

1*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;

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.

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 "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.

*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.

- (d) “pay” means the amount drawn monthly by a civil servant as pay and includes technical pay, special pay, personal pay and any 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.- (1) The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.

(2) The terms and conditions of service of any person to whom this Act applies shall not be varied to his disadvantage.

²ⁱ[(3) The Federal Government may transfer a civil servant of a devolved Ministry or Division, working in an Attached Department or Subordinate Office situated in a Province, to the Province concerned, in consequence of the devolution of functions pursuant to the Constitution(Eighteenth Amendment) Act, 2010(X of 2010) and thereby he shall become the civil servant of the respective Province, on the same terms and conditions of service as were applicable to him before such transfer.

(4) The Federal Government may transfer a civil servant working in a Ministry, Division, Attached Department or Subordinate Office located in the Islamabad Capital Territory to any other Ministry, Division, Attached Department or Subordinate Office, in consequence of the abolition of such Ministry, Division, Attached Departments or Subordinate Offices pursuant to the Constitution (Eighteenth Amendment) Act, 2010(X of 2010) and thereby he shall become the civil servant of the respective Ministry, Division,

²ⁱ] Inserted vide Act No. IX of 2016 dated 21.03.2016

Department or Office to which he is so transferred, on the same terms and conditions of service as were applicable to him before such transfer.

(5) The seniority of the civil servants transferred by virtue of sub-section (3) and (4) shall be determined by the concerned Province, Ministry or Division, as the case may be in accordance with the rules.

(6) The cases of civil servants of a Ministry, Division, Attached Department or Subordinate Office devolved in pursuant to the Constitution(eighteenth Amendment) Act, 2010(X of 2010) and working in FATA, Gilgit-Baltistan and AJK shall be dealt with in the manner as may be provided by an Order made by the President in this behalf”.

Removal of difficulties.--- If any difficulty arises in giving effect to any provision of the Civil Servants(Amendment) Act, 2016, Federal Government may make such Order, not inconsistent with the provisions of the said Act, as may appear to it to be necessary for the purpose of removing the difficulty.

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

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 authorized 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 or, if there be no such service or post, be discharged.

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.

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:

³["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.

⁴(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 anywhere 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:

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.

³ Inserted vide Ord. No. XXXIII of 01, dt. 4.8.01

⁵[10-A. Restriction on service in international organization.- (1) No civil servant shall, during his service, serve in any international organization, including an international non-governmental organization, international financial institution and foreign donor agency.

(2) The restriction under sub-section (1) shall not apply to a civil servant who is posted or deputed in such an organization on behalf of Pakistan or with prior permission of the Federal Government in accordance with rules, which shall be laid before both Houses of Majlis-e-Shoora(Parliament)].

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 grade, service, 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 adhoc shall be liable to termination on fourteen days' notice or pay in lieu thereof.

“11A. 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

⁴ Added vide Ordinance No. XLIII of 2000 dated. 6.9.2000.

[]⁵ Inserted vide Act No. XVII of 2016

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.”.

⁶[“11B. (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 adhoc, 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:

⁶ Inserted vide Ord.No. CXXX, dated 21.11.02

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 authorized 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.”

⁷*12A Omitted.

“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.

(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.

⁷* Omitted vide Act No. IX of 2016.

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 death of the 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 provisional such anticipatory 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 overpayment 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 interest 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.

⁸[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:

⁸ Inserted vide Ord. No. LXI of 01, dt.7.11.01

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 authorized 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.

Civil Servants (Appointment, Promotion and Transfer) Rules, 1973

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), the President is pleased to make the following rules, namely:-

Part I - GENERAL

1. These rules may be called the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.
2. In these rules, unless there is anything repugnant in the subject or context,-
 - (a) “appointing authority”, in relation to a post means the person authorized under rule 6 to make appointment to that post;
 - (b) “Selection Board” means a Board constituted by the ¹(Prime Minister) for the purpose of selection for promotion or transfer to posts in basic pay scales 19 to 21 and equivalent, consisting of such persons as maybe appointed ²() from time to time.
 - (c) “Commission” means the Federal Public Service Commission;
 - (d) “Departmental Promotion Committee” means a Committee constituted for the purpose of making selection for promotion or transfer to posts under a Ministry, Division, Department or Office of the Federal Government in basic pay scales 18 and below and equivalent; and
 - (e) “Departmental Selection Committee”, means a Committee constituted for the purpose of making selection for initial appointment to posts under a Ministry, Division, Department or Office of the Federal Government in basic pay scales 1 and above other than appointments which fall within the purview of the Federal Public Service Commission under rule 3 of the Federal Public Service Commission (Functions) Rules, 1978;
 - (f) [Omitted]
3. (1) Appointments to posts shall be made by any of the following methods, namely:-
 - (a) ³[by promotion [...] in accordance with Part II of these rules;
 - (b) **by transfer in accordance with Part II of these rules; and**
 - (c) by initial appointment in accordance with Part III of these rules.]

¹Substituted vide SRO 855(1)/2019 dated 19.07.2019

² Omitted vide SRO 855(1)/2019 dated 19.07.2019

³ Substituted vide SRO 742(I)/02, dated. 28.10.02.

(2) The method of appointment and the qualifications and other conditions applicable to a post shall be as laid down by the Ministry or Division concerned in consultation with the Establishment Division.

(3) Notwithstanding anything contained in sub-rule (1) or the method of appointment laid down in the recruitment rules, a person who is rendered surplus as a result of the reorganization or abolition of a Division, Department, Office or permanent post in pursuance of any ⁴(decision made through enactment or by the Cabinet or by the Prime Minister, or by the authority otherwise competent to do so, as the case may be) or as a measure of economy may be appointed to a post in the basic pay scale to which he belonged, if he possesses the qualifications, and fulfills other conditions, applicable to that post.

(4) Where a person referred to in sub-rule (3),-

- (i) possesses educational qualifications which are considered interchangeable with, or equivalent to the qualification prescribed in the relevant recruitment rules; or
- (ii) fulfills the prescribed qualifications and the conditions for initial appointment to the post in relevant rules except the condition relating to prescribed experience.

the appointing authority may, for reasons to be recorded in writing, relax the requirement of educational qualifications or ,as the case may be, the prescribed experience.

4. (1) In each Ministry, Division, Department or Office of the Federal Government, there shall be one or more Departmental Promotion Committees, and Departmental Selection Committees, the composition of which shall be determined by the Ministry or Division concerned in consultation with the Establishment Division.

(2) Each such Committee shall consist of at least three members one of whom shall be appointed Chairman.

