities of eligibility, his or her candidature shall be cancelled and recommendations (if sent) withdrawn.

PART-IX
REPRESENTATION/APPEAL

27. The following procedure shall be adopted in respect of Representation/Appeal filed by an aggrieved candidate on receipt of a decision of the Presiding Member or Member Incharge:-

- a. Representation of a candidate shall be examined and submitted to the Member Incharge for orders. The candidate may be provided an opportunity of being heard by the Member Incharge. The decision taken in this respect by the Member Incharge shall be conveyed to the candidate.
- b. A candidate aggrieved by the order under (a) above may prefer an Appeal to the Chairman within seven working days of the receipt of the order.

PART-X
WRITTEN EXAMINATION/TEST/SHORTLISTING

28. a. The Commission, on receipt of a requisition, shall hold a written Combined Competitive Examination/Competitive Examination in accordance with the provisions of existing Service Rules.
- b. Schedule for the posts in which Competitive Examinations shall be conducted is Annexed as "A".

29. These examinations (Combined and Competitive) shall be conducted as part of the total process of selection including psychological test and interview/ viva voce according to the schedule laid down by the Commission. Syllabus and minimum qualifying marks in each subject and aggregate shall be as laid down by the Commission or the Government, as the case may be.

30. Depending on the number of applications received, candidates may be required to appear in a written test related to the post(s) and qualifications and/ or a general ability for screening/shortlisting of the candidates as the case may be.

31. Where the Commission decides to hold a written test, it shall specify the scope and nature of such test keeping in view the qualifications, job description and experience required for the posts.

32. Where no written test is held, short-listing may be done by evaluation of academic and/ or professional record of the candidates.

PART-XI
NUMBER OF CHANCES

33. All candidates appearing in "Written Examination" to be held by the Commission shall be allowed to avail three chances only for each particular Written Examination irrespective of the type or categories of posts grouped in that Examination, unless otherwise prescribed by the Government.

‡34. For all posts to be filled through written test followed by interview or interview alone, the number of chances shall be restricted to three. However, if a candidate qualifies the interview but cannot be recommended for appointment due to shortage of vacancies, his chance shall not be considered as availed whereas chance of a candidate who does not qualify the written test or interview shall be considered as availed. For the post of Lecturer in Education Department, a candidate who is applicant for more than one subject, shall be allowed three chances in each subject for which he/she is a candidate in accordance with above laid down policy.

PART-XII
EQUIVALENCE AND EVALUATION OF FOREIGN AND LOCAL
DEGREES/CERTIFICATES/DIPLOMAS - RESEARCH WORK

‡ Para 34 substituted vide F.C Meeting No.06/2017 dated 21.09.2017.

35. The commission shall accept degrees / certificates / diplomas of those foreign Universities only which have been recognized by Higher Education Commission (H.E.C) or Pakistan Medical & Dental Council (P.M.D.C) or Pakistan Engineering Council (P.E.C) or Inter Board Committee of Chairman (I.B.C.C) or any other competent Agency/Authority.
36. The Commission shall accept that equivalence of foreign and local academic qualifications which are declared equivalent by Higher Education Commission, Pakistan Medical & Dental Council, Pakistan Engineering Council or any other competent equivalence Committee/Authority.
37. The percentage of marks awarded by Foreign or Local University shall be acceptable to the Commission as determined by the IBCC/ HEC/ any other Authority.
38. a. A candidate shall be required to submit;
- (i) Two copies of published research papers; and
 - (ii) Recognition list of foreign journal enlisted by Higher Education Commission; within three days after the closing date for submission of applications, where so required.
- b. In case a candidate fails to submit his/her published research paper(s) in time, his/her application shall be rejected.
- c. The Commission shall not accept research papers of a candidate which have been published after the closing date of receipt of applications for the advertised post.
- d. Review articles, case-studies, translations, briefs, presentations in conference(s) etc. shall not be admissible as published research papers.
- e. If a condition in the requisition/ advertisement is laid down that the research papers have to be written as a Principal Author then the first name in the list of authors of research papers shall be considered as the Principal Author.

PART-XIII
COUNTING OF EXPERIENCE

39. Experience required for determination of eligibility shall not be considered by the Commission unless the candidate produces documentary proof in support of his/ her claim.
40. Experience of Government service shall only be accepted if the certificate is issued by the Appointing Authority/ Person authorized to do so.
41. Experience in a general specialty shall not be counted as experience in a specific specialty prescribed for such post.
42. House job experience in a recognized medical institution shall be counted as practical experience.
43. Experience of residency in F.C.P.S/M.S./F.R.C.S./M.D. or during studies abroad such as Diplomat of American Board/Fellowship shall be counted as experience in the line.
44. Only that particular/ professional experience shall be counted which has been acquired in the relevant area while working in recognized institutions in the public & private sector.
45. Experience certificate in respect of Contract, Current Charge, Acting Charge and appointment on ad hoc basis which are issued by the Appointing Authority under the rules, shall be accepted.
- @46. Experience in private entities shall be accepted if such entity is registered with SECP, Registrar of Firms or any other Regulatory Authority.

@ Para 46 is substituted vide F.C Meeting No.06/2017 dated 21.09.2017.

PART-XIV

FORMATION OF INTERVIEW COMMITTEE AND CONDUCT OF INTERVIEW

47. For the purposes of interview, the Commission may work in committees as constituted by the Chairman. Member of the Commission shall preside over the interview Committee.
48. An interview Committee shall normally comprise one or more Members of the Commission assisted by Two Advisors and Departmental Representative to be determined by the Chairman.
49. The distribution of work to Committees for interview shall be assigned by the Chairman.
50. Minimum quorum of the Committees/ Full Commission shall be as under:
- | | | |
|---|----------------------|--|
| a | One Member Committee | One Member of the Commission with one Advisor and Departmental Representative or two Advisors. |
| b | Two Member Committee | One Member of the Commission with One Advisor and Departmental Representative or Two Advisors. |
| c | Full Commission | Two Members of the Commission with One Advisor and Departmental Representative or Two Advisors |
51. In exceptional cases when an Advisor or Departmental Representative remains absent, the composition of the committee may be reduced / changed by the Chairman.
52. When a near relative or a close associate or an immediate sub-ordinate of a Presiding Member/Member(s) of the Commission or of an Advisor or Departmental Representative is being interviewed, the concerned Presiding Member/Member(s) or the Advisor(s) or Departmental Representative shall not be allowed to be present and to participate in the proceedings of the interview of that candidate. Presiding Member of the Interview Committee shall clarify this aspect to Advisor(s) and Departmental Representative before the commencement of the interview, provided that where a candidate is a near relative or a close associate or an immediate sub-ordinate of the Presiding Member/Member(s), in such case(s) the Presiding Member/Member(s) shall inform the Chairman to nominate another , Presiding Member/ Member(s) to interview such candidate(s).
53. a. If a candidate absents himself/ herself on the date fixed for his/ her interview, his/her candidature shall be cancelled and he/she shall be deemed to have lost his/her chance, provided that, for reasons beyond his/her control a written request for another date for the interview must be submitted to the Commission within two days after interview date alongwith evidence. The Commission may fix some other date for the interview in such a case, provided further, such a candidate shall preferably be interviewed by a Committee headed by the original Presiding Member.
- b. In case a candidate fails to produce the original documents on the day of interview but undertakes in writing to produce the same upto seven working days, the interview Committee shall interview the candidate provisionally.
54. If a Presiding Member of the Interview Committee finds that any of the Advisors/Departmental Representative in his opinion is unduly prejudiced in favour or against a candidate, the Presiding Member can, in his/her discretion, disregard the marking of that particular Advisor/ Departmental Representative for that particular candidate and shall after the interview inform the Chairman. The name of such Advisor shall be deleted from the approved panel of Advisors. Such Departmental Representative shall also not be allowed to sit in the interviews and his/ her Department shall be informed accordingly.
55. a. The Commission shall allocate aggregate marks of different categories of interviews, depending on the nature of posts. The distribution of marks between two categories of Members of interview Committee i.e. Members of Punjab Public Service Commission and Advisors, Departmental Representatives etc. shall depend on the nature of interview. The aggregate and the distribution of marks among Members in the case of Competitive Examinations shall be different as compared to other posts.
- b. The Commission shall award additional marks as per policy of the Government to one unemployed child of deceased civil servant who died while in service or is declared invalidated/incapacitated for further service.

PART-XV

SERVICE ALLOCATION IN COMBINED COMPETITIVE EXAMINATIONS

56. a. At the time of psychological assessment, all candidates, who have qualified the written examination, shall be required to give in writing their personal preferences on the specified "Option Certificate" in order of priority for all the categories of posts/services advertised for recruitment through Combined Competitive Examination. This option once exercised, shall be final as far as the candidate is concerned.
- b. After the preparation of final merit list, the allocation of service/ post shall be made to a candidate on the basis of option cum merit of the candidate.
- c. If a candidate according to his/ her merit cannot be allocated to the service/ post of his/ her first choice, he/ she shall be allocated to the service of his/ her subsequent choices on the basis of his/ her position in the merit list.
- d. Irrespective of his/her position in the merit list, the Commission shall not allocate any service/ post to a candidate for which he/ she had not exercised his/her option even though according to his/her position in the merit list he/ she becomes eligible for such post.
- e. Male candidates cannot opt for a post/ service exclusively reserved for female candidates and vice versa.
- f. Allocation of service shall not be changed on the request of a candidate or the Department.
- g. Allocation of service (posts) may change as a consequence of re-allocation of services (posts) in the light of Regulation No. 59 on the request of the Department for a substitute. Such re-allocation shall be binding on a selected candidate.
- h. Allocations announced by the Commission shall be final.

PART-XVI
MERIT LIST.

57. Merit list shall be strictly in accordance with the Law, Rules, Regulations and Policy of the Commission and Government.

58. In case where various posts belonging to the same service/cadre but in different subjects (such as those of Lecturers) are advertised, separate merit list in each subject shall be prepared. Their combined merit list for purposes of inter se-seniority shall be prepared in accordance with the respective merit of each candidate based on the total marks obtained by the candidate in the combined list.

59. A substitute can be provided from the merit list during its validity period if so requested by the department concerned, in case a candidate:

- a. Fails to join the post.
- b. Tenders his/her resignation after joining.
- c. Is declared unfit on medical or other grounds.
- d. Requisitioned post has become vacant for any other reason.

60. If a recommended candidate(s) does not join a post, the original merit list shall be revised by the Commission excluding the name of said candidate(s) and recommendations sent to the Department.

61. If a candidate recommended against a vacancy of a particular zone or area fails to join the post, another candidate from the same zone or area shall be recommended out of the merit list of that selection.

62. For recommending substitutes, the Merit List remains valid for twelve months from the date of issuance of first recommendation or till the date of receipt of next requisition in the Commission for the

same post, whichever is earlier, provided that where request for substitute is received within the validity period, the Chairman in his discretion may extend the validity period for the disposal of such request.

63. If any error or omission is detected in the eligibility of a candidate or result or merit list at any stage even after its dispatch to the Department concerned, the recommendation(s) made on the basis of such a mistake / error shall be withdrawn for review by the Commission and duly rectified.

64. **REPEAL/SAVINGS:-**

- a. The full commission decided that a lot of amendments in the Punjab Public Service Commission Regulations-2015 have been approved, therefore, Punjab Public Service Commission Regulations-2015 shall be repealed. Accordingly the Punjab Public Service Commission Regulations-2015 are hereby repealed.
- b. All actions taken under the provisions of Punjab Public Service Commission Regulations-2015, No. PPSC/DDR (Res.)23 dated 27.07.2015, shall be deemed to have been taken under these Regulations. All proceedings pending under the previous Regulations shall continue to their logical end.

65. **REMOVAL OF ANOMALIES / DIFFICULTIES**

If any anomaly / difficulty arises in giving effect to Provisions of these Regulations, the Chairman of the Commission may take a decision to remove such anomaly / difficulty, as the case may be, provided that this power of the Chairman shall cease to exist after the expiry of twelve months from the date of promulgation of Punjab Public Service Commission Regulations-2016.

66. Notification of Punjab Public Service Commission Regulations -2016 shall be signed by the Chairman on behalf of the Punjab Public Service Commission (being artificial juridical person).

**Punjab Civil Services
(Applications for Posts)
Rules, 1987**

NOTIFICATION

In exercise of the powers conferred on him by Section 23 of Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules, namely:

1. **Short Title & Commencement.**— (1) These rules may be called the **Punjab Civil Services (Applications for Posts) Rules, 1987**.

(2) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

(a) “Appointing Authority” means the authority as defined in Rule 6 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, or an officer authorized by the Appointing Authority under these rules.

(b) “Competent Authority” means the Appointing Authority or the officer authorized in that behalf.

(c) “Commission” means the Punjab Public Service Commission and the Federal Public Service Commission.

(d) “Competitive Examination” means a competitive examination held by the Commission for recruitment to any service or post.

3. **Eligibility.**— No Civil Servant shall be eligible for appointment to any service of the Province or to any post in connection with the affairs of the Province other than the service or the post to which he is for the time being appointed, unless he applies with the permission in writing of the competent authority.

4. **Forwarding of Applications.**— (1) If any civil servant applies for permission and is otherwise eligible to appear at a competitive examination to be held by the Commission, his application shall be forwarded thrice but not more than thrice for each examination during whole of his service.

(2) If any civil servant applies for permission and is otherwise eligible for recruitment to any other post his application shall always be forwarded.

Explanation: The appointing authority may withhold permission to apply, if for reasons to be recorded in writing such permission is considered to be against public interest.

5. **Release on Selection for Appointment to a Post for which application has been forwarded.**— When a civil servant whose application has been forwarded in accordance with rule 4, is selected for appointment, he shall be released.

6. **Applications made before joining Government Service.**— If any person who before appointment to any service of the Province or to any post in connection with the affairs of the Province had appeared at any competitive examination or applied for a post elsewhere, and is, as a result offered for a post, he shall be released to join such service or post.

7. **Employment in other Departments of Government or under another Government.**— A civil servant shall not apply for any appointment in another office or department of Government or under another Government unless the Head of such office or department or such other Government has invited applications for the post; provided that in the case of an appointment for which applications are not ordinarily invited, a civil servant may inform the authority which makes the appointment, by a letter submitted through the appointing authority of his own post or service, that he wishes his name to be considered.

8. **Circumstances in which advance copies of application may be sent.**— Ordinarily, an application for a post in respect of which selection is to be made by a Provincial or a Federal Selecting

Authority shall be accompanied by permission in writing of the authority referred to in Rule 3, when, however, there is a likelihood that the last date prescribed for the submission of applications will expire before such permission can be obtained, an advance copy may be submitted to the Selection Authority. The candidature of such applicant will be treated as provisional until permission has been accorded under these rules. In the event of such permission not being granted, the Selection Authority concerned will be informed immediately of the decision, so that the Authority may cancel the candidature of the applicant.

Provided that if the Selecting Authority does not receive the departmental permission within a period of 30 days from the last date fixed in the press note of the Selecting Authority such permission shall be deemed to have been granted.

9. **Application for private employment.**— (1) A civil servant shall not apply or accept employment in a local body or autonomous body or private organization, without the previous permission in writing, of his appointing authority.

(2) An application for permission to apply for private employment shall not be entertained unless the appointing authority is satisfied, that on such employment having been secured, the resignation of the applicant can be accepted without detriment to the public service.

(3) If a civil servant, who is refused permission to apply for private employment, wishes to resign his appointment under the Government, the authority competent to accept his resignation, subject to general or special law or order on the subject, may ordinarily accept the resignation but where the authority is satisfied that the civil servant who is securing the private employment has taken advantage of his official position, it shall not accept the resignation.

(4) A civil servant who is permitted to apply for private employment, must, on accepting it, resign his appointment under Government. After such acceptance, he shall not be allowed any leave, nor shall his lien be retained on his appointment under Government.

10. **Repeal.**— The West Pakistan Services (Applications for Posts) Rules, 1957 (so far as their application to the Punjab Province) are hereby repealed.

**Punjab Civil Servants
(Change in Nomenclature of Services
and Abolition of Classes) Rules, 1974**

NOTIFICATION

In exercise of the powers conferred by Section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules:

1. (1) These rules may be called the **Punjab Civil Servants (Change in Nomenclature of Services and Abolition of Classes) Rules, 1974**.

(2) They shall come into force at once.

2. In these rules unless there is anything repugnant in the subject or context.—

- a) “Classes” means Class–I, Class–II, Class–III and Class–IV in which the civil posts and services are classified under rules or orders for the time being in force;
- b) “Functional Unit” means a group of posts or a part of such group sanctioned as a separate unit in or under a Department;
- c) “Grade” means national scale of pay, in which a number of posts, in a functional unit, carrying same duties and responsibilities is placed; provided that in the case of a person who does not opt for the national scales of pay or the post which has not been placed in the national scales of pay, “National Scale of Pay” means the presumptive national scale of pay corresponding to the existing scale of pay in which such person, or as the case may be, the post would have been placed but for the aforesaid reasons; provided further that in case of a person whose pay has been fixed in the national scale of pay corresponding to the pre-national scales selection grades or who moves over to the next higher scale of pay without change in the nature of duty and assumption of higher responsibilities or under prescribed conditions after reaching the maximum of the lower national scale of pay, “national scale of pay” means the lowest national scale of pay admissible for his post.
- d) “Province” means the Province of the Punjab;
- e) “Punjab Unified Grade” means the grade to which a civil servant is entitled in respect of his existing post; and
- f) “Services” means the Civil Services of the Province and include civil posts connected with the affairs of the Province.

3. Notwithstanding anything contained in any rule, order, regulation or instruction, the names of services are, with immediate effect, changed to Punjab Unified Grades and all references to a service in any rule, order, regulation or instruction shall, consistent with the subject and context, be construed as reference to the respective Punjab Unified Grade.

4. All persons, other than the persons appointed on ad hoc basis, who immediately before the coming into force of these rules were Members of a service or held a civil post connected with the affairs of the Province are, subject to their existing inter se seniority position, appointed in their existing posts to the respective Punjab Unified Grade.

5. Notwithstanding anything contained in the Civil Service Rules and any other rules or orders for the time being in force all classes and classifications of services and posts as Gazetted and Non-gazetted are abolished.

6. For the purposes of application of any existing rule, order or instruction, reference to a class or to a post as Gazetted or Non-gazetted shall be construed as reference to the corresponding Grade as specified in the table below:

<u>Gazetted Posts</u>	<u>Corresponding Grades</u>
1) Class–I	1) Grades 17 to 22
2) Class–II	2) Grade No. 16

3) Special Gazetted

3) Grade No. 16

Non-gazetted Posts

Corresponding Grades

4) Class-III

4) Grades 3 to 15

5) Class-IV

5) Grades 1 to 2

7. Notwithstanding anything contained in any rule, order or instruction, all reservations of posts for purposes of appointment, promotion or transfer in favour of persons belonging to a particular service or cadre, or holding a particular post, are abolished.

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**Punjab Civil Services
(Ratios of Recruitment)
Rules, 1973**

1. **Short title, application and commencement.**— (1) These Rules may be called the **Punjab Civil Services (Ratios of Recruitment) Rules, 1973.**

2) These Rules shall apply to the recruitment of all the posts and Services under the rule making power of the Governor of the Punjab.

3) They shall come into force at once.

2. **Definitions.**— In these rules, unless the context otherwise requires,—

(a) “Post” means a civil post in connection with the affairs of the Province.

b) “Province” means the Province of the Punjab.

c) “Recruitment” means appointment to any post or Service by promotion or initial appointment.

d) “Service” means a Civil Service of the Province.

3. **Method of recruitment.**— Notwithstanding anything contained in any set of Service/Recruitment Rules, in their application to the Province of the Punjab whereby certain portion or percentage of vacancies in any Service or post are to be filled in one manner and the remaining portion or percentage of such vacancies in another manner, the ratio of recruitment shall be applied to the total number of the posts in the cadre so as to maintain the prescribed percentage in the overall strength of the cadre and not to the actual vacancies existing at a given time.

*Provided that the marginal benefit of fraction exceeding or equal to 50% shall go to the share of departmental promotion wherever a percentage is prescribed both for promotion and initial recruitment.

* Added vide Notification No.SORIII-I-24/74 Dated 17.05.1987.

**Punjab Civil Servants
(Minimum Length of Service for
Promotion) Rules, 2010**

NOTIFICATION

In exercise of the powers conferred upon him under section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), the Governor of the Punjab is pleased to direct that the following rules shall be made:

1. **Short title, extent and commencement.**— (1) These rules may be called the **Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2010**.

(2) They shall apply to all civil servants.

(3) They shall come into force with effect from 1st January, 2011.

2. **Minimum length of service for promotion.**— The minimum length of service required for promotion from lower post or scale to a higher post or scale shall be as prescribed in the schedule annexed to these rules:

Provided that where minimum length of service, prescribed in the relevant service rules of any service/cadre, is more than that prescribed under these rules, then the minimum length of service prescribed in the relevant service rules shall apply.

3. **Repeal.**— On coming into force of these rules, the Punjab Civil Servants (Minimum Length of Service for Promotion) Rules, 2003 shall stand repealed.

SCHEDULE

[see rule 2]

1. Where initial recruitment has taken place in Basic Scale 17:

(i)	For posts in Basic Scale 18	5 years service against posts in Basic Scale 17.
(ii)	For posts in Basic Scale 19	12 years service against posts in Basic Scale 17 and above.
(iii)	For posts in Basic Scale 20	17 years service against posts in Basic Scale 17 and above.
(iv)	For posts in Basic Scale 21	22 years service against posts in Basic Scale 17 and above.

2. Where initial recruitment has taken place in Basic Scale 18:

(i)	For posts in Basic Scale 19	7 years service against posts in Basic Scale 18.
(ii)	For posts in Basic Scale 20	12 years service against posts in Basic Scale 18 and above.
(iii)	For posts in Basic Scale 21	17 years service against posts in Basic Scale 18 and above.

3. Where initial recruitment has taken place in Basic Scale 19:

(i)	For posts in Basic Scale 20	5 years service against posts in Basic Scale 19.
(ii)	For posts in Basic Scale 21	10 years service against posts in Basic Scale 19 and above.

4. Where initial recruitment has taken place in Basic Scale 20:

(i)	For posts in Basic Scale 21	5 years service against posts in Basic Scale 20.
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~~*5. Where initial appointment of a person was made to posts in Basic Pay Scale 16 or below, one half of the service in Basic Pay Scale 16 and one fourth in Basic Pay Scale 15 and below shall be counted as service in Basic Pay Scale 17 for computing length of service for the purpose of promotion only to Basic pay Scales 18, 19 or 20.~~

6. The minimum length of service prescribed under these rules or the minimum length of service prescribed under the relevant service rules of various cadres, whichever is more, shall be applicable.

