

EXTRAORDINARY

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PART I

GOVERNMENT OF SINDH

LOCAL GOVERNMENT, PUBLIC HEALTH ENGG.,
RURAL DEVELOPMENT AND KATCHI ABADIS
DEPARTMENT

NOTIFICATION

Karachi the 1st January, 1994

No. SOI (LG) 7 (9) /SKAA/92:—In exercise of the powers conferred by section 40 read with section 10 of the Sindh Katchi Abadis Act, 1987, the Government of Sindh are pleased to make the following rules namely:—

PART—I

PRELIMINARY

1. (i) These rules may be called the Sindh Katchi Abadis Authority's Employees (Service) Rules, 1993.

(ii) They shall come into force at once.

2. They shall apply to all employees of the Sindh Katchi Abadis Authority wherever they may be: but they shall not apply to casual work-charged staff and persons employed on contract or on deputation with the Sindh Katchi Abadis Authority, who will be governed by the terms and conditions of their contract or deputation as the case may be.

Short Title,
Commence-
ment and
Application

Definitions.

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

- (a) "Act" means the Sindh Katchi Abadis Act, 1987;
- (b) "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;
- (c) "appointing authority" means the authority specified in the schedule;
- (d) "Authority" means the Sindh Katchi Abadis Authority as defined in the Act;
- (e) "basic pay scale" means a scale of pay in which a post or group of posts is placed;
- (f) "competent authority" means the authority specified in the schedule;
- (g) "deputation" means the temporary transfer on loan of the service of any person from or to the Authority;
- (h) "employee" means a person employed in the Authority;
- (i) "head of office" means any officer declared or designated as such by the Authority;
- (j) "initial appointment" means appointment made otherwise than by promotion or transfer;
- (k) "lien" means the title of an employee to hold substantively either immediately or on the termination of period of absence, a permanent post including a tenure post to which he has been appointed substantively;
- (l) "medical officer" means any medical officer appointed or authorised by the Director General.
- (m) "Pay" means the pay drawn monthly by an employee as pay and includes technical pay, Special pay personal pay and any other emoluments declared by the Director General;
- (n) "permanent post" means a post sanctioned without limit of time;
- (o) "personal pay" means additional pay granted to an employee to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure or in exceptional circumstances on other personal considerations;

- (p) "post" means a post in the Authority;
- (q) "promotion committee" means a committee constituted for the purpose of making selection for promotion to a post;
- (r) "schedule" means a schedule to these rules;
- (s) "secretariat" means the Principal seat of the office of the Director General established under section 4 of the Act;
- (t) "selection committee" means a committee constituted for the purpose of making selection for initial appointment to a post;
- (u) "temporary post" means a post other than a permanent post;
- (v) "tenure post" means a permanent post which may not be held by an employee for more than a limited period.

PART—II

GENERAL

4. No appointment to a post shall be made except in accordance with these rules.

Appointment
to be made
under these
Rules.

5. (1) Appointment to a post or class of posts shall be made by any of the following methods, namely:—

Method of
appointment.

- (a) by promotion or transfer;
- (b) by initial appointment.

(2) The method of appointment and the qualification and other conditions applicable to a post shall be as laid down by the Authority:

Provided that where a percentage has been specified for departmental promotion and initial appointment, promotion against the post reserved for departmental promotion shall be made first;

Provided further if no suitable person is available for promotion, the vacancy may be filled by initial appointment.

(3) Subject to other provisions of these rules, no appointment to a post shall be made except on the recommendations of the selection committee.

6. (1) There shall be one or more, promotion and selection committees as may be determined by the Authority.

Promotion
and
Selection
Committees.

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

PART—III

APPOINTMENT BY PROMOTION OR TRANSFER ...

Appointment by Promotion 7. (1) Appointments by promotion or transfer to posts in scale 1 and 2 shall be made by the appointing authority on merit

(2) An employee possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a post for the time being reserved for departmental promotion in the higher scale of the cadre to which he belongs.