5. Where an appointing authority for [posts in basic pay scales 15 and below and equivalent] does not accept the recommendation of a Departmental Selection or Departmental

⁴ () Substituted vide SRO No. 855(1)/2019 dated 19.07.2019

Promotion Committee, it shall record reasons therefore and obtain orders of the next higher authority.

6(1) The appointing authority specified in column (3) of the table below shall be competent to make appointment to the various posts in the basic pay scales specified in column (2) of that table.

Sl. No.	Basic pay scale of posts.	Appointing Authority
(1)	(2)	(3)
(1)	Posts in basic pay scales-20 and above or equivalent.	⁵ [Prime Minister]
(2)	Posts in basic pay scales-17 to 19 or equivalent.	Secretary of the Ministry or Division concerned.
(3)	Posts in basic pay scale-16 or equivalent.	An officer notified by the Secretary of the Ministry or Division concerned.
(4)	Posts in basic pay scales 3 to 15 or equivalent.	An officer notified by the Secretary of the Ministry or Division concerned.
(5)	Posts in basic pay scales 1 and 2 or equivalent.	An officer notified by the Secretary of the Ministry or Division concerned.

⁶["Provided that appointment to posts in Basic Pay Scales 20 and above or equivalent in the President's Secretariat shall be made by the President."].

"(2) Notwithstanding anything contained in sub-rule (1), the Appointing Authority specified in column (4) of the table below shall be competent to make appointments to the posts specified in column (3) of that table in the department specified in column (2) thereof.

TABLE

S. No.	Name of Department		Basic Pay Scale of posts	Appointing Authority
(1)	(2)		(3)	(4)
1.	Pakistan Audit Department and Officers of Inter - Departmental Cadre of Accounts Group.	(i)	17 to 19 or equivalent	Auditor-General of Pakistan
		(ii)	16 or equivalent	An officer notified by the Auditor-General of Pakistan
		(iii)	3 to 15 or equivalent	An officer notified by the Auditor-General of Pakistan

⁵ Substituted vide SRO 01(I)/03, dt. 1.1.03

⁶ Added vide SRO 607(I)/02, dt..10.9.02

		(iv)	1 to 2 or equivalent	An officer notified by the Auditor-General of Pakistan
2.	Intelligence Bureau	(i)	17-19 or equivalent	Director-General, Intelligence Bureau.
		(ii)	1-16 or equivalent.	Officer(s) notified by the Director-General, Intelligence Bureau.
*3.	Controller General of Accounts	(i)	BS-17 & 18 and equivalent posts in the offices specified in section 6 of the Controller General of Accounts (Appointment, Functions and Powers), Ordinance, 2001 (XXIV of 2001).	Controller General of Accounts.
		(ii)	BS 1-16 or equivalent posts in the offices specified in Section 6 of the Controller General of Accounts (Appointment, Functions and Powers), Ordinance, 2001 (XXIV of 2001).	Officer(s) notified by Controller General of Accounts

Part II – APPOINTMENTS BY PROMOTION OR TRANSFER

7. Promotions and transfer to posts in basic pay scales 2 to 18 and equivalent shall be made on the recommendation of the appropriate Departmental Promotion Committee and promotions and transfer to posts in basic pay scales 19 to 21 and equivalent shall be made on the recommendation of the Selection Boards.

1[7-A(1). The Competent Authority may approve the promotion of an officer or official from the date on which the recommendation of the Central Selection Board or, as the case may be, the Departmental Promotion Committee was made.

(2). Notwithstanding anything in FR 17 the officer or official who expires or superannuates after the recommendations of the Central Selection Board or the Departmental Promotion Committee and before the issuing of the notification, shall stand exempted from assumption of the charge of the higher post. The Principal Accounting Officer or an Officer so authorized, will give a certificate to the effect that the officer or official has expired or superannuated.]

8. Only such persons as possess the qualifications and meet the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Central Selection Board, as the case may be.

8-A. No promotion on regular basis shall be made to posts in basic pay scales 17 to 22 and equivalent unless the officer concerned has completed such minimum length of service, attended such training and passed such departmental examination, as may be prescribed from time to time.

8-B (1) Where the appointing authority considers it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned who is otherwise eligible for promotion does not possess the specified length of service the authority may appoint him to that post on acting charge basis.

(2) *[Omitted].

(3) In the case of a post in [basic pay scales 17 to 22 and equivalent], reserved under the rules to be filled by initial appointment, where the appointing authority is satisfied that no suitable officer [drawing pay in basic pay scale] in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for a period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Central Selection Board, as the case may be, same in the case of [post in basic pay scale 22 and equivalent].

(6) Acting charge appointment shall not amount to appointment by promotion on regular basis for any purpose including seniority.

(7) Acting charge appointment shall not confer any vested right for regular promotion to the post [] held on acting charge basis.

9. Appointments by transfer shall be made from amongst the persons holding appointment on a regular basis in [posts in the same basic pay scale or equivalent to or identical with the posts to be filled].

Part III - INITIAL APPOINTMENT

⁷[10. **Initial appointment to the All Pakistan Services, the Civil Services of the Federation and posts in connection with the affairs of the Federation in basic pay scales 16 and above or equivalent, except those which under the Federal Public Service Commission (Functions) Rules, 1978, do not fall within the purview of the Commission, shall be made on the basis of tests and examinations to be conducted by the Commission.**

⁸[11. **Initial appointments to posts in basic pay scales 1 to 15 and equivalent shall be made on the recommendations of the Departmental Selection Committee after the vacancies have been advertised in newspapers.**

12. A candidate for initial appointment to a post must possess the educational qualifications and experience and, except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post.

Provided that unless otherwise specified in the method of appointment, qualifications and other conditions applicable to a post as laid down under sub rule (2) of rule 3, the experience prescribed for initial appointment shall be the post-qualification experience.

⁹[12-A. Alteration in the date of birth.- The date of birth once recorded at the time of joining government service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible.

13. A candidate for appointment shall be a citizen of Pakistan:

Provided that this requirement may be relaxed with the approval of the Establishment Division.

⁷ Substituted vide SRO 733(1)/03, dt 28.7.03

* Omitted vide SRO 269(1)/2000, dated 19.5.2000

⁸ Substituted vide SRO 733(1)/03, dt 28.7.03

⁹ Inserted vide SRO 521 (1)2000,dated 31.7.2000

Provided further that, in the case of candidates to be appointed on temporary basis to posts in the Pakistan Missions abroad, such relaxation shall not be accorded for a period exceeding one year at a time.

