

CHAPTER 1

TERMS AND CONDITIONS OF SERVICE OF THE CIVIL SERVANTS

Sl. No.	Chapter Contents	Page No(s)
1	Constitutional Provisions- Extracts from the Constitution of the Islamic Republic of Pakistan, 1973.	5-20
2	Civil Servants Act, 1973 (Act No. LXXI of 1973).	20-30
3	The Civil Servants (Validation of Rules) Ordinance, 2001	31
4	Annual Confidential Reports- Part of Terms and Conditions of Service	32

**TERMS AND CONDITIONS OF SERVICE
OF THE CIVIL SERVANTS**

Sl. No. 1

***Constitutional Provisions-** Extracts from the Constitution of the Islamic Republic of Pakistan, 1973: Part XII Miscellaneous, Chapter I— Services.—

Article 240- Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined—

Appointments to service of Pakistan and conditions of service.

- (a) in the case of the services of the Federation, posts in connection with the affairs of the Federation and All Pakistan Service, by or under Act of [****Majlis-e-Shoora (Parliament)**]; and
- (b) in the case of the services of a Province and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly.

Explanation.— In this Article, "All-Pakistan Service" means a service common to the Federation and the Provinces, which was in existence immediately before the commencing day or which may be created by Act of ****[Majlis-e-Shoora (Parliament)]**.

Article 241- Until the appropriate Legislature makes a law under Article 240, all rules and orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or, as the case may be, the Provincial Government.

Existing rules, etc., to continue.

Article 242- (1) ****[Majlis-e-Shoora (Parliament)]** in relation to the affairs of the Federation, and the Provincial Assembly of a Province in relation to affairs of the Province, may, by law, provide for the establishment and constitution of a Public Service Commission.

Public Service Commission.

*****[(1A)]** The Chairman of the Public Service Commission constituted in relation to the affairs of the Federation shall be appointed by the President in his discretion.]

(2) A Public Service Commission shall perform such functions as may be prescribed by law.

Article 268- (1) Except as provided by this Article, all existing laws shall, subject to the Constitution, continue in force, so far as applicable and with the necessary adaptations, until altered, repealed or amended by the appropriate Legislature.

Continuance in force, and adaptation of, certain laws.

(2) The laws specified in the Sixth Schedule shall not be altered,

* For the Constitutional Provisions in the Constitutions of Islamic Republic of Pakistan 1956 and 1962, see Annex I, II, III & IV.

** Subs. by PO No. 14 of 1985, Art. 2 and Sch., for 'Parliament'.

*** Ins.. by P.O. 14 of 1985 w.e.f. 2 March 1985.

repealed or amended * [expressly or impliedly,] without the previous sanction of the President [** accorded after consultation with the Prime Minister].

(3) For the purpose of bringing the provisions of any existing law into accord with the provisions of the Constitution (other than Part II of the Constitution), the President may by Order, within a period of two years from the commencing day, make such adaptation, whether by way of modification, addition or omission, as he may deem to be necessary or expedient, and any such Order may be made so as to have effect from such day, not being a day earlier than the commencing day, as may be specified in the Order.

(4) The President may authorize *** the Governor of a Province to exercise, in relation to the Province, the powers conferred on the President by clause (3) in respect of laws relating to matters with respect to which the Provincial Assembly has power to make laws.

(5) The powers exercisable under clause (3) and (4) shall be subject to the provisions of an Act of the appropriate Legislature.

(6) Any court, tribunal or authority required or empowered to enforce an existing law shall, notwithstanding that no adaptations have been made in such law by an Order made under clause (3) or clause (4), construe the law with all such adaptations as are necessary to bring it into accord with the provisions of the Constitution.

(7) In this Article, "existing laws" means all laws (including Ordinances, Orders-in-Council, Orders, rules, bye-laws, regulations and Letters Patent constituting a High Court, and any notifications and other legal instruments having the force of law) in force in Pakistan or any part thereof, or having extra-territorial validity, immediately before the commencing day.

Explanation. In this Article, "in force", in relation to any laws, means having effect as law whether or not the law has been brought into operation.

Administrative
Courts and
Tribunals.

Article 212- (1) Notwithstanding anything hereinbefore contained, the appropriate Legislature may by Act @ [provide for the establishment of] one or more Administrative Courts or Tribunals to exercise exclusive jurisdiction in respect of---

- (a) matters relating to the terms and conditions of persons [who are or have been] in the service of Pakistan, including disciplinary matters;
- (b) matters relating to claims arising from tortious acts of

* Ins. by Legal Framework Order, 2002.

** Added by Legal Framework Order, 2002.

*** For such authorization, see Gazette of Pakistan, 1973, Extraordinary, Part II, page 2001.

@ Subs. and shall be deemed always to have been so substituted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 12, for "establish".

Government, or any person in the service of Pakistan, or of any local or other authority empowered by law to levy any tax or cess and any servant of such authority acting in the discharge of his duties as such servant; or

- (c) matters relating to the acquisition, administration and disposal of any property which is deemed to be enemy property under any law.