*Omitted vide Notification No. SOR-III(S&GAD) 1-4/2003 dated 17.04.2012

**Punjab Civil Servants
(Restriction on Marriages with Foreign
Nationals) Rules 2011**

NOTIFICATION

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), the Governor of the Punjab is pleased to make the following rules, namely.–

1. **Short title, commencement and application.**– (1) These rules may be cited as the **Punjab Civil Servants (Restriction on Marriages with Foreign Nationals) Rules 2011**.

(2) They shall come into force at once.

(3) They shall apply to the civil servants as defined in the Punjab Civil Servants Act, 1974 and to such other persons as are regulated by the rules framed under the Act.

2. **Definitions.**– In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:

(a) “foreign national” means a person who is not a national of Pakistan;

(b) “Government” means Government of the Punjab;

(c) “Government servant” means a Government servant to whom these rules apply;

(d) “marriage” means the matrimonial relationship entered into in accordance with any law for the time being in force or in accordance with any religion rites or ceremonies, and its grammatical and cognate expressions shall be construed accordingly; and

(e) “misconduct” shall have the same meaning as assigned to it in the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (*XII of 2006*).

3. **Prohibition on Marriages with Foreign National.**– Save as provided in rule 4, a Government servant who marries or promises to marry a foreign national shall be guilty of misconduct and shall be liable to any of the major penalties under the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (*XII of 2006*).

4. **Permission to Marry a Foreign National.**– (1) A Government servant may, with the prior permission of the Government, marry or promise to marry a foreign national of any country recognized by the Federal Government for the purpose.

(2) The grant of permission under sub-rule (1) shall be at the sole discretion of the Government and shall be subject to such conditions, if any, as the Government may specify.

(3) The discretion under sub-rule (2) shall be exercised if the circumstances or public interest so warrant and after recording reasons in writing.

5. **Repeal.**– The West Pakistan Government Servants (Restrictions on Marriages with Foreign Nationals) Rules 1963 are hereby repealed.

**PROTECTION AGAINST
HARASSMENT OF WOMEN AT
THE WORKPLACE
ACT, 2010**

(With related Instructions)

**THE PROTECTION AGAINST HARASSMENT OF WOMEN
AT THE WORKPLACE ACT, 2010**

PART 1

Acts, Ordinance, President's Orders and Regulations

SENATE SECRETARIAT
Islamabad, the 11th March, 2010

No. F.9 (5)/2009-Legis. The following Acts of Majlis-e-Shoora (Parliament) received the assent of the President on 9th March, 2010, are hereby published for general information.—

Act No. IV OF 2010

An Act to make provisions for the Protection Against Harassment of Women at the Workplace.

WHEREAS the Constitution of the Islamic Republic of Pakistan recognizes the fundamental rights of citizens to dignity of person;

AND WHEREAS it is expedient to make this provision for the protection of women from harassment at the workplace;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the **Protection against Harassment of Women at the Workplace Act, 2010**.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

- (a) “Accused” means an employee or employer of an organization against whom complaint has been made under this Act;
- (b) “CBA” means Collective Bargaining Agent as provided in the Industrial Relations Act 2008, (*IV of 2008*) or any other law for the time being in force.
- (c) “Code” means the Code of Conduct as mentioned in the Schedule to this Act;
- (d) “Competent Authority” means the authority as may be designated by the management for the purposes of this Act;
- (e) “Complainant” means a woman or man who has made a complaint to the Ombudsman or to the Inquiry Committee on being aggrieved by an act of harassment;
- (f) “Employee” means a regular or contractual employee whether employed on daily, weekly, or monthly or hourly basis, and includes an intern or an apprentice;
- (g) “Employer” in relation to an organization, means any person or body of persons whether incorporated or not, who or which employs workers in an organization under a contract of employment or in any other manner whatsoever and includes —
 - (i) an heir, successor or assign, as the case may be, of such person or, body as aforesaid;
 - (ii) any person responsible for the direction, administration, management and control of the management;
 - (iii) the authority, in relation to an organization or a group of organization run by or under the authority of any Ministry or department of the Federal Government or a Provincial government, appointed in this behalf or, where no authority is appointed, the head of the Ministry or department as the case may be;

- (iv) the office bearer, in relation to an organization run by or on behalf of the local authority, appointed in this behalf, or where no officer is so appointed, the chief executive officer bearer of that authority;
 - (v) the proprietor, in relation to any other organization, of such organization and every director, manager, secretary, agent or office bearer or person concerned with the management of the affairs thereof.
 - (vi) a contractor or an organization of a contractor who or which undertakes to procure the labour or services of employees for use by another person or in another organization for any purpose whatsoever and for payment in any form and on any basis whatsoever; and
 - (vi) office bearers of a department of a Division of a Federal or a Provincial or local authority who belong to the managerial, secretarial or directional cadre or categories of supervisors or agents and those who have been notified for this purpose in the official Gazette;
- (h) “Harassment” means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply with such a request or is made a condition for employment;
- (i) “Inquiry Committee” means the Inquiry Committee established under sub-section (1) of section 3;
- (j) “Management” means a person or body of persons responsible for the management of the affairs of an organization and includes an employer;
- (k) “Ombudsman” means the Ombudsman appointed under section 7;
- (l) “Organization” means a Federal or Provincial Government Ministry, Division or department, a corporation or any autonomous or semi-autonomous body, Educational Institutes, Medical facilities established or controlled by the Federal or Provincial Government or District Government or registered civil society, associations or privately managed a commercial or an industrial establishment or institution, a company as defined in the Companies Ordinance, 1984 (*XLVII of 1984*) and includes any other registered private sector organization or institution;
- (m) “Schedule” means Schedule annexed to this Act;
- (n) “Workplace” means the place of work or the premises where an organization or employer operates and includes building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office.

3. Inquiry Committee.— (1) Each organization shall constitute an Inquiry Committee within thirty days of the enactment of this Act to enquire into complaints under this Act.

(2) The Committee shall consist of three members of whom at least one member shall be a woman. One member shall be from senior management and one shall be a senior representative of the employees or a senior employee where there is no CBA. One or more members can be co-opted from outside the organization if the organization is unable to designate three members from within as described above. A Chairperson shall be designated from amongst them.

(3) In case a complaint is made against one of the members of the Inquiry Committee that member should be replaced by another for that particular case. Such member may be from within or outside the organization.

(4) In case where no competent authority is designated the organization shall within thirty days of the enactment of this Act designate a competent authority.

4. **Procedure for holding inquiry.**— (1) The Inquiry Committee, within three days of receipt of a written complaint, shall—

- (a) communicate to the accused the charges and statement of allegations leveled against him, the formal written receipt of which will be given;
- (b) require the accused within seven days from the day the charge is communicated to him to submit a written defense and on his failure to do so without reasonable cause, the Committee shall proceed ex-parte; and
- (c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as the Committee may consider necessary and each party shall be entitled to cross-examine the witnesses against him.

(2) Subject to the provisions of this Act and any rules made thereunder the Inquiry Committee shall have power to regulate its own procedure for conducting inquiry and for the fixing place and time of its sitting.

(3) The following provisions, *inter alia*, shall be followed by the Committee in relation to inquiry:

- (a) The statements and other evidence acquired in the inquiry process shall be considered as confidential;
- (b) An officer in an organization, if considered necessary, may be nominated to provide advice and assistance to each party;
- (c) Both parties, the complainant and the accused, shall have the right to be represented or accompanied by a Collective Bargaining Agent representative, a friend or a colleague;
- (d) Adverse action shall not be taken against the complainant or the witnesses;
- (e) The inquiry Committee shall ensure that the employer or accused shall in no case create any hostile environment for the complainant so as to pressurize her from freely pursuing her complaint; and
- (f) The Inquiry Committee shall give its findings in writing by recording reasons thereof.

(4) The Inquiry Committee shall submit its findings and recommendations to the Competent Authority within thirty days of the initiation of inquiry. If the Inquiry Committee finds the accused to be guilty it shall recommend to the Competent Authority for imposing one or more of the following penalties:

(i) Minor penalties:

- (a) censure;
- (b) withholding, for a specific period, promotion or increment;
- (c) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- (d) recovery of the compensation payable to the complainant from pay or any other source of the accused;

(ii) Major penalties:

- (a) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (b) compulsory retirement;
- (c) removal from service;
- (d) dismissal from service; and
- (e) fine. A part of the fine can be used as compensation for the complainant. In case of the owner, the fine shall be payable to the complainant.

(5) The Competent Authority shall impose the penalty recommended by the Inquiry Committee under sub-section (4) within one week of the receipt of the recommendations of the Inquiry Committee

(6) The Inquiry Committee shall meet on regular basis and monitor the situation regularly until they are satisfied that their recommendations, subject to decision, if any of Competent Authority and Appellate Authority, have been implemented.

(7) In case the complainant is in trauma the organization will arrange for psycho-social counseling or medical treatment and for additional medical leave.

(8) The organization may also offer compensation to the complainant in case of loss of salary or other damages.

5. Powers of the Inquiry Committee.– (1) The Inquiry Committee shall have power–

- (a) to summon and enforce attendance of any person and examine him on oath;
- (b) to require the discovery and production of any document;
- (c) to receive evidence on affidavits; and
- (d) to record evidence.

(2) The Inquiry Committee shall have the power to inquire into the matters of harassment under this Act, to get the complainant or the accused medically examined by an authorized doctor, if necessary, and may recommend appropriate penalty against the accused within the meaning of sub-section (4) of section 4.

(3) The Inquiry Committee may recommend to Ombudsman for appropriate action against the complainant if allegations leveled against the accused found to be false and made with mala fide intentions.

(4) The Inquiry Committee can instruct to treat the proceedings confidential.

6. Appeal against minor and major penalties.– (1) Any party aggrieved by decision of the Competent Authority on whom minor or major penalty is imposed may within thirty days of written communication of decision prefer an appeal to an Ombudsman established under section 7.

(2) A complainant aggrieved by the decision of the Competent Authority may also prefer appeal within thirty days of the decision to the Ombudsman.

(3) The Appellate Authority may, on consideration of the appeal and any other relevant material, confirm, set aside, vary or modify the decision within thirty days in respect of which such appeal is made. It shall communicate the decision to both the parties and the employer.

(4) Until such a time that the Ombudsman is appointed the District Court shall have the jurisdiction to hear appeals against the decisions of Competent Authority and the provisions of sub-sections (1) to (3) shall mutatis mutandis apply.

(5) On the appointment of Ombudsman all appeals pending before the District Court shall stand transferred to Ombudsman who may proceed with the case from the stage at which it was pending immediately before such transfer.

7. Ombudsman.– (1) The respective Governments shall appoint an Ombudsman at the Federal and provincial levels.

(2) A person shall be qualified to be appointed as an Ombudsman who has been a judge of High Court or qualified to be appointed as a judge of High Court. The Ombudsman may recruit such staff as required to achieve the purposes of this Act and the finances will be provided by the respective Governments.

8. Ombudsman to enquire into complaint.– (1) Any employee shall have the option to prefer a complaint either to the Ombudsman or the Inquiry Committee.

(2) The Ombudsman shall within 3 days of receiving a complaint issue a written show cause notice to the accused. The accused after the receipt of written notice, shall submit written defense to the Ombudsman within five days and his failure to do so without reasonable cause the Ombudsman may proceed *ex parte*. Both the parties can represent themselves before the Ombudsman.

(3) The Ombudsman shall conduct an inquiry into the matter according to the rules made under this Act and conduct proceedings as the Ombudsman deems proper.

(4) For the purposes of an investigation under this Act, the Ombudsman may require any office or member of an organization concerned to furnish any information or to produce any document which in the opinion of the Ombudsman is relevant and helpful in the conduct of the investigation.

(5) The Ombudsman shall record his decision and inform both parties and the management of the concerned organization for implementation of the orders.

9. Representation to President or Governor.— Any person aggrieved by a decision of Ombudsman under sub-section (5) of section 8, may, within thirty days of decision, make a representation to the President or Governor, as the case may be, who may pass such order thereon as he may deem fit.

10. Powers of the Ombudsman.— The Ombudsman shall for the purpose of this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedures, 1908 (Act V of 1908), in respect of the following matters, namely:

- i. Summoning and enforcing the attendance of any person and examining him on oath;
- ii. Compelling the production of evidence;
- iii. Receiving evidence on affidavits;
- iv. Issuing commission for the examination of witnesses;
- v. Entering any premises for the purpose of making any inspection or investigation, enter any premises where the Ombudsman has a reason to believe that any information relevant to the case may be found; and
- vi. The Ombudsman shall have the same powers as the High Court has to punish any person for its contempt.

(2) Ombudsman shall while making the decision on the complaint may impose any of the minor or major penalties specified in sub-section (4) of section 4.

11. Responsibility of employer.— (1) It shall be the responsibility of the employer to ensure implementation of this Act, including but not limited to incorporate the Code of Conduct for protection against harassment at the workplace as a part of their management policy and to form Inquiry Committee referred to in section 3 and designate a competent authority referred to in section 4.

(2) The management shall display copies of the Code in English as well as in language understood by the majority of employees at conspicuous place in the organization and the workplace within six months of the commencement of this Act.

(3) On failure of an employer to comply with the provisions of this section any employee of an organization may file a petition before the District Court and on having been found guilty the employer shall be liable to fine which may extend to one hundred thousand rupees but shall not be less than twenty-five thousand rupees.

12. Provisions of the Act in addition to and not in derogation of any other law.— The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

13. Power to make rules.— The Federal Government may make rules to carry out the purposes of this Act.

Schedule

[See sections 2(c) and 11]

CODE OF CONDUCT FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE

Whereas it is expedient to make the Code of Conduct at the Workplace, etc., to provide protection and safety to women against harassment it is hereby provided as under:

(i) The Code provides a guideline for behavior of all employees, including management, and the owners of an organization to ensure a work environment free of harassment and intimidation;

(ii) "Harassment" means any unwelcome sexual advance, request for sexual favors or other verbal or written communication or physical conduct of a sexual nature, or sexually demeaning attitudes, causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply with such a request or is made a condition for employment;

The above is unacceptable behavior in the organization and at the workplace, including in any interaction or situation that is linked to official work or official activity outside the office.

Explanation:

There are three significant manifestations of harassment in the work environment:

(a) Abuse of authority.

A demand by a person in authority, such as a supervisor, for sexual favors in order for the complainant to keep or obtain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer or the job itself.

(b) Creating a hostile environment.

Any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature, which interferes with an individual's work performance or creates an intimidating, hostile, abusive or offensive work environment.

The typical "hostile environment" claim, in general, requires finding of a pattern of offensive conduct, however, in cases where the harassment is particularly severe, such as in cases involving physical contact, a single offensive incident will constitute a violation.

(c) Retaliation.

The refusal to grant a sexual favor can result in retaliation, which may include limiting the employee's options for future promotions or training, distorting the evaluation reports, generating gossip against the employee or other ways of limiting access to his/her rights. Such behavior is also a part of the harassment.

(iii) An informal approach to resolve a complaint of harassment may be through mediation between the parties involved and by providing advice and counseling on a strictly confidential basis;

(iv) A complainant or a staff member designated by the complainant for the purpose may report an incident of harassment informally to her supervisor, or a member of the Inquiry Committee, in which case the supervisor or the Committee member may address the issue at her discretion in the spirit of this Code. The request may be made orally or in writing;

(v) If the case is taken up for investigation at an informal level, a senior manager from the office or the head office will conduct the investigation in a confidential manner. The alleged accused will be approached with the intention of resolving the matter in a confidential manner;

(vi) If the incident or the case reported does constitute harassment of a higher degree and the officer or a member reviewing the case feels that it needs to be pursued formally for a disciplinary action, with the consent of the complainant, the case can be taken as a formal complaint;

(vii) A complainant does not necessarily have to take a complaint of harassment through the informal channel. She can launch a formal complaint at any time;

(viii) The complainant may make formal complaint through her incharge, supervisor, CBA nominee or worker's representative, as the case may be, or directly to any member of the Inquiry Committee. The Committee member approached is obligated to initiate the process of investigation. The supervisor shall facilitate the process and is obligated not to cover up or obstruct the inquiry;

(ix) Assistance in the inquiry procedure can be sought from any member of the organization who should be contacted to assist in such a case;

(x) The employer shall do its best to temporarily make adjustments so that the accused and the complainant do not have to interact for official purposes during the investigation period. This would include temporarily changing the office, in case both sit in one office, or taking away any extra charge over and above their contract which may give one party excessive powers over the other's job conditions. The employer can also decide to send the accused on leave, or suspend the accused in accordance with the applicable procedures for dealing with the cases of misconduct, if required;

(xi) Retaliation from either party should be strictly monitored. During the process of the investigation work, evaluation, daily duties, reporting structure and any parallel inquiries initiated should be strictly monitored to avoid any retaliation from either side;

(xii) The harassment usually occurs between colleagues when they are alone, therefore, usually it is difficult to produce evidence. It is strongly recommended that staff should report an offensive behavior immediately to someone they trust, even if they do not wish to make a formal complaint at the time. Although not reporting immediately shall not affect the merits of the case; and

(xiii) The Code lays down the minimum standards of behavior regarding protection of women from harassment at workplace, etc., but will not affect any better arrangement that an organization may have developed nor will it bar the grant of protection that employees working in an institute may secure from their employers through negotiation.

STATEMENT OF OBJECTS AND REASONS

The objective of this Act is to create a safe working environment for women, which is free of harassment, abuse and intimidation with a view toward fulfillment of their right to work with dignity. It will also enable higher productivity and a better quality of life at work. Harassment is one of the biggest hurdles faced by working women preventing many who want to work to get themselves and their families out of poverty. This Act will open the path for women to participate more fully in the development of this country at all levels.

This Act builds on the principles of equal opportunity for men and women and their right to earn a livelihood without fear of discrimination as stipulated in the Constitution. This Act complies with the Government's commitment to high international labour standards and empowerment of women. It also adheres to the Human Rights Declaration, the United Nation's Convention for Elimination of all forms of Discrimination Against Women and ILO's convention 100 and 111 on workers' rights. It adheres to the principles of Islam and all other religions in our country which assure women's dignity.

This Act requires all public and private organizations to adopt an internal Code of Conduct and a complain/appeals mechanism aimed at establishing a safe working environment, free of intimidation and abuse, for all working women. It shall also establish an Ombudsman at Federal and provincial levels.

=====

Subject: PRIME MINISTER'S DIRECTIVE FOR IMPLEMENTATION OF PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE ACT, 2010

Kindly enclosed a copy of Prime Minister's Secretariat U.O. No. 3(183)DS(Imp-I)/2010 dated 22.07.2010 along with its enclosure on the subject mentioned above.

2. It is requested that necessary action may please be taken to implement the Prime Minister's Directive as per enclosed proforma and a compliance report be furnished to Cabinet Division at the earliest for onward submission to the Prime Minister's Secretariat (Public).

PRIME MINISTER'S SECRETARIAT (PUBLIC), ISLAMABAD

Subject: IMPLEMENTATION OF PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORKPLACE ACT, 2010

The Parliament has approved a law on "Protection against Harassment of Women at the Workplace Act, 2010" and notified on 11th March, 2010. All Ministries/Divisions/Attached Departments and Provincial Governments were directed vide PS PM's U.O. No. 65(11)/FSA/2010, dated 23.02.2010 to implement the Law in letter and spirit along with following measures:

- i) Adoption of Code of Conduct prescribed in the law.
- ii) Constituting the three members committees of credible persons, with at least one women member. The committees will immediately address the complaints of sexual harassment as per law, as and when received.
- iii) Ensuring that justice is done swiftly and retaliation against the complaints is curbed.
- iv) Informing and educating the employees to make them more aware of the provisions of the Act and to encourage a professional and dignified work environment for the women in the public and private sections.

2. Cabinet Division is requested to monitor the compliance with the PM's Directive on "Protection against Harassment of Women at the Workplace Act, 2010" as per enclosed proforma and send a regular report to this Secretariat till its implementation in all Ministries/Divisions/Departments etc.

3. This issues with the approval of the Competent Authority.

PROFORMA

FOR MONITORING COMPLIANCE WITH PROTECTION AGAINST HARASSMENT OF
WOMEN AT WORKPLACE ACT, 2010

Name of the Ministry/Department _____

Date _____

Kindly answer the following questions:

- 1) Have you issued a directive or office memo informing the staff that the Code of Conduct is a part of your policies? Yes No

If Yes, its date of issue:

If No, reason for the delay:

- 2) Have you appointed your Inquiry Committee?

Yes No

If Yes, kindly give the names and contacts of the members and attach your notice of appointment;

- i)
ii)
iii)

- 3) Have you displayed the Code of Conduct in your office?

Yes No

Location;

- 4) Have you given a briefing to the members of the inquiry committee on the Code?

Yes No

- 5) Would you like these members to go through a training organized by the Ministry of Women's Development or AASHA (An Alliance against Sexual Harassment)?

Yes No

- 6) Have you conducted any Seminar or an Awareness Session for your staff or related departments on the new legislation?

Yes No

If Yes, its dates:

*A DIGNIFIED WORK ENVIRONMENT IS THE RIGHT OF
EVERY WOMAN AND MAN*

Women Development Department
No.DSA(WDD)1-2/2012
Dated 2nd April 2012

NOTIFICATION

The Chief Minister has been pleased to constitute Provincial Implementation Watch Committee, to facilitate, monitor and oversee the implementation process under the Protection Against Harassment of Women At the Workplace Act, 2010, comprising of the following:

1. Ms. Zakia Shahnawaz, Chairperson
Advisor to the Chief Minister
2. Ms. Arifa Khalid Pervez, MPA

3. Ms. Zeb Jaffar, MPA
4. Ms. Anjum Safdar, MPA
5. Secretary, Women Development Department, Government of the Punjab Member/Secretary of the Committee
6. Representative of Higher Education Department
7. Representative of School Education Department
8. Representative of Health Department
9. Representative of S&GA Department
10. Representative of Special Education Department
11. Representative of Population Welfare Department
12. Representative of Police/Home/Law Departments
13. Ms. Mumtaz Mughal, Sr. Programme Officer Aurat Foundation, Lahore
14. Ms. Bushra Khaliq, Executive Director, WISE, Lahore
15. Dr. Shehla Javed Akram, President, WCOC&C, Lahore
16. Mr. Almas Haider, Industrialist
17. Mr. Nadeem Fazil Ayaz, Advocate High Court
18. Ms. Hina Hafeez Ullah, Advocate High Court
19. Ms. Fakhra Tehrim, Daily Jang, Lahore
20. Representative of Electronic (TV/Radio) Channel

2. **OBJECTIVE OF THE COMMITTEE**

1. Mobilize support from higher Government offices to intervene and expedite the implantation process under Protection Against Harassment of Women at Workplace Act, 2010.
2. Ensure coordination between all stakeholders, donor partners, Government organizations, private sector, civil society, working women and media with the aim of collecting information, maintaining and monitoring database; developing linkage and disseminating education information.
3. Facilitate and monitor full compliance with organizations with the Protection Against Harassment of Women at Workplace Act, 2010.
4. Ensure sensitization of the law enforcing agencies and facilitate a few harassment cases that can set precedence.
5. Engage with relevant Government departments to oversee setting up of the office of the Ombudsperson.

