

**THE NORTH-WEST FRONTIER PROVINCE
GOVERNMENT SERVANTS BENEVOLENT FUND
ORDINANCE, 1972**



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(NWFP Ordinance No.VII of 1972)

**AN
ORDINANCE**

To provide for certain modifications in the law relating to constitution of a Benevolent Fund for relief of Government Servant and to their families.

PREAMBLE

WHEREAS it is expedient to provide for certain modifications in the law relating to constitution of Benevolent Fund for relief of Government servants and their families;

NOW THEREFORE, in pursuance of the Martial Law Proclamation of 25th March, 1969, read with the Proclamation of 20th December, 1971, and Provisional constitution Order, and in exercise of all powers enabling him in that behalf, the Governor of the North-West Frontier Province is pleased to make and promulgate the following Ordinance:-

1. SHORT TITLE, APPLICATION AND COMMENCEMENT

- (1) This Ordinance may be called the North-West Frontier Province, Government Servants Benevolent Fund Ordinance, 1972.
- (2) It shall apply to all Government servants, as hereinafter defined; provided that Government may, by notification, exempt any class of Government servants from the operation of this Ordinance.
- (3) It shall come into force at once.

2. DEFINITIONS

In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

- (a) **"Family"** in relation to a government servant means his or her:-
 - (i) Wife or wives or husband, as the case may be;
 - (ii) Legitimate children and step children less than twelve years old;
 - (iii) Legitimate children and step children not less than twelve years old, if residing with and wholly dependent upon him or her;
 - (iv) Parents, sisters and minor brothers, if residing with and wholly dependent upon him or her;
- (b) **"Fund"** means the fund constituted under this Ordinance;
- (c) **"Gazetted Government Servant"** means a Government Servant holding a post declared to be a Gazetted post by Government or any authority empowered by Government in this behalf;
- (d) **"Government"** means the Government of the North-West Frontier Province;
- (e) **"Government Servant"** means:-
 - (i) a person who is a member of a civil service of the Province; or
 - (ii) a person who holds any civil post in connection with the affairs of the Province, including a member of the Civil Service of Pakistan who has opted for the fund, but excluding any other servant of Pakistan;
- (f) **"Non-Gazetted Government Servant"** means a government servant other than a Gazetted Government Servant;
- (g) **"Prescribed"** means prescribed by rules made under this Ordinance.

3. FUND

- (1) As soon, as may be, Government shall constitute a fund to be known as the North-West Frontier Province Government Servants Benevolent Fund.
- (2) The Fund shall be divided into two parts, Part-I for Gazetted Government Servants and Part-II for Non-Gazetted Government Servants.

- (3) Each part of the Fund shall consist of:-
- (a) Compulsory contributions recovered from the Government Servants at such rates as Government may, from time to time, prescribe;
 - (b) Such grants as may, from time to time, be made by Government;
 - (c) Other contributions and donations;
 - (d) Income from investments made under this Ordinance.
- (4) The money credited to the Fund shall be held in such custody as may be prescribed.

4. UTILIZATION OF THE FUND¹

- (1) The Fund shall be utilized for:-
- ²"(a) The relief of Government Servants and their families by:-
- (i) Giving financial assistance to the families of deceased Government Servants;
 - (ii) Giving financial assistance to Government Servants invalidated out of service;
 - (iii) Giving financial assistance to serving Government Servants in deserving cases;
 - (iv) Making special grants to Government Servants in exceptional cases;"
- (b) Defraying expenditure incurred in respect of management of the Fund.

EXPLANATION

The benefits admissible under this section will be in addition to the pension, family pension or gratuities awarded under the rules regulating the conditions of service of Government Servants.

- ³"(2) Notwithstanding the provisions contained in Sub-Section (1), Government may make such schemes as it considers necessary for the welfare of Government servants or their families and utilize the fund to implement

1 - Section 4 renumbered as "4(1)" by NWFP Act No.VIII of 1992.

2 - Clause(a) of Section 4 substituted by NWFP Act No.VIII of 1974.

3 - Sub-Section (2) of Section 4 added by NWFP Act No. VIII of 1992.

such schemes in such manner and subject to such conditions as may be prescribed".