(2) Notwithstanding anything hereinbefore contained, where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceeding in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends * [and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal ** [other than an appeal pending before the Supreme Court shall abate on such establishment]:

Provided that the provisions of this clause shall not apply to an Administrative Court or Tribunal established under an Act of a Provincial Assembly unless, at the request of that Assembly made in the form of a resolution, *** [Majlis-e-Shoora (Parliament)] @ by law extends the provisions to such a Court or Tribunal.

(3) An appeal to the Supreme Court from a judgment, decree, order or sentence of an Administrative Court or Tribunal shall lie only if the Supreme Court, being satisfied that the case involves a substantial question of law of public importance, grants leave to appeal.

Article 27- (1) No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth:

Safeguard against discrimination in services.

Provided that, for a period not exceeding @@ [twenty] years from the commencing day, posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan:

Provided further that, in the interest of the said service, specified posts or services may be reserved for members of either sex if such posts or services entail the performance of duties and functions which cannot be adequately performed by members of the other sex.

(2) Nothing in clause (1) shall prevent any Provincial Government, or any local or other authority in a Province, from prescribing,

* Ins. and shall be deemed always to have been so inserted by the Constitution (First Amendment) Act, 1974 (33 of 1974), section 12.

** Ins. and shall be deemed always to have been so inserted by the Constitution (Fifth Amendment) Act, 1976 (62 of 1976), section 15.

*** Subs. by P.O. No. 14 of 1985. Art. 2 and Sch., for 'Parliament'.

@ For such law, see the Provincial Service Tribunal (Extension of Provisions of the Constitution) Act, 1974 (32 of 1974).

@@ Subs. by P.O. No. 14 of 1985. Art. 2 and Sch., for 'ten'.

in relation to any post or class of service under that Government or authority, conditions as to residence in the Province, for a period not exceeding three years, prior to appointment under that Government or authority.

(Annex-I)

Extracts from the Constitution of the Islamic Republic of Pakistan, 1956.

THE SERVICES OF PAKISTAN

CHAPTER I. – SERVICES

Conditions of service of persons in the service of Pakistan.

179.–(1) No person who is not a citizen of Pakistan shall be eligible to hold any office in the service of Pakistan;

Provided that the President or, in relation to a Province, the Governor, may authorize the temporary employment of a person who is not a citizen of Pakistan:

Provided further that a person who is, immediately before the Constitution Day, a servant of the Crown in Pakistan shall not be disqualified from holding any office in the service of Pakistan on the ground only that he is not a citizen of Pakistan.

(2) Except as expressly provided by the Constitution, the appointment and conditions of service of persons in the service of Pakistan may be regulated by Act of the appropriate legislature.

180.– Except as expressly provided by the Constitution–

Tenure of office of persons employed in public services.

(a) every person who is a member of a defence service, or of a civil service of the Federation, or of an All-Pakistan Service, or holds any post connected with defence, or a civil post in connection with the affairs of the Federation, shall hold office during the pleasure of the President, and

(b) every person who is a member of a civil service of a Province or holds any civil post in connection with the affairs of a Province, other than a person mentioned in paragraph (a) of this Article, shall hold office during the pleasure of the Governor.

Dismissal, disciplinary matters, etc.

181.– (1) No person who is a member of a civil service of the Federation or of a Province, or of an All-Pakistan Service, or holds a civil post in connection with the affairs of the Federation, or of a Province, shall be dismissed or removed from service, or reduced in rank, by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed from service, or reduced in rank, until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in

regard to him:

Provided that this clause shall not apply—

- (a) where a person is dismissed or removed from service or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- (b) where an authority empowered to dismiss or remove from service a person, or to reduce him in rank, is satisfied that for some reason, to be recorded by that authority, it is not reasonably practicable to give that person an opportunity of showing cause; or

where the President or the Governor, as the case may be, is satisfied, for reasons to be recorded by him, that in the interest of the security of Pakistan or any part thereof, it is not expedient to give to that person such an opportunity.

***182.**— Except as expressly provided by the Constitution or an Act of the appropriate legislature, appointments to the civil services of, and civil posts in the service of, Pakistan shall be made—

Recruitment
and conditions
of service.

- (a) in the case of services of the Federation and posts in connection with the affairs of the Federation, by the President or such person as he may direct;
- (b) in the case of services of a Province and posts in connection with the affairs of a Province, by the Governor of the Province, or such person as he may direct.

(2) Except as expressly provided by the Constitution, or an Act of the appropriate legislature, the conditions of service of persons serving in a civil capacity shall, subject to the provisions of this Article, be such as may be prescribed—

- (a) in the case of persons serving in connection with the affairs of the Federal, by **rules made by the President, or by some person authorized by the President to make rules for the purpose;
- (b) in the case of persons serving in connection with the affairs of a Province, by *** rules made by the Governor of the Province, or by some person authorized by the Governor to make rules for the purpose:

Provided that it shall not be necessary to make rules regulating the conditions of service of persons employed temporarily on the condition

* For the Pakistan Military Lands and Cantonments Service (Class I) Probation, Training and Seniority Rules, 1956, see Gazette of Pakistan, 1956, Extraordinary, pp. 1153-1164.

