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ORDINANCE NO. XLVI OF 2007

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ORDINANCE

further to amend the Federal Public Service Commission Ordinance, 1977

WHEREAS it is expedient further to amend the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), for the purpose hereinafter appearing;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Federal Public Service Commission (Amendment) Ordinance, 2007.

(2) It shall come into Force at once.

2. **Amendment of section 7(2) Ordinance XLV of 1977.**—In the Federal Public Service Commission Ordinance, 1977 (XLV of 1977), in section 7, for sub-section (2), in clauses (ii) and (iv), the words “not exceeding two years” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Government makes contract appointments in public interest, with terms and conditions to be decided on case to case basis. Contract appointments are purely temporary in nature, made for a specified period to manage time-limited assignments including positions in projects which are run by different Ministries/Divisions wherein the appointments are made on contract basis, for the life of the projects which vary from one another. The Government, therefore, resorts to this method of appointment in rare circumstances and percentage of such intake is quite negligible. Such appointments are non pensionable.

2. Prior to the promulgation of Federal Public Service Commission (Amendment) Ordinance, 2007 on 15.09.2007, the appointments against vacancies of BS-16 and above on contract basis up to a specified period, not exceeding two years, were outside the purview of the Federal Public Service Commission (FPSC) in terms of then existing Clauses-ii and iv of Sub-Section-2 of Section-7 of the FPSC Ordinance, 1977, while extension in the contract beyond two years was within the purview of the FPSC. It was, however, felt that the aforesaid provision needed review because FPSC was a recruitment agency with specific focus upon initial appointments while contract appointments could not be treated as such. It, therefore, conflicted with the basic functions of the Commission which related to initial appointments and thus created a conceptual anomaly. Besides this at occasions, it led to unnecessary delays, causing problems in the official working of the concerned offices.

3. Cognizant of the above situation, the Federal Government promulgated FPSC (Amendment) Ordinance, 2007, amending Clauses-ii and iv of Sub-Section-2 of Section-7 of the FPSC Ordinance, 1977. Consequently, contract appointments beyond two years were also taken out of the purview of the Commission.

4. The FPSC (Amendment) Ordinance, 2007 which is to be introduced in the National Assembly as a Bill is meant to remove the bottlenecks in the process of contract appointments. *I certify that the said ordinance is a valid ordinance to be placed before the National Assembly in terms of Supreme Court's judgement.*

DR. ZAHEERUDDIN BABAR AWAN
Minister for Parliamentary Affairs
Member-in-Charge