3. **TERMS OF REFERENCE OF THE COMMITTEE**

1. The Committee will meet at least once in every three months.
2. The Chair can constitute sub-committees for specific tasks.
3. The Committee will set strategy and targets.
4. The Committee will prepare reports for its own members on quarterly basis.



Extract From Civil Services Rules Punjab

(Volume I – Part-I)

JOINING TIME

Extract from Civil Services Rules, (Volume-I Part-I)

CHAPTER IX – JOINING TIME

CONDITIONS UNDER WHICH ADMISSIBLE

- 9.1 Joining time may be granted to a Government servant to enable him –
- a) to join a new post to which he is appointed while on duty in his old post; or
 - b) to join a new post –
 - i) on return from leave on average pay of not more than four months duration in respect of Government servants subject to the leave rule in section II of chapter VIII, or from earned leave not exceeding 120, 90 or 30 days as the case may be, in respect of Government servants subject to the leave rules in section III of chapter VIII; or
 - ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub clause (i); or
 - c) to travel from the port of debarkation or, in the case of arrival by air craft, from its first regular port in Pakistan and to organize his domestic establishment when he returns from leave out of Pakistan of more than four months duration in respect of Government servants subject to the leave rules in section II of chapter VIII, or of more than 120, 90 or 30 days duration as the case may be, in respect of Government servants subject to leave rules in section III of chapter VIII; or
 - d)
 - i) to proceed from a specified station to join a post in a place in a remote locality which is not easy of access; or
 - ii) to proceed on relinquishing charge of a post in a place in a remoter locality which is not easy of access to a specified station.

Note 1 The authority which granted the leave will decide whether the notice referred to in clause (b) (ii) was insufficient.

Note 2 Joining time is admissible to a Government servant under clause (c) of this rule for organizing his domestic establishment even if he does not make any journey from the port of debarkation.

Note 3 The joining time and traveling allowance of military officers in civil employ are governed by the civil rules in virtue of the provisions of paragraph 593 of the Regulations for the Army in Pakistan and paragraph 2 (iii) and 14 of the Defence Services Regulations, India Passage Regulations, respectively read with Fundamental Rule 3. These rules admit of the grant of joining time and traveling allowance to military officers in civil, employ not only on the occasion of their transfer to the civil employ and retransfer to military employ but also when they are actually serving in civil employ. For the purposes of these rules, privilege leave under the military leave rules should be treated as leave on average pay of not more than four months duration.

Note 4 The time reasonably required for journeys between the place of training and the stations to which a Government servant is posted immediately before and after the period of training should be treated as part of the training period. This does not apply to probationers holding "training posts" which they may be considered as taken with them on transfer. Such probationers are entitled to joining time when transferred.

Note 5 When a Government servant holding a temporary post is offered through his official superior another such post at some other station at any time before the abolition of his post, he is entitled to joining time.

Note 6 No joining time, joining time pay or traveling allowance shall be granted to a provincial Government servant who is appointed to a post under the central Government but join his new post after termination of his employment under the provincial Government by

resignation or otherwise, unless the employment of a particular Government servant is in the wider public interest. The same applies to a servant of the central Government or of another provincial Government who, in similar circumstances, is appointed to a post under the Punjab Government. Further, when a Government servant of one department is appointed to a post in another department, both departments being under the Punjab Government, but joins his new post after termination of his employment under the old department no joining time, joining time pay or traveling allowance shall be allowed unless it is in the public interest to do so. If joining time is allowed in any case it should be the minimum necessary and should in no case exceed the transit period.

Note 7 Joining time, joining time pay and traveling allowance of Government servants appointed to post under the Punjab Government on the results of a competitive examination, which is open to both Government servants and others, is regulated as under:

- a) traveling allowance, joining time and joining time pay should ordinarily be allowed to all Government servants serving under the central or provincial Governments who hold permanent posts in a substantive capacity and that;
- b) no traveling allowance, joining time pay should be granted in the case of those who are employed in a temporary capacity without the sanction of Government.

9.2 No joining time is allowed in cases when a Government servant is transferred from one post to another in the same office establishment.

9.3 a) A Government servant on transfer during a vacation may be permitted to take joining time at the end of the vacation.

- b) When vacation is combined with leave on average pay or earned leave, joining time shall be regulated under Rule 9.1 (b) (i) if the total period of leave on average pay and vacation is not more than four months in the case of Government servants subject to the rules in section II of chapter VIII, or not more than 120, 90 or 30 days as the case may be in the case of Government servants subject to leave rules in section III of chapter VIII; and under clause (c) if vacation combined with leave out of Pakistan exceeds these limits.

9.4 If a Government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be concluded in his leave, unless the leave is taken on medical certificate. In the latter case, the period may be treated as joining time.

CALCULATION OF JOINING TIME

9.5 When transfer to a new post involves a change of station, joining time is calculated as follows, subject to a maximum of thirty days –

- i) Six days for preparation, and, in addition thereto:

For the portion of the journey which the Government servant travels or might travel	A day for each	
	.	
By railway	250 miles	} or any longer time actually occupied in the journey
By ocean steamer	200 miles	
By river steamer	80 miles	
By motor car or motor-lorry	80 miles	
By mail cart or other public stage conveyance drawn by horses	80 miles	
In any other way	15 miles	

An extra day is allowed for any fraction of distance over that prescribed above.

- ii) When part of the journey is performed by steamer, the days intervening between the Government servant being set free from his office or, if he has no office, receiving his

orders, and the departure of the steamer or his start duly regulated to catch the steamer shall be added.

- iii) When air journeys for transfer are performed in the interest of public service by a Government servant entitled to travel by air or specially authorized to do so by a competent authority, 6 days for preparation and in addition, the number of days actually taken in the air journey should be allowed as joining time.

Note 1: The administrative secretary of the department concerned will be the competent authority in such case.

Note 2: Sundays are not included in the above calculations, though they are included in the maximum limit of thirty days.

Note 3: A journey by road of five miles or under, to or from a railway station from or to the chief public office of the place, does not count for joining time.

Note 4: In view of the uncertainty which exists as to the point of departure of the ferry steamer from Ghazi Ghat during the flood season, two days instead of one will be allowed as joining time for the journey of about 29 miles between Dera Ghazi Khan and Ghazi Ghat when the bridge of boats is not up. When this extra day is demanded the claim should be supported by the certificate of the senior officer of the Public Works Department in Dera Ghazi Khan.

9.6 Only one day is allowed for joining a post which does not necessarily involves a change of residence from one station to another. A gazetted holiday counts as a day for the purpose of this rule.

9.7 By whatever route a Government servant travels, his joining time shall, unless a competent authority specially permits otherwise, be calculated by the route which travelers habitually use.

9.8 (a) The joining time of a Government servant under clause (b) (i) and (ii) of rule 9.1 will be counted from his old station or from the place where he receives the order of transfer whichever calculation would entitle him to less joining time. If the leave is being spent out of Pakistan and the order of appointment to the new post reaches him before he arrives at the port of debarkation, the port of debarkation is the place in which he received the order for the purpose of this rule.

(b) A Government servant taking joining time under clause (b) (i) of Rule 9.1 who receives, while on leave (whether spent in or out of Pakistan orders of transfer to a station other than that from which he took leave, will be granted full joining time admissible under clause (a) above and irrespective of the date on which the orders of transfer are received by him. Should he join his new appointment before the expiry of leave plus the joining time admissible the period short taken should be considered as leave not enjoyed, and a corresponding portion of the leave sanctioned should be cancelled without any reference to the authority which granted the leave. If in any case, the Government servant desires not to avail himself of the full period of joining time admissible, the periods of leave and joining time should be adjusted with reference to such option.

9.9 The joining time admissible under clause (c) Rule 9.1 should be calculated from the date of debarkation of the Government servant at the Pakistan port in the manner prescribed in Rule 9.5; provided that it shall, if he so desires, be subject to a minimum of ten days.

Note: The joining time of a Government servant who returns from leave out of Pakistan and disembarks, not at the first port of call in Pakistan but at another such port, should be reckoned from the day of arrival of the vessel at the second or subsequent port at which he actually disembarks, whether the sea journey from the first port of call in Pakistan to the subsequent port of disembarkation is made in the same steamer which takes him to the first port of call or in some other steamer.

9.10 If a Government servant is authorized to make over charge of a post elsewhere than at his headquarters, his joining time shall be calculated from the place at which he actually makes over charge.

9.11 If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

Note A second period of six days for preparation should not be included in calculating the joining time of a Government servant whose appointment is changed while he is in transit.

9.12 When a Government servant under the administrative control of the Punjab Government is transferred to the control of another Government, his joining time for the journey to join his post under that Government and for the return journey will be governed by the rules of that Government.

PAY DURING JOINING TIME

9.13 A Government servant on joining time shall be regarded as on duty, and shall be entitled to be paid as follows:

- a) If on joining time under clause (a) of Rule 9.1 he is entitled to the pay which he would have drawn if he had not been transferred; or the pay which he will draw on taking charge of his new post, whichever is less.
- b) If on joining time under clause (b) or (c) of Rule 9.1 he is entitled –
 - i) When returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave, to no payments at all; and
 - ii) When returning from leave of any other kind, to the leave salary which he last drew on leave at the rate prescribed for the payment of leave salary in Pakistan.
- c) If on joining time under clause (d) of Rule 9.1, he is entitled to pay as though he was on duty in his post.

Note-1: A ministerial servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests.

Note-2: A military officer subject to the Military Leave Rules who retains a lien on his civil post is entitled, on joining time, under sub-clause (ii) of clause of (b) above, to draw the same amount of leave salary which he would have drawn had he taken leave under Civil Leave Rules, provided that such leave salary shall not be less than that which he actually drew during the last portion of his leave.

Note-3: The words "if he had not been transferred" in clause (a) of this rule should be interpreted in the sense, "if he had continued in his old post".

Note-4: The words "in his post" occurring in clause (c) of this rule mean the post is the remote locality even in the case of a Government servant on straight transfer.

Note-5: See also notes 1 and 2 under Rule 4.9 (a).

9.14. In the Public Works Department no extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant, until the transfer is complete, but as far as ordinary pay and allowances are concerned an exception may be made to the general rule in all cases in which the charge to be transferred (whether a division, a sub-division or other charge) consists of several scattered works which the relieving and the relieved Government servants are required, by the orders of a superior officer to inspect together before the transfer can be completed. The relieving period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive. While so taking over charge, the relieving Government servant will draw:

- i) if he is transferred from a post which he holds substantively, his presumptive pay in that post;
- ii) if he is transferred from a post which he has held in an officiating capacity, the officiating pay admissible in that post provided it is not more than the pay he would draw after the transfer is complete; otherwise his presumptive pay in the permanent post on which he had a lien prior to transfer;

- iii) if he returns from leave his presumptive pay in the post on which he retained a lien during the leave.

Note: The concession of house-rent allowance or free quarters ordinarily admissible to a Government servant should be treated as “ordinary pay and allowances” within the meaning of this rule and is admissible to both the relieved and the relieving Government servants during the period occupied by them in handing over the taking over charge.

9.15. The application of rule 9.14, which forms an exception to the general rule and which concerns the Public Works Department only, has also been extended to the transfer of charge specified in column 2 of the table below in the case of the following departments. The authority noted in column 3 against each is to determine whether the period spent in completing the transfer of charge is not excessive:

JOINING TIME

Name of Department	Charge to be transferred	Authority competent to determine whether the period spent in completing the transfer of charge is not excessive
1.Jail	i) Dy. Superintendents and store-keepers. ii) Assistant store-keepers at the following jails: (1) Borstal Institution & Juvenile Jail, LHR. (2) Jhelum (3) D.G. Khan (4) Campbellpur (5) Jhang (6) Gujrat (7) Shahpur Camp (8) Sargodha (9) Sheikhupura (10) Kasur. Asstt: Managers, Adult and Bostal, Reformatory Farms, Burewala	Inspector General of Prisons, Punjab. Reclamation Officer.
2.Reclamation	Teachers and clerks holding charge of stores in the Government industrial schools and institutes.	Director of Industries.
3.Industries	Store-keepers in the Mayo School of Arts, Lahore, Government Institute of Dyeing and Calico printing and Demonstration Weaving Factory, Shahdara and Arts and crafts Depot, Lahore. Lady Superintendent and Head Mistresses who held charge of Stock and Stores in Government Zenana Industrial Schools. Store-keepers and clerks in marketing sections, wool section and sericulture section and sericulture section	Director of Industries. Director of Industries.

4.Agriculture	laboratory assistants in the industrial research laboratory, demonstrators of all demonstration parties in the Punjab. Store-keepers, Well Supervisors and Well Borers sections and agriculture assistants and clerks attached to farms. Ahlmads and Record-keepers in the courts of District and Sessions Judges including Additional District and Sessions Judges.	Director of Industries. District and Sessions Judge concerned up to 10 days.
5.Judicial	Ahlmads, Execution Moharrirs, Guardian Moharrirs in the courts of senior and other subordinate judges and administrative subordinate judges and readers to administrative subordinate judges. Ahlmads, Naib Sheriffs-in-charge of execution work and insolvency clerk in small courts.	Presiding officer of the court up to 7 days and District and Sessions judges up to 10 days. Ditto

OVERSTAY AND EXTENSION OF JOINING TIME

9.16. A Government servant who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Willful absence from duty after the expiry of joining time may be treated as misbehaves for the purpose of Rule 3.19.

9.17 (a) A competent authority will, if necessary, extend the joining time as calculated by Rule 9.5 provided the general spirit of the rules is observed.

(b) Within the maximum of thirty days, Heads of Departments, may, in the case of Government servants of Provincial Services, Temporary Engineers, Temporary Deputy Collectors and non-gazetted subordinates under their control, extend the joining time admissible by rules –

- i) If the Government servant has been unable to avail himself of the usual mode of traveling, or if notwithstanding, due diligence on his part, the journey has occupied more time than is allowed by the rules – to the extent of time actually necessary.
- ii) If such extension is considered necessary for the public convenience or for the saving of public expense, as for example, to prevent unnecessary and merely formal transfers to the extent necessary.
- iii) If the rules have in any particular case operated harshly, as for example, if a Government servant has through no fault on his part missed a steamer or fallen sick on the journey – to the extent necessary.

JOINING TIME TO PERSONS NOT IN GOVERNMENT
SERVICE ON JOINING THE GOVERNMENT
SERVICE AND ON REVERSION FROM IT

9.18. If a person in employment other than Government service or on leave, granted from such employment, is, in the interests of Government, appointed to a post under Government, he may, at the discretion of the competent authority, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or, in the case of joining time immediately following leave granted from the private employment, to the leave salary, paid to him, by his private employer prior to his appointment to Government service or pay equal to the pay of the post in Government service, whichever is less.



Subject: EXTENSION IN JOINING TIME

I am directed to state that a large number of cases are being referred to the Finance Department for extension of joining time in order to regularize delays in the issue of posting orders on grounds of administrative difficulties. Examination in the finance Department reveals that in most cases the delay is due mainly to the indifference of the officials/officers responsible for issuing the posting orders and no real administrative difficulties are involved. This results in undue hardship to the Government servants concerned and avoidable expenditure to the Government.

2. In this connection, attention is invited to the Government of West Pakistan, Finance Department's circular letter No. 1022-SRVI-64, dated the 9th June, 1964 (copy attached) wherein the administrative authorities were informed that the Government took a serious view of delays in the posting orders and the officials responsible for such delay would be held responsible for loss to the Government. It appears that the instructions in question have been lost sight of with the passage of time. I am to request that the need for exercising due vigilance in issuing the posting orders of the Government servants reporting for duty after joining time, etc. may be re-emphasized and brought home to all the Government functionaries dealing with the cases regarding postings and transfers of other Government servants. In future, whenever a proposal is sent to the Finance Department for extension in joining time of a Government servant detailed reasons for delay in issuing the posting orders must be clearly stated and the action taken against the persons responsible for delay should also be indicated.

Copy of the circular letter No. 1022-SR-VI-64, dated the 9th June 1964, from Sh. Aziz-ud-Din Naik, Deputy Secretary (Service Regulations) to Government of West Pakistan, Finance Department to All Administrative Secretaries, All Heads of attached department etc.

Subject: EXTENSION IN JOINING TIME

I am directed to say that of late Finance Department has noticed that proposals are rapidly increasing for the extension of joining time to regularize delays in issuing posting orders of Government servants on the ground of administrative difficulties. Examination of these proposals showed that normally the plea of administrative difficulties was non-existent and that the delays were due to negligence on the part of the department in taking timely decisions. As in such cases Government servants concerned cannot be made to suffer for no fault of theirs, the result was that Government had to suffer an unmerited loss involved in payment of salaries for periods for which the Government servants had not worked. Government in the Finance Department has taken a serious note of this situation and desires that it may be brought to the notice of all officers that in future such omissions on the part of the Government departments and of officers will be seriously taken notice of and officials responsible for such negligence will be held responsible for losses to Government.

The Punjab Office of the Ombudsman Act 1997

NOTIFICATION
JUNE 30, 1997

No.Legis–2(5)/97/88. The Punjab Office of the Ombudsman Bill 1997, having been passed by the Provincial Assembly of the Punjab on June 25, 1997 and assented to by the Governor of the Punjab on June 27, 1997, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB OFFICE OF THE OMBUDSMAN ACT 1997
Act X of 1997

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated June 30, 1997]

An

Act

to provide for the establishment of the office of
Ombudsman in the Province of the Punjab.

Preamble WHEREAS it is expedient to provide for the appointment of the Provincial Ombudsman for protection of the rights of the people, ensuring adherence to the rule of law, diagnosing, redressing and rectifying any injustice done to a person through maladministration and suppressing corrupt practices.

It is hereby enacted as follows:

1. **Short title, extent and commencement**

- 1) This Act may be called the Punjab Office of the Ombudsman Act 1997.
- 2) It extends to the Province of the Punjab.
- 3) It shall come into force at once.

2. **Definitions**

In this Act, unless there is anything repugnant in the subject or context –

- 1) **“Agency”** means a Department, Commission or office of the Provincial Government or a statutory corporation or other institution established or controlled by the Provincial Government but does not include the High Court and courts working under the supervision and control of the High Court, and the Provincial Assembly of the Punjab and its Secretariat.
- 2) **“maladministration”** includes:
 - i) a decision, process, recommendation, act or omission or commission which:
 - a) is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bonafide and for valid reasons; or
 - b) is perverse, arbitrary or unreasonable, unjust biased, oppressive, or discriminatory; or
 - c) is based on irrelevant grounds; or
 - d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and
 - ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities;
- 3) **“Office”** means the office of the Ombudsman;
- 4) **“Ombudsman”** means the Ombudsman for the Province of Punjab appointed under section 3;
- 5) **“Prescribed”** means prescribed by rules made under this Act;
- 6) **“Public servant”** means a public servant as defined in section 21 of the Pakistan Penal Code 1860, and includes a Minister, Advisor, Parliamentary Secretary and the Chief Executive, Director or other officer or employee or member of an Agency; and
- 7) **“Staff”** means any employee or commissioner of the Office and includes co-opted members of the staff, consultants, advisors, bailiffs, liaison officers and experts.

3. **Appointment of Ombudsman**

- 1) There shall be an Ombudsman, for the Province of Punjab who shall be appointed by the Government.

- 2) An Ombudsman shall be a person who is, or has been or is qualified to be a judge of the High Court ^{##}or any other person of known integrity.
 - 3) Before entering upon office, the Ombudsman shall take an oath before the Governor in the form set out in the First Schedule to this Act.
 - 4) The Ombudsman shall, in all matters, perform his functions and exercise his powers fairly, honestly, diligently and independently of the Executive and all executive authorities throughout the Province shall act in aid of the Ombudsman.
4. **Tenure of the Ombudsman**
- 1) The Ombudsman shall hold office for a period of ^{**}four years and shall not be eligible for any extension of tenure or for re-appointment as Ombudsman under any circumstances: ^{*}Provided that a sitting Judge of the High Court working as Ombudsman may be called back by the competent authority before expiry of his tenure.
 - 2) The Ombudsman may resign his office by writing under his hand addressed to the Governor.
5. **Ombudsman not to hold any other office of profit, etc.**
- 1) The Ombudsman shall not-
 - a) hold any other office of profit in the service of Pakistan; or
 - b) occupy any other position carrying the right to remuneration for the rendering of services.
 - 2) The Ombudsman, [#]not being a sitting Judge of the High Court shall not hold any office of profit in the [@]service of Pakistan before the expiration of two years after he has ceased to hold that office nor shall he be eligible during the tenure of office and for a period of two years thereafter for election as a member of Parliament or a Provincial Assembly or any local body or take part in any political activity.
6. **Terms and conditions of service and remuneration of Ombudsman**
- 1) The Ombudsman shall be entitled to such salary, allowances and privileges and other terms and conditions of service as the Government may determine and these terms shall not be varied during the term of office of an Ombudsman.
 - 2) The Ombudsman may be removed from office by the Government on the ground misconduct or of being incapable of properly performing the duties of his office by reason of physical or mental incapacity. The Government shall provide the Ombudsman a copy of charges before such an order.
- Provided that the Ombudsman, may, if he sees fit and appropriate to refute any charges, request an open public evidentiary hearing before a Division Bench of the High Court and if such hearing is not held within thirty days from the date of the receipt of such request or not concluded within ninety days of its receipt, the Ombudsman will be absolved of all stigma. In such circumstances, the Ombudsman may choose to leave his office and shall be entitled to receive full remuneration and benefits for the rest of his term.
- 3) If the Ombudsman makes a request under the proviso to sub-section (2), he shall not perform his functions under this Act until the hearing before the High Court has concluded.
 - 4) An Ombudsman removed from office on the ground of misconduct shall not be eligible to hold any office of profit in the service of Pakistan or for election as a member of Parliament or a Provincial Assembly or any local body, unless a period of four years has elapsed since his dismissal.
7. **Acting Ombudsman**
- At any time when the office of Ombudsman is vacant, or the Ombudsman is absent or is unable to perform his functions due to any cause, the Government shall appoint an acting Ombudsman.
8. **Appointment and terms and conditions of service of staff**
- (1) The members of the staff, other than those mentioned in section 20 or those of a class specified by the Government by order in writing shall be appointed by the Government in consultation with the Ombudsman.

^{##} Words 'or any other person' inserted vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

^{**} The word 'four' inserted vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

^{*} Proviso added vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

[#] The words 'not being a sitting Judge of the High Court' inserted vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

[@] Words 'service of Pakistan' inserted vide the Punjab Office of the Ombudsman (Amendment) Act 2003 (Act III of 2003).

- (2) It shall not be necessary to consult the Provincial Public Service Commission for making appointment of the members of the staff or on matters relating to qualifications for such appointment and method of their recruitment.
- (3) The members of the staff shall be entitled to such salary, allowances and other terms and conditions of service as may be prescribed having regard to salary, allowances and other terms and conditions of service that may for the time being be admissible to other employees of the Provincial Government in the corresponding Basic Pay Scale.
- (4) Before entering upon office a member of the staff mentioned in subsection (1) shall take an Oath before the Ombudsman in the form set out in the Second Schedule to this Act.

