

**EXTRAORDINARY**

**REGISTERED NO. S-2771**



***The Balochistan Gazette***  
**PUBLISHED BY AUTHORITY**

No.41

QUETTA

SATURDAY

JULY 20, 1974

**PROVINCIAL ASSEMBLY OF BALOCHISTAN**

**NOTIFICATION**

Dated Quetta, the 19<sup>th</sup> June, 1974.

No. Legis. x-(10/74. The Balochistan Civil Servants Bill, 1974 having been passed by the Provincial Assembly of Balochistan on 19<sup>th</sup> June, 1974 and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.

**THE BALOCHISTAN CIVIL SERVANTS ACT, 1974.**

**BALOCHISTAN ACT NO. IX OF 1974**

**AN  
ACT**

*to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Balochistan.*

Preamble.

**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 Balochistan and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows :

Short title  
application and  
commencement.

1. (1) This Act may be called the Balochistan Civil Servants Act, 1974.

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

(3) It shall be deemed to have come into force from the 12<sup>th</sup> March, 1974.

# CHAPTER I

## PRELIMINARY.

### Definitions

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

- (a) “*ad hoc* appointment” means appointment of 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 a civil service of the Province of Balochistan or who holds a civil post in connection with the affairs of the Province, but does not include:-
  - (i) a person who is on deputation to the Province of Balochistan from the Federation or from any Province or other authority; or
  - (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or
  - (iii) a person who is a ‘worker’ or ‘workman’ as defined in the Factories Act, 1934 (XXV of 1934) or the Workman’s Compensation Act, 1923 (VIII of 1923);
- (c) “initial appointment” means appointment made otherwise than by promotion or transfer;
- (d) “pay” means the amount drawn monthly by a civil servant as pay, and includes technical pay, special pay, personal pay and any other emoluments declared by 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 Balochistan Public Service Commission, a Departmental Selection Board, Departmental Selection Committee or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made;

(i) "temporary post" means a post other than a permanent post.

(2) For the purpose 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 BALOCHISTAN CIVIL SERVANTS.

Terms and Conditions. 3. The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.

Tenure of office of civil servants. 4. Every civil servant shall hold office during the pleasure of the Government of Balochistan.

Appointments. 5. Appointments to the Balochistan Service or to a civil service of the Province of Balochistan or to a civil post in connection with the affairs of the Province of Balochistan shall be made in the prescribed manner by the Government of Balochistan or by a person authorised by it in that behalf.

Probation. 6. (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.

<sup>1</sup>[\* \* \* \* \*]

(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.

(3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such

examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise:-

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

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.

Confirmation.

7. (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 <sup>2</sup>[.]

<sup>2</sup>[ \* \* \* \* \* ]

(2) A civil servant promoted to a post <sup>3</sup>[\*\*\*\*\*] 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.

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2

Full-stop added and thereafter omitted by Ord. III of 1983.

3

Words "or grade" omitted by Ord. VI of 1984.

Seniority.

8. (1) For proper administration of a service, cadre or <sup>4</sup>[post], the appointing authority shall cause a seniority list of the members for the time being of such service cadre or <sup>4</sup>[post] to be prepared, but nothing therein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or <sup>4</sup>[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 <sup>5</sup>[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, <sup>6</sup>[cadre] or post shall be determined as may be prescribed.

<sup>7</sup>[(4) Seniority in the 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 seniority as in the lower post.]

Promotion.

9. (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a <sup>8</sup>[higher] post for the time being reserved under the rules for departmental promotion in <sup>9</sup>[\*\*\*\*\*] the service or cadre to which he belongs.

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

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

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4 Subs. for "grade" by Ord. VI of 1984.  
5 Subs. for "Service or grade" by Ord. VI of 1984.  
6 Subs. ibid for "grade"  
7 Subs. ibid.  
8 Inserted by Ord. VI of 1984  
9 Words "the higher grade of" omitted ibid.

Posting and transfers. 10. Every civil servant shall be liable to serve any where within or outside the Province of Balochistan in any 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.

Termination of service. 11. (1) The service of a civil servant may be terminated after expiry of one month's notice served on him for the purpose of payment of one month's salary in lieu of such 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 <sup>10</sup>[service], cadre or post to another <sup>10</sup>[service], cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such <sup>10</sup>[service] or cadre, but he shall be reverted to his former <sup>10</sup>[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 <sup>10</sup>[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 <sup>10</sup>[service].

