

CIVIL SERVANTS (AMENDMENT) ORDINANCE, 2002

ORDINANCE CXXX OF 2002

An
Ordinance

further to amend the Civil Servants Act, 1973

WHEREAS it is expedient further to amend the Civil Servants Act, 1973 (LXXI of 1973), for the purpose hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the Fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement.---(1) This Ordinance may be called the Civil Servants (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Insertion of new section, Act LXXI of 1973.---In the Civil Servants Act, 1973 (LXXI of 1973), after section 11A, the following new section shall be inserted, namely:-

"11-B. (1) Where it is brought to the notice of the appointing authority that appointment of a person to a civil post was made without observing the prescribed procedure or without, fulfilling the prescribed qualification, experience and age limit, it may send a reference to the Federal Public Service Commission for determination whether he is fit to hold the post to which he was appointed and, if not, whether he is fit to hold any other post compatible with his qualification and experience.

(2) On receipt of the advice of the Federal Public Service Commission on a reference made under subsection (1), the appointing authority may pass such order of appointment or termination of service as may be considered by it to be just and equitable:

Provided that if it is proposed to pass order of termination of service in the light of the advice of the Commission, a reasonable opportunity of showing cause against the order of termination, shall be provided.

(3) Where an order of appointment is made on the advice of the Commission it shall be treated as "a case of fresh appointment and Seniority of such an appointee shall be determined in accordance with the Civil Servants (Seniority) Rules, 1993."