



GOVERNMENT OF KHYBER PAKHTUNKHWA Director
ESTABLISHMENT DEPARTMENT
(Establishment Wing)

NOTIFICATION

Peshawar, dated: March 29, 2017

No.SO(E-V)E&AD/14-2(2)/2016.- In exercise of the powers conferred by section 50 of the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. 1 of 2014) read with sub-section (4) of section 11 thereof, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

KHYBER PAKHTUNKHWA EHTESAB COMMISSION
(INVESTIGATION AND PROSECUTION WING)
EMPLOYEES SERVICE RULES, 2017

1. Short title, application and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Ehtesab Commission (Investigation and Prosecution Wing) Employees Service Rules, 2017.

(2) These rules shall apply to all the employees of Investigation and Prosecution Wing of the Directorate General of the Commission.

(3) These rules shall come into force at once.

2. Definitions.---In these rules unless the subject or context otherwise requires, the following expressions shall have the meanings as assigned to them hereunder.-

- (a) "Act" means the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. 1 of 2014);
- (b) "Appendix" means the Appendix appended to these rules;
- (c) "employee" means an employee of the Investigation Wing appointed on regular basis and Prosecution Wing, appointed on contract basis;
- (d) "initial recruitment" means appointment made otherwise than by promotion or transfer;
- (e) "contract" means appointment made on contract basis as per Government Policy;
- (f) "Investigation Post" means a post in the Investigation Wing of Commission;
- (g) "Prosecution Post" means a post in the Prosecution Wing of Commission; and
- (h) "Selection and Promotion Board" means the Selection and Promotion Board constituted under rule 6 of these rules.

CHAPTER - I
(INVESTIGATION WING)

2. **Method of Appointment.**---(1) Appointment to various posts in the Investigation Wing of the Commission shall be made by initial recruitment, promotion or by transfer in the manner as specified in the Appendix-I.

(2) The qualification and other conditions applicable to a post shall be such as specified in the Appendix.

4. **Appointing Authority.**---The Director General shall be the Appointing Authority for the purpose of appointment to various posts in the Investigation Wing on the recommendation of Selection and Promotion Board.

8. **Status of existing employees in the Investigation Wing.**---(1) The Committee constituted under sub-section (4) of section 11 of the Act shall scrutinize the existing employees of the Directorate General for their suitability for appointment on regular basis under these rules in Investigation Wing.

(2) If the employee of the Investigation Wing is found eligible in accordance with the provisions of these rules, the Committee may recommend his name for appointment on regular basis under these rules.

6. **Selection and Promotion Board.**---(1) There shall be a Selection and Promotion Board for the propose of initial recruitment, promotion and transfer of all employees in Investigation Wing

(2) The selection and Promotion Board shall consist of -

- | | | |
|-----|---|----------------------|
| (a) | Director HR of the Commission; | Chairman |
| (b) | Additional Secretary, Establishment Department; | Member |
| (c) | two Directors to be nominated by the Commission (one shall be from the concerned Wing); and | Member |
| (d) | Additional Director, Human Resource Wing. | Member-cum-Secretary |

7. **Seniority.**---(1) The Appointing Authority shall maintain a proper seniority list of the employees of the Investigation Wing and shall notify the same once in every calendar year, preferably in the month of January.

(2) The inter-se-seniority of the employees in the Investigation Wing shall be determined-

- (a) in the case of persons appointed by initial recruitment in the Investigation Wing, in accordance with the order of merit assigned by

the Selection and Promotion Board constituted under rule 6 of these rules; provided that persons selected for appointment in an earlier selection shall rank senior to the persons selected in a later selection and

- (b) in the case of persons appointed in the Investigation Wing other than by initial recruitment, with reference to the dates of their continuous regular appointment to the post; provided that persons selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

(3) Seniority inter-se of the employees in the Investigation Wing appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their appointment to a post in the wing; provided that if the two dates are the same, the person appointed by promotion shall rank senior to the one appointed by initial recruitment.

CHAPTER – II (PROSECUTION WING)

8. **Method of Appointment.**---(1) All the employees in Prosecution Wing shall be appointed on contract basis and on the terms, conditions and qualification as per Appendix-II.

(2) Remunerations of contract employees shall be determined by the Government from time to time.

Provided that appointment of Deputy Prosecutor General, Special Prosecutor and Law Officer shall be on contract basis as per qualification, age and experience in the Appendix-II.

CHAPTER – III (MISCELLANIOUS)

9. **Age relaxation.**---The Commission may relax the upper age limit according to Government Policy.

Provided that no relaxation in qualification and experience shall be admissible in any circumstances.

10. **Eligibility.**---(1) A candidate for appointment shall be a citizen of Pakistan and bonafide resident of the Khyber Pakhtunkhwa.

(2) No person, who has been married with a foreign national or have dual nationality, shall be appointed to a post under these rules.

