

Punjab Public Service Commission Ordinance, 1978

2 of 1978

[18 January 1978]

CONTENTS

1. Short Title And Commencement
2. Definitions
3. Composition Of The Commission Etc
4. Term Of Office
- 4A. Oath Of Office
5. Removal From Office
6. Section 6
7. Functions Of Commission
8. Commission To Be Informed When Its Advice Is Not Accepted
9. Report Of Commission
10. Rules And Regulations
11. Repeal

SCHEDULE 1 :- SCHEDULE I

Punjab Public Service Commission Ordinance, 1978

2 of 1978

[18 January 1978]

An Ordinance to repeal and, with certain modifications, re-enact the Punjab Public Service Commission Act, 1974. Preamble.- WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Punjab Public Service Commission Act, 1974; AND WHEREAS the Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action; NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA Order No.1 of 1977), the Governor of the Punjab is pleased to make and promulgate the following ordinance:-

1. Short Title And Commencement :-

(1) This Ordinance may be called the Punjab Public Service Commission Ordinance, 1978.

(2) It shall come into force at once.

2. Definitions :-

In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "Commission" means the Punjab Public Service Commission;

(b) "Member" means a member of the Commission and includes the Chairman thereof; and

(c) "Service of Pakistan" means the Service of Pakistan as defined in the Constitution of the Islamic Republic of Pakistan.

3. Composition Of The Commission Etc :-

(1) There shall be a Commission consisting of a Chairman and such number of members as the Governor may determine.

(2) The Governor shall appoint the Chairman and the members of the Commission but no person who is sixty-five years of age or above and no serving Government servant shall be so appointed.

(3) The Government shall determine the terms and conditions of the service of the members but the Government shall not, during the term of office of a member, vary salary, allowances and privileges to the disadvantage of the member.

(4) The Commission shall have-

(a) not less than one-half of the members who have held office in the service of Pakistan in basic scale 21 or above;

(b) at least one member each from-

(i) retired judges of the superior judiciary;

(ii) retired officers not below the rank of Major General or equivalent of the Armed Forces;

(iii) women and persons from private sector possessing such qualification and experience as the Government may by rules prescribe; and

(iv) retired professionals in basic scale 20 or above of the Government with not less than fifteen years experience in the field of engineering, agriculture, education, medicine or dentistry, forensics, environment, information technology, law or any other professional field.

(5) No proceedings or act of the Commission shall be invalid merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

4. Term Of Office :-

- (1) A member shall be appointed for a term of three years and shall not be eligible for reappointment as such.
- (2) Notwithstanding anything contained in sub-section (1), a member shall cease to hold office on completion of his term or on attaining the age of sixty-five years, whichever is earlier.
- (3) A member may resign his office by writing under his hand addressed to the Governor.]

4A. Oath Of Office :-

Before entering upon office the Chairman and members shall make oath in the form set out in the Schedule to this Ordinance before the Governor in case of Chairman and before the Chairman in case of a member.

5. Removal From Office :-

- (1) A member shall not be removed from office during the term of his office except in the manner hereinafter provided.
- (2) If, the Governor is of the opinion that a member-
 - (a) may have been guilty of misconduct; or
 - (b) may be incapable of properly performing the duties of his office by reason of physical or mental incapacity;the Governor shall appoint a Judge of the High Court to inquire into the matter.
- (3) If, after inquiring into the matter the Judge reports to the Governor that he is of the opinion that the member has been guilty of misconduct or is incapable of performing the duties of his office, the Governor may remove the member from office.

6. Section 6 :-

7. Functions Of Commission :-

The functions of the Commission shall be-

- (a) to conduct tests and examination for recruitment to-
 - (i) such Provincial services and posts connected with the affairs of the Province, as may be prescribed; and
 - (ii) such posts in or under a Corporation or other body or organisation set up by Government under any law, as may be prescribed;
- (b) to advise the Government on such matters as may be prescribed, relating to the terms and conditions of service of persons who are members of a Provincial service or hold posts in

connection with the affairs of the Province; and
(c) such other functions as may be prescribed.

8. Commission To Be Informed When Its Advice Is Not Accepted :-

Where the Governor does not accept the advice of the Commission he shall inform the Commission accordingly.

9. Report Of Commission :-

(1) The Commission shall, not later than 15th day of February in each year, prepare report as to the work done by it during the preceding year ending on the 31st day of December and submit the report to the Governor.

(2) The report shall be accompanied by a statement setting out, so far as known to the Commission-

(a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefor; and

(b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons therefor.

(3) The Governor shall cause a copy of the report to be laid before the Provincial Assembly.

10. Rules And Regulations :-

(1) The Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Ordinance.

[8][(2) Subject to the provisions of this Ordinance and the rules the Commission may make regulations for carrying out the purposes of this Ordinance and the rules.

11. Repeal :-

The Public Service Commission Act, 1974 (I of 1974) is hereby repealed.

SCHEDULE 1

SCHEDULE I

(SEE SECTION 4-A)

I, do solemnly swear that I will bear true faith and allegiance to Pakistan.

That, as a Chairman (or Member) of the Punjab Public Service Commission I will discharge my duties and perform any functions, honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well being and prosperity of Pakistan.

That, I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, I will act without fear or favour, affection or ill will.

May Allah Almighty help and guide me (Ameen).