(3) Appointment by promotion or transfer to post in scales 3 and above shall be made by the appointing authority on the recommendations of a promotion committee

(4) Appointment by promotion shall ordinarily be made on the basis of seniority-cum-fitness, but in the case of a selection post the promotion will be made on merit, seniority playing its part only when all other things are equal; provided that no promotion on regular basis shall be made on posts in basic pay scales 18 or above unless the officer concerned has completed such length of service as may be specified by the Director General

(5) An employee declining to avail of the benefit of orders of his first time promotion shall not be considered for such promotion for the next four years from the date of such order and he shall stand superseded permanently on his foregoing such promotion second time.

Promotion on Acting Charge Basis

8. (1) Where the appointing authority considers it to be in public interest to fill a post by promotion and the most senior employee who is otherwise eligible for promotion does not possess the specified length of service the authority may appoint him to the post on acting charge basis.

(2) So long as an employee holds the acting charge appointment, the employee (s) junior (s) to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) Where the appointing authority is satisfied that no suitable person is available for a post in BPS-16 or above to be filled by initial appointment and it is expedient to fill the post immediately it may appoint to the post on acting charge basis the most senior employee otherwise eligible for promotion in the cadre.

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

(5) Appointment on acting charge basis shall be made on the recommendations of the promotion committee.

(6) Acting charge appointment shall not amount to appointment by promotion on regular basis for any purpose including seniority, nor shall it confer any vested right for regular promotion to the post held on acting charge basis.

(7) The employee appointed on acting charge basis shall be entitled to draw fixed pay equal to the minimum pay at which his pay would have been fixed had he been appointed to that post on regular basis.

EXPLANATION.

Service rendered on acting charge basis in the basic pay scale applicable to the post shall not count for purposes of drawal of increments in that scale but such service shall count towards increments in the basic pay scale held immediately before appointment on acting charge basis.

(8) The employee appointed on acting charge basis assume full duties and responsibilities of the post.

9. (1) Appointment by tranfer shall be made from amongst the persons holding appointment in the same basic pay scale in which the post to be filled exists. Appointment by Transfer;

(2) In case a suitable candidate is not available a candidate of next lower scale will be considered on the basis of experience.

PART—IV

INITIAL APPOINTMENT

10. (1) Initial appointment to a post shall be made on the recommendations of and on the basis of interview or test held by the selection committee after the vacancies have been advertised in newspapers; Initial Appointment.

Provided that no recommendations shall be necessary for appointment to a post in basic pay scales 1 and 2 which shall be filled by appointing authority on his own discretion.

2) While making recommendations under sub-rule (1), the selection committee may also assign order of merit to the candidates so recommended and the vacancies shall be filled in accordance with the order of merit.

(3) The under mentioned posts shall be filled on provincial basis in accordance with the merit and regional and district quota as determined by Government from time to time:—

(i) Posts in BPS 16 and above; and

(ii) Posts in BPS 3 to 15 in the Secretariat which serve the whole province.

(iii) Post in BPS 3 to 15 in offices which serve particular regions and districts shall be filled by appointment of persons domiciled in the region or district concerned.

(iv) Posts in BPS 1 and 2 shall ordinarily be filled on local basis.

Qualifica-
tion,
Experience
and
Age Limit
etc.

11. (1) A candidate for initial appointment, to a post must possess the educational qualification and experience and must be within the age limit laid down for the appointment.

(2) Age for the purpose of initial appointment shall be reckoned as on the last date fixed for submission of application for appointment.

(3) The age limit laid down for appointment to posts may be relaxed by the appointing authority upto the extent specified by the Authority in the case of posts in BPS 17 and above and the Director General in the case of other posts.

Nationality;
and
Domicile.

12. No person shall be appointed by initial appointment to a post unless he is a citizen of Pakistan and a domicile of the province of Sindh.

Production
of Character
and

13. No person, not already in the service of Government or statutory body, shall be appointed to a post unless—

Medical
Fitness
Certificate.

