

[AS PASSED BY THE MAJLIS-E-SHOORA (PARLIAMENT)]

A

BILL

to regulate the appointment of persons to, and the terms and conditions of service of persons in the Senate Secretariat, under clause (2) of Article 87 of the Constitution of the Islamic Republic of Pakistan, 1973

WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons, in the Senate Secretariat, and to provide for matters connected therewith or ancillary thereto, as provided in Article 87(2) of the Constitution of Pakistan, 1973;

It is hereby enacted as follows:-

1. Short title, application and commencement.-(1) This Act may be called the Senate Secretariat Services Act, 2017.

(2) It applies to all employees in the Senate Secretariat wherever they may be.

(3) It shall come into force at once.

**CHAPTER-I
PRELIMINARY**

2. Definitions.- (1) In this Act, unless there is anything repugnant in the subject or context,-

- (a) **"Adhoc 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) **"Basic Pay Scales (BPS)"** means pay scales prescribed by the Federal Government and adopted by the Senate Secretariat;
- (c) **"Competent authority"** means the Competent Authority for appointment to various posts, as prescribed in the Rules;
- (d) **"Chairman"** means the Chairman of the Senate and includes the Acting Chairman;
- (e) **"Constitution"** means the Constitution of the Islamic Republic of Pakistan, 1973, as amended from time to time;

- (f) **"Employee"** means a person appointed by the Competent Authority under the Rules to a post in the Senate Secretariat but does not include-
- (i) a person who is on deputation to the Senate Secretariat; or
 - (ii) a person who is employed on contract or work-charge basis or who is paid from contingencies;
- (g) **"Finance Committee"** means the Finance Committee of the Senate as provided in Article 88 of the Constitution;
- (h) **"General Parliamentary Group"** means any group or services, as may be prescribed by the Rules to be a General Parliamentary Group, performing general Parliamentary administration functions;
- (i) **"Government"** means the Federal Government of Pakistan;
- (j) **"Initial appointment"** means appointment made otherwise than by promotion or transfer;
- (k) **"Other categories"** means any group or services, as may be prescribed by the Rules to be other categories, and are not part of the General Parliamentary Group or Specialized Parliamentary Group;
- (l) **"Pay and allowances"** means the amount drawn monthly by an employee as pay and includes technical pay, special pay, personal pay and other emoluments declared by the Chairman or the Finance Committee or the Federal Government, as the case may be, where Rules of the Federal Government are adopted;
- (m) **"Post"** means a post sanctioned in the Senate Secretariat;
- (n) **"Prescribed"** means prescribed by Rules or standing orders or as notified by a Notification in the official Gazette, as the case may be;
- (o) **"Rules"** means the Rules framed under this Act by the Chairman;
- (p) **"Secretariat"** means the Secretariat of the Senate;
- (q) **"Secretary"** means the Secretary Senate, having the status of Federal Secretary, and also includes the Acting Secretary in the absence of the Secretary or any other person performing the functions of the Secretary, for the time being, under the direction and supervision of the Chairman;

- (r) **"Specialized Parliamentary Group"** means any group or services, as may be prescribed by the Rules to be a specialized parliamentary group, performing special and technical Parliamentary functions; and
- (s) **"Standing Orders"** means the written orders of the Chairman as notified by the Senate Secretariat.

CHAPTER-II TERMS AND CONDITIONS OF SERVICE

3. Terms and Conditions of Service.- (1) The terms and conditions of a Senate Secretariat employee shall be as provided in this Act and the Rules made there under.

(2) The terms and conditions of service of any person to whom this Act applies shall not be varied to his disadvantage.

(3) Subject to this Act and Rules framed there under, other terms and conditions of service including pay, allowances, retirement, deputation, pension, gratuity, provident fund, benevolent fund, group insurance, financial or family assistance in case of death during service, leave or other privileges of an employee shall be governed by the law, Rules and policies for the time being in force and applicable to the employees in posts in the same scale in the Federal Government:

Provided that the powers of the Federal Government shall be exercised by the Chairman, with such additions, enhancements, modifications, variations or exceptions, as he may deem fit, in concurrence with the Finance Committee:

Provided further that in case of urgency of the matter, the Chairman may exercise his powers in anticipation of the concurrence of the Finance Committee.

(4) The Senate employees shall be entitled to such terms and conditions of service, entitlements, facilities, perks and privileges, including medical, housing, education and all other schemes of the Government, as are admissible to Civil Servants or Occupational Groups or professionals, from time to time, notwithstanding the Judgment of any Court, Tribunal or a quasi-judicial Authority.

4. Appointments.- (1) Appointments to the Senate Secretariat shall be made according to the Rules by one or more of the following methods, namely:

- (a) by promotion of a person employed in the Secretariat;

- (b) by transfer from within the Secretariat in the same grade;
- (c) by direct recruitment; or
- (d) by direct recruitment through Clerks of the Parliament, appointed under the Rules.

(2) The Senate Secretariat shall be organized in General Parliamentary Group, Specialized Parliamentary Groups and other categories, as may be prescribed by the Rules.

(3) The employees belonging to all Parliamentary Groups will be given opportunity to compete through an exam for the vacancies in BS-19:

Provided that sub-section (3) shall come into effect after two years of promulgation of this Act.

5. Appointments on Deputation.- (1) Appointment by deputation to a post shall be made in the interest of the Senate Secretariat.

(2) The competent Authority may appoint on deputation a person serving outside the Senate Secretariat in connection with the affairs of the Federation or of a Province.

(3) The terms and conditions of service of a person appointed to the Senate Secretariat on deputation shall be such, as may be prescribed by the Rules.

6. Probation.- (1) Appointment to a post by direct recruitment under section 4, not being an ad hoc appointment, shall be on probation for a period of two years, or for such lesser period, as may be prescribed.

(2) Any person appointed to a post by promotion or transfer may also be placed on probation in accordance with the provisions of sub-section (1).

(3) On the satisfactory completion of period of probation, the appointing authority may terminate the probation and confirm a probationer in his appointment provided a clear vacancy exists.

(4) If in the opinion of the appointing authority, the work or conduct of an employee on probation is unsatisfactory or shows that he is unlikely to become efficient, and if no order is issued under sub-section (3) on the expiry of the prescribed period, the appointing authority may order that-

- (a) his probation be extended for such period not exceeding one year, as he may think fit; or

- (b) if he was appointed to such post by direct or initial recruitment, be discharged; or
- (c) if he was appointed to such post by promotion or transfer, be reverted to the post from which he was promoted or transferred and against which he holds a lien.

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

(2) An employee promoted to a post on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) An employee who, during the period of his service, was eligible to be confirmed against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation against such post or any benefits accruing there from.

(4) Confirmation of an employee against a post shall take effect from the date of occurrence of vacancy of that post or from the date of continuous officiation, on such post, whichever is later.

8. Seniority.- (1) For proper administration, the appointing authority shall cause a seniority list of the employees, for the time being, of such group, category or post to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such group, category or post, as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of an employee shall be reckoned in relation to other employees belonging to the same group or post whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a group, category or post shall be determined as may be prescribed.