14. Vacancies in the under-mentioned posts shall be filled on All-Pakistan basis in accordance with the merit and provincial or regional quotas prescribed ¹⁰[] ¹¹ (as prescribed below):-

Merit	7.5%
Punjab (including Federal Area of Islamabad)	50 %
Sindh	19 %
The share of Sindh will be further sub-allocated in the following ratio:	
Urban areas namely Karachi, Hyderabad and Sukkur or 7.6 %	40 % of 19 %
Rural areas i.e. rest of Sindh excluding Karachi Hyderabad and Sukkur. or 11.4 %	60 % of 19 %
Khyber Pakhtunkhwa	11.5 %
Balochistan	6 %
Newly merged Districts of Khyber Pakhtunkhwa(Ex-FATA)	3 %
(This share shall not be merged into Khyber Pakhtunkhwa and be observed independently for next 10 years in conjunction with the ten-year Development Plan devised to bring the Ex-FATA at par with the Khyber Pakhtunkhwa socially and economically).	
Gilgit-Baltistan	1%
Azad Kashmir	2 %

- (i) All posts in basic pay scales 16 and above and equivalent.
- (ii) Posts in basic pay scales ¹²[6 to 15] and equivalent in offices, which serve the whole of Pakistan.

¹³["Provided that if no suitable person holding the domicile of the Province or Region to which a vacancy has been earmarked and fulfilling the prescribed qualifications is found even after the vacancy has been advertised twice, the appointing authority may fill up the vacancy on open merit on contract in the following manner, namely:-

¹⁰ () substituted vide SRO 855(1)/2019 dated 19.07.2019

¹¹ () replaced vide SRO No. 747(1)/2020 dated 19.08.2020

¹² Substituted vide SRO No. 634(1)/2019 dated 17.06.2019

¹³ Inserted vide SRO 784 (1)2000,dated 7.11.2002.

- (i) **contract appointment shall be made initially for a period of one year, and if the post falls under the purview of the Federal Public Service Commission, the Commission shall be informed about contract appointment;**
- (ii) **if nomination is not received from the Federal Public Service Commission within one year, contract appointment may in the public interest be extended for another one year; and**
- (iii) **the Federal Public Service Commission shall ensure that the nominations of the qualified candidates are made within a period of two years. If Federal Public Service Commission does not find a suitable candidate, it shall advise the appointing authority, for extension in the contract.”]**

¹⁴{Provided further that where the post of Head of an Organization is reserved for promotion and in the absence of suitable person, the post is required to be filled by initial appointment in accordance with the provisions of Recruitment Rules, the appointing authority may fill up the vacancy on open merit on contract basis and where such post is reserved for initial appointment, it may be filled on regular basis on open merit}.

15. Vacancies in posts in basic pay scales ¹⁵[6 to 15] and equivalent in offices which serve only a particular province or region shall be filled by appointment of persons domiciled in the province or region concerned¹⁶[strictly in accordance with the provisions contained in the recruitment rules of the post concerned];

¹⁷{Provided that vacancies in such posts in basic pay scales 6 to 15 and equivalent which serve only the region of Islamabad Capital Territory (ICT) shall not, at any time by initial appointment, be filled less than fifty percent of persons domiciled in the ICT.

Provided further that the first proviso shall not be applicable to the vacancies in posts, as specified in clause (ii) of rule 14, in such offices of the Federal Government whose functional jurisdiction extends beyond the region of Islamabad Capital Territory e.g. Federal Ministries/ Divisions, Regulatory Authorities, Corporations/ Departments with a federal charter extending beyond Islamabad Capital Territory. In such organizations, regional/provincial quotas shall be applicable}.

¹⁴ {} Inserted vide SRO No. 208(1)/2017 dated 28.03.2017

¹⁵ [] Substituted vide SRO No. 634(1)/2019 dated 17.06.2019

¹⁶ [] Inserted vide SRO No. 634(1)/2019 dated 17.06.2019

¹⁷ { } Inserted vide SRO No. 791(1)/2020 dated 24.08.2020

16. Vacancies in posts in basic pay scales ¹⁸[1 to 5] and equivalent shall ordinarily be filled on local basis¹⁹[through balloting] ²⁰{omitted the words "through balloting"}.

¹⁷{Provided that vacancies in such posts in basic pay scales 1 to 5 and equivalent in all offices situated within ICT shall not, at any time by initial appointment, be filled less than fifty percent from amongst the persons domiciled in the ICT}.

17. ²¹(Except any law provides otherwise, a candidate for) appointment must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties. A candidate who after such medical examination as Government may prescribe is found not to satisfy these requirements, shall not be appointed.

Part-IV.- AD HOC AND TEMPORARY APPOINTMENTS.

18. When under the Federal Public Service Commission (Functions) Rules, 1978, a post is required to be filled through the Commission; the appointing authority shall forward a requisition to the Commission on a prescribed form immediately. In exceptional cases, ad hoc appointment may, however, be made for a period of six months or less with prior clearance of the Commission as provided in rule 19; and

19. When the appointing authority considers it to be in public interest to fill a post falling within the purview of Commission urgently pending nomination of a candidate by the Commission, it may proceed to fill it on ad hoc basis for a period of six months or less after obtaining prior clearance of the Commission. The post shall be advertised and the same procedures as laid down for initial appointment in Part III shall be followed in making ad hoc appointments.

20. Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding six months, may be filled by the appointing authority otherwise that through the Commission on a purely temporary basis after advertising the vacancy.

***20A Appointment on deputation.-**

²² * (1) A person in the service of a Provincial Government or an autonomous, semi-autonomous body or corporation or any other organization set-up, established, owned, managed or controlled by the Federal Government who possesses the minimum educational qualifications, experience or comparable length of service prescribed for a post shall be eligible for appointment to the said post on deputation for a period not exceeding three years

¹⁸ [] Substituted vide SRO No. 634(1)/2019 dated 17.06.2019

¹⁹ [] Inserted vide SRO No. 634(1)/2019 dated 17.06.2019

²⁰ { } Omitted vide SRO No. 198(I)/2020 dated 11.03.2020

²¹ () Substituted vide SRO 855(1)/2019 dated 19.07.2019

²² * Inserted vide SRO No. 365(1)/2007 dated 03.05.2007

which may be extended for another period of two years on such terms and conditions as may be sanctioned by ²³(the appointing authority) in consultation with the lending Organization.

(2) Subject to any rule or orders on the subject ²⁴(), a civil servant who fulfills the conditions and is considered suitable may be sent on deputation to an autonomous, semi-autonomous body or corporation established by law or to the Provincial Government on such terms and conditions as may be decided by the lending and borrowing organizations.

(3) In case of appointment under sub-rule (1) or sub-rule (2) pension contribution shall invariably be made by the borrowing organization.*

²⁵{Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female government servants at the place of residence/posting of their husbands who are not in government employment shall be exempted from the said rule}.