** For the Karachi Excise Subordinate Service Recruitment Rules, see Gaz. of P., 1956, Pt. VI, pp 67 & 168.

*** Rules for the grant of anticipatory pension, see Gazette of West Pakistan, 1956, Pt. I, pp. 509-515.

that their employment may be terminated on one month's notice or less; and nothing in this clause shall be construed as requiring the rules regulating the conditions of service of any class of persons to extend to any matter which appears to the rule-making authority to be a matter not suitable for regulation by rule in the case of that class:

Provided further that no such Act as is referred to in this clause shall contain anything inconsistent with the provisions of clause (3).

(3) The rules under clause (2) shall be so framed as to secure—

(a) that the tenure and conditions of service of any person to whom this Article applies shall not be varied to his disadvantage; and

(b) that every such person shall have at least one appeal against any order which—

(i) punishes or formally censures him; or

(ii) alters or interprets to his disadvantage any rule affecting his conditions of service; or

(iii) terminates his employment otherwise than upon his reaching the age fixed for superannuation:

Provided that when any such order is the order of the President or the Governor, the person affected shall have no right of appeal, but may apply for review of that order.

All
Pakistan
Services.

183.—(1) In the Constitution "All Pakistan Services" means the services common to the Federation and the Provinces which were the All-Pakistan Services immediately before the Constitution Day.

(2) Parliament shall have exclusive power to make laws with respect to the All-Pakistan Services.

(3) Articles 182 and 188 shall apply to the All-Pakistan Services as they apply to Services of the Federation.

(4) No member of an All-Pakistan Service shall be transferred to a Province to serve in connection with the affairs of that Province, or be transferred from that Province, except by order of the President made after consultation with the Governor of that Province.

(5) While a member of an All-Pakistan Service is serving in connection with the affairs of a Province, his promotion and

transfer within that Province, and the initiation of any disciplinary proceedings against him in relation to his conduct in that Province, shall take place by order of the Governor of that Province.

(Annex – II)

Extracts from the Constitution of the Islamic Republic of Pakistan, 1962.

THE SERVICES OF PAKISTAN

CHAPTER I. – TERMS AND CONDITIONS OF SERVICE, ETC.

174.—Subject to this Constitution, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan may be regulated by law.

Terms and conditions of service to be regulated by law.

175.—A person who is not a citizen of Pakistan shall not, except as provided in clause (2) of this Article, be eligible to hold any office in the service of Pakistan.

Persons in Public service to be citizens.

(2) A person who, immediately before the commencing day, was in the service of Pakistan shall not be disqualified from continuing in the service of Pakistan by reason only that he is not a citizen of Pakistan.

176.—Subject to this Constitution—

Tenure of office of persons in service, etc.

- (a) a person who is a member of an All-Pakistan Service, of any of the Defence Services of Pakistan or of a civil service of the Centre, or who holds a post connected with defence or a civil post in connection with the affairs of the Centre, shall hold office during the pleasure of the President; and
- (b) a person who is a member of a civil service of a Province, or who, except as a member of an All-Pakistan Service, holds a civil post in connection with the affairs of a Province, shall hold office during the pleasure of the Governor of the Province.

177.—(1) Subject to this Constitution, a person who is a member of an All-Pakistan Service or of a civil service of the Centre or of a Province, or who holds a civil post in connection with the affairs of the Centre or of a Province—

Removal from office, etc.

- (a) shall not be dismissed or removed from service, or reduced in rank, by an authority subordinate to that by which he was appointed

unless that subordinate authority has been expressly empowered to do so by an authority not so subordinate; and

- (b) subject to clause (2) of this Article, shall not be dismissed or removed from service, or be reduced in rank, unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken with respect to him.

(2) Paragraph (b) of clause (1) of this Article shall not apply—

- (a) where a person is dismissed or removed from service, or reduced in rank, on the ground of conduct which has led to his conviction, entailing imprisonment, on a criminal charge; or
- (b) where an authority empowered to dismiss or remove a person from service, or to reduce a person in rank, considers that, in the circumstances of the case, it is not practicable to give to the person an opportunity of showing cause or that it would be prejudicial to the security of Pakistan for the person to be given such an opportunity.

Appointments
to civil posts,
etc.

178.—(1) Subject to this Constitution and Law —

- (a) appointments to an All-Pakistan Service or to a civil service of the Centre, or to a civil post in connection with the affairs of the Centre, shall be made by the President or a person authorized by the President in that behalf; and
- (b) appointments to a civil service of a Province, or to a civil post in connection with the affairs of a Province, shall be made by the Governor of the Province or a person authorized by the Governor in that behalf.

(2) Subject to this Constitution and law, the terms and conditions of service of persons serving in a civil capacity in the service of Pakistan (other than persons whose terms and conditions of service are specified in this Constitution) shall be as prescribed—

- (a) in the case of a person who is a member of an All-Pakistan Service or who is serving in connection with the affairs of the Centre — by rules made by the President or by a person authorized by the President in that behalf; and
- (b) in the case of a person (not being a member of an All-Pakistan Service) who is serving in connection with the affairs of a Province — by rules made by the Governor of the Province or by a person authorized by the Governor in that behalf.

(3) Rules made for the purposes of clause (2) of this Article shall be so framed as to ensure —

- (a) that the terms and conditions of service of a person (in so far as those terms and conditions relate to remuneration or age fixed for superannuation) are not varied to his disadvantage; and

- (b) that where an order is made which -
- (i) punishes or formally censures a person;
 - (ii) alters or interprets to the disadvantage of a person any rule affecting his terms or conditions of service; or
 - (iii) terminates the employment of a person otherwise upon his reaching the age fixed for superannuation,

he shall, except where the order is made by the President or a Governor, have at least one appeal against the order and, where the order is made by the President or a Governor, he shall have the right to apply to the President or the Governor for a review of the order.