9. **Jurisdiction, functions and powers of the Ombudsman**

- (1) The Ombudsman may on a complaint by any aggrieved person, on a reference by the Government or the Provincial Assembly, or on a motion of the Supreme Court or the High Court made during the course of any proceedings before it or of his own motion, undertake any investigation into any allegation of maladministration on the part of any Agency or any of its officers or employees:
Provided that the Ombudsman shall not have any jurisdiction to investigate or inquire into any matters which:
 - (a) are subjudice before a Court of competent jurisdiction on the date of the receipt of a complaint, reference or motion by him or
 - (b) relate to the external affairs of Pakistan or the relations or dealings of Pakistan with any foreign state or Government; or
 - (c) relate to, or are connected with, the defence of Pakistan or any part thereof, the Military, Naval and Air Forces of Pakistan, or the matters covered by the laws relating to those forces.
- (2) Notwithstanding anything contained in subsection (1), the Ombudsman shall not entertain for investigation any complaint by or on behalf of a public servant or functionary concerning any matters relating to the Agency in which he is, or has been working; in respect of any personal grievance relating to his service therein.
- (3) For carrying out the objectives of this Act and, in particular for ascertaining the root causes of corrupt practices and injustice, the Ombudsman may arrange for studies to be made or research to be conducted and may recommend appropriate steps for their eradication.

10. **Procedure and evidence**

- (1) A complaint shall be made on solemn affirmation or oath and in writing addressed to the Ombudsman by the person aggrieved or, in the case of his death, by the legal representative and may be lodged in person at the Office or handed over to the Ombudsman in person or sent by any other means of communication to the Office.
- (2) No anonymous or pseudonymous complaints shall be entertained.
- (3) A complaint shall be made not later than three months from the day on which the person aggrieved first had the notice of the matter alleged in the complaint, but the Ombudsman may conduct, any investigation pursuant to a complaint which is not within time if he considers that there are special circumstances which made it proper for him to do so.
- (4) Where the Ombudsman proposes to conduct an investigation he shall issue to the principal officer of the Agency concerned, and to any other person who is alleged in the complaint to have taken or authorized the action complained of, a notice calling upon him to meet the allegations contained in the complaint, including rebuttal:
Provided that the Ombudsman may proceed with the investigation if no response to the notice is received by him from such principal officer or other person within thirty days of the receipt of the notice or within such longer period as may have been allowed by the Ombudsman.
- (5) Every investigation shall be conducted informally but, the Ombudsman may adopt such procedure as he considers appropriate for such investigation and he may obtain information from such persons and in such manner and make such inquiries as he thinks fit.
- (6) A person shall be entitled to appear in person or be represented before the Ombudsman.
- (7) The Ombudsman shall, in accordance with the rules made under this Act pay expenses and allowances to any person who attends or furnishes information for the purposes of an investigation.

- (8) The conduct of an investigation shall not affect any action taken by the Agency concerned, or any power or duty of that Agency to take further action with respect to any matter subject to the investigation.
- (9) For the purpose of an investigation under this Act the Ombudsman may require any officer or member of the Agency concerned to furnish any information or to produce any document which in the opinion of the Ombudsman is relevant and helpful in the conduct of the investigation and there shall be no obligation to maintain secrecy in respect of disclosure of any information or document for the purposes of such investigation:
Provided that the Government may, in its discretion, on grounds of its being a State secret, allow a claim of privilege with respect to any information or document.
- (10) In any case where the Ombudsman decides not to conduct an investigation, he shall send to the complainant a statement of his reasons for not conducting the investigation.
- (11) Save as otherwise provided in this Act, the Ombudsman shall regulate the procedure for the conduct of business or the exercise of powers under this Act.

11. Recommendations for implementation

- (1) If, after having considered a matter on his own motion, or on a complaint or on a reference by the Government or the Provincial Assembly, or on a motion by the Supreme Court or the High Court, as the case may be, the Ombudsman is of the opinion that the matter considered amounts to maladministration, he shall communicate his finding to the Agency concerned:
 - (a) to consider the matter further;
 - (b) to modify or cancel the decision, process, recommendation, act or omission;
 - (c) to explain more fully the act or decision in question;
 - (d) to take disciplinary action against any public servant of any Agency under the relevant laws applicable to him;
 - (e) to dispose of the matter or case within a specified time; and
 - (f) take any other steps specified by the Ombudsman.
- (2) The Agency shall, within such time as may be specified by the Ombudsman, inform him about the action taken on his direction or the reasons for not complying with the same.
- (3) In any case where the Ombudsman has considered a matter, or conducted an investigation, on a complaint or on reference by the Government or the Provincial Assembly or on a motion by the Supreme Court or the High Court, the Ombudsman shall forward a copy of the communication received by him from the Agency in pursuance of sub-section (2) to the complainant or, as the case may be, the Government, the Provincial Assembly, the Supreme Court or the High Court.
- (4) If, after conducting an investigation, it appears to the Ombudsman that an injustice has been caused to the person aggrieved in consequence of maladministration and that the injustice has not been or will not be remedied, he may, if he thinks fit, lay a special report on the case before the Government.
- (5) If the Agency concerned does not comply with the recommendations of the Ombudsman or does not give reasons to the satisfaction of the Ombudsman for non-compliance, it shall be treated as "Defiance of Recommendations" and shall be dealt with as hereinafter provided.

12. Defiance of recommendations

- (1) If there is a 'Defiance of recommendations' by any public servant in any Agency with regard to the implementation of a recommendation given by the Ombudsman, the Ombudsman may refer the matter to the Government which may, in its discretion, direct the Agency to implement the recommendation and inform the Ombudsman accordingly.
- (2) In each instance of "Defiance of Recommendations" a report by the Ombudsman shall become a part of the personal file or character roll of the public servant primarily responsible for the defiance;
Provided that the public servant concerned had been granted an opportunity to be heard in the matter.

13. Reference by Ombudsman

Where, during or after an inspection or an investigation, the Ombudsman is satisfied that any person is guilty of any allegations as referred to in subsection (1) of section 9, the Ombudsman may refer the case to the concerned authority for appropriate corrective or disciplinary action, or both and the said authority shall inform the Ombudsman within thirty days of the receipt of reference of the action taken. If

no information is received within this period, the Ombudsman may bring the matter to the notice of the Government for such action as he may deem fit.

14. **Powers of the ombudsman**

- (1) The Ombudsman shall, for the purposes of this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) compelling the production of documents;
 - (c) receiving evidence on affidavits; and
 - (d) issuing commission for the examination of witnesses.
- (2) The Ombudsman shall have the power to require any person to furnish information on such points or matters as, in the opinion of the Ombudsman, may be useful for, or relevant to, the subject matter of any inspection or investigation.
- (3) The powers referred to in subsection (1) may be exercised by the Ombudsman or any person authorized in writing by the Ombudsman in this behalf while carrying out an inspection or investigation under the provisions of this Act.
- (4) Where the Ombudsman finds the complaint referred to in sub-section (1) section 9 to be false, frivolous or vexatious, he may award reasonable compensation to the Agency, public servant or other functionary against whom the complaint was made; and the amount of such compensation shall be recoverable from the complainant as arrears of land revenue:
Provided that the award of compensation under this subsection shall not debar the aggrieved person from seeking any other remedy.
- (5) If any Agency, public or other functionary fails to comply with a direction of the Ombudsman, he may, in addition to taking other actions under this Act, refer the matter to the appropriate authority for taking disciplinary action against the person who disregarded the direction of the Ombudsman.
- (6) If the Ombudsman has reason to believe that any public servant or other functionary has acted in a manner warranting criminal or disciplinary proceedings against him, he may refer the matter to the appropriate authority for necessary action to be taken within the time specified by the Ombudsman.
- (7) The staff and the nominees of the Office may be commissioned by the Ombudsman to administer oaths for the purposes of this Act and to attest various affidavits, affirmations or declarations which shall be admitted in evidence in all proceedings under this Act without proof of the signature or seal or official character of such person.

15. **Power to enter and search any premises**

- (1) The Ombudsman, or any member of the staff authorized in this behalf, may, for the purpose of making any inspection or investigation, enter any premises where the Ombudsman or, as the case may be, such member has reason to believe that any article, books of accounts, or any other documents relating to the subject matter of inspection or investigation may be found, and may –
 - (a) search such premises and inspect any article, books of accounts or other documents;
 - (b) take extracts or copies of such books of accounts and documents;
 - (c) impound or seal such articles, books of accounts and documents; and
 - (d) make an inventory of such articles, books of account and other documents found in such premises.
- (2) all searches made under subsection (1) shall be carried out *mutatis mutandis*, in accordance with the provisions of the Code of Criminal Procedure, 1898.

16. **Power to punish for contempt**

- (1) The Ombudsman shall have the same powers, *mutatis mutandis*, as the High Court has to punish any person for its contempt who:
 - (a) abuses, interferes with, impedes, imperils, or obstructs the process of the Ombudsman in any way or disobeys any order of the Ombudsman;
 - (b) scandalizes the Ombudsman or otherwise does anything which tends to bring the Ombudsman, his staff or nominees or any person authorized by the Ombudsman in relation to his office, into hatred, ridicule or contempt.
 - (c) does anything which tends to prejudice the determination of a matter pending before the Ombudsman; or
 - (d) does any other thing which, by any other law, constitutes contempt of Court.

Provided that fair comments made in good faith and in public interest on the working of the Ombudsman or any of his staff, or on the final report of the Ombudsman after the completion of the investigation shall not constitute contempt of the Ombudsman or his Office.

- (2) Any person sentenced under subsection (1) may, notwithstanding anything herein contained, within thirty days on the passing of the order, appeal to the High Court.

17. Inspection Team

- (1) The Ombudsman may constitute an Inspection Team for the performance of any of the functions of the Ombudsman.
- (2) An Inspection Team shall consist of one or more members of the staff and shall be assisted by such other person or persons as the Ombudsman may consider necessary.
- (3) An Inspection Team shall exercise such of the powers of the Ombudsman as he may specify by order in writing and every report of the Inspection Team shall first be submitted to the Ombudsman with its recommendations for appropriate action.

18. Standing Committees, etc.

The Ombudsman may, whenever he thinks fit, establish standing or advisory committees at specified places, with specified jurisdiction for performing such functions of the Ombudsman as are assigned to them from time to time and every report of such committee shall first be submitted to the Ombudsman with its recommendations for appropriate action.

19. Delegation of powers

The Ombudsman may, by order in writing, delegate such of his powers as may be specified in the order, to any member of his staff or to a standing or advisory committee, to be exercised subject to such conditions as may be specified and every report of such member or committee shall first be submitted to the Ombudsman with his or its recommendations for appropriate action.

20. Appointment of advisers, etc.

The Ombudsman may appoint competent persons of integrity as advisers, consultants, fellows, bailiffs, interns, commissioners and experts as well as ministerial staff with or without remuneration to assist him in the discharge of his duties under this Act.

21. Authorization of functionaries, etc.

The Ombudsman may, if he considers it expedient, authorize a District Judge or any agency, public servant or other functionary working under the administrative control of the Provincial Government to undertake the functions of the Ombudsman under subsection (1) or subsection (2) of section 14 in respect of any matter falling within his jurisdiction and it shall be the duty of the Agency, public servant or other functionary so authorized to undertake such functions to such extent and subject to such conditions as the Ombudsman may specify.

22. Award of costs and compensation and refund of amounts

- (1) The Ombudsman may, where he deems necessary, call upon a public servant, other functionary or any Agency to show cause why compensation be not awarded to an aggrieved party for any loss or damage suffered by him on account of any maladministration committed by such public servant, other functionary or Agency, and after considering the explanation, and hearing such public servant, other functionary or Agency, award reasonable costs or compensation and the same shall be recoverable as arrears of land revenue from the public servant, functionary or Agency.
- (2) In cases involving payment of illegal gratification to any employee of any Agency, or to any other person on his behalf, or misappropriation, criminal breach of trust or cheating, the Ombudsman may order the payment thereof for credit to the Government or pass such other order as he may deem fit.
- (3) An order made under subsection (2) against any person shall not absolve such person of any liability under any other law.

23. Assistance and advice to Ombudsman

- (1) The Ombudsman may seek the assistance of any person or authority for the performance of his functions under this Act.
- (2) All officers of any Agency and any person whose assistance has been sought by the Ombudsman in the performance of his functions shall render such assistance to the extent it is within their power or capacity.
- (3) No statement made by a person or authority in the course of giving evidence before the Ombudsman or his staff shall subject him to, or be used against him in any civil or criminal proceedings except for prosecution of such person for giving false evidence.

24. Conduct of business

- (1) The Ombudsman shall be the Chief Executive of the Office.

- (2) The Ombudsman shall be the Principal Accounts Officer of the Office in respect of the expenditure incurred against budget grant or grants controlled by the Ombudsman and shall, for this purpose, exercise all the financial and administrative powers delegated to an Administrative Department.
25. **Requirement of affidavits**
- (1) The Ombudsman may require any complainant or any party connected or concerned with a complaint, or with any inquiry or reference to submit affidavits attested or notarized before any competent authority in that behalf within the time prescribed by the Ombudsman or his staff.
- (2) The Ombudsman may take evidence without technicalities and may also require complainants or witnesses to take lie detection tests to examine their veracity and credibility and draw such inferences that are reasonable in all circumstances of the case especially when a person refuses, without reasonable justification, to submit to such tests.
26. **Remuneration of advisors consultants, etc.**
- (1) The Ombudsman may, in his discretion, fix an honorarium or remuneration for advisor, consultants, experts and interns engaged by him from time to time for the services rendered.
- (2) The Ombudsman may, in his discretion fix a reward or remuneration to any person for exceptional services rendered, or valuable assistance given, to the Ombudsman in carrying out his functions:
- Provided that the Ombudsman shall withhold the identity of that person, if so requested by the person concerned, and take steps to provide due protection under the law to such person against harassment, victimization, retribution, reprisals of retaliation.
27. **Ombudsman and staff to be public servants**
- The Ombudsman, the employees, officers and all other staff of the Office shall be deemed to be public servant within the meaning of section 21 of the Pakistan Penal Code, 1860.
28. **Annual and other reports**
- (1) Within three months of the conclusion of the calendar year to which the report pertains, the Ombudsman shall submit an Annual Report to the Governor.
- (2) Simultaneously, such reports shall be released by the Ombudsman for publication and copies thereof shall be provided to the public at reasonable cost.
- (3) The Ombudsman may also, from time to time, make public any of his studies, research, conclusions, recommendations, ideas or suggestions in respect of any matters being dealt with by the Office.
- (4) The report and other documents mentioned in this section shall be placed before the Provincial Assembly as early as possible.
29. **Bar of jurisdiction-**
- No Court or other authority shall have jurisdiction-
- (i) to question the validity of any action taken, or intended to be taken, or order made, or anything done or purporting to have been taken, made or done under this Act ; or
- (ii) to grant an injunction or stay or to make any interim order in relation to any proceeding before, or anything done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Ombudsman.
30. **Immunity**
- No suit, prosecution or other legal proceeding shall lie against the Ombudsman, his staff, Inspection Team, nominees, members of a standing or advisory committee or any person authorized by the Ombudsman for anything which is in good faith done or intended to be done under this Act.
31. **Reference by the Government**
- (1) The Government may refer any matter, report or complaint for investigation and independent recommendations by the Ombudsman.
- (2) The Ombudsman shall promptly investigate any such matter report or complaint and submit his findings or opinion within a reasonable time.
- (3) The Government, may, by notification in the Official Gazette, exclude specified matters, from the operation of any of provisions of this Act.
32. **Representation to Governor**
- Any person aggrieved by a decision or order of the Ombudsman may, within thirty days of the decision or order, make a representation to the Governor, who may pass such order thereon as he may deem fit.

33. Informal resolution of disputes

- (1) Notwithstanding anything contained in this Act, the Ombudsman and a member of the staff shall have the authority to informally conciliate, amicably resolve, stipulate, settle or ameliorate any grievance without written memorandum and without the necessity of docketing any complaint or issuing any official notice.
- (2) The Ombudsman may appoint for purposes of liaison counselors, whether honorary or otherwise, at local level on such terms and conditions as the Ombudsman may deem proper.

34. Service of process

- (1) For the purposes of this Act, a written process or communication from the Office shall be deemed to have been duly served upon a respondent or any other person by, inter alia, any one or more of the following methods, namely :
 - (i) by service in person through any employee of the Office or by any special process-server appointed in the name of the Ombudsman by any authorized staff of the Office, or any other person authorized in this behalf;
 - (ii) by depositing in any mail box posting in any Post Office a postage prepaid copy of the process, or any other document under certificate of posting or by registered post acknowledgment due to the last known address of the respondent or person concerned in the record of the Office, in which case service shall be deemed to have been effected ten days after the aforesaid mailing;
 - (iii) by a police officer or any employee or nominee of the Office leaving the process or document at the last known address, abode, or place of business of the respondent or person concerned and if no one is available at the aforementioned address, premises or place, by affixing a copy of the process or other document to the main entrance of such address; and
 - (iv) by publishing the process or document through any newspaper and sending a copy thereof to the respondent or the person concerned through ordinary mail, in which case service shall be deemed to have been effected on the day of the publication of the newspaper.
- (2) In all matters involving service the burden of proof shall be upon a respondent to credibly demonstrate by assigning sufficient cause that he, in fact, had absolutely no knowledge of the process, and that he actually acted in good faith.
- (3) Whenever a document or process from the office is mailed, the envelope or the package shall clearly bear the legend that it is from the Office.

35. Expenditure to be charged on Provincial Consolidated Fund

The remuneration payable to the Ombudsman and the administrative expenses of the Office, including the remuneration payable to staff, nominees and grantees, shall be an expenditure charged upon the Provincial Consolidated Fund.

36. Rules

The Ombudsman may, with the approval of the Government, make rules for carrying out the purposes of this Act.

37. Act to override other laws

The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

38. Removal of difficulties

If any difficulty arises in giving effect to any provision of this Act, the Government may make such order not inconsistent with the provisions of this Act as may appear to him to be necessary for the purpose of removing such difficulty.

39. Repeal

The Punjab Office of the Ombudsman Ordinance 1997 (*XIV of 1997*) is hereby repealed.

FIRST SCHEDULE
[see section 3(3)]

I, do solemnly swear that I will bear true faith and allegiance to Pakistan.

That as Ombudsman for the Province of Punjab I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully in accordance with the laws for the time being in force in the Province without fear or favour, affection or ill-will.

That I will not allow any personal interest to influence my official conduct or my official decisions.

That I shall do my best to promote the best interest of Pakistan and the Province of the Punjab.

And that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration, or shall become known to me, as Ombudsman, except as may be required for the due discharge of my duties as Ombudsman.

May *Allah* Almighty help and guide me (*A'meen*)

SECOND SCHEDULE
[see section 8(4)]

I, do solemnly swear that I will bear true faith and allegiance to Pakistan.

That as an employee of the office of the Ombudsman for the Province of Punjab, I will discharge my duties and perform my functions honestly, to the best of my ability, faithfully, in accordance with the laws for the time being in force in the Province, without fear or favour, affection, or ill-will;

That I will not allow my personal interest to influence my official conduct or my official decisions;

And that I will not directly or indirectly communicate or reveal to any person any matter, which shall be brought under my consideration, or shall become known to me, as an employee of the office of the Ombudsman.

May *Allah* Almighty help and guide me (*A'meen*)

NOTIFICATION
FEBRUARY 10, 2003

No.PAP–Legis–2(5)/2003/429. – The Punjab Office of the Ombudsman (Amendment) Bill 2003, having been passed by the Provincial Assembly of the Punjab on 6 February 2003, and assented to by the Governor of the Punjab on 8 February 2003, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB OFFICE OF THE OMBUDSMAN
(AMENDMENT) ACT 2003
ACT III OF 2003

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated 10 February 2003]

An

Act

further to amend the Punjab Office of the Ombudsman Act, 1997.

WHEREAS it is expedient further to amend the Punjab Office of the Ombudsman Act, 1997 (X of 1997), in the manner hereinafter appearing;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**—
 - (1) This Act may be called the Punjab Office of the Ombudsman (Amendment) Act 2003.
 - (2) It shall come into force at once.
2. **Amendment in section 3 of Act X of 1997** – In the said Act, in section 3, in sub–section (2), the words “and is”, occurring after, the words “High Court” and before the word “person”, shall be substituted by the words “or any other”.
3. **Amendment in section 4 of Act X of 1997** – In the said Act, in section 4, in sub–section (1)
 - (i) the word “three” shall be substituted by the word “four”, and
 - (ii) full stop at the end shall be substituted by a colon and thereafter the following proviso shall be added:
“Provided that a sitting Judge of the High Court working as Ombudsman may be called by the competent authority before expiry of his tenure”.
4. **Amendment in section 5 of Act X of 1997** – In the said Act, in section 5, in sub–section (2)
 - (i) after the word “Ombudsman”, the commas and words “not being a sitting Judge of the High Court”, shall be inserted; and
 - (ii) the words “or the Province” shall be omitted.

**Ombudsman for the Province of Punjab
(Registration, Investigation and Disposal of
Complaints)
Regulations, 2005**

OFFICE OF THE OMBUDSMAN PUNJAB
LAHORE

NOTIFICATION

No. (Registrar) 1-21/2004

Dated Lahore the January 31, 2005

In exercise of powers conferred by sub-section (11) of section 10 of the Punjab Office of the Ombudsman Act, 1997 (*Punjab Act X of 1997*), the Ombudsman for the Province of the Punjab is pleased to make the following Regulations laying down the procedure for registration, investigation and disposal of complaints under the Act, namely:

CHAPTER-I

INTRODUCTION

1. **Short title and commencement.**— (1) These Regulations may be called the Ombudsman for the Province of Punjab (Registration, Investigation and Disposal of Complaints) Regulations, 2005.

(2) They shall come into force at once.

2. **Definitions.**— (1) In these Regulations, unless there is anything repugnant in the subject or context, —

- (a) “Act” means the Punjab Office of the Ombudsman Act, 1997 (*Punjab Act X of 1997*);
- (b) “Authorized Officer” means an officer of the Office of the Ombudsman authorized by the Ombudsman for scrutiny of complaints at the stage of preliminary examination;
- (c) “disposal” means the completion of all proceedings in a complaint, reference or motion;
- (d) “examination” means scrutiny of complaints by the Registrar or the Authorized Officer at the preliminary stage or by the Investigation Officer on commencement of investigation;
- (e) “Form” means a form specified by the Ombudsman;
- (f) “Head Office” means the principal seat of the Office of the Ombudsman at Lahore;
- (g) “hearing” means the process of ascertaining facts by hearing of one or all the parties, examination of the record and spot inspection;
- (h) “investigation” means investigation of allegations raised in a complaint, reference or motion till its disposal and includes holding of enquiry;
- (i) “Investigation Officer” means an officer of the Office of the Ombudsman to whom a complaint, reference or motion has been entrusted for investigation;
- (j) “Record Room” means the record room maintained at the Head Office or at a Regional Office where the files are consigned after disposal;
- (k) “Regional Office” means a Regional Office of the Office of the Ombudsman established at any place in the Province of Punjab;
- (l) “Registrar” includes an Additional Registrar, Deputy Registrar, Assistant Registrar or any other officer who may be assigned the duties of the Registrar;
- (m) “Registry” means an office in the Head Office or the Regional Office where the complaints are presented or received; and
- (n) “Secretary” means the Secretary of the Office of the Ombudsman Punjab.