(a) he produces a certificate of character from two responsible persons (not being his relatives) who are well acquainted with such person;

(b) he is found to be medically fit by the Civil Surgeon concerned; Provided that blindness or any other physical defect shall not be a bar to the appointment, if the Civil Surgeon conducting the medical examination certifies that such defect shall not interfere with his duties.

PART—V

ADHOC AND TEMPORARY APPOINTMENTS

Adhoc
Appoint-
ment;

14. (1) When the appointment authority considers it to be in the public interest to fill a post falling within the purview of the selection committee on urgent basis, it may pending selection of a candidate by the selection committee, proceed to fill such post on adhoc basis for a period not exceeding six months.

(2) Short term vacancies including the vacancies occurring as a result of creation of temporary posts for a period not exceeding six months falling within the purview of the selection committee may be filled by the appointing authority otherwise than through the selection committee on a purely temporary basis.

Protection.

15. Notwithstanding anything contained in these rules, any employee who was holding any post before the coming into force of these rules shall be deemed to have been appointed in accordance with these rules.

PART—VI

PROBATION, CONFIRMATION AND SENIORITY

Probation.

16. A person appointed to a post by initial appointment shall be on probation for two years and a person appointed otherwise may, if the appointing authority so directs, be on probation for one year.

EXPLANATION.

Service on deputation to an equivalent or higher post shall count towards the period of probation.

17. The appointing authority may, for reasons to be recorded in writing—

- (i) curtail the period of probation;
- (ii) extend the period of probation by a period not exceeding one year at a time, and during or on the expiry of the extended period, pass such orders as are passed during or on the expiry of the initial probationary period; provided that if no orders are passed by the day following the completion of—
 - (a) the initial probationary period, the period of probation shall be deemed to have been extended by one year;
 - (b) the extended period of probation, the appointment shall be deemed to be continued until further orders.

18. (1) Confirmation of an employee shall be made in the order of seniority in a permanent post on which no other employee holds any lien. Confir-
mation.

(2) On confirmation of an employee in a post, his lien, if any, on any other post shall stand terminated.

(3) No employee who holds a lien on any post in any department, shall be confirmed in any post in any other department, unless his consent and the consent of the department, where he holds such lien, has been obtained in writing.

(4) An employee eligible for confirmation in more than one posts, shall be confirmed first in the lower post and then in the higher post from the date he is due for confirmation in such posts.

(5) If any employee becomes due for confirmation, his confirmation shall not be deferred unless a disciplinary action is pending against him or the appointing authority, for reasons to be recorded in writing, defers his confirmation.

Provided that if during the deferment of the confirmation of an employee his junior becomes due for confirmation the post in which such senior employee is due for confirmation shall be kept vacant and the junior employee shall be confirmed in the next available post.

19. (1) In each basic pay scale there shall be a separate seniority list of a group of employees doing similar duties and performing similar functions and for whose appointment same qualifications and experience have been laid down. Seniority.

(2) The appointing authority shall, in the month of January every year, cause to be prepared, or as the case may be, revise the seniority list under sub-rule (1).

(3) Subject to the provision of sub rule 5, the seniority of an employee shall be reckoned from the date of his regular appointment.

(4) No appointment made on adhoc basis shall be regularized retrospectively.

(5) Inter-se-seniority of an employee appointed in a batch or on the same date shall be determined—

(a) in the case of persons appointed by initial appointment, in the order of merit assigned by the selection committee, and where it has omitted to do so, the seniority shall be determined, by the appointing authority; provided that a person selected in earlier selection shall rank senior to a person selected in a later selection;

(b) in the case of persons appointed by promotion on the basis of their inter-se-seniority in the lower grade;

(c) in the case of persons appointed by initial appointment vis-a-vis persons appointed by promotion, on the basis that the persons appointed by promotion shall rank senior to the persons appointed by initial appointment;

(d) in the case of persons not covered by clause (a) to (c), on the basis that persons older in age shall rank senior to persons younger in age.

