

**THE
NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989**

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**THE
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25th December 1991

In exercise of the powers conferred by section 26 the North-West Frontier, Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973) the Governor of the North-West Frontier Province is pleased to make the following rules, namely:-

**PART I
GENERAL**

1. Short title and commencement.-(1) These rules may be called the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. Definitions.-(1) In these rules, unless the context otherwise requires:-

(a) 'appointing authority' in relation to a post, means the person authorized under rule 4 to take appointment to that post;

(b) 'Basic Pay Scale' means the Basic Pay Scales for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) 'Commission' means the North-West Frontier Province 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 Department, or offices of Government in basic pay scale 16 and below;

(e) 'Departmental Selection Committee' means a Committee constituted for the purpose of making selection for initial appointment to posts under a Department, or offices of Government in basic pay scale 15 and below;

(f) 'Post' means a post sanctioned in connection with the affairs of the Province, but not allocated all Pakistan Unified Grades ; and

(g) 'Provincial Selection Board' means the Board constituted by the Government _for the purpose of selection of civil servants for promotion or transfer to posts in basic pay scale 17 and above, consisting of such persons as may be appointed to it by Government from time to time consisting of such persons as may be appointed to it by Government from time to time.

(2) Words and expressions used but not defined in these rules shall be have the same meanings as are assigned to them in the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act XVIII of 1973), or any other statutory order or rules of Government for the time being in force.

3. Method of appointment.-(I) Appointment to posts shall be made by any of the following methods namely:-

(a) by promotion or transfer in accordance with the provisions contained in Part-11 of these rules; and

(b) by initial recruitment in accordance with the provisions contained in Part III of these rules,

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Services and General Administration Department and the Finance Department.

4. Appointing Authority:- The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

Serial No	Post	Appointing Authority
(1)	(2)	(3)
1	Posts in Basic Pay Scale 17 and above	The Chief Minister
2.	Posts in Basic Pay Scale 16	

	a) In the case of Secretariat of the Government of North-West Frontier Province	the Chief Secretary;
	(b) In the case of High Court,	the Chief Justice; and
	(c) In the case of Attached Departments-	(i) the Head of the Attached Department concerned ; and (ii) in any other case, the Secretary of the Department concerned.
3.	Posts in Basic Pay Scales 3 to 15 (a) In the case of Civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court	the Officer authorized as such by the Chief Justice ; and
	(b) in other cases:-	(i) an officer declared as appointing authority under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative ; or (ii) where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/office as the case may be.
4	Post in Basic Pay Scale 1 and 2	Deputy Secretary in charge of administration of Head of an Attached Department office, as the case may be.

Note- For the purpose of appointment to a post borne on the ministerial establishment of the Civil Secretariat in basic pay scales 3 to 15 'Secretary to Government means the Secretary to Government, Services and General Administration Department, and in other cases the Secretary of the Department concerned.

5. Departmental Promotion and Selection Committees.-(I) In each Department or office of Government there shall be one or more Departmental Promotion Committees and Departmental Selection Committees, the composition of which shall be determined by the Services and General Administration Department or the Department concerned in consultation with the Services and General Administration Department.

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

6. Procedure when recommendation of Departmental Promotion or Selection Committee is not accepted.-- Where an appointing authority for basic pay scale 16 and below does not accept the recommendation of a Departmental Selection or Promotion Committee, it shall record its reasons and obtain orders of the next higher authority.

PART-II

APPOINTMENT BY PROMOTION OR TRANSFER

7. Appointment by promotion or transfer.--(1) Except as otherwise specifically provided in any service rule for the time being in force, appointment by promotion or transfer to posts in basic pay scales 2 to 16 shall ordinarily be made on the recommendation of the appropriate Departmental Promotion Committee and promotions and transfers to posts in basic pay scale. 17 and above shall ordinarily be made on the recommendation of the Provincial Selection Board.

(2) Appointment by transfer shall be made from amongst the person holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exists.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee for the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in basic pay scales 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

8. Inter Provincial Transfer.--(1) Person holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may in deserving cases, be transferred to equivalent posts under these rules:

Provided that:--

(i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer,

(ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer.

(iii) the person concerned holds appointment to the post in the parent Department on regular basis;

(iv) the person concerned is a bona fide resident of the North-West Frontier Province;

(v) a vacancy exists to accommodate the request of such a transfer; and

(vi) Provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government, may allow transfer of a civil servant in B.P.S. 16 and above, subject to the (sic).

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purposes of determining his seniority vis-a vis other members borne on the cadre.

