

UPDATED COPY UP TO 6<sup>th</sup> FEBRUARY, 2009

# THE NORTH-WEST FRONTIER PROVINCE PUBLIC SERVICE COMMISSION ORDINANCE, 1978

## N.W.F.P Ordinance No. XI of 1978

### AN ORDINANCE

*to repeal and with certain modifications, re-enact the North-West Frontier  
Province Public Service Commission Act, 1973.*

**Preamble. - WHEREAS**, it is expedient to repeal and, with certain modifications, re-enact the North-West Frontier Province Public Service Commission Act, 1973, (N.W.F.P Act XIX of 1973), in the manner hereinafter appearing;

**AND WHEREAS**, the Governor of the North-West Frontier Province is satisfied that circumstances exist, which render it necessary to take immediate action;

**NOW, THEREFORE**, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977(C.M.L.A Order No.1 of 1977), 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 and commencement. -** (1) This Ordinance may be called the North-West Frontier Province Public Service Commission Ordinance, 1978.

(2) It shall come into force at once.

**2. Definitions. -** In this Ordinance, unless the context otherwise requires,\_\_\_

- a) "Commission" means the North-West Frontier Province Public Service Commission.
- b) "Government: means the Government of the North-West Frontier Province;
- c) "Governor" means the Governor of the North-West Frontier Province
- d) "Member" means a member of the Commission and includes the Chairman thereof;
- e) "Prescribed" means prescribed by rules made under this Ordinance;  
and

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<sup>1</sup> Published in the NWFP Government Gazette, extraordinary dated 13<sup>th</sup> May 1978

f) "Province" means the North-West Frontier Province.

**3. Composition of Commission, etc.-** (1) There shall be a Commission for the Province to be called the North-West Frontier Province Public Service Commission.

- (2) The Governor shall by regulations determine, -
- (a) the number of members and their terms and conditions of service; and
  - (b) the number of officers and servants of the Commission and their terms and conditions of service:

Provided that the salary, allowances and privileges of a member shall not be varied to his disadvantage during his term of office.

- (3) The Chairman and other members shall be appointed by the Governor:

<sup>1</sup>[Provided that a serving member of the Commission may be appointed as Chairman for a term not exceeding the un-expired portion of his term as such member.]

- (4) Not less than one-half of the members shall be persons who have held office in the service of Pakistan for not less than twenty years <sup>2</sup>[and has been retired in basic pay scale 20 or above.]

**4. Terms of office of members, etc. -**

(1) <sup>3</sup>[A member of the Commission shall hold office for a term of <sup>4&5</sup>{ Five years} from the date on which he enters upon office and shall not be eligible for re-appointment:]

<sup>6</sup>Provided that, notwithstanding his taking oath, required by the provisions of section 4A, on a date subsequent upon his entering into office, the Chairman or a member shall hold office for his respective term from the date on which he entered upon office and not from the date of oath taking, and he shall not be eligible for reappointment.

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<sup>1</sup>The proviso to sub section (3) of section 3 inserted vide NWFP Public Service Commission (amendment) Ordinance, 2002 (Ordinance No. XXVII of 2002), notified on 9<sup>th</sup> August, 2002.

<sup>2</sup>The words "and has been retired in basic pay scale 20 or above" inserted in sub section (4) of section 3 vide NWFP Public Service Commission (Amendment) Ordinance, 2002 (Ordinance No. XXVII of 2002) notified on 9<sup>th</sup> August, 2002.

<sup>3</sup>Sub section (1) of section 4 substituted vides NWFP (Ordinance No. XXVII of 2002), notified on 9<sup>th</sup> August, 2002.

<sup>4</sup> In section 4 sub section (1) the word "Five" substituted with the word "Four" vide NWFP Public Service Commission (Second Amendment) Ordinance, 2002 (Ordinance No. XXXIX of 2002), notified on 9<sup>th</sup> October, 2002.

<sup>5</sup> The word "Four" again substituted by word "Five" vide NWFP Public Service Commission Ordinance, 2004 (Ordinance No. 1 of 2004), notified on 6<sup>th</sup> August, 2004

<sup>6</sup> Proviso to sub section (1) of section 4 substituted vide NWFP Public Service Commission (Second Amendment) Ordinance, 2002 (Ordinance No. XXXII of 2002, notified on 16<sup>th</sup> September, 2002.

(2) A member may resign his office by writing under his hand addressed to the Governor.

**14A. Oath of Office.** - Before entering upon office, the Chairman and a member shall take oath in the form set out in the Schedule to this Ordinance, before the Governor in the case of Chairman, and before the Chairman in case of a member.