Part V - PROBATION

21. (1) Persons appointed by initial appointment, promotion or transfer shall be on probation for a period of one year.

(2) The period of probation may be curtailed for good and sufficient reasons, to be recorded, or, if considered necessary, it may be extended for a period not exceeding one year as may be specified at the time of appointment.

(3) On the successful completion of probation period, the appointing authority shall, by specific order, terminate the probation.

(4) If no order is issued under sub-rule (3), on the expiry of the first year of probation period, the period of probation shall be deemed to have been extended under sub-rule (2):

Provided that, subject to the provisions of proviso to sub-section (2) of section 6 of the Civil Servants Act, 1973 in the absence of an order under sub-rule (3), the period of probation shall, on the expiry of the extended period under sub-rule (2), be deemed to have successfully been completed.

²³ () Substituted vide SRO 855(1)/2019 dated 19.07.2019

²⁴ () Omitted vide SRO 855(1)/2019 dated 19.07.2019

²⁵ { } Inserted vide SRO No. 375(1)/2012 dated 16.04.2012

F. No.3/7/2016-R-2
Government of Pakistan
Cabinet Secretariat
Establishment Division

Islamabad, the 7th October, 2016

NOTIFICATION

S.R.O. No. 954 (I)/2016.- In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973) read with Notification No.S.R.O.120(1)/98, dated the 27th February, 1998, the Prime Minister is pleased to make the following rules, namely:-

1. **Short title, application and commencement.** – (1) These rules may be called the Civil Servants (Service in International Organizations) Rules, 2016.

(2) They shall apply to the civil servants seeking employment on reserved and specific posts and open posts and deputation in any international organization including an international non-governmental organization, international financial institution and foreign donor agency whether or not on behalf of Pakistan or with prior permission of the Federal Government.

(3) They shall come into force at once.

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

(a) “Act” means the Civil Servants Act, 1973(LXXI of 1973);

(b) “appellate authority” means the authority next above the competent authority;

(c) “appointing authority” means the authority specified in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and other applicable rules under the Act;

(d) “Board” means Special Selection Board constituted under rule 6;

(e) “cadre” means the strength of a Service or Group as part of Service or Group sanctioned as separate unit and includes ex-cadre posts;

(f) “competent authority” means the authority competent to approve deputation under these rules;

- (g) "deputation" means assignment of a civil servant to a post with prior approval of the competent authority, in an international organization;
- (h) "Division" shall have the same meaning as assigned to it under the Rules of Business, 1973;
- (i) "foreign government" means a Government other than Government of Pakistan;
- (j) "international organization" means an international governmental organization or organization working in more than one country including United Nations and its specialized agencies, development agencies of other countries, international non-governmental organizations and companies, foreign government organizations hiring functionaries irrespective of their nationality excepting defence, security and intelligence related foreign governmental organizations;
- (k) "open post" means a post, open to all eligible competing candidates including civil servants not being a post reserved for nomination by the Federal Government;
- (l) "reserved and specific post" means a post where occupancy is limited to Pakistan's officials or alternate between Pakistan and other countries on their turn;
- (m) "Rules" means rules made under the Act;
- (n) "Schedule" means a schedule to these rules;
- (o) "Secretary" shall have the same meaning as assigned to it under the Rules of Business, 1973;
- (p) "static list" means a list of officers on deputation beyond five years approved under the Rules;
- (q) "surety bond" means an undertaking executed by a government servant on the form specified under these rules;
- (r) "tenure" means time period specified for deputation including approved extension under these rules; and
- (s) "UN specialized agencies" mean the agencies of United Nations Organization (UNO) included in the Schedule.

(2) All other words and expressions used, but not defined herein, shall have the same meanings as are assigned to them in the Act and the Rules.

3. Bar to seek employment in international organizations.- A civil servant shall not approach an international organization for seeking employment therein without approval of the Federal Government or, as the case may be, the competent authority.

4. Selection criteria for reserved and specific posts (1) For the purpose of short listing and selecting civil servants seeking employment on reserved and specific posts, the following procedure shall be adopted, namely:-

- (a) for taking up an assignment in an international organization, a civil servant should have completed five years of service in his cadre.
- (b) all Pakistan specific foreign posts that are vacant and available or are likely to become vacant, shall be circulated amongst all eligible officers of the identified services, cadres and occupational groups, clearly specifying eligibility criteria in terms of educational qualifications, experience, age, grade and so forth;
- (c) there shall be a precondition of passing a written qualifying test, but the test shall be organized by the concerned Ministry through a well reputed testing agency and institution hired through open competitive process;
- (d) the minimum qualifying score in the written test shall be set at sixty percent;
- (e) eighty percent weightage shall be given to the written test scores and twenty percent weightage to the interview scores; and
- (f) no minimum passing marks shall be fixed for the interview and no candidate shall be deemed to have failed in the selection process merely on the basis of his performance in the interview:

Provided that an officer nominated against a post of sensitive or strategic importance as set out in the schedule shall be selected in a transparent manner to be determined by the competent authority.

5. Method of selection on open posts.- (1) Subject to rule 3, a civil servant may apply against open post in an international organization.

(2) case of a civil servant, who is selected by any international organization pursuant to application under sub-rule (1), shall be placed before the Board for recommendation before sending it to the competent authority. The Board may call the incumbent civil servant for interview or personal appearance.

6. Composition of the Board.- (1) The following shall be members of the Special Selection Board, namely:-

- | | | |
|-----|---|---------------------------------|
| (a) | Secretary, Cabinet Division | <i>Chairman</i> |
| (b) | Secretary, Establishment Division | <i>Member</i> |
| (c) | Secretary, Economic Affairs Division | <i>Member</i> |
| (d) | Secretary, Foreign Affairs Division | <i>Member</i> |
| (e) | Joint Secretary(Training), Establishment Division | <i>Member - cum - Secretary</i> |

(2) Secretary, head of the organization or, as the case may be, representative of concerned department not below BS-21 may be invited as co-opted member of the Board.

(3) The Secretary of the Board shall convene meeting of the Board, with the approval of the Chairman. The Board shall consider the offer of appointment and submit its recommendations to the competent authority.

7. Competent authority.- (1) The person specified in column (3) of the Table below shall be the competent authority to approve the cases of deputation to international organizations in respect of civil servants specified in column (2) of the Table, namely:-

S. No.	Civil servants in	Competent authority
(1)	(2)	(3)
1	BS-20 and above	Prime Minister
2	BS-17 to 19	Secretary Establishment Division
3	BS-1 to 16	Secretary of the Ministry or Division concerned

(2) The competent authority may approve the recommendations with or without stipulations deemed expedient including the period of deputation and where applicable extension thereof.