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

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

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

<sup>12</sup>[11-B (1) Where it is brought to the notice of the appointing authority that appointment of a person to a civil post was made without observing the prescribed procedure or without fulfilling the prescribed qualification, experience and age limit, it may send a reference to the Balochistan 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 Balochistan Public Service Commission on a reference made under sub-section (1), the appointing authority may pass such order of appointment or termination of services as may be considered by it to be just and equitable.

Provided that if it is proposed to pass order of termination of services 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.]

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11 Inserted by Ordinance. XIV of 2001

12 Inserted by Act No. VIII of 2003

Reversion to a lower <sup>13</sup>[post]. 12. A civil servant appointed to a higher post, <sup>14</sup>[before the first day of July, 1983; to a higher post] *ad hoc* or on temporary or officiating basis shall be liable to reversion to his lower post <sup>15</sup>[\*\*\*\*\*] without notice.

<sup>16</sup>[Certain persons to be liable to removal or reversion.] 12-A. Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from the first day of January, 1972, to the fifth day of July, 1977, may be removed from service or reverted to his lower post <sup>17</sup>[\*\*\*\*\*], as the case may be, without notice, by the Governor or a person authorised by him in this behalf, on such date as the Governor or, as the case may be, the persons so authorised may, in the public interest, direct.]

<sup>18</sup>[Retirement from service.] 13. (1) A civil servant shall retire from service:-

- (i) On such date after he has completed <sup>19</sup>[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 directions under clause (i) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which is proposed to make the direction, and has been given a reasonably opportunity of showing cause against the said direction.

**Explanation:** In this Section “Competent Authority” means the appointing authority prescribed in Rule 4 of the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 1979.

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13 Subs by Ord. VI of 1984  
14 Subs by Ord. VI of 1984  
15 Words “or grade” omitted by Ord. VI of 1984  
16 Sec. 12-A added by Ord. XIV of 1978.  
17 Words :or grade” omitted by Ord. VI of 1984.  
18 Subs. by Ord. IV of 2000  
19 Substituted by Ord. LII of 2001.

Employment after retirement. 14. (1) A retired civil servant shall not ordinarily be after retirement re-employed under the Balochistan 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 Government, such re-employment may be ordered with the approval of the Government.

(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 within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

Conduct. 15. 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.

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

Pay. 17. A civil servant appointed to a post <sup>20</sup>[\*\*\*\*] shall be entitled, in accordance with the rules, to the pay sanctioned for such post <sup>20</sup>[\*\*\*\*\*]:

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.

Leave

18. 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.

Pension and gratuity.

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

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

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

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

Provident Fund.

20. (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 there on, 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 officer 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.

Benevolent Fund  
and Group  
Insurance.

21. All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan Government Servants Benevolent Fund Ordinance, 1960 (West Pakistan Ordinance XIV of 1960), and the West Pakistan-Government Employees Welfare Fund Ordinance, 1969 (West Pakistan Ordinance I of 1969) and the rules made thereunder.

Right of appeal or  
representation.

22. (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<sup>21</sup>[\*\*\*\*\*].

### **CHAPTER III**

#### **MISCELLANEOUS.**

Saving.

23.- Nothing in this Act or in any rule shall be construed to limit or abridge the power of the Government of Balochistan to deal with the case of any civil servant in such manner as may appear to it 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.

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<sup>21</sup>

Words "or grade" omitted by Ord. VI of 1984.

<sup>22</sup>[Indemnity.

23A. 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.

Jurisdiction barred.

23B. Save as provided under this Act and the Service Tribunals Act, 1974 or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the Governor 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.]

R e m o v a l o f difficulties.

24. If any difficulty arises in giving effect to any of the provisions of this Act the Government of Balochistan may make such order, not inconsistent with the provisions of this 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 the expiry of one year from the coming into force of this Act.

#### **CHAPTER IV- RULES.**

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

<sup>23</sup>[Validations.

Notwithstanding anything contained in the Balochistan Civil Servants Act, 1974 (IX of 1974), anything done, actions taken, order made under this Act, or any other law or rules, prior to coming in force of this Ordinance, shall be deemed to have been validly done, taken, or made, as if this Ordinance was in force on the day on which such thing, action or order was done, taken or made.]

MUHAMMAD ATHAR  
Secretary,  
Provincial Assembly of Balochistan.

