

*[Published in the Gazette of Pakistan, Extraordinary,
Part-I, dated the 1st October, 2012]*

ORDINANCE NO.VII OF 2012

AN

ORDINANCE

to address under-representation in the Service of Pakistan

WHEREAS clause (1) of Article 27 of the Constitution of the Islamic Republic of Pakistan provides that posts may be reserved for persons belonging to any class or area to secure their adequate representation in the service of Pakistan;

AND WHEREAS under-representation of provinces and areas, namely, Sindh, Balochistan, Federally Administered Tribal Areas and other areas in the service of Pakistan need to be addressed;

AND WHEREAS the National Assembly and the Senate are not in session and the President is satisfied that the 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 Services of Pakistan (Redressal of Under-Representation) Ordinance, 2012.

(2) It shall come into force at once.

2. **Appointment by transfer.**— (1) Notwithstanding anything contained in the Civil Servants Act, 1973 (LXXI of 1973), and any other law for the time being in force, the Federal Government may make appointment by transfer to the post of Senior Joint Secretary (BS-21) and Additional Secretary (BS-21) in the Secretariat Group of regular (BS-21) Provincial Civil Service officers recommended by the respective Provincial Government of Sindh, Balochistan, Administration of the Federally Administered Tribal Areas and such other areas as may be notified by the Federal Government in the official Gazette, who meet the criteria specified in the Schedule to this Ordinance.

(2) The appointment by transfer may take place against posts not exceeding ten per cent of sanctioned posts of Senior Joint Secretary and Additional Secretary (BS-21). The aforesaid percentage posts shall be further sub-divided in the ratio of 19: 6 : 4 for induction of officers of Sindh, Balochistan and Federally Administered Tribal Areas including such other areas as may be notified by the Federal Government in the official Gazette:

Provided that the aforesaid allocation of posts and appointments thereon shall be one time dispensation.

THE SCHEDULE

[See section 2(1)]

1. The officer concerned is a regular BS-21 officer of Provincial Civil Service and recommended by the respective Provincial Government or Administration of the areas, as the case may be.

2. The officer opts for appointment by transfer in (BS-21) in Secretariat Group in the Federal Government.

3. The officer has rendered at least twenty-two years service in BS-17 and above in terms of instructions issued by the Federal Government from time to time.

4. Performance Evaluation Reports (PERs) for previous two grades (i.e. BS-20 or BS-21) or fifteen years actual service rendered in BS-17 and above, whichever is more, as the case may be, will be quantified and one hundred marks will be assigned for PERs quantification and the officers will only be eligible if they have earned grading "Good" or equivalent and above in their PERs in grade 17 and above and attain minimum score of seventy five marks in PERs.

5. The officer has successfully completed a regular course at the National Management College or National Defence University and officer of the age of fifty eight years and above will be exempted from this requirement.

6. The selection shall be on the basis of respective Province or area's merit in PERs.

7. The officers will be considered in order of seniority against seats as may be reserved or allotted to each Province or area.

8. No disciplinary action under the Government Servants (Efficiency and Discipline) Rules, 1973, or proceedings on criminal charges in the Court of Law is pending against the officer.

9. No punishment has been awarded under any criminal law including the National Accountability Ordinance, 1999 (XVIII of 1999) to the officer concerned in the entire career (BS-17 and above).

10. On induction in (BS-21) in Federal Government, the officer concerned will be placed junior to all the existing Senior Joint Secretaries or Additional Secretaries (BS-21), as the case may be.

11. For the purpose of consideration of promotion to BS-22 in terms of Civil Servants (Promotion to the post of Secretary, BS-22 and equivalent) Rules, 2010, the two years service in (BS-21) shall count from the date of appointment as Senior Joint Secretary or Additional Secretary (BS-21), as the case may be, in the Federal Government.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to redress under representation of any class or area in the Service of Pakistan by an Act of Parliament.

QAMAR ZAMAN KAIRA
Minister for Information & Broadcasting,
Member-in-charge