(3) The competent authority may, for reasons to be recorded, refer back a case or cases for reconsideration by the Board.

(4) Where a post for which recommendations have been, or being, formulated is abolished or is withdrawn from circulation for any reason or on any ground, the recommendations of the Board shall be deemed to have lapsed.

8. Ineligibility.- A civil servant shall not be eligible to apply for permission under these Rules, who -

- (a) is held guilty of misconduct or inefficiency under the Government Servants (Efficiency and Discipline) Rules, 1973 or convicted of an offence of moral turpitude; and
- (b) has not completed three years of service in his cadre after returning from immediately preceding deputation in international organization.

9. Tenure of deputation.- (1) The deputation shall be made initially for a period equal to the approved tenure of appointment offered by the borrowing international organization.

(2) In case where the period of deputation is not specified, the period shall be three years extendable to maximum period of two years with the approval of competent authority.

(3) In case of retention of a civil servant after expiry of maximum period of five years he shall be placed on static list.

(4) Surety bond shall be executed by the concerned civil servant, that he shall revert to the parent department on completion of the approved tenure of deputation and in case of default he shall render himself liable to be proceeded against for misconduct under the Government Servants (Efficiency and Discipline) Rules, 1973.

10. Repeal.- Any instruments and the policy instructions relating to posting and deputation of a civil servant on foreign assignment are hereby repealed and such repeal shall not in any manner affect operation of orders of posting and deputation of civil servants issued before commencement of these rules.

(Masroor Hussain)
Section Officer

SCHEDULE

[see rules 2 and 4]

The International Organizations of sensitive and strategic importance includes World Bank, International Monetary Fund (IMF), Asian Development Bank (ADB), Islamic Development Bank (IDB), Department for International Development (DFID), US-AID, Organization of Islamic Countries (OIC), Economic Cooperation Organization (ECO), International Atomic Energy Agency (IAEA), World Trade Organization (WTO) International Court of Justice (ICJ), SAARC Secretariat, Commonwealth Secretariat, World Health Organization (WHO), International Labour Organization (ILO), Organization of Petroleum Exporting Countries (OPEC) and International Human Rights Commission (IHRC).

¹ [2. Any post, other than an open post, in an International Organization that has been offered to Pakistan under any bilateral or multilateral arrangement and has been notified by Establishment Division with the approval of the Prime Minister].

¹ [] Amended vide SRO No. 1198(1)/2020 dated 05.11.2020

**TO BE PUBLISHED IN THE NEXT ISSUE OF
GAZETTE OF PAKISTAN PART-II**

File No. 16/28/2000-R-II
Government of Pakistan
Cabinet Secretariat
Establishment Division

Islamabad, the 11th December, 2020

NOTIFICATION

SRO No. 1331(1)/2020. -In exercise of the powers conferred by sub-section (1) of section 25(1) of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification No. S.R.O. No.120(1)/1998, dated the 27th day of February 1998, the Prime Minister is pleased to make the following rules, namely:-

1. Short title, commencement and application.-(1) These rules shall be called the Civil Servants (Efficiency and Discipline) Rules, 2020.

(2) These shall come into force at once and shall apply to every Civil Servant.

2. Definitions.- (1) In these rules, unless there is anything repugnant in the subject or context requires otherwise,-

(a) "Act" means Civil Servants Act, 1973 (Act No. LXXI of 1973);

(b) "accused" means a civil servant against whom action is initiated under these rules;

(c) "authority" means the appointing authority as prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973:

Provided that where proceedings under these rules are to be initiated against two or more civil servants jointly, the authority in relation to senior most civil servant in rank shall be the authority in respect of all the accused:

Provided further that in all such cases where the President or the Prime Minister is the authority, all functions of the authority under these rules, except approval of initiating the disciplinary proceedings, appointment of a hearing officer and final decision on the report of inquiry officer or the inquiry committee, shall be performed by the respective cadre administrator.

(d) "appellate authority" means the appellate authority as defined in the Civil Servants(Appeal) Rules, 1977;

- (e) "charges" means allegations framed against the accused relating to the acts of omission or commission cognizable under these rules;
- (f) "Government" means the Federal Government, Provincial Governments, Government of Azad Jammu and Kashmir or Government of Gilgit-Baltistan, as the case may be.
- (g) "hearing officer" means an officer, as far as possible senior in rank to the accused, appointed by the authority to afford an opportunity of personal hearing to the accused on behalf of the authority concerned;
- (h) "inefficiency" in relation to the discharge of duties of a civil servant means the failure to efficiently perform functions assigned to him;
- (i) "inquiry committee" means a committee consisting of two or more officers, headed by a convener, as may be appointed by the authority to inquire into charges of the accused under these rules;
- (j) "inquiry officer" means an officer appointed by the authority to inquire into charges of the accused under these rules;
- (k) "misconduct" means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct) Rules, 1964 or unbecoming of an officer and, a gentlemen and includes any act on the part of a civil servant to assert or attempt to assert political or other exterior influence directly or indirectly to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a civil servant, or having entered into plea bargain under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices, voluntarily;
- (l) "penalty" means a penalty as prescribed under these rules.

(2) Words and expressions used but not defined herein shall have the same meanings as are assigned thereto in the Civil Servants Act, 1973 (LXXI of 1973) and rules made thereunder or any other legal instrument, statutory order for the time being in force.

3. Grounds for proceedings and penalty.-A civil servant shall be liable to be proceeded under these rules by the authority, if he is -

- (a) considered or reported to be inefficient or has ceased to be efficient; or
- (b) considered or reported to be guilty of misconduct; or
- (c) considered or reported to be corrupt because-
 - (i) he or any of his dependents or any other person through him or on his behalf is in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or

Surety Bond

[see rules 2 and 9]

I _____ S/O _____
an officer of _____ solemnly declare that I have been offered a
position of _____ in the _____
and I shall revert to my parent government/department on the completion of my approved
tenure of deputation/posting. In case of default I shall render myself liable to disciplinary
action under the Government Servants (Efficiency and Discipline) Rules, 1973 for
misconduct including recovery of any financial liability/recovery thereof.

Name and Designation

CNIC No. _____

Witness No. (1) _____

Name _____

CNIC No. _____

Witness No. (2) _____

Name _____

CNIC No. _____

(ii) he has assumed a style of living beyond his ostensible means;

(d) engaged, or is reasonably suspected of being engaged, in subversive activities or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any un-authorized person.

4. Penalties.-(1) The authority may, by an order, in writing showing reasons, impose one or more of the penalties, in accordance with these rules.

