

Punjab Civil Servants Act, 1974

8 of 1974

[04 June 1974]

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Punjab Civil Servants Act, 1974

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An Act to regulate the appointment to, and the terms and conditions of service in respect of the services of the Province of the Punjab. Preamble.- WHEREAS it is expedient to regulate by law, the appointment to, and the terms and conditions of the services of the Province of the Punjab, and to provide for matters connected therewith or ancillary thereto; It is hereby enacted as follows:-

CHAPTER 1

PRELIMINARY

1. Short Title, Application And Commencement :-

- (1) This Act may be called the Punjab Civil Servants Act, 1974.
- (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 a civil service of the Province 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 from the Federation or any other Province or 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 a worker or workman as defined in the Factories Act, 1934 (XXV of 1934) or the Workmens Compensation Act, 1923 (VIII of 1923);
 - (c) "Government" means the Government of the Punjab;
 - (d) "initial recruitment" means appointment made otherwise than by promotion or transfer;
 - (e) "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 as pay by the prescribed authority;
- (f) "permanent post" means a post sanctioned without limit of time;
- (g) "prescribed" means prescribed by rules;
- [2][(g-a) "proforma promotion" means predating of promotion of civil servant or retired civil servant with effect from the date of regular promotion of his junior, for the purpose of fixation of pay and payment of arrears as may be prescribed.
- (g-b) "promotion" means appointment of a civil servant to a higher post in the service or cadre to which he belongs.]
- (h) "province" means the Province of the Punjab;
- (i) "rules" means the rules made or deemed to have been made under this Act;
- (j) "selection authority" means the Punjab Public Service Commission, 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
- (k) "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 2

TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

3. Terms And Conditions :-

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

4. Appointments :-

Appointment to a civil service of the province or to a civil post in connection with the affairs of the province, shall be made in the prescribed manner by the Governor or by a person authorised by him in that behalf.

5. Probation :-

(1) An initial appointment to a service or post referred to in section 4, not being an ad hoc appointment, shall be on such probation and for such period of 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 such probation and for such period of 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 the 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.

6. Confirmation :-

(1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or a post as may be prescribed.

(2) A civil servant promoted to a post [3][* * *] on probation shall, on satisfactory completion of his probation, be confirmed in such post [4][* * *] as may be prescribed.

(3) A civil servant promoted to a post [5][* * *] on regular basis shall be confirmed after rendering satisfactory service for such period as may be prescribed.

(4) There shall be no confirmation against any temporary post.

(5) A civil servant who, during the period of his service, was eligible for confirmation in any service or against any post, retires from service before confirmation shall not, merely by reason of such retirement, be refused confirmation in such service or against such post or any benefits accruing therefrom.

(6) Confirmation of a civil servant in a service or against a post shall take effect from the date of the occurrence of a permanent vacancy in such service or against such post or from the date of continuous officiation, in such service or against such post, whichever is later.

7. Seniority :-

(1) Seniority on initial appointment to a service, cadre, [6][* * *] or post shall be determined in the prescribed manner.

[7][(2) 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 in the lower post.]

(3) For proper administration of a [8][service or cadre] the appointing authority shall from time to time cause a seniority list of the members of such [9][service or cadre] to be prepared.

(4) Subject to the provisions of sub-section (3), the seniority of a civil servant in relation to other civil servants belonging to the same [10][service or cadre], whether serving in the same department or office or not, shall be determined in such manner as may be prescribed.

8. Promotion :-

(1) A civil servant shall be eligible to be considered for appointment by promotion to a post reserved for promotion in the service or cadre to which he belongs in a manner as may be prescribed; provided that he possesses the prescribed qualifications.

(2) Promotion including proforma promotion shall not be claimed by any civil servant as of right.

(3) Promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of the higher post, and shall in no case be granted from the date of availability of post reserved for promotion.

(4) A civil servant shall not be entitled to promotion from an earlier date except in the case of proforma promotion.

(5) A retired civil servant shall not be eligible for grant of promotion; provided that he may be considered for grant of proforma promotion as may be prescribed.