3. It will be the sole discretion of the appointing authority to accept or refuse a request of transfer under this rule

and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. Appointment on acting charge or current charge basis.-(1) Where the appointing authority considered 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) So long as a civil servant holds the acting charge appointment, a civil servant junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) In the case of post in basic pay scale 17 and above reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the 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 period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made as according to the order issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be,

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

PART III INITIAL APPOINTMENT

10. Appointment by initial recruitment. -(1) Initial appointment to posts in basic pay scales 16 to 21 shall be made '

(a) if the post does falls within the purview of the Commission ,on the basis of examination or test to be conducted by the Commission; or

(b) if the post does not fall within the purview of the Commission in the manner as may be determined by Government

(2) Initial appointment to posts in basic pay scales 1 to 15 shall be made on the recommendations of the Departmental selection Committee after the vacancies in basic pay scales 3 to 15, except vacancies in the posts of drivers, electricians and tube-well operators, have been advertised in newspapers,

(3) A candidate for initial appointment to a post must possess the educational or technical 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-

(i) where recruitment is to be made on the basis of a written examination age shall be reckoned as on the first of January of the year in which the examination is proposed to be held; and

(ii) in other cases as on the last date fixed for submission of applications for appointment.

(4) Notwithstanding the procedure prescribed in sub-rule (2), the appointing authority may appoint one of the children of a deceased civil servants, who died during service, to post in any of the basic pay scales Nos. 1 to 15, provided that the child possesses the minimum qualification prescribed for appointment to the post. The appointment as aforesaid, shall be subject to the availability of a vacancy and if two or more vacancies in different pay scales are available at a time, and the child possesses the qualification which make him eligible for appointment to more than, one post, he shall ordinarily be appointed to the post carrying higher pay scale.

11. Eligibility.- (1) A candidate for appointment shall be a citizen of Pakistan and bona fide resident of the North-West Frontier Province:

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

(2) No person who has married a foreign national shall be appointed to a post under these rules.

Provided that this restriction may be relaxed by Government in the case of a person who has married a citizen of India:

Provided further that a person already in Government service shall not marry a foreign national without prior permission of Government obtained in that behalf.

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal academic officer of the Academic Institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of the appointing authority.

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

12. Zonal and divisional representation.- (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in basic pay scales 16 to 17 and other posts in basic pay scales 1 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time.

(2) Initial recruitment to posts in basic pay scales 3 to 15 borne on divisional or district cadre shall be made from amongst bonafide residents of the division or district concerned as the case may be.

(3) Initial recruitment to Posts in basic pay scales 1 and 2 and equivalents shall ordinarily be made on local basis.

PART IV

AD HOC APPOINTMENT

13. Requisition to Commission.- When under any rule for the time being in force, a post is required to be filled in through the Commission/the appointing authority shall forward a Requisition on the prescribed form to the Commission immediately after it is decided to fill in the posts, of if that is not practicable and the

post is filled in on ad hoc basis as provided in rule, 14, within two months of the filling of the post.

14. Ad hoc appointment.- (1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on ad hoc basis for a period not exceeding six months by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

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

PART V

PROBATION AND CONFIRMATION

15. Probation.- (1) A person appointed to a post on regular basis shall remain on probation for a period of two years, if appointed by initial recruitment and for a period of one year, if appointed otherwise, provided that if his work or conduct during the period of probation has, in the opinion of the appointing authority, not been found satisfactory, the appointing authority may notwithstanding that the period of probation has not expired.-

(a) dispense with his service, if he has been appointed by initial recruitment; or

(b) revert him to his former post, if he has been appointed otherwise, or if there be no such post, dispense with his service; or

(c) extend the period of probation for a period to exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation.- Officiating service or service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended, and if no orders have been made by the day on which the maximum period of probation expires, the probationer, shall subject to the proviso to subsection (3) of section 6 of the North-West Frontier Province Civil Servants Act, 1973 be deemed to have satisfactorily completed his period of probation.

16. Confirmation. -After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided he holds a substantive post, provided farther that a civil servants shall not by deemed to have satisfactorily completed his period of probation, if he has failed to pass on examination, test or course or has failed to complete successfully a training prescribed within the meaning of subsection (3) of section 6 of the North-West Frontier Province Civil Servants Act, 1973.

PART VI
SENIORITY

17. Seniority.- (I) The seniority inter se of civil servants appointed to posts in the same basic pay scale in a cadre shall be determined,-

(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission, provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and

(b) in the case of civil servants appointed otherwise, with reference to the dates of their continuous regular appointment in the post, provided that civil servants 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.

Explanation I.-If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even through continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in the fixation of his seniority in the higher post.

Explanation II.-If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that a junior person shall not be deemed to have superseded a senior if the case of the senior person is deferred for the time being for want of certain information or for incompleteness of record for any other reason not attributing to his fault or demerit.

Explanation III.- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-a-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre, provided that if the two dates are the same the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

18. General Rules.-In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. Repeal.-The North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.