(2) The following shall be various minor penalties, namely:-

- (a) censure;
- (b) withholding of increment or increments for a specific period, subject to a maximum of three years without cumulative effect:

Provided that the penalty of withholding of increment shall not be imposed upon a civil servant who has reached the maximum of his pay scale or will superannuate within the period of penalty;

- (c) reduction to a lower stage or stages, in pay scale, for a specific period, subject to a maximum of three stages without cumulative effect; and
- (d) withholding of promotion for a specific period, subject to a maximum of three years, otherwise than for unfitness for promotion in accordance with the rules or orders pertaining to the service or post:

Provided that this period shall be counted from the date when a person junior to the accused is considered for promotion on regular basis for the first time:

Provided further that penalty under this clause shall not be imposed upon a civil servant who has no further prospects of promotion or will superannuate during the period of the said penalty.

(3) The following shall be various major penalties, namely:-

(a) recovery of embezzled money from civil servants convicted of embezzlement, recovery as provided under financial rules, from pay or any other amount payable to the accused, the whole or a part of any pecuniary loss caused to the Government or the organization in which he was employed or posted. If the amount due from any such civil servant cannot be wholly recovered from the pay or any other amount payable to him, such amount shall be recovered under the law for the time being in force;

(b) reduction to a lower post and pay scale from the substantive or

regular post, for a specific period, subject to a maximum of three years:

Provided that this penalty shall not be imposed upon the accused who is likely to be superannuated within the period of the penalty;

- (c) compulsory retirement;
- (d) removal from service; and
- (e) dismissal from service

(4) The penalty of removal from service shall not but dismissal from service, under these rules, shall disqualify the civil servant for future employment of any kind under the Government.

(5) Subject to any restraining orders, passed by any court of competent jurisdiction, any proceedings under these rules shall not be discontinued merely on the grounds of the matter being sub-judice:

Provided that where the holding of departmental inquiry during judicial custody is not possible or side by side with the criminal proceedings may have the effect of impeding the course of justice or of prejudicing the trial, the inquiry may be deferred by the authority till release on bail or termination of criminal proceedings as the case may be.

5. Suspension and leave.- (1) The authority may place any civil servant under suspension or send him on leave, against whom proceedings are proposed to be initiated for an initial period not exceeding one hundred and twenty days at one time extendable in writing, by the authority for such period as it may deem appropriate or till conclusion of the proceedings, if in the opinion of the authority, suspension or sending civil servant on leave is necessary or expedient. If the period of suspension is not extended before the expiry of initial period of suspension, the suspension of such civil servant shall cease to have effect:

Provided that a civil servant who has been charged for a criminal offence and is committed to prison shall be considered as under suspension from the date of his arrest without the formal approval of Authority. In case such a civil servant is not arrested or is released on bail the Authority may suspend him by specific order.

(2) During suspension period the civil servant shall be entitled to his pay, allowance and other benefits in accordance with Fundamental Rule-53.

(3) If a civil servant is sent on leave in pursuance of an order under sub rule(1), such period shall be treated as on duty.

(4) In case a civil servant is absent from official duty during the proceedings, such period shall be treated as extra ordinary leave without pay.

6. Initiation of proceedings.-Proceedings against the civil servant, in case where the authority decides that it is not necessary to hold an inquiry, shall be initiated from the date the accused is informed by an order in writing of the

grounds of proceedings against him and where the authority decides to hold an inquiry against the accused, from the date of such order.

7. Procedure where inquiry is dispensed with.-If the authority decides that it is not necessary to hold an inquiry against the accused, it shall-

- (a) inform the accused, by an order in writing, of the grounds for proceedings against him, clearly specifying the charges therein, alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, which should not be less than ten days and more than fourteen days, from the receipt of the order or within such extended period, as the authority may allow;
- (c) on receipt of reply of the accused, within the stipulated period or after the expiry thereof, if no reply is received, on the basis of available record or facts of the case, as the case may be, determine whether the charge or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused or in case where no reply is received the authority shall, except in such cases where the President or the Prime Minister is the authority, decide the case within a period of thirty days;

- (d) afford an opportunity of personal hearing, before passing any order of penalty under clause (f), if the charge or charges have been proved against him;
- (e) exonerate the accused, by an order in writing, if the charge or charges have not been proved against him; and
- (f) impose any one or more penalties, mentioned in rule 4, by an order in writing, if the charge or charges have been proved against the accused.

8. Provision of record.- After initiation of order of inquiry the authority shall ensure that relevant record of the case and other related documents should be supplied to the inquiry officer or the inquiry committee, as the case may be, within seven days or within such an extended period which the authority may allow.

9. Procedure to be followed by authority where inquiry is necessary.-(1) If the authority decides that it is necessary to hold an inquiry against the accused, it shall pass an order of inquiry, in writing. An inquiry order shall include-

- (a) subject to sub-rule (2) the appointment of an inquiry officer or inquiry committee, provided that the inquiry officer or the convener of the inquiry committee, as the case may, shall as far as possible, be of a rank senior to the accused and where two or more

accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall, as far as possible, be of a rank senior to the senior most accused;

- (b) the grounds for proceedings, clearly specifying the charges along with apportionment of responsibility which shall be communicated to accused within fourteen days, from the date of initiation of proceedings;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit his written defense to the inquiry officer or convener of the inquiry committee, as the case may be, within reasonable time which shall not be less than ten and more than fourteen days from the date of receipt of orders under clause (b) or within such an extended period as the authority may allow.

(2) In cases where more than one civil servants are accused in one case, a single inquiry officer or an inquiry committee shall be appointed and the inquiry officer or convener of the inquiry committee so appointed shall, as far as possible, be of a rank senior to the senior most civil servant accused in the particular case.

(3) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

(4) In case where the inquiry officer or any of the members of the inquiry committee is required to be replaced for one reason or the other, the authority shall appoint another inquiry officer or the inquiry committee, as the case may be.

10. Procedure to be followed by inquiry officer or inquiry committee.—

(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charge or charges and may examine such oral or documentary evidence in support of the charge or charges or in defense of the accused, as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry *ex- parte*.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day basis and no adjournment shall be given except for reasons to be recorded, in which case the adjournment shall not be of more than seven days.

(4) Statements of witnesses shall be recorded in the presence of accused and departmental representative.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if thereafter he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such a manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned by the authority on the recommendations of a registered authorized medical officer.

(7) The inquiry officer or the inquiry committee, as the case may be, shall complete the inquiry within sixty days or within such an extended period which the authority may allow on the request of inquiry officer or Inquiry Committee, as the case may be, for reasons to be recorded and shall submit his or its report to the authority within seven days of the date of completion of inquiry. The inquiry report must contain clear findings as to whether the charge or charges have been proved or not proved and specific recommendations regarding exoneration or imposition of minor or major penalty or penalties upon the accused:

Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.