(6) 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 follows:-

(a) in the case of a selection post, on the basis of selection on merit; and

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

9. Postings And Transfers :-

Every civil servant shall be liable to serve anywhere within or outside the province in any post under the Government of the Punjab or the Federal Government or any Provincial Government or a local authority or a corporation or a body set up or established by any such Government:

Provided 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 has not been so required to serve.

10. 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 and promoted on probation from one [13][service], cadre, or post to another [14][service], cadre or post his service shall not be terminated so long as he holds a lien against his former post,[15][service] or cadre, and he shall be reverted to his former [16][service], or as the case may be, cadre or post;

(ii) if the appointment is made on ad hoc basis liable to termination on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) In the event of a post being abolished or number of posts in a cadre or [17][service] being reduced the services of the most junior person in such cadre or[18][service] shall be terminated.

(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 on ad hoc basis shall be liable to termination on thirty days notice or pay in lieu thereof.

11. Reversion To A Lower Post :-

A civil servant appointed to a higher post or [20][before the commencement of the Punjab Civil Servants (Amendment) Ordinance, 1984, to a higher] grade on ad hoc or officiating basis, shall be liable to reversion to his lower post [21][* * *] without notice.

11A. Certain Persons To Be Liable To Removal Or Reversion

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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 [23][* * *] without notice, by the Governor of the Punjab or a person authorised by him in this behalf, on such date as the Governor of the Punjab or, as the case may be, the person so authorised may, in the public interest, direct.

12. Retirement From Service :-

(1) 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 Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

13. Employment After Retirement :-

(1) A retired civil servant shall not be re-employed under the Government unless such re-employment is necessary in the public interest and is made, except where the appointing authority is the Governor, with the prior approval of the authority next above the appointing authority.

(2) Subject to the provisions of sub-section (1) of section 3 of the Ex-Government Servants (Employment with the Foreign Governments) (Prohibition) Act, 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, he shall obtain the prior approval of the prescribed authority.

14. Conduct :-

The conduct of a civil servant shall be regulated by rules made by Government or a prescribed authority, whether generally or in

respect of a specified group or class of civil servants.

15. Efficiency And Discipline :-

A civil servant shall be liable to such disciplinary action and penalties and in accordance with such procedure as may be prescribed.

16. Pay :-

A civil servant appointed to a post [25][* * *] shall be entitled, in accordance with the rules, to the pay sanctioned for such post [26] [* * *]:

Provided that, when the appointment is made on a [27][current charge or acting charge basis in the manner prescribed] or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has been dismissed or removed from service or reduced in rank, he shall, in the event of the order of dismissal, removal from service or reduction in rank being set aside, be entitled to such arrears of pay as the authority setting aside the order may determine.

17. Leave :-

A civil servant shall be allowed leave in accordance with the leave rules applicable to him; provided that the grant of leave shall depend on the exigencies of service and shall be at the discretion of the competent authority.

18. 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 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 servant, not exceeding two-thirds of the pension or gratuity, which would have been admissible to him if he had been by bodily or mental infirmity incapacitated for further 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 upon such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

19. 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 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.

20. Benevolent Fund And Group Insurance :-

All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan^[28] Government Servants Benevolent Fund Ordinance, 1960 and the West Pakistan^[29] Government Employees Welfare Fund Ordinance, 1969 and the rules made thereunder.

21. 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 allowed to a civil servant by any rules applicable to him, such appeal or application shall, except as may otherwise be prescribed, be made within sixty days of the communication to him of such order.

(2) Where no provision for appeal or review exists in the rules in

respect of any order, a civil servant aggrieved by any such order may, except where such order is made by the Governor, within sixty 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[30][* * *].

CHAPTER 3

MISCELLANEOUS

22. Saving :-

Nothing in this Act or in any rule shall be construed to limit or abridge the power of the Governor 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.

22A. Indemnity :-

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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.

22B. Jurisdiction Barred :-

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Save as provided under this Act and the Punjab Service Tribunals Act, 1974 (IX of 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.

CHAPTER 4

RULES

23. Rules :-

(1) The Governor, or any person authorised 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.

24. Repeal Of Punjab Ordinance No. Ii Of 1974 :-

The Punjab Civil Servants Ordinance, 1974 (Punjab Ordinance No. II of 1974), is hereby repealed.