5. ACCOUNTS AND AUDIT

- (1) All contributions recovered under clause (a) of Sub-Section (3) of Section 3 shall be deducted at the source from the salaries of the Government Servants concerned.
- (2) The Comptroller, North-West Frontier Province, shall be responsible for keeping the accounts of the Fund. Audit of the assets of and expenditure from the fund shall be conducted by such authority as may be prescribed.

6. CONSTITUTION AND POWERS OF THE BOARD OF MANAGEMENT

- (1) As soon as may be, Government shall, in such manner as may be prescribed, constitute the following Boards of Management namely:-
 - (a) The Provincial Board of Management (Gazetted);
 - (b) The Provincial Board of Management (Non-Gazetted);⁴ ⁵"and"
 - ⁶ (c) A District Board of Management for each District;"
- (2) Subject to such directions as may be issued by Government and such rules as may be made in this behalf:-
 - (a) The Provincial Board of Management (Gazetted) shall be responsible for management of Part-I of the Fund and shall have the powers to invest moneys credited to that part of the Fund and to incur expenditure therefrom;
 - (b) The Provincial Board of Management (Non-Gazetted) shall be responsible for management of Part-II of the Fund and shall have the powers to incur moneys credited to that part of the Fund and to make allocations therefrom to the ⁷ "District Board of Management; and"
 - ⁸ ()
 - (c) A District Board of Management shall, subject to such directions as

4 - The word "and" at the end of clause(b) deleted by NWFP Act No.VIII of 1974 Section.

5 - The word "and" added by N.W.F.P Ord.No.XVI of 2001.

6 - Clause (c) deleted, clause "d" re-numbered as clause "c" by N.W.F.P Ord. No.XVI of 2001.

7 - The word District Bard of Management substitutes by N.W.F.P Ord.No.Xxi of 2001.

8 - Clause (c) of Sub-Section (1) of Section 6 deleted by N.W.F.P ordinance No.XVI of 2001, S.2.

may be issued by the Provincial Board of Management (Non-Gazetted) ⁹() deal with all matters connected with Part-II of the Fund in so far as it concerns the Non-Gazetted Government servants serving or employed in the District Offices, and in particular shall have the powers to sanction expenditure from the allocations made to it by the ¹⁰“Provincial Board of Management”.

7. POWER TO RECOVER RENTS AND LEASE MONEYS AS ARREARS OF LAND REVENUE

Any sum due as rent or lease-money in respect of property acquired or constructed by a Board of Management constituted under Section 6 and the management whereof vests in any such Board, if not paid within thirty days of its having become due, may not withstanding anything contained in any law, decree or order of any Court, agreement, deed or instrument, be recorded as arrears of land revenue.

8. PROTECTION OF ACTION TAKEN UNDER THIS ORDINANCE

No suit, prosecution or other legal proceedings shall be instituted against a Board of Management constituted under Section 6 or against any officer or servant of such Board for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

9. POWER TO MAKE RULES

Government may make rules for bringing into effect the provisions of this Ordinance.

10. REPEAL AND SAVINGS

- (1) The West Pakistan Government Servants Benevolent Fund Ordinance, 1960 (W.P.Ord:XIV of 1960), hereinafter referred to as the said Ordinance, in its application to the North-West Frontier Province, is hereby repealed.
- (2) Notwithstanding the repeal of the said Ordinance, every-thing done, action taken, liability incurred, jurisdiction or powers conferred, contract entered into and proceeding instituted, right and assets acquired, officer appointed or person authorised, notification or order issued, Fund created and utilized or Board of Management constituted under any of the provisions of the said Ordinance and rules made thereunder, shall, if not inconsistent with the provisions of this Ordinance and the rules made thereunder, continue in force and, so far as may be, be deemed to have been respectively done,

9 - The words "or the Divisional Board of Management of the division concerned" deleted by N.W.F.P Ord. No.XVI of 2001 of Section 2.

taken, incurred, conferred, entered into and instituted, acquired, appointed or authorised, issued, created and utilized or constituted under this Ordinance and the rules made thereunder.

(HAYAT MOHAMMAD KHAN SHERPAO)
GOVERNOR OF NORTH-WEST FRONTIER PROVINCE AND
MARTIAL LAW ADMINISTRATOR ZONE 'F'

Dated Peshawar
The 31st March, 1972

GS&PD N.W.F.P-3286PB-500-13-4-72-(264)