

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

to regulate the recruitment and the conditions of service of persons appointed in the National Assembly Secretariat

WHEREAS it is expedient to regulate by law the recruitment and the conditions of service of persons appointed in the National Assembly Secretariat and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. Short title, application and commencement.-(1) This Act may be called the National Assembly Secretariat Employees Act, 2018.

(2) It applies to all employees in the National Assembly 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) **“ad hoc 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) **“appointing authority”** in relation to a post means the person authorized to make appointment to a post;
- (c) **“Basic Pay Scales (BPS)”** means pay scales prescribed by the Government and adopted by the Secretariat;
- (d) **“civil servant”** shall have the same meaning as assigned to it in the Civil Servants Act, 1973 (LXXI of 1973);

- (e) **“competent authority”** means the appointing authority;
- (f) **“Constitution”** means the Constitution of the Islamic Republic of Pakistan;
- (g) **“deputation”** means temporary transfer on loan of the services of an employee from the Secretariat or transfer to the Secretariat of a person from Federation or any Province or other authority;
- (h) **“directions”** means written directions of the Speaker as notified in the official Gazette;
- (i) **“employee”** means a person appointed in the Secretariat, who shall have the status of a civil servant subject to such modifications as the Speaker in consultation with the Finance Committee may make, but does not include-
 - (a) a person who is on deputation to the Secretariat; and
 - (b) a person who is employed on contract or work-charged basis or who is paid from contingencies;
- (j) **“Finance Committee”** means the Finance Committee of the National Assembly constituted as provided in Article 88 of the Constitution;
- (k) **“Government”** means the Federal Government;
- (l) **“initial appointment”** means appointment made otherwise than by promotion or transfer;
- (m) **“pay”** means the amount drawn monthly by an employee as pay and includes technical pay, special pay, personal pay and other emoluments declared as such by the Government for the civil servants subject to such modifications as the Speaker or the Finance Committee, as the case may be, may make;
- (n) **“permanent post”** means a post sanctioned without limit of time;
- (o) **“post”** means a post sanctioned in the Secretariat;
- (p) **“prescribed”** means prescribed by rules or directions of the Speaker, as the case may be, notified in the official Gazette from time to time;

- (q) **“rules”** means rules made or deemed to have been made under this Act;
- (r) **“Secretariat”** means the National Assembly Secretariat;
- (s) **“Secretary”** means the Secretary of the Secretariat who shall have the status of a Secretary of the Government and, in case of absence of Secretary, includes any other person authorized by the Speaker to perform the functions as Acting Secretary for the time being;
- (t) **“selection authority”** means the Federal Public Service Commission, a Departmental Selection Committee or other authority or body on the recommendation of or in consultation with which any appointment or promotion, as may be prescribed, is made;
- (u) **“Speaker”** means the Speaker of the National Assembly; and
- (v) **“temporary post”** means a post other than a permanent post.

(2) For the purposes of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

(3) All words and expressions used but not defined in this Act, shall unless the context otherwise requires, have the meanings assigned to them in the Constitution.

CHAPTER-II SECRETARIAT

3. Secretariat.— There shall be a separate Secretariat of the National Assembly headed by the Secretary.

4. Strength and composition of the Secretariat.— (1) The Secretariat shall have permanent and temporary posts as may, from time to time, be sanctioned and notified in the official Gazette.

(2) The Speaker may upgrade or re-designate or create or abolish any post:

Provided that no post in BPS-17 or above shall be upgraded or created for a period exceeding six months, except after consultation with the Finance Committee.

(3) The Speaker may by order direct that his power under sub-section (2), in such circumstances and under such conditions, if any, as may be specified in the direction, also be exercisable by the Secretary.

(4) When a post is created or upgraded or re-designated, permanently or temporarily, or abolished, it shall be notified in the official Gazette.

CHAPTER-III TERMS AND CONDITIONS OF SERVICE

5. Terms and conditions of service.- (1) The terms and conditions of service of an employee shall be as provided in this Act and the rules.

(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, all other terms and conditions of service, including pay, allowances, advances, retirement, deputation, pension, gratuity, provident fund, benevolent fund, group insurance, financial or family assistance packages including in service death, leave or all other rights, perks, privileges, prerogatives, concessions, entitlements, memberships, facilities, including medical, housing, education and all other schemes of the Government, of an employee, notwithstanding any judgment or order of any court, tribunal or a quasi-judicial authority, shall be such as governed by the law, rules, policies, instructions and guidelines for the time being in force and applicable, admissible or enjoyed or available to the civil servants in the corresponding posts or BPS, subject to such modifications, variations or exceptions as may be made by the Speaker with concurrence of the Finance Committee:

Provided that, in case of urgency, the Speaker may make such modifications, variations or exceptions in anticipation of the concurrence of the Finance Committee.

6. Appointments.-(1) Appointments in the Secretariat shall be made in the prescribed manner by the Speaker or by a person authorized by the Speaker in that behalf by one or more of the following methods, namely:-

- (a) by promotion of a person employed in the Secretariat;
- (b) by transfer in the same BPS; and
- (c) by initial appointment in the following manner:
 - (i) in BPS-20 and above through an advertisement and after a selection process, upon the recommendations of Departmental Selection Committee;
 - (ii) in BPS-16 to 19, on the basis of recommendations by the Federal Public Service Commission; and