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PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

**MINISTRY OF FEDERAL EDUCATION AND
PROFESSIONAL TRAINING,**

(National Commission for Human Development)

NOTIFICATION

Islamabad, the 2nd November, 2017

S. R. O. 1195(I)/2017.—In exercise of powers conferred by Sections 12 and 20 of the National Commission for Human Development Ordinance, 2002, the Commission makes the following Regulations:

1. **Short title, Application and Commencement.**—(1) These Regulations may be called the National Commission for Human Development Employees (Service) Regulations, 2017.

(2927)

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(2) These Regulations shall come into force at once and shall apply to all employees of the Commission other than:—

- i. A person who is serving on deputation from the Federal or the Provincial Government or from a corporation, statutory body or local fund or an autonomous body etc. or
- ii. A person who is employed on contract basis, or Daily Wage basis or paid from contingencies or appointed for a specific period; or
- iii. A person who is a “worker” or “workman” as defined in the Factories Act, 1934 (XXV of 1934), or Workman’s Compensation Act, 1923 (VIII of 1923).

2. **Definitions:**—(1) In these Regulations, unless there is anything repugnant in the subject and context:

- (a) “Appointment” means appointment by initial recruitment, promotion, transfer, or on *ad-hoc* or contract basis.
- (b) “Appointing Authority”, in relation to a post means the person authorized to make appointment to that post.
- (c) “Chairman” means Chairman as defined in Section 2(a) of the National Commission for Human Development Ordinance, 2002.
- (d) “Commission” means Commission as defined in Section 2(b) of the National Commission for Human Development Ordinance, 2002.
- (e) “Competent Authority” means a person competent to pass an order under the Ordinance and these Regulations or a person authorized on his behalf.
- (f) “Director General” means as defined in Section 2(c) of the National Commission for Human Development Ordinance, 2002.
- (g) “Employee” means a person appointed in the Commission under the Ordinance read with these Regulations.
- (h) “Government” means Federal Government in relation to affairs of Federal Government and Provincial Governments in relation to Provincial matters.
- (i) “Initial appointment” means appointment made other than by promotion or transfer.

- (j) "Ordinance" means the National Commission for Human Development Ordinance, 2002.
- (k) "Allowance" means any additional monetary benefit attached to the pay to be prescribed with the approval of the Finance Division.
- (l) "Permanent Post" means a post sanctioned without limit of time.
- (m) "Prescribed" means prescribed by the Regulations made under section 12 and 20 of the Ordinance.
- (n) "Recruitment Regulations" means the Regulations made under section 20 of the Ordinance for the purpose of making appointments to posts in the Commission.
- (o) "Regular appointment" means appointment made in the prescribed manner.
- (p) "Regulations" means under Sections 12 and 20 of the Ordinance.
- (q) "Selection Authority" means the Selection board / Selection Committee.
- (r) "Scale" means basic pay scales as notified by the Federal Government from time to time.
- (s) "Temporary Post" means a post other than a permanent post.
- (t) "Selection Board" means a board constituted by the Federal Government in accordance with the Establishment Division's O.M. No. 6/4/96-R.3 dated 10-5-1997 for the purpose of selection for initial appointment, promotion or transfer to posts in Basic Pay Scale 19 to 21 and equivalent consisting of such persons as may be appointed by the Government from time to time.
- (u) "Selection Committee" means a committee constituted by the Federal Government in accordance with the Establishment Division's O.M. No. 6/4/96-R.3 dated 10-5-1997 for the purpose of selection for initial appointment, promotion or transfer to posts in Basic Pay Scale 1 to 18 and equivalent consisting of such persons as may be appointed by the Government from time to time.

3. **Appointment.**—Appointments to posts in the Commission shall be made on the recommendation of the selection authority, as prescribed in the recruitment Regulations by the commission or by a person authorized by the Commission in this behalf.

4. Provincial/Regional Quotas:—

- (1) While making appointment under the Commission, the provincial/regional, Minority (non-Muslim), Woman and disabled quotas, as prescribed by the Government, shall be observed.
- (2) The Commission may create post (s) as deemed necessary, in consultation with the Finance Division.
- (3) The Commission may abolish post(s), as a result of re-organization of the Commission.

5. Probation:—

- (1) Persons appointed by initial appointment, promotion or transfer other than *ad hoc* appointment 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 in the absence of an order under sub-rule (3), the period of probation on the expiry of the extended period under sub-rule (2), be deemed to have successfully completed.

- (5) In case an employee fails to successfully complete the period of probation he will be discharged if he was appointed by initial appointment and 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 hold a lien and if there be no such service or post, be discharged provided that in case of initial appointment an employee shall 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.

6. **Termination of Service.**—(1) The services of an employee may be terminated without notice:—

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

Provided that, where such employee is appointed by promotion on probation or, as the case may be, is transferred from one cadre, 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 an employee 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-rule (1), but subject to the provisions of sub-rule (2), the service or an employee in temporary employment are appointed *ad hoc* shall be liable to termination on fourteen days' notice or pay in lieu thereof.

7. **Seniority.**—The seniority of the NCHD employees is regulated in accordance with the civil servants (Seniority) Regulations, 1993 as amended from time to time.

8. **Promotion.**—(1) An employee possessing such qualification(s) and experience as may be prescribed shall be eligible for promotion to as higher post for the time being reserved under the Regulations for departmental promotion in the cadre to which he belongs.