179.—(1) Subject to this Constitution and law, the president, in relation to the affairs of the Centre, and the Governor of a Province, in relation to the affairs of a Province, may authorize the temporary employment of persons in the service of Pakistan and may make rules for regulating such temporary employment.

Temporary employees.

(2) The preceding Articles of this Chapter (other than Article 174) do not apply to or in relation to the temporary employment of persons in the service of Pakistan.

(Annex – III)

Extracts from the Constitution of the Islamic Republic of Pakistan, 1956.

THE SERVICES OF PAKISTAN

CHAPTER I.— PUBLIC SERVICE COMMISSIONS

184.—(1) Subject to the provisions of this Article, there shall be a Public Service Commission for the Federation, and a Public Service Commission for each Province.

Public Service Commissions.

(2) The Public Service Commission for the Federation, if requested so to do by the Governor of a Province, may, with the approval of the President, exercise all or any of the functions of the Public Service Commission of the Province.

(3) Where the Federal Public Service Commission is exercising the functions of a Provincial Public Service Commission in respect of any matter, references in the Constitution or in any Act to the Provincial Public Service Commission shall, unless the context otherwise requires, be construed, in relation to that matter, as references to the Federal Public Service Commission.

Composition of Public Service Commissions.

185.—In the case of the Federal Public Service Commission the President, and in the case of a Provincial Public Service Commission the Governor, may by regulations determine—

Appointment,
etc., of
members of
Public Service
Commissions.

(a) the number of members of the Commission and their conditions of service; and

(b) the number of members of the staff of the Commission and their conditions of service.

186.—(1) The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Federal Public Service Commission by the President in his discretion, and in the case of a Provincial Public Service Commission by the Governor of the Province in his discretion.

(2) Not less than one half of the members of a Public Service Commission shall be persons who have held office in the service of Pakistan for not less than fifteen years.

Explanation.—for the purposes of this Article the service of Pakistan shall be deemed to include the service of the Crown in British India, and the service of the Crown in Pakistan before the Constitution Day.

(3) The term of office of the Chairman and other members of the Federal Public Service Commission and of a Provincial Public Service Commission shall be five years.

(4) Any member of a Public Service Commission may resign his office by writing under his hand addressed, in the case of the Federal Public Service Commission to the President, and in the case of a Provincial Public Service Commission to the Governor.

(5) On ceasing to hold office—

(a) the Chairman of the Federal Public Service Commission shall not be eligible for further employment in the service of Pakistan;

(b) the Chairman of a Provincial Public Service Commission shall be eligible for appointment as Chairman or other member of the Federal Public Service Commission, or as Chairman of another Provincial Public Service Commission, but shall not be eligible for any other employment in the service of Pakistan; and

(c) a member of a Public Service Commission, other than the Chairman thereof, shall be eligible for appointment as Chairman or other member of any Public Service Commission other than that on which he has already served, but shall not be eligible for any other employment in the service of Pakistan:

Provided that a person who is a member of a Public Service Commission may be appointed as Chairman of that Commission for the unexpired term of his office.

187.– (1) A member of a Public Service Commission shall not be removed from office except on the ground of misbehaviour or infirmity of mind or body.

Removal of the members of public service commissions.

(2) A member of the Federal Public Service Commission shall not be removed from office except in the manner applicable to a Judge of a High Court.

(3) A member of a Provincial Public Service Commission shall not be removed from office except by an order of the Governor of the Province made in a case where the Supreme Court, on reference having been made to it by the Governor, has reported that the member ought to be removed on a ground such as is mentioned in clause (1).

188.– (1) It shall be the duty of the Federal Public Service Commission and a Provincial Public Service Commission to conduct examinations for appointment to the services and posts connected with the affairs of the Federation, or the Province, as the case may be.

Functions of public service commissions.

(2) The President, in respect of services and posts in connection with the affairs of the Federation, and the Governor of a Province, in respect of services and posts in connection with the affairs of the Province, may make regulations specifying the matters in which generally or in any particular class of case, or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted; but, subject to such regulations the appropriate Public Service Commission shall be consulted—

- (a) on all matters relating to methods of recruitment to civil services and posts, and qualifications of candidates for such services and posts;
- (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another, and on the suitability of candidates for such appointments, promotions or transfers;
- (c) on all disciplinary matters affecting a person in the service of the Federal or a Provincial Government in a civil capacity, including compulsory retirement whether for disciplinary reasons or otherwise, and memorials or petitions relating to such matters;
- (d) on any claim by or in respect of a person who is serving or has served under the Federal or a Provincial Government in a civil capacity that any costs incurred by him in defending any legal proceedings instituted against him in respect of acts done or purported to be done in the execution of his duty should be paid out of the Federal Consolidated Fund or the Provincial Consolidated Fund, as the case may be;
- (e) on any proposal to withhold a special or additional pension or to reduce an ordinary pension; and

- (f) on any claim for the award of a pension or allowance in respect of injuries sustained while serving under the Federal or a Provincial Government in a civil capacity, and any question as to the amount of any such award;

and it shall be the duty of the Public Service Commission to advise on any matter so referred to them, and on any other matter which the President or the Governor, as the case may be, may refer to the Commission.