11. Revision. – (1) Subject to sub-rule (2), the authority may call for the record of any case pending before the inquiry officer or inquiry committee, as the case may be, and pass such order in relation thereto as it may deem fit.

(2) No order under sub-rule (1) shall be passed in respect of an accused unless the authority has informed him in writing of the grounds on which it is proposed to make the order and has been given an opportunity of showing cause against it, including an opportunity of personal hearing if requested by the accused or is otherwise necessary in the interest of justice, in particular, when the authority contemplates to pass an order adverse to the interest of the accused:

Provided that no such opportunity shall be given where the authority, for reasons to be recorded, is satisfied that, in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity.

(3) In case, the authority decides to call for a case pending before an inquiry officer or inquiry committee or pending before or disposed of by the authorized officer in terms of the Government Servants (Efficiency and Discipline) Rules, 1973, the authority may do so in exercise of powers conferred under rule 6A of the said rules:

Provided that this power shall in no case be exercised after one year of disposal of such a case by the Authorized Officer.

12. Powers of the inquiry officer or inquiry committee.—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a civil court trying a suit

under the Code of Civil Procedure, 1908 (Act No. 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) requiring the discovery and production of documents and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

13. Rules 7 and 9 not to apply in certain cases.—Nothing in rule 7 or 9 shall apply to a case-

- (a) where the accused is dismissed or removed from service, on the ground of conduct which has led to a sentence of fine or of imprisonment; or
- (b) where the authority competent to dismiss or remove a person from service, or to reduce a person in lower post and pay scale, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

14. Proceedings before or during training, scholarship and leave.—(1) In case where a civil servant who has been nominated for training or scholarship, is required to be proceeded against and he has not yet joined the training institute or institution, his nomination shall be withdrawn forthwith by the nominating authority under intimation to the training institute or institution concerned.

(2) In case where a civil servant has already joined the training or institution he shall be allowed to complete his training or scholarship, and the proceedings against him may be deferred till completion of the training or scholarship.

(3) No civil servant shall be denied training on account of ongoing proceedings for a period of more than one year.

(4) In case where a civil servant on leave, is required to be proceeded against, his leave shall be cancelled by the authority and shall be called back from the leave to join the proceedings.

15. Duties of the departmental representative.—(1) The departmental representative shall perform the following duties, namely:-

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;

- (b) cross-examine the witnesses produced by the accused and with the permission of the inquiry officer or the inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and
- (c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

(2) In case of failure to perform the assigned duties, the departmental representative shall be liable to departmental proceedings.

16. Order to be passed on receipt of report from the inquiry officer or inquiry committee.-(1) On receipt of report from the inquiry officer or the inquiry committee, as the case may be, the authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the authority is satisfied under sub-rule (1) that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the authority is satisfied under sub-rule (2) that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the authority may like to give, or may order a *de novo* inquiry through different inquiry officer or inquiry committee.

(4) The authority may in such case specified under sub-rule (3) also require the inquiry officer or the inquiry committee, as the case may be, to explain as to why the inquiry has not been conducted in accordance with these rules, or as to why the facts or merits of the case have been ignored and on the receipt of reply, may determine that the omission or commission by the inquiry officer or the inquiry committee, as the case may be, was not in good faith and there are grounds to proceed against the inquiry officer or inquiry committee, as the case may be, under these rules.

(5) Where the charge or charges are determined not to have been proved, the authority shall exonerate the accused by an order in writing.

(6) Where the charge or charges are determined to have been proved against the accused, the authority shall issue a show cause notice to the accused providing him therewith a copy of inquiry report by which it shall-

- (a) inform him of the charge or charges proved against him and the penalty or penalties proposed to be imposed upon him;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule

4 including the penalty of dismissal from service may not be imposed upon him and to submit additional defence in writing, if any, within a period which shall not be less than ten days and more than fourteen days from the day the charge or charges have been communicated to him by affording him an opportunity of personal hearing:

Provided that the accused shall in his reply to show cause notice, indicate as to whether he wants to be heard in person or not; and

- (c) direct the departmental representative to appear with all the relevant record on the date of personal hearing, if any.

(7) After duly considering the reply of the accused to the show cause notice and affording personal hearing to the accused, as appropriate, the authority shall, keeping in view the findings and recommendations of the inquiry officer or the inquiry committee, as the case may be, facts of the case and defence offered by the accused if requested, by an order in writing-

- (a) exonerate the accused if charge or charges are not proved; or
- (b) impose any one or more of the penalties specified in rule 4 if charges are proved:

Provided that-

- (i) where charge or charges of grave corruption are proved against an accused the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

(8) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the authority, except where the Prime Minister himself is the authority, shall decide the case within a period of thirty days, excluding the time during which the post held by the authority remained vacant due to certain reasons.

17. Personal hearing.-Notwithstanding the proviso to clause (b) of sub-rule (6) of rule 16, the authority may, by an order in writing, call the accused and the departmental representative, alongwith relevant record of the case, to appear before him, or before a hearing officer, who shall as far as possible be senior in rank to the accused, appointed by the authority for personal hearing on the fixed date and time.

18. Procedure of inquiry against civil servant on deputation or working in other Governments or organizations etc.-(1) Where an authority determines to proceed against a civil servant who is on deputation to any other Government,

department, corporation, body corporate, autonomous or semi-autonomous body, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the authority of such civil servant in his parent department may-

- (a) ask the relevant Government or borrowing organization, to frame charges against the civil servant and forward the same to his parent department; or
- (b) initiate proceedings against him on its own under these rules:

(2) In case of members of All Pakistan Service posted in a Province, Establishment Division may refer a case to the Chief Secretary concerned for probe or fact finding inquiry and may initiate proceedings on the findings of that probe or fact finding inquiry, or on its own if no findings are received within two months:

Provided that in case of proceedings against any Chief Secretary of a Province, the Establishment Division shall frame the charges and initiate the disciplinary proceedings with approval of the Prime Minister.

19. Appeal.- A civil servant on whom a penalty is imposed shall have such right of appeal provided for as under the Civil Servants (Appeal) Rules, 1977:

Provided that, where the penalty is imposed by order of the President, there shall be no appeal but the civil servant concerned may apply for review of the order.

20. Appearance of counsel.- No party to any proceedings under these rules at any stage of the proceedings before the appellate authority, authority, inquiry officer or any inquiry committee as the case may be, shall be represented by an advocate or counsel.