(2) Promotion to a higher post shall be made by appointing authority on the recommendations of the selection authority, as the case may be, on the basis of conditions as may be prescribed in the recruitment Regulations.

9. **Appointment by Transfer.**—Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale or equivalent to, or identical with the post to be filled. The person

to be considered for appointment by transfer shall possess the matching qualification and experience prescribed in the recruitment Regulations of the post concerned for the purpose of initial appointment.

10. **Appointment on Deputation basis.**—Appointment on deputation basis shall be made in accordance with the policy of Federal Government.

11. **Appointment on Contract Basis.**—Appointment to a post on contract basis shall be made in accordance with the Federal Government Policy guide lines circulated and as amended from time to time.

12. **Ad-hoc Appointment.**—The appointment to a post on *ad-hoc* basis shall be made in accordance with these Regulations of appointment of regular employee.

13. **Appointment on additional charge or current basis.**—Additional charge and Current charge appointment shall be regulated in accordance with the Policy of Federal Government.

14. **Acting Charge Appointment.**—Acting charge appointment shall be regulated in accordance with the Policy of Federal Government.

15. **Reversion to a Lower Post(1).**—Any employee appointed to a higher post on *ad-hoc*, temporary or officiating basis shall be liable to reversion to his lower post.

(2) No employee shall be dismissed or removed from service or reduced in rank by an authority sub-ordinate to that by which he was appointed.

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

Provided that this sub-rule shall not apply; (i) where an employee 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 Regulations 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 employee such an opportunity.

16. **Confirmation.**—The employee of the NCHD shall be governed under the civil servant (confirmation) Regulations 1993.

17. **Leaves.**—The permanent employee of NCHD will be allowed to avail leaves as per Revised Leave Rules, 1980 and Study Leave Rule, 1985, as amended from time to time.

18. **Conduct.**—The conduct of an employee shall be regulated by the Government Servants (Conduct) Regulations, 1964.

19. **Efficiency and Discipline.**—An employee shall be liable to disciplinary action and imposition of penalties under the E&D Rules 1973 as amended from time to time.

20. **Dismissal, Removal, Termination or Reduction to lower post or pay scales.**—No employee shall be dismissed or removed from service, terminated or reduced to lower post or pay scale by an authority sub-ordinate to that by which he was appointed. In case an employee, dismissed, removed from service, terminated or reduced in rank is re-instated in service as a result of setting aside of order by the departmental authority or a court of competent jurisdiction, he shall be entitled to such arrears of pay as the authority setting aside the order, may determine.

21. **Right of Appeal or Representation.**—An employee of NCHD shall be governed in accordance with the Civil Servant Appeal Rules 1977 as amended from time to time.

22. **Posting and Transfer.**—Every employee shall be liable to serve anywhere within or outside Pakistan in any equivalent Post under the Commission:

Provided that this provision shall not apply to an employee recruited specifically to serve in a particular area or region.

23. **Provident Fund.**—(1) A Contributory Provident Fund Scheme shall be offered to all permanent, contract employees after successful completion of the probationary period. The scheme is named “NCHD Contributory Provident Fund (PF)”.

(2) The deduction shall be made at 10% of Basic Salary and the Commission matches the same amount. The accumulated amount along with the earned interest is returned to the employee upon leaving the organization or upon discretion of the Commission.

(3) A board of trustees shall be established to administer the Provident Fund in accordance with the prevailing rules.

(4) Employees on deputation with the Commission shall not be eligible to become members of the NCHD Contributory Provident Fund.

(5) An employee can request a loan against Provident Fund under special circumstances up to the amount given in the Employees Provident Fund Trust Deed.

24. **Hotel Accommodation /TA (Domestic & Overseas).**—An employee of NCHD shall be entitled to hotel accommodation and travelling allowances (Domestic & Overseas) as per Federal Government Rules and amended from time to time.

25. **Housing Allowance.**—A Regular Employee shall be eligible for Housing Allowance/Rent/Ceiling in accordance with the Federal Government House Rent Rules 2002 as amended from time to time.

26. **Terms and Conditions of Employees.**—(1) The terms and conditions of an employee shall be as provided in the Regulations framed by the Commission under Sections 12 and 20 of the Ordinance.

(2) The terms and conditions like pay protection, allowances, etc. not prescribed in the Regulations framed under Sections 12 and 20, shall be the same as are applicable to the persons appointed under the Civil Servant Act, 1973 and the Regulations made thereunder.

27. **Retirement from Service.**—An employee shall retire from service of the Commission on completion of the sixtieth year of his age.

28. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of these Regulations, the Chairman may make such order in consultation with the administrative ministry and respective division thereof, not inconsistent with the provision of these Regulations, as may appear to him to be necessary for the purpose of removing the difficulty:

In matters not covered under these Regulations, the employees of NCHD shall be governed by the Regulations applicable to other civil servant and instructions issued from time to time by the Federal Government on the subject.

29. This Notification issues with the concurrence of the Finance Division *vide* their U.O. No.F.3(3)R-14/2015/106, dated 03-03-2017 and the Establishment Division *vide* O.M No.F.6/3/2016/R-3, dated 01-6-2017.

[File No.8-5/2015-PT-I.]

KANWAL JAVED,
Deputy Secretary (Admn.).