(2) All other terms and expressions used in these Regulations but not defined hereinbefore shall have the same meaning as have been assigned to them in the Act.

CHAPTER-II

PROCEDURE FOR REGISTRATION OF COMPLAINTS

3. **Presentation of complaints.**— (1) A complaint written in Urdu or English may be presented by the complainant personally or through his authorized representative or submitted by post or other means at the Head Office, or at a Regional Office having territorial jurisdiction in the matter.

(2) The territorial jurisdiction of the Head Office and the Regional Offices shall be as specified in the Schedule to these Regulations which may, at any time be altered by the Ombudsman by an order in writing:

Provided that the Ombudsman may direct that a complaint falling within the territorial jurisdiction of Head Office or a Regional Office may be investigated at another Regional Office or at the Head Office.

(3) Every complaint shall be made on solemn affirmation or supported by an affidavit to the effect that—

- (a) the allegations contained in the complaint are correct and true to the best of knowledge and belief of the complainant;
- (b) previously no complaint on the subject was filed at the Head Office or any Regional Office;
- (c) no suit, appeal, petition or any other judicial proceedings in connection with the subject matter of the complaint are pending before any Court.

(4) On receipt of a complaint the person incharge of the Registry shall—

- a) diarize the complaint.
- b) issue an acknowledgement receipt to the complainant in person if he is present or send it by post; and
- c) forward it to the Registrar.

4. **Examination by the Registrar.**— The Registrar shall, on receipt of the complaint from the Registry—

- (i) allot a registration number to the complaint;
- (ii) examine the complaint along with the documents attached thereto; and
- (iii) submit the complaint with his views to the Ombudsman or the Authorized Officer for orders as to its admission or otherwise.

5. **Admission or rejection of complaint at preliminary stage.**— (1) Where the grievance of a complainant against an Agency or its employee *prima facie* amounts to maladministration, and the complaint is not incompetent under the proviso to sub-section (1) or sub-section (2) of section 9 of the Act, and is not barred under sub-section (2) of section 10 thereof, the Ombudsman, or the Authorized Officer, shall admit the complaint for investigation.

(2) Where, *prima facie*, a complaint is deemed incompetent under sub-regulation(1) or does not require any investigation for any other reason, the Ombudsman or the Authorized Officer may reject the complaint in *limine*:

Provided that the Ombudsman may, in his discretion, direct that such matter may be resolved informally under section 33 of the Act.

(3) Where a complaint is rejected *in limine*, the Registrar shall inform the complainant the reasons for rejection of the complaint and consign the file to the record.

(4) Where the complaint is admitted under sub-regulation (1), the Registrar shall pass it on to the Investigation Officer authorized to investigate complaints against a particular Agency and inform the complainant of the procedure to be followed in investigation of the complaint.

6. **Suo Moto Cognizance.**— (1) Whenever suo moto cognizance of maladministration is taken by the Ombudsman, he may issue to the principal officer or any other officer of the Agency a notice

incorporating brief facts and circumstances or send a copy of the written material which, in his opinion, appears to have caused maladministration and call upon him to meet the allegations contained therein and to submit a detailed report.

(2) On receipt of report as required under sub regulation (1), the Ombudsman may close the investigation if he is satisfied that no maladministration has been committed.

(3) Where the Ombudsman decides to proceed with the investigation, he may either investigate the matter himself or entrust it to any other Investigation Officer to proceed further in the matter as provided in the Act and these Regulations.

CHAPTER—III

PROCEDURE FOR INVESTIGATION

7. **Entrustment of complaints to Investigation Officers.**— (1) For the purpose of investigation of the complaint, the Ombudsman may, by general or special order in writing, authorize any officer at the Head Office or at a Regional Office to exercise powers under sub-sections (1) and (3) of section 14 of the Act.

(2) The Ombudsman may, where any request is made by a complainant or an Agency, in the interest of expeditious finalization of investigation, transfer a complaint registered at the Head Office to a Regional Office or registered at a Regional Office to the Head Office or to another Regional Office.

(3) Where a complaint is not made on solemn affirmation or is not accompanied by a copy of the National Identity Card and an affidavit in the specified form, the Investigation Officer shall require the complainant to provide it, otherwise, the complaint may be dismissed.

(4) If the Investigation Officer after perusal of the complaint comes to the conclusion that it should not have been entertained on any of the grounds mentioned in section 9 or those in section 10(2) of the Act, he shall submit the complaint with his findings to the Ombudsman for orders.

8. **Report from the Agency.**— (1) In respect of every complaint admitted for investigation under regulation 5 and further scrutinized under regulation 7, a report in writing shall be called from the Agency complained against.

Provided that where circumstances so require, the report may be called for through telephone, telex, fax, e-mail or any other means of communication:

Provided further that where an immediate action or redress is called for, the Investigation Officer may call upon the principal officer of the concerned Agency to redress or cause the grievance to be redressed within a specified period and submit a compliance report to the Ombudsman but if he is of the view that the grievance cannot be redressed, he shall submit a detailed report explaining the reasons why the same cannot be done.

(2) The notice calling for a report shall be accompanied by a copy of the complaint or relevant extracts therefrom highlighting the grievances of the complainant, the alleged nature of maladministration and where necessary, copies of all relevant documents attached with the complaint.

(3) The notice for submission of report under subsection (4) of section 10 of the Act shall be addressed to the principal officer of the Agency as well as to any other officer who is alleged in the complaint to have taken or authorized the action complained of.

(4) The report shall be submitted within such period as is specified in the notice or within such period ordinarily not exceeding 15 days as may be allowed on the written request of the principal officer or the officer concerned.

(5) Where the principal officer or the officer concerned fails to submit the report as required under sub-regulation (4), the Investigation Officer shall issue another notice requiring the principal officer or the officer concerned to appear before him or the Ombudsman on the specified date or depute an officer well conversant with the facts of the case with the written report and the relevant record of the case, failing which the Ombudsman may issue directions to the appropriate authority under sub-section (5) of section 14 of the Act for taking disciplinary action against the person who

disregarded the direction. If failure or disobedience to submit report on the part of the principal officer or the officer concerned so warrants, the Ombudsman may proceed against him for contempt under section 16 of the Act.

9. **Agency's Report on allegations of the Complainant.**—(1) Where the Agency reports that the grievance of the complainant already stands redressed or relief has been provided to him on receipt of the complaint from Ombudsman Office, the complaint may be disposed of as having borne fruit unless it is considered necessary to award compensation to the complainant for the loss or damage suffered by him due to gross maladministration in accordance with section 22 of the Act.

(2) In a case where the Agency reports that for the relief sought, the complainant was required to fulfill certain procedural requirements, the complainant shall be directed to complete such requirements and, if no information is received within the time allowed by the Investigation Officer, it shall be presumed that the complainant does not wish to pursue the case further and the complaint may be filed as not pressed.

(3) Where the Agency contests some or all the allegations made by the complainant, the Investigation Officer may, if he is not satisfied with the report of the Agency, address a questionnaire to the Agency for elucidation of specific questions or call for additional information.

10. **Rejoinder.**—(1) Where the Investigation Officer is satisfied that, in the light of the report of the Agency, any clarification in respect of the allegations contained in the complaint is required from the complainant, he shall call upon the complainant to submit a rejoinder within a specified time not exceeding thirty days, or such further period not exceeding 20 days as may be extended by the Investigation Officer.

Provided that if no rejoinder is received within the extended period, the Investigation Officer may finalize investigation:

Provided further that where the Agency makes a request with plausible reasons that any portion of the report or any document annexed to its report may be kept confidential, such portion of the report or, as the case may be, document shall not be sent to the complainant unless the Investigation Officer decides otherwise.

(2) Where on receipt of rejoinder from the complainant, the Investigation Officer finds that the complainant is satisfied with the report of the Agency and does not desire to pursue his case any further, the complaint may be deemed to have been disposed of as having borne fruit unless there is sufficient material to show that there was any gross maladministration which was the basis of the complaint. In such a case the Ombudsman may pass such orders as he deems fit.

(3) Where the complainant reiterates his stand without any reasonable grounds or justification and the Investigation Officer is of the opinion that the Agency had not committed any maladministration, the complaint shall be rejected.

11. **Further investigation.**— Where the Investigation Officer is of the opinion that any further enquiry is called for, he shall bring out the controversial points between the parties for determination and require the Agency;—

- (a) to provide further comments;
- (b) to make clarification of any specific issue;
- (c) to produce the relevant record; or
- (d) to depute a representative for a hearing.

12. **Hearing of cases.**— (1) Hearing shall be fixed only when it is considered necessary in the interest of fair and expeditious disposal of the complaint.

(2) As far as may be, no officer of the Agency shall be summoned by name or rank and the Agency shall ordinarily be required to depute an officer fully conversant with the facts of the case.

(3) The officers of the rank of Secretary and above shall be summoned only with the approval of the Ombudsman.

(4) Any mutual agreement or undertaking given by parties shall be recorded by the Investigation Officer and signed by the persons representing the parties.

(5) If for any reason, the date of hearing already fixed is changed, the Investigation Officer shall inform both the parties well in time of the next date of hearing.

13. **Inspections.**— (1) Where an inspection of a place, or site, or the examination of any record is necessary, the Investigation Officer himself or any official authorized by him shall, with the approval of the Ombudsman, and after due intimation to the Agency proceed for the inspection of the spot or, as the case may be, examination of the record.

Provided that, if the place of such inspection falls within the jurisdiction of another Regional Office or the Head Office, the case file may, with the approval of the Ombudsman, be sent to such Regional Office or the Head Office, highlighting the points in issue involved in the matter for carrying out inspection of the site or examination of the record, as the case may be.

(2) The file of the case shall be returned to the Investigation Officer with a report of inspection of the spot or examination of the record, as the case may be.

14. **Requisitioning of record.**— (1) Where the Investigation Officer considers it necessary, the Agency may be directed to produce the record under sub-section (9) of section 10 of the Act:

(2) In case any portion of the record is considered necessary to be retained by the Investigation Officer, an authenticated copy thereof shall be prepared and provided to the Agency.

15. **Information from and to the complainant.**— (1) If at any stage of the investigation, the Investigation Officer desires to seek any clarification from the complainant, he may ask him on telephone or through post or to appear before him for the purpose.

(2) If the investigation of any case is protracted and its disposal is likely to take more than three months or if the complainant approaches the Investigation Officer to ascertain the position of his case, the complainant shall be kept informed of the progress of his case at least once in every three months.

16. **Transfer of cases.**— Where in a complaint filed in a Regional Office the Agency complained against is located within the territorial jurisdiction of another Regional Office or the Head Office, the Ombudsman may transfer such complaint to the concerned Regional Office or the Head Office, as the case may be.

CHAPTER-IV

PROCEDURE FOR DISPOSAL OF COMPLAINTS

17. **Completion of Investigation** — The investigation of a complaint shall, with the approval of the Ombudsman, be closed when it is found that—

- (a) the subject matter of the complaint does not fall within the purview of the Act; or
- (b) no case of maladministration is prima facie made out; or
- (c) the Agency is not at fault as a particular procedure has to be adopted or formalities have to be followed by the complainant for redress of his grievance; or
- (d) the complainant fails to furnish the required information or supply relevant documents, or fails to attend hearings, despite notices and it is not possible to decide the complaint on the basis of the available record; or
- (e) the relief had already been provided before the complaint was lodged and the complainant confirms the redress of his grievance or he is informed of the same through registered post; or
- (f) the complainant and the representative of the Agency agree to a proposition consequent whereof grievance is redressed without any proof of maladministration; or
- (g) the complainant without any reasonable ground or justification continues to press his allegations but the Agency is not guilty of maladministration; or

- (h) where findings for redress of grievance have been given and the directions contained therein have been complied with or a representation has been filed to the Governor under section 32 of the Act; or
- (i) where representation under section 32 of the Act is rejected or the findings have been modified, and the original or the modified findings, as the case may be, have been complied with; or
- (j) the subject matter of the complaint was subjudice before a court of competent jurisdiction on the date of receipt of the complaint, reference or motion; or
- (k) the complaint by or on behalf of a public servant or functionary concerns matters relating to the Agency in which he is or has been, working, in respect of personal grievance relating to his service therein; or
- (l) the subject matter of the complaint is the same which has already been disposed of by findings in an earlier complaint; or
- (m) the subject matter of the complaint has already been adjudicated upon by a Court or Tribunal of competent jurisdiction; or
- (n) the complaint had been made by a person who is not an aggrieved person; or
- (o) the complaint was anonymous or pseudonymous.

18. **Findings of the Ombudsman**— (1) In all cases where investigation is proposed to be closed at any stage of investigation and where a direction to the Agency or any of its officers or employees is or is not to be issued, the Investigation Officer shall prepare draft findings, as far as possible in the specified form and submit these to the Ombudsman for orders/decision.

(2) The draft findings shall be simple, impersonal, persuasive and in paragraphs duly numbered in chronological order.

(3) At the Head Office, the draft findings shall be submitted to the Ombudsman directly while those at the Regional Offices shall be submitted through the Registrar at the Head Office or submitted to the Ombudsman during his tour to the respective Regional office.

(4) On submission of draft findings, the Ombudsman may pass orders/decision, make such changes in the draft findings as he considers necessary in the light of the investigation done, ask the Investigation Officer to redraft the findings or to carry out further investigation as indicated.

(5) These draft findings shall be resubmitted to the Ombudsman after making such changes as have been approved by him or directed by him to be made or after carrying out such investigation as directed by him, as the case may be, the draft findings will then be resubmitted to the Ombudsman for orders/decision.

(6) In all cases, a copy of the order/decision shall be communicated to the complainant and the Agency concerned.

19. **Completion of Findings and consignment of files to Record**.— (1) After the findings are signed by the Ombudsman:

- (a) all drafts shall be destroyed by the Investigation Officer;
 - (b) the copies of the Findings shall be authenticated by the Investigation Officer and dispatched to the complainant and the Agency.
- (2) With the approval of the Ombudsman, important findings may be circulated amongst Investigation Officers for information and selected cases may be sent to the Public Relations Section at the Head Office for publication.
 - (3) Where a complaint is closed or rejected it shall be consigned to the record room within 14 days of the closure or rejection.
 - (4) Where any findings have been communicated to the Agency under sub-section (1) of section 11, the file shall be retained by the Investigation Officer and consigned to record room only after confirmation of implementation of the recommendation has been received from the Agency or the Complainant.

- (5) The Investigation Officer shall send one copy of the findings in the specified form in duplicate to the Computer Section at the Head Office for updating the record and place the other copy on the relevant file which should then be consigned to the record room.
- (6) Where any person is aggrieved by a decision or order of the Ombudsman and intends to file a representation to the Governor under section 32 of the Act, the file may be consigned to record room within 14 days of the confirmation of representation having been filed.
- (7) Where a representation to the Governor made under section 32 of the Act is rejected or the findings are modified, the file shall be taken out from the record room for making an entry about the decision of the Governor and shall be consigned to the record room within 14 days of the confirmation of implementation of the original or modified findings.

20. **Reconsideration Petition.**— (1) In case an Agency gives reasons in terms of subsection (2) of section 11 of the Act for not complying with the directions, a copy of its report shall be supplied to the complainant on the specified form, for his comments.

(2) On receipt of a reply from the complainant, he shall be provided an opportunity of being heard and after considering his pleadings during the hearing, if any, the Investigation Officer shall submit the case with draft findings to the Ombudsman for orders.

(3) On considering the case submitted by the Investigation Officer under sub regulation (2), the Ombudsman may pass such orders thereon as deemed appropriate and have them communicated to the complainant and the Agency.

21. **Procedure in case of non-compliance.**— Where—

- i) no representation to the Governor has been filed by the Agency under section 32 of the Act; or
- ii) a representation was filed but has been rejected; or
- iii) a modified findings have been issued as a result of the orders of the Governor on the representation;

and the Agency fails to implement the original or the modified recommendations wholly or partially and the reasons given by the principal officer or the officer concerned for non-implementation have been rejected by the Ombudsman as unsatisfactory, it shall be treated as “Defiance of Recommendations” and dealt with under section 12 of the Act.

22. **Correction of errors, mistakes, misrepresentation, etc.**— (1) Where through any typographical error, mistake or misrepresentation by the complainant or the Agency, an incorrect figure, fact or position is reflected in the findings and directions of the Ombudsman, the Investigation Officer shall, after giving notice to the complainant and the Agency and providing them an opportunity of being heard, submit the case with draft findings to the Ombudsman in specified form for consequential rectification or modification of the original findings and directions.

(2) In all cases where the consequential rectification or modification is made the decision shall be communicated to the complainant and the Agency on specified form.

23. **Proceedings for Defiance of Recommendations or Disciplinary Action.**— (1) Where it is decided by the Ombudsman to initiate proceedings for “Defiance of recommendations” in terms of Section 12 of the Act or for action under sub-section (5) or (6) of section 14 of the Act, the Investigation Officer shall submit a self contained note to the Secretary along with a show cause notice on specified form. In the case of a Regional Office, the Investigation Officer concerned shall submit the case to the Secretary through the Officer Incharge of that Office.

(2) The Secretary shall, with the approval of the Ombudsman, cause the notice to be served on the public servant concerned to show cause as to why the proposed action may not be taken against him.

(3) After considering all the facts of the case, including the reply to the show cause notice, if any, of the public servant under sub regulation (2), the Ombudsman may refer the matter to the Government under sub section (1) of section 12.

24. **Communication of Orders of the Government.**— The orders of the Government passed on a report of the Ombudsman for “Defiance of recommendations” under section 12 of the Act, shall be communicated by the office of the Ombudsman to the public servant and the concerned Agency for compliance under intimation to the Ombudsman on or before the date specified for the purpose.

CHAPTER-V

Miscellaneous

25. **Monthly Progress Report.**— (1) Every Investigation Officer shall submit monthly reports on specified form to the Registrar at the Head Office for onward submission to the Ombudsman.

(2) The Investigation Officers at the Regional Offices shall submit monthly reports through Incharge of the Regional Office concerned who may add his comments on the covering note.

(3) The Secretary shall, by the tenth day of each month, submit to the Ombudsman, in the specified form a statement about institution and disposal of complaints for and upto the end of the preceding month.

26. **Notices.**— (1) A notice on specified form shall be issued to the complainant by registered post if he fails to —

- (a) furnish required information or documents;
- (b) confirm and verify the contents of the complaint on solemn affirmation or oath;
- (c) submit rejoinder or rebuttal within the specified time;
- (d) confirm the compliance of the procedural requirements of the Agency; and
- (e) confirm the grant of relief.

(2) Where the Ombudsman rejects a complaint being false, frivolous or vexatious and decides to award compensation to an Agency, public servant or other functionary under subsection (4) of section 14, before awarding such compensation, the Ombudsman may issue a show cause notice to the complainant on specified form.

(3) Where the Ombudsman contemplates to proceed against employee of an Agency or a public servant or the complainant or other person for contempt of his Office a notice to show cause may be issued to him/them on specified form.

(4) Where the Ombudsman considers that the complainant has suffered loss or damage on account of maladministration of an Agency or any other public servant or any other functionary and deserves awarding of compensation under section 22 of the Act, such Agency, public servant or functionary may be issued a notice to show cause on specified form before awarding compensation.

(5) As far as may be, all notices shall be issued under registered cover and special care shall be taken to record the correct mailing address.

27. **List of Principal Officers of the Agencies and their nominees.**— (1) The Registrar at the Head Office and the Additional Registrar/Assistant Registrars at the Regional Offices shall maintain a list of principal officers of Agencies.

(2) The Investigation Officers shall bring to the notice of the Registrar at the Head Office or the Additional Registrar/Assistant Registrar at the Regional Office whenever any information is received by them in respect of any change of the principal officer of an Agency.

28. **Maintenance of files.**— (1) The Investigation Officer shall ensure that the record of every complaint is properly maintained and the proceedings are reflected in chronological order in the order sheet as given in specified form.

- (2) The case file shall contain the following particulars on its cover, namely:

- (a) registration number of the complaint;
- (b) date of registration of the complaint;
- (c) complainant's name;
- (d) name of the Agency complained against;
- (e) brief subject of the complaint;
- (f) whether the file contains correspondence or noting or both;
- (g) date of disposal of complaint; and
- (h) date of consignment to record.

(3) The complaint along with cover sheets on specified forms shall be tagged on the right-hand side of the file, whereas the order sheet on specified form shall be placed on the left-hand side of the file.

(4) The pages should be numbered in chronological order with the last numbered page appearing on the right hand side on the file.

(5) The order sheet on specified form shall contain record of actions taken with dates for further processing and shall be used as noting part of the file for obtaining orders, instructions and directions of the Ombudsman.

29. Notwithstanding any provision in these Regulations but subject to the provisions contained in the Act, the Ombudsman shall continue to exercise his powers and have absolute discretion to modify the procedure of handling any particular case or adopt a special procedure keeping in view the special nature and facts of the case.

SCHEDULE
[see regulation 3 (2)]

**TERRITORIAL JURISDICTION OF
HEAD OFFICE AND REGIONAL OFFICES**

NAME OF OFFICE	DISTRICTS
HEAD OFFICE, LAHORE	Lahore, Sheikhupura, Kasur, Okara, Gujranwala, Sialkot, Narowal, Gujrat, Hafizabad, Mandi Bahauddin, Rawalpindi, Jhelum, Chakwal, Attock, Sargodha, Mianwali, Khushab, Bhakkar, Faisalabad, Jhang, T.T. Singh, Bahawalnagar, Pakpattan.
REGIONAL OFFICE, MULTAN	Multan, Sahiwal, Khanewal, Lodhran, Vehari, D.G.Khan, Muzaffargarh, Rajanpur, Layyah, Bahawalpur, R.Y.Khan.

OMBUDSMAN FOR THE PROVINCE OF PUNJAB

Punjab Pension Fund Rules 2007

NOTIFICATION

No. PA/GM.Pb.Pension Fund/FD/2007. In exercise of the powers conferred upon him under section 24 of the Punjab Pension Fund Act 2007 (I of 2007), the Governor of the Punjab is pleased to direct that the following rules shall be made:

CHAPTER-I PRELIMINARY

1. **Short title and commencement.**— (1) These rules may be cited as the **Punjab Pension Fund Rules 2007**.

(2) These shall come into force at once.