21. Repeal.-(1) The Government Servants (Efficiency and Discipline) Rules, 1973, in their application to the civil servants to whom these rules apply, are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered thereunder.

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any civil servant under repealed rules shall continue under the repealed rules.

F. No. 16/28/2000-R-II

(MASROOR HUSSAIN)
Section Officer

GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1973.

In exercise of the powers conferred by section 25 of the Civil Servants Ordinance, 1973 (No. XIV of 1973), the President is pleased to make the following rules, namely: -

1. **Short title, commencement and application.** -(1) These rules may be called the Government Servants (Efficiency and Discipline) Rules, 1973.

(2) They shall come into force at once and shall apply to every civil servant.
2. **Definitions.**- In these rules unless the context otherwise requires,-
 - (1) “*accuse*” means a Government servant against whom action is taken under these rules;
 - (2) “*authority*” means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

Provided that in the case of disciplinary proceedings already initiated against a Government servant before 14th June, 2000, the powers of “*authority*” shall be exercised by the officer designated as such before the aforesaid date.
 - (3) “*authorised officer*” means an officer authorised by the authority to perform functions of an authorised officer under these rules or, if no officer is so authorised, the authority;
 - (4) “*misconduct*” means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct) Rules, 1964 or unbecoming of an officer and, a gentlemen and includes any act on the part of a Government servant to bring for attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Government servant; and
 - (5) “*Penalty*” means a penalty which may be imposed under these rules.
3. **Grounds for penalty.**-Where a Government servant, in the opinion of the authority-
 - (a) is inefficient or has ceased to be efficient; or
 - (b) is guilty of misconduct; or
 - (c) is corrupt, or may reasonably be considered corrupt because-
 - (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - (iii) he has persistent reputation of being corrupt; or

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

4. **Penalties.**-(1) The following are the minor and major penalties, namely-

(a) Minor Penalties:

- i) censure;
- ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
- iii) stoppage, for a specific period, at an efficiency bar in the time scale, otherwise than for unfitness to cross such bar;
- iv) recovery from pay of the whole or any part of any pecuniary loss cause to Government by negligence or breach of orders;

(b) Major Penalties:

- (i) reduction to a lower post or time-scale, or to a lower stage in a time scale;
- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this rule removal or dismissal from service does not include the discharge of a person-

- (a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
- (c) engaged under a contract in accordance with the terms of the contract.

5. **Inquiry Procedure.**-(1) The following procedure shall be observed when a Government servant is proceeded against under these rules:-

- (i) In case where a Government servant is accused of subversion, corruption or misconduct, the authorised officer may require him to proceed on leave or, with the approval of the authority suspend him, provided that any

continuation of such leave or suspension shall require approval of the authority after every three months.

Provided further that where the authority is President or Prime Minister, the Powers of the authority under this clause shall be exercised by the Secretary, Establishment Division.

(ii) The authorised officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. If he so decides, the procedure indicated in rule 6 shall apply.

(iii) If the authorised officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall-

- (a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and
- (b) give him a reasonable opportunity of showing cause against that action:

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

(iv) On receipt of the report of the Inquiry Officer or Inquiry Committee, or where no such officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorised officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge and statement of allegations served on the accused, the explanation of the accused, the findings of the Inquiry officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. The authority shall pass such orders as it may deem proper.

(2) The exercise of powers under clauses (i) and (iv) of sub-rule (1) by the authorised officers in the Pakistan Missions abroad shall, unless already so provided, always be subject to the approval of the authority.

6. Procedure to be observed by the Inquiry Officer and Inquiry Committee.- Where an Inquiry Officer or Inquiry Committee is appointed, the authorised Officer shall-

(1) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.

(2) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person.

(3) The Inquiry Officer or the Committee as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.

(4) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment, with reasons therefor shall be reported forthwith to the authorised officer. Normally no adjournment shall be for more than a week.

(5) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the enquiry he or it shall administer a warning, and if thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the enquiry in such manner as he or it thinks, best suited to do substantial justice.

(6) The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorised officer, submit his or its findings and the ground thereof to the authorised officer.

6-A Revision. – (1) Subject to sub-rule (2), the authority may call for the record of any case pending before, or disposed of by, the authorised officer and pass such order in relation thereto as it may deem fit;

(2) No order under sub-rule (1) shall be passed in respect of an accused unless the authorized officer to be designated by the authority has informed him in writing of the grounds on which it is proposed to make the order and has been given an opportunity of showing cause against it, including an opportunity of personal hearing if requested by the accused or is otherwise necessary in the interest of justice, in particular, when the authority contemplates to pass an order adverse to the interest of the accused:

Provided that no such opportunity shall be given where the authority, for reasons to be recorded in writing, is satisfied that, in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity.

7. Powers of Inquiry Officer and Inquiry Committee.-(1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act 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) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (XLV of 1860).

8. Rule 5 not to apply in certain cases.- Nothing in rule 5 shall apply to a case-

- (a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment; or
- (b) Where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

8-A Action in respect of Government servant required to proceed on leave. -If a Government servant proceeding on leave in pursuance of an order under sub-rule (1) of rule 5 is not dismissed, removed from service, reduced in rank or compulsory retired, he shall be required to rejoin duty and the period of such leave shall be treated as duty on full pay.

9. Procedure of inquiry against government servants serving in Provincial Governments or working on deputation outside their department or service to which they belong.- When a government servant, to whom these rules apply, is serving under a Provincial government or in a department, outside the department or service to which he belongs, or in a statutory organization, corporate body, or local authority, and the borrowing authority wants to initiate disciplinary proceedings against such government servant under these rules, the borrowing authority shall forward to the concerned lending authority a report with supporting documents on the basis of which disciplinary proceedings are proposed, and, if considered necessary, it may with the approval of the lending authority place him under suspension or send him on forced leave. On receipt of report from the borrowing authority, the lending authority shall take action as prescribed by these rules.

10 Appeal.- A person on whom a penalty is imposed shall have such right of appeal as may be prescribed under Civil Servants (Appeal) Rules, 1977:

Provided that, where the penalty is imposed by order of the President, there shall be no appeal but the person concerned may apply for review of the order.

10-A. Appearance of Counsel.-No party to any proceedings under these rules before the authority, the authorized officer, and Inquiry Officer or an Inquiry Committee shall be represented by an advocate.

11 Repeal. -The Government Servants (Efficiency and Discipline) Rules, 1960 in their application to the Government servants to whom these rules apply and the Civilian Employees in Defence Services (Classification, Control and Appeal) Rules, 1961 are hereby repealed, but the repeal thereof shall not affect any action taken or any thing done or suffered thereunder.