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal, academic officer of the academic institution last attended and also certificate of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) No candidate shall be appointed to a post unless he is found, after such medical examination as per Government rules in vogue, to be in good mental and bodily health and free from physical defects likely to interfere in the efficient discharge of his duties.

(5) Where a person appointed by initial recruitment to a post under these rules not having Matric qualification to produce any documentary proof regarding his age, the Commission may send him to its medical officer or to any other Registered Medical Practitioner, selected by the Commission for this purpose and his opinion with regard to the age of the employee shall be final. Age of the employee as registered at the time of his employment shall be recorded as final and shall not be questioned by the employee.

(6) No person, who has been dismissed from service or terminated from service on ground of misconduct or inefficiency from any Government, Semi-Government, Autonomous Body, or Organization or contract terminated or not extended on these grounds shall be appointed to a post under these rules.

11. Retirement.--An employee of the Investigation Wing shall retire from service on attaining the sixtieth year of his age.

12. Probation.--(1) A person appointed to a post in Investigation Wing shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise, provided that if his work or conduct during the period of probation has, in the opinion of appointing authority, not been found satisfactory, the appointing authority may, notwithstanding that the period of probation has not been expired,-

- (a) dispense with his service, if he has been appointed by initial recruitment; or
- (b) revert him to his former post, if he has been appointed otherwise or if there will be no such post, dispense with his services; or
- (c) extend the period of probation for a period not exceeding one year in all and during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation.--Officiating service or service spent on transfer to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended, and if no orders have been made by the day on which the maximum period of probation expires, the employee shall be deemed to have satisfactorily completed his period of probation.

13. Confirmation.--On satisfactory completion of the probationary period, the employee of the Investigation Wing shall be confirmed against a regular post.

14. **Job descriptions.**---The Commission shall, by regulations, make and notify job descriptions for all officers and officials, which shall be duly intimated to the Government within a period of one month after notification of these rules.

15. **Appeal.**---Appeal against any order of the Appointing Authority may be made to the Commission.

16. **Resignation.**---(1) An employee may resign from the service of the Commission after giving one month prior notice in writing to the Appointing Authority, failing which he shall be liable to pay an amount equal to one month's salary in lieu of the notice.

(2) In case the services of an employee are to be dispensed with for any reason, the Directorate General shall give one month's prior notice or one month's pay in lieu of the notice.

17. **Other matters.**---(1) In all other matters not specifically provided for in these rules, the rules made by Government on those matters for civil servants shall be deemed to apply mutatis mutandis to the employees.

(2) All posts required to be filled by initial recruitment or contract appointment shall be duly advertised in at least three leading daily newspapers in their combined additions and uploaded in the website.

(3) A candidate for initial recruitment or appointment on contract basis to a post must possess the qualification and experience and must be within the age limit as specified in the Appendix.

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Endst: NO.SO(E-V)E&AD/14-2(2)/2016.-

Dated 29-03-2017



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(Establishment Wing)**

NOTIFICATION

Dated Peshawar, the May 09, 2017

NO.SOE-V(E&AD)/14-2(02)/2017.- In exercise of the powers conferred by section 50 of the Khyber Pakhtunkhwa Ehtesab Commission Act, 2014 (Khyber Pakhtunkhwa Act No. I of 2014) read with sub-section (4) of section 11 thereof, the Government of the Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Ehtesab Commission (Investigation and Prosecution Wing) Employees Service Rules, 2017, rule 15 shall be deleted.

**Secretary to Govt: of Khyber Pakhtunkhwa
Establishment Department.**

NO. SOE-V(E&AD)/14-2(02)/2017-

Dated Peshawar, the May 02, 2017

Copy forwarded for information and necessary action to:-

1. The Additional Chief Secretary, Planning & Development Department, Govt. of Khyber Pakhtunkhwa.
2. The Additional Chief Secretary, FATA Secretariat.
3. The Senior Member Board of Revenue, Revenue & Estate Department.
4. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
5. The Director General, Khyber Pakhtunkhwa Ehtesab Commission.
6. The Chairman, Public Service Commission, Khyber Pakhtunkhwa.
7. All Commissioners in Khyber Pakhtunkhwa.
8. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
9. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
10. The Secretary to Speaker, Provincial Assembly, Khyber Pakhtunkhwa.
11. P.S.O to Chief Secretary, Khyber Pakhtunkhwa.
12. The Secretary, Provincial Assembly.
13. All Heads of Attached Departments, Khyber Pakhtunkhwa.
14. The Director, Anti-Corruption Establishment, Peshawar.
15. PS to Secretary, Establishment Department.
16. PS to Special Secretary (Reg), Establishment Department.
17. PA to Additional Secretary (Reg), Establishment Department.
18. Manager, Govt. Printing Press with the request to furnish Fifty (50) copies to this Department after publication in the official Gazette.
19. Master file.

ADDITIONAL SECRETARY (ESTT)