2. **Definitions.**— (1) In these rules:

- (a) “Act” means the Punjab Pension Fund Act 2007;
- (b) “accounting period” means the period ending on the 30th day of June each year;
- (c) “asset” means property of any kind including shares, securities, deposits, right and bonus shares, cash, bank balance, profits, dividends, fee, commission, a receivable, claim, contract, license, privilege, accrued or accruing or contingent;
- (d) “asset management company” means a company which has been licensed by the Commission as an asset management company;
- (e) “auditor” means a person qualified under the provisions of the Ordinance to act as an auditor of a company;
- (f) “Commission” means the Securities and Exchange Commission of Pakistan established under the Securities and Exchange Commission of Pakistan Act, 1997 (XLII of 1997);
- (g) “family” means a spouse, a parent, a grand parent, sibling or adopted sibling, child or an adopted child, or a maternal or paternal first cousin; or a parent, sibling or adopted sibling, child or an adopted child, or a maternal or paternal first cousin of the spouse;
- (h) “Government securities” means Government securities defined in the Securities Act, 1920 (X of 1920) and includes securities repayable or irrevocably guaranteed to be paid by a Provincial Government or the Federal Government;
- (i) “life insurance company”, means a company registered or deemed to have been registered under the Insurance Ordinance, 2000 (XXXIX of 2000) to transact life insurance business and includes the State Life Insurance Corporation of Pakistan;
- (j) “Ordinance” means the Companies Ordinance, 1984 (XLVII of 1984);
- (k) “portfolio” means the amount of the Reserve Fund directly invested by the Fund and not through a third party;
- (l) “record” includes a ledger, day book, cash book or any manual or magnetic record, maintained and used by the Fund;
- (m) “Schedule” means the Schedule to these rules;
- (n) “shares” mean the shares of a company listed on a stock exchange;
- (o) “stock exchange” means a stock exchange registered under the Securities and Exchange Ordinance, 1969 (XVII of 1969);
- (p) “third party” means an asset management company or a life insurance company;
- (q) “trustee” means a trustee appointed under the rules; and
- (r) “value of the Fund” means the aggregate value of all investments, deposits together with accrued interest and other assets less liabilities of the Fund.

(2) A word or an expression used in the rules but not defined shall have the same meaning as is assigned to it in the Act.

CHAPTER-II GENERAL

3. **Investment policy.**— (1) The Management Committee shall, within six months from the date of its establishment, make an investment policy establishing clear investment objectives for investments of the amounts from the Reserve Fund subject to the limitations prescribed in the Act or the rules.

(2) The Fund may invest amounts from the Reserve Fund through a portfolio or through a third party in a transparent, efficacious, prudent and sound manner.

4. **Obligations of the Fund.**– The Fund shall:

- (a) manage its assets to the best of its ability and without any undue advantage to its employees or related parties;
- (b) maintain at its principal office, proper accounts and records to enable a complete and accurate view of its assets and liabilities, income and expenditure, transactions of the Fund including receipts and payments from and to the Reserve Fund;
- (c) Prepare and transmit an annual report, together with a copy of the balance sheet, income and expenditure account and the auditor’s report of the Fund within three months of end of an accounting period to the Government; and
- (d) be jointly and severally responsible for an act or omission of a person to whom it has delegated any of its functions.

5. **General restrictions on the Fund.**– The Fund shall not:

- (a) merge, acquire or take over management of any other pension fund unless it has obtained prior approval of the Government for the merger, acquisition or take over;
- (b) pledge securities owned by the Fund except for the benefit of the Fund and with prior approval of the Government;
- (c) make a loan or advance money to a person except in connection with the normal business of the Fund;
- (d) participate in a joint account with a person in any transaction;
- (e) invest in the real estate except that it may purchase or rent real estate for its official use;
- (f) employ as a broker, directly or indirectly, a Member, the General Manager or an employee or a member of the family of such a person; and
- (g) acquire, purchase or sell any security to a Member, the General Manager or an employee or a member of the family of such a person.

CHAPTER–III
MANAGEMENT COMMITTEE

6. **Management Committee.**– Subject to the provisions of the Act and the rules, the Management Committee may:

- (a) receive, administer and invest amounts from the Reserve Fund;
- (b) approve the investment policy, standards and procedures for the operation of the Fund;
- (c) enter into a contract on behalf of the Fund;
- (d) authorize the General Manager or any other employee to sign a contract or any other document on behalf of the Fund;
- (e) borrow to pay for the purchase of securities if at the time of making an investment the Fund anticipates that resources would be available to pay for the purchase in full;
- (f) institute or defend any legal or administrative proceedings;
- (g) acquire, hold, alienate movable or immovable property for the operations of the Fund;
- (h) invest amounts through a third party;
- (i) make, amend, or repeal the regulations;
- (j) approve transfer of amounts from the Fund to the Reserve Fund;
- (k) approve the budget of the Fund;
- (l) delegate any of its powers or functions to a sub-committee, the General Manager or any other employee; and
- (m) do any other act to attain the objectives of the Fund.

7. **Meetings of the Management Committee.**– (1) The Management Committee shall meet at least once every three months and the General Manager, with the approval of the Chairman or the Vice Chairman, shall convene the meeting.

(2) The General Manager shall, if so directed by the Chairman or the Vice Chairman, convene a meeting of the Management Committee.

(3) At least four ex-officio members including the Chairman or the Vice Chairman, two members appointed by the Government from the private sector, and the General Manager shall constitute the quorum of a meeting of the Management Committee.

(4) If the quorum is not complete, the General Manager shall reconvene the meeting to be held within fifteen days.

(5) The General Manager or any other Member, as the Chairman or the Vice Chairman may nominate, shall record the minutes of the meeting which shall be submitted for confirmation in the next meeting.

(6) The General Manager shall send minutes of the meeting to the Members within ten working days of the meeting.

(7) A Member may ask for additional information from the General Manager with regard to an investment decision or policy of the Fund.

(8) The Management Committee shall take decisions by a simple majority of Members present and voting and the Chairman shall have the casting vote in case of a tie.

(9) The meetings of the Management Committee shall be chaired by the Chairman and in his absence by the Vice Chairman.

8. **Sub-committees.**— (1) The Management Committee may constitute the following sub-committees:

- (a) investment sub-committee;
- (b) accounts sub-committee;
- (c) audit sub-committee;
- (d) compliance sub-committee; and
- (e) any other sub-committee.

(2) The Management Committee shall nominate a chairperson and members for a sub-committee.

(3) No sub-committee shall be constituted without one member appointed by the Government from the private sector and the General Manager.

(4) The quorum at a meeting of a sub-committee shall be a majority of members of the sub-committee including a member appointed by the Government from the private sector and the General Manager.

(5) Decisions of a sub-committee shall be made by a simple majority vote of the members present and voting.

(6) The recommendations and report of a sub-committee shall be considered for approval by the Management Committee.

CHAPTER-IV INVESTMENTS

9. **Investment decisions.**— The Management Committee shall approve all investment decisions regarding amounts from the Reserve Fund.

10. **Permissible investments.**— Subject to the Act and the rules the Fund shall invest, in a portfolio or through a third party, in:

- (a) Government securities at a fixed or variable rate of interest;
- (b) the National Savings Schemes of the Federal Government at a fixed or variable rate of interest;
- (c) bonds, term finance certificates and other forms of debt:
 - (i) listed on a stock exchange; or
 - (ii) issued under a prospectus approved by the Commission subject to a minimum credit rating to be determined by the Management Committee;
- (d) shares listed on a stock exchange as part of the portfolio investment of the Fund;
- (e) unit trusts, mutual funds and other collective investment funds authorized by the Commission; and
- (f) deposit in a scheduled bank that has a minimum credit rating as to be determined by the Management Committee; provided that the aggregate of deposits in a scheduled bank shall not exceed 20% of the value of the Fund at the time of making a deposit; provided further that no such deposit may be made for a period exceeding six months.

11. **Limit on investment in Government securities and the National Savings Schemes.**— The Fund shall not invest in the Government securities or the National Savings Schemes, if at the time of the investment:

- (a) it would result in any such investment exceeding 25% of the value of the Fund;
- (b) it would result in the Fund owning more than 25% of the total issue of such a security; or
- (c) the cumulative investment in such investments exceeds 75% of the value of the Fund.

12. **Limit on shares, unit trusts and mutual funds and other collective investment funds.**– The Fund shall not invest in shares, unit trusts and mutual funds and other collective investment funds if at the time of making an investment the aggregate of such investments exceeds 40% of the value of the Fund.

13. **Prohibited investments.**– The Fund shall not invest in:

- (a) land, buildings or real estate of any kind including buying or making loans of any description except for its official use or in shares as part of its portfolio;
- (b) exploration or exploitation of minerals or petroleum including buying or making loans of any description other than in shares as part of its portfolio; and
- (c) a real estate investment trust or other investment company that is not listed on a stock exchange.

CHAPTER–V APPOINTMENTS

14. **Power of appointment.**– (1) The Management Committee may employ a person for the operations of the Fund on such terms and conditions as it may determine.

(2) The Management Committee may constitute a sub-committee, to process and make recommendations for the employment.

15. **Appointment and duties of General Manager.**– (1) The Management Committee shall in the appointment of the General Manager by the Government, after advertising and an open process of selection submit to the Government a list of suitable candidates.

(2) In absence of a General Manager the Government may appoint an acting General Manager for a maximum period of six months.

(3) The General Manager shall prepare valuations and commentaries on the investments of the Fund at least on a monthly basis and shall submit such information to the Members.

(4) The General Manager shall arrange for meetings of the relevant employees of the Fund including the compliance officer, at least on a weekly basis, to review the investments of the Fund and provide minutes of such meetings to the Members.

16. **Appointment of auditor.**– The Government shall, within six months of notification of the Management Committee, appoint an auditor for an accounting period under such terms and conditions as it may determine.

17. **Appointment of legal advisor.**– The Management Committee shall, within six months of its notification, appoint a legal advisor on such terms and conditions as it may determine.

18. **Appointment of trustee.**– (1) The Management Committee shall, within six months of its notification, appoint a trustee with the approval of the Government.

(2) The trustee shall be:

- (a) a scheduled bank with a minimum A+ rating from a credit rating company registered with the Commission, and has been in business for at least five years;
- (b) a trust company which is a subsidiary of a scheduled bank referred to in clause (a);
- (c) a foreign bank operating as a scheduled bank in Pakistan and operating as trustee internationally; or
- (d) a central depository company registered under the Securities and Exchange Ordinance, 1969 (XVII of 1969) and approved by the Commission.

(3) The trustee shall not in any way be related or connected to a Member or investment advisor or consultant appointed by the Fund.

19. **Appointment of investment advisor.**– (1) The Management Committee may appoint a non-bank finance company to provide investment advisory services.

(2) The Management Committee may appoint a person as an investment advisor, being a person approved by the Commission for such services, to give advice to the Fund on selection of a third party and portfolio.

(3) The person appointed as investment advisor shall attend such meetings and prepare such reports as the Management Committee may direct.

(4) The Management Committee shall determine terms and conditions of an investment advisor.

20. **Appointment of actuary.**— The Management Committee may appoint an actuary being a duly qualified person or a firm to advise on the pension liabilities of the Government and to advise the Fund generally.

21. **Appointment of compliance officer.**— (1) The Management Committee shall appoint a compliance officer who has sufficient experience in legal and investment matters to ensure that the Fund complies with the Act, the rules, the regulations and the laws of Pakistan.

(2) The compliance officer shall prepare and update a Compliance Manual for the Fund.

(3) The compliance officer shall submit a report at least on a monthly basis to the compliance sub-committee.

CHAPTER-VI OBLIGATIONS OF THE TRUSTEE

22. **Obligations of the trustee.**— (1) The trustee shall keep the assets of the Fund in the safe custody and —

- (a) take into its custody or under its control all the assets of the Fund in accordance with the law;
- (b) collect interest, dividends and other amounts due;
- (c) settle purchases and sales of securities;
- (d) ensure that the cash and registerable assets shall be registered in the name of and to the order of the trustee;
- (e) shall be liable for any act or omission of its agent as if it is an act or omission of the trustee in relation to any investment forming part of the assets of the Fund;
- (f) carry out the instructions of the Management Committee in respect of investments unless the instructions are in conflict with the provisions of the Act or the rules;
- (g) ensure that the investment limitations and prohibitions as provided in the Act and rules are complied with; and
- (h) issue a report to be included in the annual report of the Fund in which in its opinion the Fund has in all material respects operated in accordance with the Act and the rules and if the Fund has not done so, the steps which the trustee has taken.

(2) In the case of assets deposited with the trustee which is a scheduled bank, the return on such deposits shall be at a rate not lower than the rate offered on deposits of similar amount and maturity.

CHAPTER-VII BUDGET, ACCOUNTS AND AUDIT

23. **Budget of the Fund.**— (1) The annual budget of the Fund shall be considered by the Management Committee not later than 1st April each year.

(2) The Management Committee shall approve the annual budget of the Fund not later than 30th June each year.

(3) All expenses estimated in the budget shall be paid from the Fund, provided that the Government may provide funds for the operations of the Fund in case no funds are received from the Reserve Fund.

(4) The Management Committee may constitute a sub-committee for the preparation of the budget.

24. **Expenses.**— Expenses of the Fund, other than the investments, incurred on the operation of the Fund, including expenses relating to the functioning of the Management Committee, salaries of employees and other such expenses shall be met through the establishment of a separate expense account.

25. **Books of accounts.**— The Fund shall:

- (a) maintain such books of accounts and other record as shall depict a true and fair picture of its state of affairs, including —
 - (i) journals, cash book and other records of original entry forming the basis of entry in any ledger;
 - (ii) ledgers or other comparable records reflecting assets, liabilities, income and expenses;
 - (iii) ledgers or other comparable records showing securities in the portfolio;
 - (iv) record of transactions with banks; and
 - (v) record of all transfers from and to the Reserve Fund; and

- (b) maintain such books of accounts and other records for a period of not less than ten years.
26. **Appointment of chief accounting officer.**– (1) The Management Committee shall appoint on such terms and conditions as it may determine, a chief accounting officer who is a chartered accountant or a cost and management accountant or a person with a master’s degree in commerce or business administration with specialization in finance and senior management level experience of at least five years in a bank or development finance institution or modaraba or non–banking finance company.
- (2) The chief accounting officer shall prepare accounts, establish procedures for financial controls and other matters to be determined by the Management Committee.
27. **Functions of accounts and audit sub–committees.**– (1) The accounts subcommittee shall ensure compliance with accounting standards, and prudential rules.
- (2) The audit sub–committee shall ensure compliance with audit standards, recommendations of the auditor and adopt risk management controls for the Fund.
- (3) The chief accounting officer shall provide quarterly reports and any such information that any of the above sub–committees may require.
- (4) The accounts sub–committee and the audit sub–committee shall meet at least once in three months.
28. **Accounts of the Fund.**– (1) The accounts of the Fund shall be reported in the form and manner as specified in the Schedule.
- (2) The annual accounts of the Fund shall be approved by the Management Committee and shall be signed by the Chairman or the Vice Chairman, the General Manager and a Member from the private sector authorized by the Management Committee.
29. **Audit report of the Fund.**– (1) The audit report of the Fund shall be in the form and manner as specified in the Schedule.
- (2) The auditor shall forward to the Management Committee an audited copy of the annual accounts within three months of the end of the accounting period.
30. **Directions and guidelines of the Commission.**– The Management Committee shall take into consideration guidelines and directions issued by the Commission.

SCHEDULE ACCOUNTS OF THE FUND

1. **General:**
- (a) The Annual reports shall comply the accounting requirements included in this Schedule. The Management Committee shall publish a report for the six months period following each year to include a statement of income and expenditure, asset and liabilities and the portfolio.
- (b) All reports shall contain comparative figures for the previous period except for the investment portfolio.
- (c) The items listed under the statement of assets and liabilities, income statement, statement of movements in reserves and the notes to the accounts, where applicable, shall be disclosed.
- (d) All statements and accounts referred hereunder should be prepared in conformity with the International Accounting Standards notified under subsection (3) of section 234 of the Companies Ordinance, 1984, and technical releases issued by Institute of Chartered Accountants of Pakistan from time to time.
- (e) The Annual Report shall be in both English and Urdu and be made available to employees and pensioners of the Government on request and be published on the internet.
2. **Statement of assets and liabilities:**
The following must be separately disclosed for every accounting period:
- (a) total value of investments;
- (b) bank balances;
- (c) dividends and other receivables;
- (d) bank loans and overdrafts or other forms of borrowings;
- (e) amounts received and paid into the Reserve fund;
- (f) total value of all assets;

- (g) total value of all liabilities;

3. Income statement:

The following information shall be included in the income statement:

- (a) total investment income net of tax, if any, broken down by category;
- (b) total other income, broken down by category;
- (c) an itemized list of various costs which have been debited to the Fund including:
 - (i) fees paid to a third party;
 - (ii) remuneration of the trustee;
 - (iii) safe custody and bank charges;
 - (iv) auditor's remuneration;
 - (v) borrowing expenses;
 - (vi) other amounts paid to any connected person of the Fund;
 - (vii) legal and other professional fees; and
 - (viii) any other expenses borne by the Fund;
- (d) taxes; and
- (e) amounts transferred to and from the Reserve Fund.

4. Statement of movements into and from the Reserve Fund:

The following information shall be included in the statement of movements in and from the Reserve Fund:

- (a) value of the pension fund as at the beginning of the period;
- (b) amount received from the Reserve Fund;
- (c) amount paid into the Reserve Fund;
- (d) any item resulting in an increase or decrease in value of the Fund including—
 - (i) surplus or loss on sale of investment;
 - (ii) exchange gain or loss;
 - (iii) unrealized appreciation or diminution in value of investment; and
 - (iv) net income for the period; and
- (e) value of the Fund as at the end of the period.

5. Notes to the accounts:

The following shall be set out in the notes to the accounts:

- (a) principal accounting policies including:
 - (i) the basis of valuation of the assets of the Fund including the basis of valuation of unlisted securities;
 - (ii) the revenue recognition policy regarding dividend income and other income;
 - (iii) foreign currency translation, if any;
 - (iv) taxation; and
 - (v) any other accounting policy adopted to deal with items which are judged material or critical in determining the transactions.

Any changes to the above accounting policies and their financial effects upon the accounts should also be disclosed;

- (b) disclosure of transactions with connected persons;—
 - (i) details of all transactions entered into during the accounting period between the Fund and the Management Committee or any entity in which these parties or their connected persons have a material interest; and
 - (ii) name of any member of the Management Committee or of any employee or contracted if such person becomes entitled to profits from transactions in securities or from management of the Fund and the amount of profits to which such person becomes entitled.
- (c) borrowings,—
 - (i) whether the borrowings are secured or unsecured and the duration and maturity of such borrowings;
 - (ii) contingent liabilities and commitments of the Fund; and
 - (iii) if the free negotiability of any asset is restricted by statutory or contractual requirements.

6. Contents of the audit report:

The report of the auditor should state,—

- (a) whether in the auditor's opinion, the accounts prepared for that period have been properly prepared in accordance with the relevant provisions of the Act and the rules

and according to such International Accounting Standards as generally apply in Pakistan;

- (b) without prejudice to the foregoing, whether in the auditor's opinion, a true and fair view is given of the disposition of the pension Fund at the end of the accounting period and of the transactions of the pension fund;
- (c) whether costs and expenses debited to the Fund are as specified in the Act, rules or regulations;
- (d) if the auditor is of opinion that proper books and records have not been kept by the Fund or the accounts prepared are not in accordance with the Fund's books and records, that fact; and
- (e) if the auditor has failed to obtain all the information and explanations which, to the best of his knowledge and belief, are necessary for the purpose of the audit, that fact.

7. Investment portfolio:

Information regarding the investment portfolio should state, –

- (a) number or quantity of each holding of a security together with the description and market value;
- (b) the total cost of each security;
- (c) the value of each security as a percentage of the total assets less liabilities of the Fund; and
- (d) the statement of movements in securities purchased and sold during the accounting period.

Provincial Management Service Rules, 2004

NOTIFICATION
The 17th January 2004

NO.SOR.III(S&GAD) 1-12/2000. In exercise of the powers conferred on him under Section 23 of the Punjab Civil Servants Act, 1974, (VIII of 1974) the Governor of the Punjab is pleased to direct that the following rules shall be made, namely—

1. Short title and commencement:

(1) These Rules may be called the **Punjab Provincial Management Service Rules, 2004**.

(2) They shall come into force at once.

2. Definitions:

In these Rules unless the subject or context otherwise requires:

- a) "Appointing Authority" means the authority specified in column 4 of Schedule-I;
- b) "Commission" means the Punjab Public Service Commission;
- c) "Chief Minister" means the Chief Minister of the Punjab;
- d) "Department" means Services & General Administration Department;
- e) "Government" means Government of the Punjab;
- f) "Graduate" means holder of a bachelor or equivalent degree from a recognized university;
- g) "PMS" means the Provincial Management Service;
- h) "Prescribed Departmental Examination" means examination to be conducted by the department for confirmation within probationary period;
- i) "Prescribed Departmental Training/ Examination" means examination to be conducted by the department or any other agency after completion of training course for promotion to BS-18 and BS-19; and
- j) "Secretariat" means the Punjab Civil Secretariat, Lahore.

3. Nomenclature of the posts:

The Provincial Management Service shall consist of the posts as specified in Schedule-II.

4. Method of Recruitment:

The method of recruitment, minimum qualifications, age limit and other matters related thereto for the service shall be as given in Schedule-II.

5. Repeal:

The following rules are hereby repealed:

- i) The West Pakistan Secretariat (Section Officers) Service Rules, 1962;
- ii) The West Pakistan Deputy Secretaries' Recruitment Rules, 1963;
- iii) The Punjab Extra Assistant Commissioners' Recruitment Rules, 1992;

♥ Provided that the existing incumbents of the ex-PCS, ex-PSS in different grades shall stand inducted in the PMS in their respective grades.

♦ Provided further that the inter-se-seniority of ex-PCS and ex-PSS cadres shall continue to be maintained separately and sharing of percentage between them, in different grades, shall be 63 and 37, respectively.

~~**6. Transitional: The condition of graduation shall not apply for a period of nine years from the date of promulgation of these rules for existing incumbents for promotion against BS-17 posts, as given in column 6 para (2)(b) of Schedule I.~~

BY ORDERS OF THE GOVERNOR OF THE PUNJAB
ADDITIONAL CHIEF SECRETARY

♥ Proviso substituted vide Notification No. SOR-III(S&GAD)1-12/2000 dated 02.12.2004.

♦ Proviso substituted vide Notification No. SOR-III(S&GA)1-12/2000(PI) dated 14.10.2018.

