

Khyber Pakhtunkhwa Advocate-General (Terms and Conditions of Service) Rules, 2005

No.E&A(LD)11-42/90, dated 20-7-2005.--In pursuance of the provisions contained in Article 140 of the Constitution of the Islamic Republic of Pakistan, and in supersession of the ¹[Khyber Pakhtunkhwa] Advocate-General (Terms and Conditions of Service) Rules, 1977, the Governor of the ²[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:--

1. Short title and commencement.---(1) These rules may be called the ³[Khyber Pakhtunkhwa] Advocate-General (Terms and Conditions of Service) Rules, 2005.

(2) They shall come into force at once.

2. Definitions.---In these rules, unless the context otherwise requires,---

(a) "Advocate-General" means the Advocate-General for the ⁴[Khyber Pakhtunkhwa] appointed under Article 140 of the Constitution of the Islamic Republic of Pakistan;

(b) "Government" means the Government of the ⁵[Khyber Pakhtunkhwa];

(c) "High Court" means the Peshawar High Court; and

(d) "Supreme Court" means the Supreme Court of Pakistan.

3. Prohibition of private practice.---Except as may be allowed by Government, the Advocate-General shall not engage himself in private practice of any kind.

⁶**4. Fee/remuneration and allowance.**---(1) The Advocate-General shall be paid, the following fee/remuneration and allowance: -

¹ . Substituted by Khyber Pakhtunkhwa Act No. IV of 2011, for "North-West Frontier Province"

² . Substituted *ibid.*

³ . Substituted *ibid.*

⁴ . Substituted *ibid.*

⁵ . Substituted *ibid.*

⁶ . The marginal heading and sub-rule (1) of rule 4 substituted by Notification No. E&A(LD)/11-42/90 dated 17-03-2010. for the following:-

4. Emoluments and fees.---(1) The Advocate-General shall be paid the following remuneration and fees, namely:

[(a) a retainer of Rs. [50,000] /-per month;

(b) for all work before the Supreme Court, a fee at the rate of Rs. [7500]/- per day;]

[(bb) non-practicing allowance of Rs. [50,000]/- per month;]

(c) for all criminal work before the High Court, a fee at the rate of Rs. [600] per case per appearance;

(d) for all civil work other than miscellaneous work before the High Court, a fee at the rate of Rs. [1000] per case per appearance;

(e) for writ petition before single bench Rs.300 per case per appearance, and for full bench hearing Rs.500 per case per appearance.

- (i) a retainer of Rs. ⁷[100,000]/- per months; and
- (ii) non-practicing allowance of Rs. ⁸[500,000] /- per month]

(2) No fee shall be allowed to the Advocate-General for opinion work of Government or for attending any proceeding of the Provincial Assembly of the ⁹[Khyber Pakhtunkhwa].

5. Leave.--The Advocate-General shall be eligible for leave as follows:

- (a) leave on pay equivalent to full pay may be granted up to 1/11th of the period spent on duty as Advocate-General; provided that leave of this kind shall not accumulate beyond four months;
- (b) leave may be granted on medical certificate on pay equivalent to half pay up to 2/11th of the period spent on duty as Advocate-General, subject to a maximum of three months at any one time;
- (c) extraordinary leave may be granted without allowances subject to a maximum of three months at any one time;
- (d) leave of the various kinds may be granted in combination up to a maximum of six months only at any one time;
- (e) for the first two years of the appointment, the Advocate-General will not be entitled to more than one month's leave except on medical certificate in any one year.

6. Accommodation, house rent, etc.---For the purpose of official residence, the Advocate-General shall be deemed to be an officer of the Provincial Government in Basic Pay Scale No.20; provided that where official accommodation is not available, the Advocate-General shall be entitled to house rent allowance at the rate of Rupees ¹⁰[100,000] per month.

7. Telephone facility.---¹¹[(1)] There shall be no limit of using the telephone for official use by the Advocate-General. However, a facility of two thousand and five hundred local calls per month is permissible for residential use free of charge.

⁷. Substituted for the figure "50,000" by Notification No. SO(G) LD/3-4/2012/AG dated 10-03-2014 w.e.f. 04-09-2013

⁸. Substituted for the figure "225000" by Notification No. SO(G) LD/3-4/2012/AG dated 10-03-2014 w.e.f. 04-09-2013.

⁹. Substituted by Khyber Pakhtunkhwa Act No. IV of 2011, for "North-West Frontier Province"

¹⁰. Substituted for the figure "35,000" by Notification No. SO(G) LD/3-4/2012/AG dated 10-03-2014 w.e.f. 04-09-2013.

¹¹. Renumbered as sub-rule (1) of rule 7 by Notification No. E&A(LD)/11-42/90 dated 17-03-2010

¹² [(2) The Advocate General shall also be entitled to the use of a cellular phone facility with a bill not exceeding Rs. 4000/- per month, at Government expenses]

8. Medical facility.---The Advocate-General shall be entitled to medical facilities as permissible for ¹³[.....] a Provincial Minister.

¹⁴**9. Transport.**---- The Advocate General shall be entitled to a ¹⁵[1600]cc staff car for official use with 300 liter POL in accordance with the instructions or rules applicable for the use of staff car and POL.]

10. Travelling Allowance.--- ¹⁶[(1)] The Advocate-General shall be entitled to travelling, mileage daily allowances as admissible to officers of Grade-22.

¹⁷[(2) The Advocate-General shall be entitled to accommodation in Frontier House, Islamabad and other Rest House of the ¹⁸[Khyber Pakhtunkhwa], as admissible to a Provincial Minister.]

11. General.---Other terms and conditions of service of the Advocate-General shall be as prescribed in the Punjab Law Department Manual as in forced in the ¹⁹[Khyber Pakhtunkhwa].

¹² . Added by Notification No. E&A(LD)/11-42/90 dated 17-03-2010

¹³ . The words “the Judge of High Court or “ omitted by Notification No. E&A(LD)/11-42/90 dated 17-03-2010

¹⁴ . Rule No. 9 substituted by Notification No. E&A(LD)/11-42/90 dated 17-03-2010. At the time of substitution the said rule was as under:-

9. Transport.--The Advocate-General shall be entitled to a staff car for official use in accordance with the instructions or rules applicable for the use of staff cars.

¹⁵ . Substituted for the figure “1300” by Notification No. SO(G) LD/3-4/2012/AG dated 10-03-2014 w.e.f. 04-09-2013

¹⁶ . Renumbered as sub-rule (1) of rule 10 by Notification No. E&A(LD)/11-42/90 dated 17-03-2010

¹⁷ . Added by Notification No. E&A(LD)/11-42/90 dated 17-03-2010

¹⁸ . Substituted by Khyber Pakhtunkhwa Act No. IV of 2011, *for* “North-West Frontier Province”

¹⁹ . Substituted by Khyber Pakhtunkhwa Act No. IV of 2011, *for* “North-West Frontier Province”