**5. Ineligibility for further employment.** - On ceasing to hold office, a member shall not be eligible for further employment in the Service of Pakistan.

**6. Removal from Office.** - A member shall not be removed from office except in the manner applicable to a Judge of a High Court and upon a reference made by the Governor.

**7. Functions of the Commission.** - (1) The functions of the Commission shall be \_\_\_\_\_

(a) to conduct tests and examinations for recruitment of persons to. -

(i) the civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent, and

(ii) posts in basic pay scales 11 to 15 or equivalent specified in following Departments (except the District cadre posts). –

1. Civil Secretariat (through Establishment Department);
2. Board of Revenue;
3. Police Department;
4. Prison Department;
5. Services and Works Department;
6. Irrigation Department;
7. Industries, Labour & Manpower Department;
8. Health Department;
9. Education department'
10. Local Government and Rural Development Department;
11. Excise and Taxation department;
12. Food department;
13. Physical Planning & Environment Department including Urban Development Board; and

<sup>1</sup> Section 4A, inserted vide NWFP Ordinance No. XXVII of 2002, notified on 9<sup>th</sup> August, 2002.

<sup>2</sup> Section 5, which was omitted by NWFP Act No.XX of 1987, again inserted vide NWFP Ordinance No. XXVII of 2002, notified on 9<sup>th</sup> August, 2002.

<sup>3</sup> Section 7 substituted vide NWFP Public Service Commission (Amendment) Ordinance, 2002 (Ordinance No. XXVII of 2002, notified on 9<sup>th</sup> August, 2002.

14. Organizations, except autonomous bodies, under the Health and Education Departments;
- (b) to advise the Governor\_\_\_\_
- (i) on matters relating to qualifications for, and method of recruitment to, services and posts referred to in clause (a);
  - (ii) on the principles to be followed in making:
    - (1) initial appointments to the services and posts referred to in clause (a);
    - (2) appointments by promotion to posts in BPS-17 and above; and
    - (3) transfer from one service to another; and
  - (iii) on any other matter which the Governor may refer to the Commission.

**Explanation.** - In this section, recruitment means initial appointment other than by promotion or transfer.

- (2) Recruitment to the following posts shall be outside the purview of the Commission:
- (i) <sup>1</sup>post pertaining to household staff in the Governor's House and Chief Minister House;
  - (ii) posts to be filled on adhoc basis for a period of <sup>2</sup>**one year** or less; provided that before filling the post, prior approval shall be obtained from the Commission;
  - (iii) posts to be filled by re-employing a retired officer; provided that the re-employment is made for a specified period not exceeding two years in a post not higher than the post in which the person was employed on regular basis before retirement.

**8. Commission to be informed when its advice not accepted.** - Where the Governor does not accept the advice of the Commission, he shall inform the Commission accordingly.

<sup>1</sup> Clause (i) substituted vide NWFP PSC(Amendment) Act 2003 (NWFP Act No. XIV of 2003).

<sup>2</sup> The words "six months" substituted for the words "one year" by NWFP Public Service Commission (Amendment) Act, 2008 (NWFP Act No. VI of 2008) published in the NWFP Gazette extraordinary on 9<sup>th</sup> January 2009(page-327-328).

**9. Reports of Commission. -** (1) It shall be the duty of the Commission to present to the Governor annually a report on the work done by the Commission, and the Governor shall cause a copy of the report to be laid before the Provincial Assembly.

- (2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission\_\_\_\_
- (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefor; and
- (b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons therefor.

**10. Rules. -** Government may, by Notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

**110A. Power of the Commission to make regulation. -** Subject to the provisions of this Ordinance and the rules made thereunder, the Commission may make regulations for carrying out the purposes of this Ordinance”.

**11. Repeal. -** The North-West Frontier Province Public Service Commission Act, 1973 (N.-W.F.P. Act XIX of 1973), is hereby repealed.

## **“SCHEDULE [Section 4A]**

I, \_\_\_\_\_ do solemnly swear that I will bear true faith and allegiance to Pakistan. That, as a Chairman (or Member) of the North-West Frontier Province Public Service Commission, I will discharge my duties and perform my functions honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law and always in the interest of the solidarity, integrity and well being and prosperity of Pakistan.

That I will not allow any personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment of appointment or in any other way, I will act without fear or favour, affection or ill-will”.

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<sup>1</sup> Section 10 A inserted vide NWFP Public Service Commission (Amendment) Ordinance, 2002 (Ordinance No. XXVII of 2002), notified on 9<sup>th</sup> August, 2002.