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ORDINANCE NO.XI OF 2009

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ORDINANCE

*to provide relief to persons in corporation service or autonomous
or semi autonomous bodies or in Government service who were
dismissed, removed or terminated from service*

WHEREAS it is expedient for the purpose of providing relief to persons who were appointed in a corporation service or autonomous or semi-autonomous bodies or in Government service during the period from the 1st day of November, 1993 to

the 30th day of November, 1996 and were dismissed, removed or terminated from service during the period from the 1st day of November, 1996, to the 31st day of December, 1998;

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, extent and commencement.**—(1) This Ordinance may be called the Sacked Employees (Reinstatement) Ordinance, 2009.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**—In this Ordinance unless there is any thing repugnant in the subject or context,—

(a) “person in corporation service” means a person who was appointed in a corporation, organization or autonomous or semi-autonomous body, established by or under a Federal law or owned or controlled by the Federal Government, during the period from the 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and was dismissed, removed or terminated from service or given forced golden hand shake during the period from the 1st day of November, 1996 to the 31st day of December, 1998 (both days inclusive);

(b) “person in Government service” means a person who was a member of the civil service of the Federation or held a civil post in connection with affairs of the Federation in a Ministry, Division or department, during the period from the 1st day of November, 1993 to the 31st day of December, 1998 (both days inclusive) and was dismissed, removed or terminated from service or given forced golden hand shake during the period from the 1st day of November, 1996 to the 31st day of December, 1998 (both days inclusive); and

(c) “Review Board” means the Review Board established under section 4.

3. **Reinstatement of employees.**—Notwithstanding anything contained in any law for the time being in force, judgment of any Tribunal or a Court including the Supreme Court and the High Court, contract or terms and conditions of service, all persons appointed in corporation or Government service, during the period from the 1st day of November, 1993 to the 30th day of November, 1996 (both days inclusive) and dismissed, removed or terminated or given forced golden hand shake during the period from the 1st day of November, 1996 to the 31st day of December, 1998 (both days inclusive) shall be reinstated in service on one scale higher to their substantive scale of the post at the time of termination of service and report for duty to their respective departments or organizations:

Provided that in case of change in scale or structure of any post or cadre by the competent authority after the 31st day of December, 1998, the persons in corporation or Government service on reinstatement shall be placed on, one scale higher than the revised or existing scale of the post:

Provided further that any person in corporation or Government service who was dismissed, removed or terminated from service on account of closure of organization or absence from duty, misappropriation of Government money or stock or medical unfitness may prefer petition to the Review Board as provided in section 5.

4. **Establishment of Review Board.**—There is hereby established a Review Board to review the cases of persons in corporation or Government service who were dismissed, removed or terminated from service on account of closure of organization, absence from duty, misappropriation of Government money or stock or medical unfitness. The Review Board shall consist of Secretary, Law and Justice Division and Secretary, Establishment Division to be headed by a retired Judge of the Supreme Court or of a High Court to be appointed by the Federal Government.

5. **Petition to the Review Board.**—(1) Any person in corporation or Government service who was dismissed, removed or terminated from service on account of closure of organization, absence from duty, misappropriation of Government money or stock or medical unfitness may within sixty days of the commencement of this Ordinance, prefer petition for review of the order of dismissal, removal or termination from service to the Review Board which shall decide the case within thirty days of its first hearing. The Review Board may, on consideration of review petition and any other relevant material, confirm, set aside, vary or modify the order.

(2) The order of the Review Board passed on the review petition shall be final and shall not be called in question in any court, authority or tribunal.

(3) In dealing with cases under this Ordinance the Board shall have power to regulate its own procedure.

6. Reinstatement of contract employees.—(1) A person in corporation or Government service who held the post on contract against a regular post and his contract was extended at least once and he was subsequently dismissed, removed or terminated from service shall be reinstated immediately and adjusted against regular post.

(2) A person in corporation or Government service appointed on contract against a temporary post and who was dismissed, removed or terminated before the completion of his contract period shall be reinstated for the remaining portion of his contract.

7. Reinstatement of golden hand shake employees.—Persons in corporation or Government service who were given forced golden hand shake shall be reinstated subject to reimbursement of all monetary benefits received by them as a result of forced golden hand shake.

8. Creation of supernumerary post—(1) Where due to non-availability of sanctioned posts or an equivalent scale post in corporation or Government service, the Secretary of the respective Ministry, Division, head of the department or corporation or organization shall immediately create supernumerary posts to accommodate the reinstated employees and such arrangement shall continue till the availability of regular posts are made available.

(2) In case of change in scale or structure of any post or cadre by the competent authority after the 31st December, 1998, the person in corporation or Government service on reinstatement shall be placed on, one scale higher than the revised or existing scale of the post.

9. Manner and mode of payment of compensation on reinstatement.—On reinstatement in service each employee in corporation or Government service shall be paid compensation equal to three years emoluments of the pay scale in which he would be placed and the emoluments shall be paid to him in the following manner, namely:—

- (a) first installment equal to twelve months emoluments on reinstatement;
- (b) second installment equal to twelve months emoluments on the 1st day of January, 2010; and

- (e) third installment equal to twelve months emoluments on the 1st day of January, 2011.

10. **Reinstated employees not to claim other service benefits.**—Any person in corporation or Government service who is reinstated under this Ordinance shall not be entitled to claim seniority or arrears of pay or other service benefits save as provided in this Ordinance and shall be required on reinstatement to submit a surety bond in the form specified for the purpose.

11. **Ordinance to override other laws.**—The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any judgment of any Tribunal or Court including Supreme Court and High Court.

12. **Power to make rules.**—The Federal Government may make rules to carry out the purposes of this Ordinance.

13. **Repeal.**—The Sacked Employees (Reinstatement) Ordinance, 2009 (II of 2009) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Sacked Employees (Reinstatement) Ordinance, 2009 (XI of 2009) has been promulgated to provide relief to persons who were appointed in Corporation service or Autonomous or Semi Autonomous bodies or in Government service during the period from the 1st day of November, 1993 to the 30th day of November, 1996 and were dismissed, removed or terminated from service during the period from the 1st day of November, 1996, to the 31st day of December, 1998.