(6) If an appointment is made by transfer—

(a) a person appointed otherwise than on his own request shall, for the purpose of determining his seniority, be given the benefit of his regular service in other post or posts held by him before his transfer and appointment to the new post;

provided that if the regular appointment is made in a batch or on the same day, the older, in age shall rank senior to younger in age;

(b) a person appointed on his own request shall rank junior to all other persons appointed before him on the regular basis and the persons appointed with him in the same batch or on the same day by promotion or initial appointment;

(c) the inter-se-seniority of persons appointed on their request in the same batch or on the same day shall be determined in accordance with their respective dates of regular appointment in the posts held by them before their transfer and appointment to the new posts; provided that if the dates of their regular appointment in such other posts are same, the older in age shall rank senior to the younger in age.

(7) An employee, who is not promoted on his turn on the ground that—

- (i) his seniority is under dispute or is not determined; or
- (ii) he is on deputation, training or leave; or
- (iii) disciplinary proceedings are pending against him; or
- (iv) he is not considered for promotion for any reason other than his unfitness for promotion; shall, on subsequent promotion, subject to any order made by the competent authority in this behalf for the purpose of inter-se-seniority in the higher grade, be deemed to have been promoted in the same batch as his juniors.

20. Subject to these rules, the rules, orders or instructions for the time being in force, applicable to the civil servants shall regulate the terms and conditions of service of the employees including the following matters:—

Other terms
and
Conditions
of Service.

- | | |
|-------------------------------|--|
| (a) Leave | (b) Advances |
| (c) G. P. Fund | (d) Retirement, Pension and Commutation and re-employment after retirement or appointment on contract basis. |
| (e) Move-over | (f) Group Insurance |
| (g) Benevolent Fund. | (h) Selection Grade |
| (i) T.A. /D.A. | (j) Medical Facilities. |
| (k) Residential accommodation | (l) Record of service and confidential report. |
| (m) Honorarium | (n) Any matter not provided for in these rules. |

Provided that the powers exercisable by the Government or authority subordinate thereto under the said rules shall be exercisable by the Director General or by such person as he may be general or special order direct.

21. The Sindh Government Servants (Conduct) Rules, 1966, Sindh Civil Servants (Efficiency and Discipline) Rules, 1973 and the Sindh Civil Servants (Appeal) Rules, 1980, shall subject to Schedule II, mutatis mutandis apply to the employees.

Conduct,
Discipline
and
Appeal.

22. Where the Director General is satisfied that the operation of any provision of these rules causes under hardship in any particular case, he may, with the prior approval of the Chairman by order, dispense with or relax the requirements of that provision to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner.

Relaxation
of Rules;

SCHEDULE - I

(See Rule 3-C.)

S.No.	Posts	Appointing Authority.
(1)	Posts in BPS-18 and above	Chairman in consultation with the Director General.
(2)	Posts in BPS-11 to 17	Director General.
(3)	Posts in BPS-3 to 10	Director or Officer in BPS-19.
(4)	Posts in BPS-1 and 2.	Director Finance and Admn. or Head or Regional Office.

SCHEDULE - II

(See Rule 21)

(1) The Authorities and Authorised Officers for the purpose of efficiency and discipline rules in respect of the employees shall be:-

S.No.	Post	Authority	Authorised Officer
1.	BPS-1 to 2	Director Finance and Administration or Head of Regional Office.	Officer in BPS-17.
2.	BPS-3 to 10.	Director or Officer in BPS-19.	Director Finance and Administration or Head the Regional Office.
3.	BPS-11 to 17	Director-General	Director or Officer in BPS-19.
4.	BPS-18 and Chairman, SKAA Above.		Director General.

(2) The authorities competent to hear appeals under the efficiency and discipline rules in respect of the employees shall be as under:-

S.No.	Authority Making the order	Authority Competent to hear Appeals and entertain Representation.
1.	Director Finance and Adminis- tration or Head of the Regional Office.	Director of Officer in BPS-19.
2.	Director or Officer in BPS-19.	Director General.
3.	Director General.	Chairman SKAA.
4.	Chairman SKAA	Review by the Chairman SKAA

AGHA SHAHABUDDIN
Secretary to Government of Sindh.