(3) Where under the Constitution or any law, rules are made for regulating the appointment or conditions of service of persons in the service of Pakistan, but not under the control of the Federal Government or a Provincial Government, such rules may provide for consultation with the appropriate Public Service Commission; and, subject to any express provision of the Constitution or of the said law, clause (2) shall apply *mutatis mutandis*.

Power to extend functions of public service commissions.

189.—An Act of Parliament may provide for the exercise of additional functions by the Federal Public Service Commission, and an Act of a Provincial Legislature may provide for the exercise of additional functions by the Provincial Public Service Commission.

Reports of public service commissions.

190.—(1) It shall be the duty of the Federal Public Service Commission to present to the President annually a report on the work done by the Commission, and the President shall cause a copy of the report to be laid before the National Assembly; and it shall be the duty of each Provincial Public Service Commission to present to the Governor annually a report on the work done by the Commission, and the Governor shall cause a copy of the report to be laid before the Provincial Assembly.

(2) The report shall be accompanied by a memorandum setting out —

- (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefor;
- (b) the matters, if any, on which the Commission ought to have been consulted, but was not consulted, and the reasons therefor.

(Annex – IV)

Extracts from the Constitution of the Islamic Republic of Pakistan, 1962.

THE SERVICES OF PAKISTAN**CHAPTER 2.– PUBLIC SERVICE COMMISSIONS.**

180.—There shall be a Central Public Service Commission for the Centre, and a Provincial Public Service Commission for each Province.

Public Service
Commissions.

181.—In the case of the Central Public Service Commission, the President, and in the case of a Provincial Public Service Commission, the Governor of the Province concerned, may by Order determine:—

Composition of
Public Service
Commissions.

- (a) the number of members of the Commission; and
- (b) the number of members of the staff of the Commission and their terms and conditions of service.

182.—The members of the Central Public Service Commission shall be appointed by the President, and the members of a Provincial Public Service Commission shall be appointed by the Governor of the Province concerned.

Appointment,
etc., of
members of
Public Service
Commissions.

(2) The terms and conditions of service of a member of the Central Public Service Commission shall be determined by Act of the Central Legislature or, until so determined, by the President, and the terms and conditions of service of a member of a Provincial Public Service Commission shall be determined by Act of the Legislature of the Province concerned or, until so determined, by the Governor of the Province.

(3) Not less than one-half of the members of a Commission shall be persons who are at the time of appointment, or who have been at some time before appointment, in the service of Pakistan.

(4) Where a person appointed as member of a Commission was, immediately before his appointment, in the service of Pakistan, his rights as a person in the service of Pakistan shall not, subject to his appointment and service as such a member, be affected.

183.—(1) Before entering upon his office, a member of a Commission shall make an oath in such form set out in the First Schedule as is applicable to his office.

Oath of Office.

(2) The oath shall be made:—

- (a) in the case of a member of the Central Public Service Commission – before the Chief Justice of the Supreme Court; and
- (b) in the case of a member of a Provincial Public Service Commission – before the Chief Justice of the High Court of the Province concerned.

Term of Office.

184.—(1) A member of a Commission shall, subject to this Article, hold office for a term of three years from the date on which he enters upon his office.

(2) A member of a Commission shall not be removed from office except in the manner prescribed in clauses (5) and (6) of Article 128 for the removal from office of a Judge, and in the application of those clauses for the purposes of this clause, any reference in those clauses to a Judge shall be read as a reference to a member of the Commission.

(3) A member of a Commission may resign his office by writing under his hand addressed:—

- (a) in the case of a Central Public Service Commission—to the President; and
- (b) in the case of a Provincial Public Service Commission—to the Governor of the Province concerned.

Functions of Central Public Service Commission.

185.—(1) The functions of the Central Public Service Commission shall be :—

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the All Pakistan Services, the civil services of the Centre and civil posts connected with the affairs of the Centre;
- (b) to advise the President on any matter on which the Commission is consulted under clause (2) of this Article or which is referred to the Commission by the President; and
- (c) such other functions as may be prescribed by law.

(2) Except to the extent that the President, after consulting the Commission, may provide otherwise by Order, the President shall, in relation to the All-Pakistan Services, the civil services of the Centre and civil posts connected with the affairs of the Centre, consult the Central Public Service Commission with respect to—

- (a) matters relating to qualifications for, and methods of recruitment to, services and posts;
- (b) the principles on which appointments and promotions should be made;
- (c) the principles on which persons belonging to one service should be transferred to another;
- (d) matters affecting terms and conditions of service and proposals adversely affecting pension rights; and
- (e) disciplinary matters.

186.—(1) The functions of a Provincial Public Service Commission shall be—

Functions of
Provincial Public
Service
Commission.

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the civil services of the Province concerned and civil posts connected with the affairs of the Province;
- (b) to advise the Governor of the Province on any matter on which the Commission is consulted under clause (2) of this Article or which is referred to the Commission by the Governor; and
- (c) such other functions as may be prescribed by law.