** Rule 6 omitted vide notification No. SORIII(S&GAD)1-16/2006 dated 11.01.2012.

SCHEDULE-I
(See Rule 4)

Name of the Deptt.	Functional Unit	Name/Scale of the post	Appointing Authority	Qualification for appointment by		Method of Recruitment	Age for initial recruitment		Examination, Training and other conditions required for confirmation
				Initial Recruitment	Promotion		Min	Max	
1	2	3	4	5	6	7	8	9	10
S & G A D	Provincial Management Service	[@] PMS (BS-17) as per details in Schedule-II	Additional Chief Secretary	Graduate (2 nd Div.) from a recognized University		(1) 50% by initial recruitment on the recommendations of the Punjab Public Service Commission based on the result of combined competitive examination. (2) 45% to be filled by promotion: (a) 22.5% on the basis of seniority-cum-seniority from amongst Tehsildars, who are graduates, and have five years service as Tehsildar*; and (b) 22.5% on the basis of seniority-cum-fitness from amongst the Superintendents and Private Secretaries, who are graduates, in the ratio of 50:50, respectively. (3) 05% by selection on merit from amongst the civil servants holding	21 In the case of officials serving in connection with the affairs of the Federal Govt. who are domiciled in the Punjab as well as officials serving in connection with the affairs of the Punjab Govt. having at least four years service as such, the upper age limit shall be 35 years.	¹ 30	Prescribed Departmental Examination ♥ Note: The officers who are promoted on the basis of seniority-cum-fitness against 45%(22.5%+22.5%) quota in terms of paragraph (2) of column and are less than fifty eight years of age and those who are promoted on the basis of selection on merit against 5% quota as mentioned in paragraph (3) of that column shall also undertake the comprehensive post induction training at Management and Professional Development Department.

[@]Entry in Column No. 1 to 10 against the post of PMS (BS-17) substituted vide Notification No. SOR-III (S&GAD)1-16/2006 dated 11.01.2012.

*The words "and have passed the prescribed departmental examination" deleted vide Notification No. SOR-III(S&GAD)1-16/2005 dated 12.01.2013.

¹In schedule-I, in column 9, figure 28 is substituted as 30 vide Notification No.SOR-III(S&GAD)1-12/2000(PI) dated 05.11.2018

♥ The Note in Column-10 of Schedule-I of PMS Rules, 2004 is substituted vide notification No.SOR-III(S&GAD)1-16/2006(P) dated 22.01.2018. (The original existing Note of Column 10 is available in history of PMS Rules, 2004).

1	2	3	4	5	6	7	8	9	10
S&GAD	Provincial Management Service					Respective posts on regular basis in BS-5 to BS-16 with Master's Degree or Bachelor's Degree (4 years) or LL.B from a recognized University, serving under the Government and having the following experience: (a) For officials in (BS-11 to 16) = 05 years; and (b) For officials in (BS-5 to 10) = 08 years. Note: The selection against this quota of 5% shall be made by the Punjab Public Service Commission.			
		PMS (BS-18) as per detail at Schedule-II	Chief Secretary		100% by promotion	By promotion on seniority-cum-fitness basis from amongst the cadre of PMS/BS-17 having at least five years service.			Prescribed Departmental Training/ Examinations
		PMS (BS-19) as per detail at Schedule-II	Chief Minister		100% by promotion	♦ By promotion on the basis of selection-on-merit from amongst PMS officers holding posts in BS-18 and having at least 12 years service against posts in BS-17 and above.			Prescribed Departmental Training/ Examinations
		PMS (BS-20) as per detail at Schedule-II	Chief Minister		100% by promotion	♦ By promotion on the basis of selection-on-merit from amongst PMS officers holding posts in BS-19 and having at least 17 years service against posts in BS-17 and above.			Advance Training Course from NIPA or from any other training course prescribed by the Govt.

1	2	3	4	5	6	7	8	9	10
S&GAD	Provincial Management Service	PMS (BS-21) as per detail at Schedule-II	Chief Minister		100% by promotion	♦ By promotion on the basis of selection-on-merit from amongst PMS officers holding posts in BS-20 and having at least 22 years service against posts in BS-17 and above.			Course from Pakistan Administrative Staff College/ National Defence College or from any other training Institute prescribed by Government.

- ♦ Amended vide No. SOR-III(S&GAD)1-12/2000 dated 11.01.2011.
- ♦ Amended vide No. SOR-III(S&GAD)1-12/2000 dated 11.01.2011.
- ♦ Amended vide No. SOR-III(S&GAD)1-12/2000 dated 11.01.2011.

◆ SCHEDULE-II

(See rule 3)

After allocating the share of All Pakistan Unified Group (APUG) officers, as may from time to time be determined by the Competent Authority and the share of technical services in the Secretariat, the balance of the following posts in different Basic Pay Scales shall form cadre strength of PMS in each such scale:

1	PMS (BS-17)	Section Officer/Assistant Commissioner / Assistant Commissioner (Revenue)/ Collector (Consolidation)/ General Assistant (Revenue) / Colony Assistant/Sub Registrar/ Assistant Commissioner (HR & Coordination) / Finance & Planning Officer / Special Judicial Magistrate / Assistant Director (Investigation), Anticorruption Establishment / Assistant Commissioner (Headquarters)(one at each Divisional Headquarters/Administrative Officer / PSO to Deputy Commissioner Lahore and other equivalent posts, as per ANNEX, PART-I.
2	PMS (BS-18)	Deputy Secretary in the Secretariat / Board of Revenue / Chief Officer of a Municipal Committee / Chief Officer of a District Council, Additional Deputy Commissioner of a Division / District: (i) Headquarters; (ii) Revenue; (iii) General; (iv) Finance and Planning; and other equivalent posts, as per ANNEX, PART-II.
3	PMS (BS-19)	Additional Secretary/ Deputy Commissioner / Secretary (Revenue/Settlement and Rehabilitation) Board of Revenue, Punjab Settlement Officer / Chief Officer, Municipal Officer (Category I&II) / Chief Officer of a District Council / Deputy Chief Officer / Metropolitan Officer (Finance) / Metropolitan Officer (Services / Metropolitan Officer (Planning) in Lahore Metropolitan Corporation / Additional Commissioner: (i) Revenue; (ii) Consolidation; (iii) Coordination & other equivalent posts, as per ANNEX, PART-III.
4	PMS (BS-20)	Secretary to Government of the Punjab/Commissioner of the Division/Deputy Commissioner/ Member (Judicial) Board of Revenue at Rawalpindi / Chief Officer, Lahore Metropolitan Corporation and other equivalent posts, as per ANNEX, PART-IV.
5	PMS (BS-21)	Secretary to Government of the Punjab/Commissioner of the Division and other equivalent posts as per at ANNEX-PART-V.

Note: The share of technical services in the Secretariat posts shall be as under:

(i)	Section Officer	20%
(ii)	Deputy Secretary	20%
(iii)	Additional Secretary	20%

◆ Substituted vide Notification No.SOR-III(S&GAD)1-12/2000(P-I) dated 26.03.2018.

**ANNEXURE
(PART-I)
(Posts in BS-17)**

Sr. No.	Name of the Post	Share percentage of total posts
1.	Section Officer	100%
2.	Assistant Commissioner	100%
3.	Assistant Commissioner (Revenue)	100%
4.	Collector (Consolidation)	100%
5.	General Assistant (Revenue)	100%
6.	Colony Assistant	100%
7.	Sub-Registrar	100%
8.	Assistant Commissioner (HR & Coordination)	100%
9.	Finance & Planning Officer	100%
10.	Special Judicial Magistrate	100%
11.	Assistant Director (Investigation), Anti-Corruption Establishment	-
12.	Assistant Commissioner (Headquarters) (one at each Divisional Headquarters)	100%
13.	Admin. Officer / PSO to Deputy Commissioner, Lahore	-
14.	Such other equivalent posts, as may, from time to time, be specified by the Chief Minister.	-

**PART-II
(Posts in BS-18)**

Sr. No.	Name of the Post	Share percentage of total posts
1.	Additional Deputy Commissioner of the Division / District:	100%
	(i) Headquarters;	100%
	(ii) Revenue;	100%
	(iii) General; and	100%
	(iv) Finance & Planning	100%
2.	(i) Chief Officer in Municipal Committees in District.	33%
	(ii) Chief officer in District Councils.	33%
3.	Deputy Secretary in the Secretariat and Board of Revenue	100%
4.	Such other equivalent posts, as may, from time to time, be specified by the Chief Minister.	-

**PART-III
(Posts in BS-19)**

Sr. No.	Name of the Post	Share percentage of total posts
1.	Deputy Commissioner	56%
2.	Additional Commissioner:-	
	(i) Revenue	100%
	(ii) Consolidation; and	100%
	(iii) Coordination	100%
3.	Collector of the District	100%
4.	Additional Secretary in the Secretariat	100%
5.	Secretary (Revenue/Settlement & Rehabilitation), Board of Revenue, Punjab	100%

6.	Director, Land Records, Board of Revenue, Punjab	100%
7.	Settlement Officer	100%
8.	(i) Chief Officer, Municipal Corporation (Category-I & II) (ii) Chief Officer, District Councils (iii) Deputy Chief Officer, Metropolitan Officer (Finance), Metropolitan Officer (Services) & Metropolitan Officer (Planning) in Metropolitan Corporation, Lahore.	45% 20% 45%
9.	Such other equivalent posts, as may, from time to time, be specified by the Chief Minister.	-

PART-IV
(Posts in BS-20)

Sr. No.	Name of the Post	Share percentage of total posts
1.	Secretary to Government of the Punjab	100%
2.	Commissioner of the Division	100%
3.	Deputy Commissioner	44%
4.	Member (Judicial), Board of Revenue at Rawalpindi	100%
5.	Chief Officer, Metropolitan Corporation Office	S&GAD/LG&CD
6.	Such other equivalent posts, as may, be specified by the Government, from time to time,	-

PART-V
(Posts in BS-21)

Sr. No.	Name of the Post	Share percentage of total posts
1.	Additional Chief Secretary	100%
2.	Chairman, Planning & Development Board	100%
3.	Chairman, CMIT	100%
4.	Secretary to Government of the Punjab	100%
5.	Sr. Member/Member, BOR, Punjab/Chief Land Commissioner/Relief Commissioner	100%
6.	Commissioner of the Division	100%
7.	Such other equivalent posts, as may, from time to time, be specified by the Chief Minister.	

HISTORY OF AMENDMENTS

Prescribed departmental examination.

Note: Those promoted against 45% quota or selected on merit against 5% quota would also undergo comprehensive post-induction training at MPDD.

♣SCHEDULE-II
(See rule 3)

After allocating the share of All Pakistan Unified Group (APUG) officers as may, from time to time, be determined by the Competent Authority and the share of technical services in the Secretariat, the balance of the following posts in different grades shall form the cadre strength of PMS in each grade:

(1)	PMS: (BS-17)	Section Officer/Assistant Commissioner/Collector (Consolidation)/General Assistant (Revenue)/Colony Assistant/Sub Registrar and other equivalent posts as per details at Annex-Part-I.
(2)	PMS: (BS-18)	Deputy Secretary/Additional Collector of the District and other equivalent posts as per details at Annex-Part-II.

♣Schedule-II and Annexes appended to it substituted vide Notification No. SORIII(S&GAD)1-12/2000(P-I) dated 30.05.2011.

◆(3)	PMS: (BS-19)	Additional Secretary/District Coordination Officer/ Additional Commissioner (Revenue)/ Additional Commissioner (Consolidation)/Additional Commissioner (Coordination)/Collector of the District and other equivalent posts as per details at Annex-Part-III.
(4)	PMS: (BS-20)	Secretary to Government of the Punjab/Commissioner of the Division/District Coordination Officer and other equivalent posts as per details at Annex-Part-IV.
(5)	PMS: (BS-21)	Secretary to Government of the Punjab/Commissioner of the Division and other equivalent posts as per details at Annex-Part-V.

Note: The share of technical services in the Secretariat posts shall be as under:

(i)	S.Os in the Secretariat	20%
(ii)	Deputy Secretaries in the Secretariat	20%
(iii)	Additional Secretaries in the Secretariat	20%

◆ Entries in column 3 against Sr. No. (3) substituted vide Notification No. SORIII(S&GAD)1-12/2000 (P-I) dated 24.03.2012.

**Punjab Civil Servants
(Transferred from Federal Government)
Service Rules, 2015**

NOTIFICATION

Dated Lahore, the 11th August, 2015

No.SOR-III(S&GAD)1-22/2012-A. In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.— (1) These rules may be cited as the Punjab Civil Servants (Transferred from Federal Government) Service Rules, 2015.

(2) They shall come into force at once.

2. Definitions. – (1) In these rules:

(a) “Act” means the Punjab Civil Servants Act, 1974 (VIII of 1974);

(b) “functional unit” means a group of posts or a part of such group sanctioned as a separate unit in or under a department;

(c) “pay” means the amount drawn monthly by a person as a pay and also includes technical pay, special pay, personal pay and any other emoluments declared as pay by the prescribed authority;

(d) “person” means a person transferred from Federal Government to the Government and who immediately before the commencement of the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) was holding a post in connection with the affairs of the Federation; and

(e) “post” means a post in connection with affairs of the Government.

(2) A word or expression used but not defined in the rules shall have same meaning as assigned to it in the Act or any other rules made under the Act.

3. Terms and conditions of service. - (1) The Government may, by notification, appoint a person to a post under section 22C of the Act.

(2) The seniority inter se amongst the persons shall be maintained in the functional unit as it existed at the time of their transfer to the Government.

(3) The functional unit of a person shall be called as federal functional unit and shall be a dying cadre.

(4) If a post falls vacant due to retirement, removal, death or otherwise of the incumbent, it shall be allocated to provincial cadre and if the post is to be filled through:

(a) initial recruitment, it shall be filled as per eligibility criteria or service rules of that post; and

(b) promotion, it shall be filled by promotion of senior most incumbents in the cadre as per service rules.

(5) The seniority in a functional unit in which a person is promoted shall take effect from the date of regular appointment to that post.

(6) The services rendered by a person in the Federal Government shall be counted for the purpose of promotion and seniority of the person in the relevant functional unit.

(7) The Government shall, in accordance with the relevant rules, contribute towards the pension, final payment of General Provident Fund and such like payments or benefits of the person as per the prevailing rules of the Government.

(8) A person appointed under these rules shall be entitled to get pensionary benefits as admissible to his counterparts in the Government under section 18 of the Act.

(9) A person appointed under these rules shall contribute to the Provincial Benevolent Funds, General Provident Funds and Group Insurance in accordance with relevant rules of the Government.

Punjab Estacode 2024

(10) A person appointed under these rules shall be entitled to such pay, pension and allowances as determined by the Government and his pay and pay scale shall be protected as personal to him.

(11) All other laws including rules, regulations or policies as are applicable to other civil servants of the Government shall, as nearly as possible, be applicable to the person appointed under these rules.

**THE PUNJAB CIVIL
ADMINISTRATION ACT 2017**

***THE PUNJAB CIVIL ADMINISTRATION ACT 2017**
(III of 2017)

[8th February, 2017]

An
Act

to institute a comprehensive system of civil administration in the Punjab for efficient administration and improved service delivery to the people.

It is essential to institute a comprehensive system of civil administration in the Punjab for efficient administration, improved service delivery, better coordination, supervision and regulatory enforcement, and for ancillary matters.

Be it enacted by the Provincial Assembly of the Punjab as follows:–

1. Short title, extent and commencement.– (1) This Act may be cited as the Punjab Civil Administration Act 2017.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.– In this Act, unless the subject or the context otherwise requires:

(a) “Additional Commissioner” means an officer appointed as Additional Commissioner under the Act;

(b) “Additional Deputy Commissioner” means an officer appointed as Additional Deputy Commissioner under the Act;

(c) “Assistant Commissioner” means an officer appointed as Assistant Commissioner under the Act;

(d) “Commissioner” means an officer appointed as Commissioner under the Act;

(e) “Deputy Commissioner” means an officer appointed as Deputy Commissioner under the Act;

(f) “Division”, “District” and “Tehsil” respectively mean the Division, the District and the Tehsil constituted under the Punjab Land Revenue Act, 1967 (*XVII of 1967*);

(g) “employee” means a person performing duties in an office;

(h) “Government” means Government of the Punjab;

(i) “head of District Police” means the head of the district police appointed under the Police Order, 2002 (*22 of 2002*);

(j) “head of the local government” means the Mayor or a Chairman of a local government under the Punjab Local Government Act 2013 (*XVIII of 2013*);

(k) “head of office” means the head of an office in the Tehsil, District or, as the case may be, the Division;

(l) “local government” means a local government constituted under the Punjab Local Government Act 2013 (*XVIII of 2013*);

(m) “office” means such office of the Government in the Tehsil, District or, as the case may be, the Division as the Government may, by notification, specify for purposes of the Act but does not include any office of the local government established by or under the Punjab Local Government Act 2013 (*XVIII of 2013*) or of the Police constituted by or under the Police Order, 2002 (*22 of 2002*);

(n) “officer-in-charge” means the officer incharge of, and responsible for, maintaining a public facility;

(o) “prescribed” means prescribed by rules made under the Act;

(p) “public facility” means such office or public facility or work relating to such office of the Government in the Tehsil, District or, as the case may be, the Division as the Government may, by notification, specify but does not include any office or public facility or work relating to the local government established by or under the Punjab

* This Act was passed by the Provincial Assembly of the Punjab on 2 February 2017; assented to by the Governor of the Punjab on 7 February 2017; and, was published in the Punjab Gazette (Extraordinary), dated: 8 Feb 2017, pp. 4065-4071.

Local Government Act 2013 (*XVIII of 2013*) or of the Police constituted by or under the Police Order, 2002 (*22 of 2002*);

- (q) “rules” means the rules made under the Act; and
- (r) “Service” means Pakistan Administrative Service or Provincial Management Service Punjab.

3. Commissioners, Deputy Commissioners and Assistant Commissioners.— (1) The Government shall appoint a Commissioner for each Division, a Deputy Commissioner for each District and an Assistant Commissioner for each Tehsil in the Punjab from amongst the officers of the Service.

(2) A Commissioner shall be the officer-in-charge of general administration and principal representative of the Government in the Division.

(3) A Deputy Commissioner shall be the officer-in-charge of general administration and principal representative of the Government in the District.

(4) An officer appointed under subsection (1) shall perform the functions and exercise the powers under this Act or any other law or as the Government may, by order or notification, assign or delegate.

(5) The Commissioner and Deputy Commissioner shall be subject to general superintendence and control of the Government.

4. Functions of the Commissioner.— A Commissioner, in addition to any function under subsection (4) of section 3 and section 15, shall:

- (a) supervise and monitor the discharge of duties by the Deputy Commissioners in the Division;
- (b) coordinate the work of all the offices and public facilities in the Division;
- (c) facilitate and coordinate any work which concerns two or more Districts in the Division or two or more Divisions for purposes of integrated development, efficient use of public resources and effective service delivery; and
- (d) supervise and coordinate the implementation of the policies, instructions and guidelines of the Government.

5. Functions of the Deputy Commissioner.— A Deputy Commissioner, in addition to the functions mentioned in subsection (4) of section 3 and section 15, shall:

- (a) supervise and monitor the discharge of duties by the Assistant Commissioners in the District;
- (b) coordinate the work of all the offices and public facilities in the district for purposes of integrated development, efficient use of public resources and effective service delivery;
- (c) support and facilitate the offices and public facilities in the District;
- (d) ensure that the standards set by the Government in respect of a public facility are fully observed; and
- (e) supervise and coordinate the implementation of the policies, instructions and guidelines of the Government.

6. Functions of the Additional Commissioners and Additional Deputy Commissioners.— (1) The Government may appoint one or more Additional Commissioner in each Division and one or more Additional Deputy Commissioner in each District from amongst the officers of the Service.

(2) An Additional Commissioner shall serve under the general administration and control of the Commissioner and shall perform the functions under this Act or any other law or as the Commissioner may, by order, assign.

(3) An Additional Deputy Commissioner or an Assistant Commissioner shall serve under the general supervision and control of the Deputy Commissioner and shall perform functions under the Act or any other law or as the Deputy Commissioner may, by order, assign.

(4) An Assistant Commissioner may distribute work among the officers subordinate to him in the manner and to the extent prescribed.

7. Vacancy.— In case the office of a Commissioner, Deputy Commissioner or Assistant Commissioner is vacant, the Government shall make appropriate arrangement for the discharge of the functions of that office.

8. Code of Conduct.— (1) The Government may issue a Code of Conduct in relation to the exercise of authority and discharge of functions under this Act.

(2) Any deviation from the Code of Conduct or any violation of any lawful directions under the Act shall be referred to such authority as may be prescribed for action in accordance with law.

9. Information.— (1) A Commissioner shall keep the Government informed on all important matters relating to the Divisional administration.

(2) A Deputy Commissioner shall keep the Commissioner informed on all important matters relating to the District administration.

(3) An Assistant Commissioner shall keep the Deputy Commissioner informed on all important matters relating to the Tehsil administration.

(4) A head of office in the District shall keep the Deputy Commissioner informed on all important matters relating to that office.

10. Coordination Committees.— The Government may constitute Divisional, District or Tehsil Coordination Committees consisting of such heads of local governments, members of National Assembly and Provincial Assembly, heads of Division, District and Tehsil administrations and police and such other persons as may be specified to achieve the goals of good governance, effective service delivery, public welfare and better coordination through democratic control and oversight.

11. Assistance.— On a request by a head of office or head of a local government, the Deputy Commissioner and the Assistant Commissioner shall extend such assistance and support as may be necessary in the circumstances.

12. Public facilities.— (1) The Deputy Commissioner may, from time to time, review the quality, standard and efficacy of public facilities in the District.

(2) If the Deputy Commissioner, for reasons to be recorded, is of the view that the public service is not being delivered on the prescribed or reasonable standards, he may require the officer-in-charge to take such measures as may be necessary for improving the quality, standard and efficacy of the public facility.

(3) The officer-in-charge shall take prompt remedial steps and inform the Deputy Commissioner of the action taken by him.

(4) If the officer-in-charge does not take remedial steps as advised, the Deputy Commissioner may, through the Commissioner, make a report to the Government for necessary action in accordance with law.

13. Calamities.— (1) The Government may, by notification, declare the whole or any part of the Province, as the case may be, as calamity-affected area under section 3 of the Punjab National Calamities (Prevention and Relief) Act 1958 (XXXIII of 1958).

(2) On issuance of the notification mentioned in subsection (1), the Commissioner, Deputy Commissioner, Assistant Commissioner or officers subordinate to them may, in consultation with the respective head of the local government, exercise such powers within the area of their respective jurisdiction as the Relief Commissioner may delegate to them under section 7 of the said Act.

(3) All the offices in the District or, as the case may be, in the Division shall extend such assistance to the officer mentioned in subsection (2) as he may require or as may be necessary in the circumstances.

(4) On a request by or on behalf of the Deputy Commissioner, the local governments in the district shall also render such assistance to the Deputy Commissioner or officers subordinate to him as may be necessary in the circumstances.

14. Record and inspection.— (1) On a complaint or otherwise, the Commissioner or the Deputy Commissioner may call for the record of any case from any office in the Division or, as the case may be, the District to satisfy himself as to the propriety or legality of any action taken or proposed to be taken by any office and pass appropriate directions in accordance with law.

(2) The Commissioner, Deputy Commissioner and Assistant Commissioner may inspect any office or public facility within his jurisdiction, and give such directions as may be necessary to achieve the objectives of this Act.