(2) Except to the extent that the Governor of a Province, after consulting the Public Service Commission of the Province, may provide otherwise by Order, the Governor shall, in relation to the civil services of the Province and civil posts connected with the affairs of the Province, consult the Commission with respect to—

- (a) matters relating to qualifications for, and methods of recruitment to, services and posts;
- (b) the principles on which appointments and promotions should be made;
- (c) the principles on which persons belonging to one service should be transferred to another;
- (d) matters affecting terms and conditions of service and proposals adversely affecting pension rights; and
- (e) disciplinary matters.

Reference by
Province to
the Central
Commission.

187.—The Governor of a Province may, with the approval of the President, refer to the Central Public Service Commission a matter relating to the services of the Province or posts connected with the affairs of the Province.

Commission
to be advised
when advice
not
acceptable.

188.—Where the President or a Governor does not accept the advice of a Commission, he shall inform the Commission accordingly.

Annual
Report.

189.—(1) Each Commission shall, not later than the fifteenth day of January in each year, prepare a report on its activities during the year ending on the previous thirty-first day of December and submit the report –

- (a) in the case of the Central Public Service Commission – to the President; and
- (b) in the case of the Public Service Commission of a Province—to the Governor of the Province.

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

- (a) the cases, if any, in which its advice was not accepted, and the reasons why the advice was not accepted; and
- (b) the cases where the Commission ought to have been consulted but was not consulted, and the reasons why it was not consulted.

(3) The President or the Governor, as the case may be, shall cause the report and memorandum to be laid before the National Assembly or the Provincial Assembly, as the case requires, at the first meeting of the Assembly held after the thirty-first day of January in the year in which the report was submitted.

Definition.

190.—In this Chapter, “Commission” means the Central Public Service Commission or a Provincial Public Service Commission.

Sl. No. 2

***Civil Servants Act, 1973(Act No. LXXI of 1973)**

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan.

WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan, and to provide for matters connected therewith or ancillary thereto;

* The Act received assent of the President on the 26th September, 1973 and was published in the Gazette of Pakistan, Extra Part I, September, 29, 1973.

It is hereby enacted as follows:-

1. **Short title, application and commencement.**- (1) This Act may be called the Civil Servants Act, 1973. .

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

(3) It shall come into force at once.

CHAPTER I. - PRELIMINARY

2. **Definitions.**-(1) In this Act, unless there is anything repugnant in the subject or context,-

- (a) "*ad hoc* appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
- (b) "civil servant" means a person who is a member of an All Pakistan Service or of a civil service of the Federation, or who holds a civil post in connection with the affairs of the Federation, including any such post connected with defence, but does not include- .
 - (i) a person who is on deputation to the Federation from any Province or other authority;
 - (ii) a person who is employed on contract, or on work-charged basis or who is paid from contingencies; or
 - (iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (XXV of 1934), or the Workman's Compensation Act, 1923 (VIII of 1923);
- (c) "initial appointment" means appointment made otherwise than by promotion or transfer;
- (d) "pay" means the amount drawn monthly by a civil servant as pay and includes technical pay, special pay, personal pay and other emoluments declared by the prescribed authority to be pay;
- (e) "permanent post" means a post sanctioned without limit of time;
- (f) "prescribed" means prescribed by rules;
- (g) "rules" means rules made or deemed to have been made under this Act;
- (h) "selection authority" means the Federal Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendation of, or in consultation

with which any appointment or promotion, as may be prescribed, is made; and

- (i) "temporary post" means a post other than a permanent post.
- (2) For the purposes of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

CHAPTER II. - TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

3. **Terms and conditions.-** [(i)] The terms and conditions of a civil servant shall be as provided in this Act and the rules.

*[(ii) The terms and conditions of service of any person to whom 'this Act applies shall not be varied to his disadvantage].

4. **Tenure of office of civil servants.-** Every civil servant shall hold office during the pleasure of the President.

5. **Appointments.-** Appointments to an All-Pakistan Service or to a civil service of the Federation or to a civil post in connection with the affairs of the Federation, including any civil post connected with defence, shall be made in the prescribed manner by the President or by a person authorised by the President in that behalf.

6. **Probation.-** (1) An initial appointment to a service or post referred to in section 5, not being an ad hoc appointment, shall be on probation as may be prescribed.

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

Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise,-

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

* Re-numbered and added *vide* Civil Servants (Amendment) Act V of 1996, s.2, dated 17-3-1996.

Provided that, in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

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

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

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

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

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

8. **Seniority.**-(1) For proper administration of a service, cadre or *[post] the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or *[post] to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or *[post], as the case may be.

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

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

(4) Seniority in *[a post, service or cadre] to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

Provided that civil servants who are selected for promotion to a higher *[post] in one batch shall, on their promotion to the higher *[post], retain their *inter se* seniority as in the lower *[post].

* The words "or Grade" omitted and subs. *vide* Civil Servants (Amendment) Ordinance NO.III of 1984 (w.e.f.1-7-1983).

9. **Promotion.**- (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a * [higher] post for the time being reserved under the rules for departmental promotion in ** [] the service or cadre to which he belongs ***[:]

***["Provided that the posts of-

- (a) Additional Secretary and Senior Joint Secretary may, in the public interest, be filled by promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 20; and
- (b) Secretary may, in the public interest, be filled by, promotion from amongst officers of regularly constituted Occupational Groups and services holding, on regular basis, posts in Basic Pay Scale 21;

In such manner and subject to such conditions as may be prescribed.]

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

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

@[3] Promotion to posts in basic pay scales 20 and 21 and equivalent shall be made on the recommendations of a Selection Board which shall be headed by the Chairman, Federal Public Service Commission].

10. **Posting and transfer.**- Every civil servant shall be liable to serve any where within or outside Pakistan, in any @@ [equivalent or higher] post under the Federal Government, or any Provincial Government or local authority, or a corporation or body set up or established by any such Government:

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

* The words "or Grade" omitted and subs. *vide* Civil Servants (Amendment) Ordinance No. III of 1984 (*w.e.f.* 1-7-1983).

** Omitted s.4, *ibid.*

*** Subs. and added *vide* Civil Servants (Amendment) Ordinance No. XXXIII of 2001, dated 4-8-2001.

@ Added *vide* Civil Servants (Amendment) Ordinance No. XLIII of 2000, dated 6-7-2000.

@@ Ins. *vide* Civil Servants (Amendment) Act V of 1996, s.3, dated 17-3-1996.

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

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

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

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one *[service], cadre or post to another *[service] cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such *[service] cadre or post but he shall be reverted to his former *[service], cadre or post as the case may be;

(ii) on the expiry of the initial or extended period of his employment; or

(iii) if the appointment is made *ad hoc* terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or *[service] the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or *[.service].

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub-section (2), the service of a civil servant in temporary employment or appointed *ad hoc* shall be liable to termination on fourteen days' notice or pay in lieu thereof.

****[11-A. Absorption of civil servants rendered surplus.-**Notwithstanding anything contained in this Act, the rules, agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a Division, department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post:

Provided that where no equivalent post is available he may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected].

* Subs *vide* Civil Servants (Amendment) Ordinance No. III of 1984 (w.e.f. 1-7-1983).

** Inserted *vide* Civil Servants (Amendment) Ordinance No. XX of 2001.

*[11 B. (1) Where it is brought to the notice of the appointing authority that appointment of a person to a civil post was made without observing the prescribed procedure or without fulfilling the prescribed qualification, experience and age limit, it may send a reference to the Federal Public Service Commission for determination whether he is fit to hold the post to which he was appointed and, if not, whether he is fit to hold any other post compatible with his qualification and experience.

(2) On receipt of the advice of the Federal Public Service Commission on a reference made under sub-section (1), the appointing authority may pass such order of appointment or termination of service as may be considered by it to be just and equitable:

Provided that if it is proposed to pass order of termination of service in the light of the advice of the Commission, a reasonable opportunity of showing cause against the order of termination, shall be provided.

(3) Where an order of appointment is made on the advice of the Commission, it shall be treated as a case of fresh appointment and seniority of such an appointee shall be determined in accordance with the Civil Servants (Seniority) Rules, 1993].

12. **[**Reversion to a lower post etc.**- (1) A civil servant appointed to a higher post on *ad hoc*, temporary or officiating basis shall be liable to reversion to his lower post.

(2) No civil servant shall be dismissed or removed from service or reduced in rank by an authority subordinate to that by which he was appointed.

(3) No such civil servant as aforesaid shall be dismissed or removed from service, or reduced in rank, until he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided that this sub-section shall not apply: –

- (i) Where a civil servant is dismissed or removed from service or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) Where the President or any person authorised by him under the rules is satisfied, for reasons to be recorded in writing, that in the interest of the security of Pakistan or any part thereof, it is not expedient to give to that civil servant such an opportunity].

12-A. *[**Certain persons to be liable to removal, etc.** Notwithstanding

* Added *vide* Civil Servants (Amendment) Ordinance No.CXXX of 2002 promulgated on 13.11.2002.

** Subs. *vide* Civil Servants (Amendment) Act V of 1996, s.4, dated 17-3-1996.

* Subs. *vide* Civil Servants (Amendment) Ordinance No. XXXIV of 1980.

anything contained in this Act or in the terms and conditions of a civil servant appointed or promoted during the period from the first day of January, 1972, to the fifth day of July, 1977, the President or a person authorised by him in this behalf may,—

- (a) without notice, remove such a civil servant from service or revert him to his lower post ****[* *]** as the case may be, on such date as the President or, as the case may be, the person so authorised may, in the public interest, direct; or
- (b) in a case where the appointment or promotion of such a civil servant is found by the President or, as the case may be, the person so authorised to suffer from a deficiency in the minimum length of service prescribed for promotion or appointment to the higher grade, direct, without notice, that seniority in such case shall count from the date the civil servant completes the minimum length of service in such appointment or promotion, as the case may be].

13. *****[Retirement from service.--**(1) A civil servant shall retire from service—

- (i) on such date after he has completed [®][twenty] years of service qualifying for pension or other retirement benefits as the competent authority may, in public interest, direct; or
- (ii) where no direction is given under clause (i), on the completion of the sixtieth year of his age.

(2) No direction under clause (i) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

Explanation: In this Section, "competent authority" means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973].