(3) It shall be the duty of every head of office and officer-in-charge to facilitate inspection and provide record, information, report and otherwise assist the Commissioner, Deputy Commissioner or Assistant Commissioner.

15. Public order etc.— (1) The Deputy Commissioner on his own, or on the request of the head of a local government or head of the District Police, may convene a meeting for purposes of maintaining public order and public safety and safeguarding public or private properties in the District; and, the decisions taken in the meeting shall be executed by all concerned accordingly.

(2) Notwithstanding anything in subsection (1), in case of any unforeseen or sudden situation that threatens or is likely to threaten public order, public safety or public and private properties in the District, the Deputy Commissioner and the head of the District Police shall jointly take appropriate action to address the situation.

(3) The provisions of subsection (1) and subsection (2) shall apply *mutatis mutandis* to the Commissioner and Assistant Commissioner respectively in relation to the Division and the Tehsil.

16. Public processions etc.— (1) No public meeting, procession, assembly or gathering shall take place without prior permission in writing of the Deputy Commissioner.

(2) On receipt of an application for the purpose, the Deputy Commissioner, in consultation with the head of District Police, may grant permission subject to such terms and conditions as he deems fit or reject the application after recording reasons.

(3) The Deputy Commissioner may, in consultation with the head of the respective local government, requisition such assistance of the local government as may be necessary in the circumstances.

17. Public properties.— (1) The Deputy Commissioner shall oversee the use of all public properties in the district and where required direct the concerned head of office or officer incharge for the proper maintenance and use of a property or safeguarding it against illegal trespass, undue wastage or destruction.

(2) The Deputy Commissioner may exercise the powers of the Government under the Punjab Government Lands and Buildings (Recovery of Possession) Ordinance 1966 (IX of 1966), and the powers of an autonomous body under the Punjab Autonomous Bodies Immovable Property (Ejectment of Unauthorized Occupants) Ordinance, 1965 (XXXVII of 1965).

(3) The Deputy Commissioner and Assistant Commissioner shall oversee the use of public space in their respective jurisdictions and where required, in consultation with the respective head of the local government, cause the obstructions removed in accordance with law, allow and define use of public space for public meeting, procession, assembly or gathering and other temporary uses and otherwise prevent it from illegal use, and for the purpose pass such directions in accordance with law as may be considered necessary.

(4) The Deputy Commissioner shall maintain a registry of all public properties in such form as may be prescribed or as the Government may direct.

18. Police support.— On the requisition from the Assistant Commissioner or Deputy Commissioner or on receipt of a request for police assistance from any head of office, head of the local government, statutory body or body or corporation owned, set up or controlled by the Government or the Federal Government in relation to discharge of official duties, the head of the District Police shall provide such police assistance as may be necessary.

19. Enquiry.— (1) The Commissioner or the Deputy Commissioner may, on a complaint or any other information, cause an enquiry to be made by such officer as he may deem appropriate, into the affairs of an office or a public facility and take appropriate action in accordance with law.

(2) Any person aggrieved by any case of maladministration, neglect, excess or misconduct by any employee serving in a District or is dissatisfied with a public service may make a complaint in writing under his signature to the Deputy Commissioner.

(3) The Deputy Commissioner may either himself or through an officer subordinate to him take such action in accordance with law as may be necessary to redress the legitimate grievance of the complainant.

(4) It shall be the duty of every head of office and officer-in-charge of the public facility to comply with the directions under subsection (3) and shall report compliance to the Deputy Commissioner or inform him of the reasons on account of which the direction cannot be implemented.

(5) On receipt of the report from a head of office or officer-in-charge of a public facility, the Deputy Commissioner may either withdraw the direction or, if he is not satisfied with the reasons, report the matter to the Government for action in accordance with law.

(6) The inquiry officer shall, for purposes of the inquiry, have all the powers of a civil court under the Civil Procedure Code, 1908 (V of 1908) in relation to summoning and enforcing the attendance of any person and examining him on oath, compelling the production of documents, receiving evidence on affidavits, and issuing commission for the examination of witnesses.

20. Statistics.— For purposes of better coordination and effective planning, the Deputy Commissioner shall maintain or cause to be maintained such updated local statistics in such manner as may be prescribed and until so prescribed as the Government may direct.

21. Performance evaluation.— The Commissioner and Deputy Commissioner, through the Commissioner, shall report the performance of the offices and, if necessary, of the employees under their respective jurisdiction to the Government in such manner and at such intervals as the Government may, by notification, determine.

22. Reports.— (1) Every head of office shall prepare and submit a periodic report on the working of his office to the Deputy Commissioner at such time and in such form as may be prescribed.

(2) The Deputy Commissioner shall prepare a consolidated report on the working of all offices in the district and shall, through the Commissioner, submit the report of each financial year to the Government at such time and in such form as may be prescribed.

(3) The Government may take such action on the report as it deems necessary.

23. District Gazetteer.— (1) The Deputy Commissioner shall make arrangements for formulating for each financial year the District Gazetteer and shall publish it after approval by the Commissioner.

(2) The District Gazetteer shall contain information about the socio-cultural and economic activities, the developmental goals accomplished, key features of governance, key indicators, the future plans and any other matter of public importance or interest.

24. Delegation of powers.— (1) The Government may, by notification, delegate such of its powers to its officers in the district as it considers appropriate in the interest of effective, efficient and economical delivery of public services subject to such conditions, if any, as may be specified in the order.

(2) In the like manner, the Government may by notification, place such of its employees, excluding the employees of the Police Department and the local governments, under the administrative control of the Commissioner or Deputy Commissioner.

25. District Account and Audit.— (1) There shall be an account in respect of each District to be called the 'District Account' which shall vest in the Deputy Commissioner for undertaking development, improvement of public services in general, provision of relief in emergencies or such other purposes as may be prescribed.

(2) All moneys received by the Deputy Commissioner shall be credited to the District Account under a head of account authorized by the Controller General of Accounts.

(3) The Deputy Commissioner shall maintain the Account and expend money from the Account for such purposes and in such manner as may be prescribed.

(4) The District Account shall be audited by the Auditor General at the end of each financial year.

(5) In addition to the audit, under subsection (3), the Government may direct that a special audit of the District Account shall be conducted by such auditors and in such manner as may be prescribed and until, so prescribed, as determined by the Government.

26. Transparency and due diligence.— The Government may prescribe arrangements to ensure that the functions and powers under this Act are discharged diligently and in a transparent manner.

27. Divisional Boards.— (1) The Government may constitute for each Division the Grievance Redress Board consisting of the Convener and two other members.

(2) The Board may enquire into serious cases of maladministration, corruption and corrupt practices, violation of law, dereliction from duty and any other act or omission detrimental to the public interest by the employees of the Government and the employees and elected representatives of a local government in the prescribed manner.

(3) The Board shall submit its report and recommendations to the Government for necessary action in accordance with law.

28. Indemnity.— No suit, prosecution, or other legal proceedings shall lie against any public servant for anything done in good faith under this Act.

29. Power to make rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

30. Removal of difficulties.— The Government may, by order in writing, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act within a period of one year of the commencement of the Act.

31. Repeal.— The Punjab Civil Administration Ordinance 2016 (XX of 2016) is hereby repealed.

THE PUNJAB RIGHT TO PUBLIC SERVICES ACT, 2019

NOTIFICATION

January 22, 2019

No.PAP/Legis-2(3)/2018/1904. The Punjab Right to Public Services Bill 2018, having been passed by the Provincial Assembly of the Punjab on January 14, 2019, and assented to by the Governor of the Punjab on January 21, 2019, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB RIGHT TO PUBLIC SERVICES ACT, 2019

I of 2019

[22nd January, 2019]An
Act

to provide for delivery of public services to the people within the stipulated time limit.

It is necessary to provide for delivery of public services to the people within the stipulated time limit, including liabilities of the government servants in case of default, administrative efficiency and for the matters connected therewith and ancillary thereto;

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.– (1) This Act may be cited as the Punjab Right to Public Services Act 2019.

(2) It extends to whole of the Punjab.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of the Act.

2. Definitions.– In this Act:

(a) “Act” means the Punjab Right to Public Services Act 2019;

(b) “Appellate Authority” means the concerned Administrative Secretary of the department or such other person or authority, as may be specified by the Government through notification in the official Gazette;

(c) “Authority” means:

(i) any department or attached department of the Government and subordinate offices thereof;

(ii) any office, Board, Commission, Council or any other body established by, any law for the time being in force;

(iii) all institutions, established or constituted under the Punjab Local Government Act 2013 (XVIII of 2013);

(iv) subordinate Courts and Tribunals;

(v) a body which is owned, controlled or substantially funded by the Government, including enterprises owned by the Province by whatever name called, required to render any services of public utility or to control, manage or regulate public services within a specified local area; and

(vi) any other body which undertakes public services;

(d) “Commission” means the Punjab Right to Public Services Commission, constituted under the Act;

(e) “department” means a department of the Government, established under the Punjab Government Rules of Business, 2011;

(f) “designated officer” means an officer designated under section 4 of the Act;

(g) “e-governance” means the use by the Government of web-based internet applications together with other information technologies, combined with processes that implement these technologies, to:

(i) enhance the access to and delivery of the Government information and services to the public, other agencies and other Government entities; or

(ii) bring about improvements in the Government operations that may include effectiveness, efficiency, service quality, or transformation;

- (h) “eligible person” means a person domiciled in the Punjab and having any accrued right to public service in the Province and shall include corporations, companies, firms, businesses and organizations working in the Punjab;
- (i) “Government” means Government of the Punjab;
- (j) “prescribed” means prescribed by the rules and the regulations made under the Act;
- (k) “public service” means any service or services notified by the Government under section 4 of the Act;
- (l) “regulations” means regulations framed under the Act;
- (m) “rules” means the rules made under the Act; and
- (n) “specified time limit” means the time limit within which the designated officer is required to provide service as specified under subsection (1) of section 4 of the Act.

3. Right to public services.– (1) Subject to the provisions of the Act, every eligible person shall have a right to public services.

(2) The right conferred under subsection (1) shall include the right to:

- (a) have access to the public service;
- (b) receive the public service within a specified time limit;
- (c) receive the public service in a transparent manner;
- (d) demand performance of duties and functions by the designated officers in accordance with the provisions of the Act;
- (e) hold the concerned designated officer accountable for any service deficiency in the public service; and
- (f) claim compensation from the concerned designated officer for his failure to provide, or delay in providing a public service.

4. Notification of public services and time limit.– (1) The Government may, by notification in the official Gazette, from time to time, specify any service to be a public service, for the purposes of the Act and also specify, by a notification, the time limit within which such services shall be provided by the designated officer to the eligible persons.

(2) For providing public services specified under subsection (1), the Government may, by notification, designate different officers for different public services, at tehsil, district, division, department or at any other appropriate level, who shall be responsible for providing each of such service to the eligible persons.

(3) While specifying the time limit for provision of any public service, in order to arrive at an informed decision, the Government may invite and receive recommendations from all related public functionaries, as well as general public through prior publication of the proposed time limit along with a precise description of such service.

5. Provision of public service within the specified time limit.– (1) The designated officer shall provide public services to the eligible persons within the time limit as may be specified in the notification issued under subsection (1) of section 4 of the Act.

(2) The specified time limit shall start from the date when an application is submitted by the eligible person to the designated officer or to a person subordinate to him, authorized to receive the application for providing the public service.

(3) All applications received by the designated officer or the authorized person, shall be duly acknowledged by putting an inward stamp specifying the inward number, date and time of receipt of such application on the duplicate copy of such application.

(4) On receipt of an application under subsection (3), the designated officer, shall, within the specified time limit, either provide the public service or reject the application:

Provided that in case of rejection of the application, the designated officer shall record reasons thereof and intimate the same to the applicant.

6. Appeal.– (1) Any person, whose application has been rejected under subsection (4) of section 5 of the Act, or who does not receive public service within the specified time limit, or where the public service received by him is deficient in any manner, may prefer an appeal to the Appellate Authority, within a period of thirty days from the date of such rejection or expiry of the specified time limit or receipt of deficient service, as the case may be.

(2) The Appellate Authority shall dispose of the appeal preferred under subsection (1) within a period of thirty days from the date of presentation of the appeal.

(3) The Appellate Authority may direct the designated officer to provide the public service within such period of time as it may specify but not more than the time specified in the notification or to remove the deficiency in public service provided to the appellant or to pass such other order, including rejection of the appeal, as it may deem fit:

Provided that before passing any order under subsection (3), the Appellate Authority shall provide an opportunity of being heard to the appellant and to the designated officer.

(4) In case the appellant or the designated officer is aggrieved of a final order passed under subsection (3), he may prefer an appeal to the Commission, within fifteen days of issuance of such final order of the Appellate Authority.

7. Time frame for disposal.– (1) An appeal under subsection (4) of section 6 of the Act, shall be disposed of within thirty days of the receipt of appeal.

(2) Any other matter or complaint, to be adjudicated by the Commission, may be disposed of, within a period of sixty days, from the date of receipt of such complaint or entrustment of such matter, as the case may be.

8. Powers of Appellate Authority.– The Appellate Authority shall, while deciding an appeal under section 6 of the Act, have the same powers as are vested in the Civil Court under the Code of Civil Procedure, 1908 (*V of 1908*), in respect of the following matters:

- (a) requiring the production and inspection of documents;
- (b) issuing summons for hearing to the designated officer and the appellant;
- (c) requisitioning any public records or copies thereof from any Government office;
- (d) levying of fine or compensation upon the concerned designated officer to pay compensation;
- (e) directing the designated officer to pay compensation to the eligible person;
- and
- (f) any other matter which may be prescribed by the rules.

9. Display of public services.– The details of the designated officers, public services and the specified time limit thereof shall be displayed locally on the notice board in every Authority and notified in the official Gazette and if possible, also on the website of the concerned Authority, for the information of the general public.

10. E-governance of services.– The Government shall endeavor and encourage all the authorities required under the Act to deliver to the eligible persons, the public services within the specified time limit, as a part of e-Governance.

11. Penalty for not providing public service.– (1) If the Appellate Authority is of the opinion that the designated officer has failed to provide a public service to the eligible person within the specified time limit or has caused delay in providing the public service or has provided the public service, which is deficient in any manner, the Appellate Authority shall by notice, call upon the designated officer to show cause, within thirty days of the receipt of such notice, for failure to provide such public service.

(2) If, after having considered the cause, if any shown by the designated officer, the Appellate Authority opines that the designated officer has acted in the manner as provided in subsection (1), the Appellate Authority shall, impose a fine on such designated officer which may extend to rupees twenty five thousand but shall not be less than rupees five hundred.

12. Penalty for not deciding the appeal within the specified time.– Where the Commission is of the opinion that the Appellate Authority has failed to decide the appeal within the time limit specified in subsection (2) of section 6, without any sufficient or reasonable cause, it may impose a fine on the Appellate Authority, which shall not be less than rupees one thousand but may extend to rupees twenty five thousand:

Provided that before imposition of such fine, the Appellate Authority shall be given a reasonable opportunity of being heard by the Commission.

13. Compensation.– On imposition of fine under section 11 or section 12, the Appellate Authority or the Commission, as the case may be, by order, direct that a portion of such fine imposed, as it may deem fit, be awarded to the aggrieved person, as compensation:

Provided that the amount of such compensation awarded shall not exceed seventy percent of the amount of fine imposed.

14. Disciplinary action.— In addition to the imposition of fines under section 11 or section 12, the Commission may, if it is satisfied that the designated officer or the Appellate Authority, as the case may be, has failed to discharge the duties assigned to him under the Act without sufficient or reasonable cause, recommend disciplinary action against him under the relevant law and the rules for the time being in force.

15. Acknowledgment of good performers.— (1) The Government, may by notification or otherwise, maintain and publish from time to time but at least once in every quarter, a roll of honour, acknowledging the names of those designated officers and other Government servants appearing on it, who have been consistently performing well either in providing public services timely and in efficient manner, or have been reputed for discharging their administrative duties and disposal of case work, adequately and within prescribed time as envisaged under the Act.

(2) The Government may prescribe independent evaluation criteria, designate an independent panel of evaluators from amongst members of Commission or otherwise and devise a comprehensive policy for the purposes of acknowledgment of the services of good performers, as laid down in subsection (1):

Provided that while prescribing the policy, the Government may, amongst other things to acknowledge the services of good performers and promote the culture of efficient and timely service delivery, also prescribe and approve cash rewards for the best performers.

16. Establishment of the Punjab Right to Public Services Commission.— (1) The Government shall, by notification in the official Gazette, establish an independent Commission to be known as the Punjab Right to Public Services Commission, to exercise the jurisdiction, powers and authority conferred under the Act, including:

- (a) hearing appeals against the orders of the Appellate Authority;
- (b) making provisions for speedy access to public services in accordance with the provisions of the Act; and
- (c) payment of compensation for delayed delivery of public service by any designated officer to the eligible person.

(2) The Commission shall comprise a Chief Commissioner and two Commissioners, to be appointed by the Government from persons having domicile of the Punjab, in such manner and on such terms and conditions, as may be prescribed, and until so prescribed, as may be determined by the Government.

(3) The Commission shall be headed by the Chief Commissioner, who shall be a retired senior Government servant, not below the rank of BPS-21 with proven integrity and intellect.

(4) The other two Commissioners shall be appointed by the Government, in the following manner:

- (a) a former civil servant of BPS-20 or above, with proven integrity and intellect, who has demonstrated expertise in one or more of the following:
 - (i) financial management; or
 - (ii) public administration, regulation and discipline;
- (b) an eminent person, having a bachelor degree in the relevant field and has been associated with public services for a period of fifteen years, provided that he may not be less than forty five years of age.

(5) The Chief Commissioner and the Commissioners shall hold office for a period of three years from the date on which they enter upon office or until they attain the age of sixty five years, whichever is earlier.

(6) Upon completion of their term, the Chief Commissioner and the Commissioners shall not be eligible for reappointment.

(7) In the event of the absence or incapacity of the Chief Commissioner or any of the Commissioners, or if that office is vacant, the Government may appoint any qualified person to hold that office in the interim for a term not exceeding six months on the terms and conditions determined by the Government.

(8) The Government may remove the Chief Commissioner or the Commissioner before the expiry of his term on ground of misconduct or of being incapable of properly performing the duties of his office by reason of physical or mental incapacity:

Provided that before removing the Chief Commissioner or the Commissioner, as the case may be, the Government shall give him an opportunity of being heard in person.

(9) The Chief Commissioner and the Commissioners shall engage exclusively in the duties and functions of the Commission and may not hold any other office of profit or engage in any other employment for reward.

(10) The Government shall provide the Commission with such officers and ministerial staff, as may be required for the discharge of its functions under the Act.

(11) The Commission may, in consultation with the Government, appoint such officers and ministerial staff, as may be necessary for the discharge of its functions under the Act.

17. Powers of the Commission.— (1) The Commission shall, for the purposes of its functions under the Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (V of 1908) in respect of the following matters, namely:

- a. summoning and enforcing the attendance of any person and examining him on oath;
- b. discovery and production of any document or other material object producible as evidence;
- c. receiving evidence on affidavits;
- d. requisitioning of any public record;
- e. issuing commission for the examination of witnesses;
- f. reviewing its decisions, directions and orders; and
- g. any other matter which may be prescribed by the rules.

(2) The Commission shall have powers to regulate its own procedure.

(3) The Commission shall arrange to deliver copies of the decision to the parties concerned within a period of fifteen days from the date of such decision.

18. Staff and officers to be public servants.— The staff and officers of the Commission shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (*XLV of 1860*).

19. Power to issue directions.— (1) The Commission shall, upon adjudication of a complaint, have the power to issue directions:

- (i) requiring any Authority entrusted with administration to take such steps as may be necessary to secure compliance with the provisions of the Act or any other law under which the eligible person, entitled to a right or benefit; and
- (ii) requiring the payment of compensation to the eligible person,

(2) Where the Commission, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof and shall enjoy powers available to a Tribunal under the Tribunals of Inquiry Act, 1969 (II of 1969).

20. Punishment for frivolous complaints.— (1) Any person, whose appeal complaining against an alleged provision of public service or alleging any deficiency therein, within stipulated time is rejected by the Appellate Authority and while deciding so, the Appellate Authority is also of the view that his complaint was false, frivolous or vexatious and if such order is upheld by the Commission also, the complainant shall be served by the Commission, with a show cause notice, requiring him to submit his reply within a period of fifteen days of show cause in writing that why he shall not be prosecuted for filing a frivolous complaint.

(2) If the Commission is satisfied, upon receiving the reply to show cause notice and hearing the parties that the complaint so filed was false and frivolous, it may proceed to fine the complainant for an amount up to rupees fifty thousand.

21. Deposit of fines and fees.— (1) All fines, except those in nature of compensation to be paid to the eligible person under the Act, shall, upon recovery, be immediately deposited in the Public Account of the Province, so maintained in terms of Article 118 of the Constitution while all fees shall be deposited in the Provincial Consolidated Fund.

(2) All Authorities shall be bound to give effect to the orders and directions of the Commission in enforcing its decisions and orders, including but not limited to orders related to attachment and remission of properties, salaries and other receivable of the defaulters.

22. Protection of action taken in good faith.— No suit, prosecution or any other legal proceedings shall lie against any person for anything which is done or intended to be done in good faith, in pursuance of the provisions of the Act or the rules made thereunder.

23. Act to have overriding effect.— The provisions of the Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

24. Power of the Commission to send applications to the Appellate Authority directly.— Notwithstanding anything contained in the Act, the Commission, if it receives any application alleging non-compliance of the provisions of the Act, may, if it deems fit, send such an application directly to any Appellate Authority for taking further action in the matter in accordance with the provisions of the Act.

25. Bar of jurisdiction of Courts.— No Court shall entertain any suit, application or other proceeding in respect of any order made under the Act and no such order shall be called in question otherwise than by way of appeal under the Act.

26. Power to make rules.— (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of the Act.

(2) Without prejudice to the generality of subsection (1), the Government shall have the power to prescribe forms and fees for making applications under the Act.

27. Power to frame regulations.— The Commission may, for the purposes of the Act, frame regulations not inconsistent with the Act and the rules.

28. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order, make such provisions, as it may deem necessary or expedient, for removal of the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before Provincial Assembly of the Punjab.

NOTIFICATION

No. SO(ERB)(S&GAD)5-8/2016/Finance, dated the 16th June, 2021. In continuation of this Department's Notification No. DS(O&M)5-3/2004/Contract(MF), dated 13.02.2009 and 19.04.2019, revised benefits of financial assistance issued through Notification dated 19.04.2019 may be extended in case of only those contract employees who have been recruited under National Pay Scales against regular posts and not to posts in Project, Programme, Project Management Unit, Project Management Office, Time Bound (on-time) Development Activity or as Work Charged Employees, an employee on Daily Wages, Contingent paid staff and contract employee appointed on a Special pay Package/Fixed Package.

2. Further necessary action may be taken accordingly.