14. **Employment after retirement.--** (1) A retired civil servant shall not be re-employed under the Federal Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

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

Note.- Persons whose service has been terminated under section 12-A of the Civil Servants Act, 1973 are not disqualified from future employment under Government *vide* Estt. Division O.M. No. 4/9/78-Rev.I, dated 22-1-1984.

** The words "or Grade" omitted *vide* Civil Servants (Amendment) Ordinance NO.III of 1984.

*** Subs. *vide* Civil Servants (Amendment) Ordinance No. XX of 2000, dated 1-6-2000.

[®] Subs. *vide* Civil Servants (Amendment) Ordinance No. XXXIV of 2001, promulgated on 4-8-2001.

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

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

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

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

17. **Pay.-** A civil servant appointed to a post *[* *] shall be entitled, in accordance with the rules, to the pay sanctioned for such post *[* *] :

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

Provided further that where a civil servant has under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

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

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

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

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

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory

* The words "or Grade" Omitted *vide* Civil Servants (Amendment) Ordinance No. III of 1984, *w.e.f.* 1-7-1983.

pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity; and any over payment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

20. Provident Fund.- (1) Before the expiry of the third month of every financial year, the accounts officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to, including the interests accruing thereon, if any, and withdrawals or advances from his provident fund during the preceding financial year.

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

21. Benevolent Fund and Group Insurance.- All civil servants and their families shall be entitled to the benefits admissible under the Central Employees Benevolent Fund and Group Insurance Act, 1969 (II of 1969), and the rules made thereunder.

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

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

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

CHAPTER III.--MISCELLANEOUS

23. Saving.- Nothing in this Act or in any rule shall be construed to limit or abridge the power of the President to deal with the case of any civil servant in such manner as may appear to him to be just and equitable:

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

*[23A. **Indemnity.**- No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done in his official capacity which is in good faith done or intended to be done under this Act or the rules, instructions or directions made or issued thereunder.

23B. **Jurisdiction barred.**- Save as provided under this Act and the Service Tribunals Act, 1973 (LXX of 1973), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules, made thereunder by the President or any officer authorized by him shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance of any power conferred by, or under, this Act or the rules made thereunder].

24. **Removal of difficulties.**- If any difficulty arises in giving effect to any of the provisions of this Act, the President 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 the difficulty:

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

CHAPTER IV.- RULES

25. **Rules.**- (1) The President or any person authorised by the President in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out the purposes of this Act.

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

26. **Repeal.**- The Civil Servants Ordinance, 1973 (XIV of 1973), is hereby repealed.

[Authority: The Act received assent of the President on the 26th September, 1973 and was published in the Gazette of Pakistan, Extra Part I, dated 29-9-1973]

* Added *vide* Civil Servants (Amendment) Ordinance No. LXI of 2001 dated 7-11-2001.

Sl. No. 3

The Civil Servants (Validation of Rules) Ordinance, 2001

ORDINANCE NO. II OF 2001

AN

ORDINANCE

To validate certain rules made under the Civil Servants Act, 1973 and certain actions taken thereunder—

WHEREAS it is expedient to validate certain rules made under the Civil Servants Act, 1973 (LXXIII of 1973), for the purpose hereinafter appearing;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October 1999, and the Provisional Constitution Order No. 1 of 1999;

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

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Civil Servants (Validation of Rules) Ordinance, 2001.

(2) It shall come into force at once.

2. **Validation of certain rules.**—(1) The Civil Servants Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990, the Civil Servants (Seniority) Rules, 1993 and the Civil Servants (Confirmation) Rules, 1993 and all notifications amending the aforesaid Rules immediately before the commencement of the Ordinance are hereby affirmed and shall be deemed always to have been validly made.

(2) All orders made, proceedings taken, acts done, instructions issued, powers exercised, appointments made thereunder by any authority which were made, taken, done or purported to have been made, taken, done, issued, or exercised immediately before the commencement of this Ordinance shall be deemed to have been validly made, taken, done, issued or exercised and deemed always to have had effect accordingly.

Sl. No. No. 4

Annual Confidential Reports- Part of Terms and Conditions of Service

To be part of terms and conditions of service.- Annual Confidential Reports held to be part of terms and conditions of service- Masood Ahmad Khan, a Prosecuting Inspector of Police, was posted in Gujrat. The Superintendent of Police of that district recorded the remarks in dispute in the Annual Confidential Report for the period 15th August, 1975 to 31st December, 1975. He filed an appeal and, by its order dated 17th June, 1979, the Punjab Services Tribunal expunged these remarks. Hence this petition for special leave to appeal.

2. It has been submitted before us* that an appeal lies only against a final order and that the remarks are not a final order in any case because they are meant only to give opportunity to the persons to correct themselves. We find absolutely no merit in this submission. The entries in the Annual Confidential Reports are a final order subject only to their expunction by a higher authority.

3. It was also submitted that an appeal lies only against an order pertaining to the terms and conditions of service and that an entry in the Annual Confidential Report does not fall within that category. We again do not see eye to eye with the learned counsel on this point. Annual Confidential Reports are very much a part of the terms and conditions of the service of an employee. There are positive instructions and rules on the basis of which these entries are made and on the basis of which they can be expunged. It is not denied that they can be made the basis for retiring a person from service. This petition has no merit and is dismissed.

(c.f. 1981 Supreme Court Monthly Review 840)

* Supreme Court of Pakistan