



KHYBER PAKHTUNKHWA

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar dated, the 12th July, 2024.

No. DDKPCC/HD/APT/7-3/VOL-III/2024.---In exercise of the powers conferred by section 35 of the Khyber Pakhtunkhwa Charities Act, 2019 (Khyber Pakhtunkhwa Act No. XXIX of 2019), read with sub-section (2) of section 10 thereof, the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

The Khyber Pakhtunkhwa Charitable Commission (Employees Terms and Condition of Service) Rules, 2024.

Part-I Preamble

1. **Short title, application and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Charitable Commission (Employees Terms and Conditions of Service) Rules, 2024.
 - (2) These rules shall be applicable to the employees as defined in clause (f) of sub-rule (1) of rule 2 of these rules.
 - (3) These rules shall come into force at once.
2. **Definitions.**---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-
 - (a) "Act" means the Khyber Pakhtunkhwa Charities Act, 2019 (Khyber Pakhtunkhwa Act No. XXIX of 2019);
 - (b) "Appendix" means the Appendix append to these rules;

- (c) “**Appointing Authority**” means the Appointing Authority, as specified under rule 4 of these rules;
- (d) “**appointment**” means appointment of a duly qualified person as provided under these rules;
- (e) “**Chief Executive Officer**” means the Chief Executive Officer of the Commission, appointed under section 6 of the Act;
- (f) “**employee**” means an employee, holding any of the posts on regular basis, specified in the **Appendix**;
- (g) “**initial recruitment**” means appointment made otherwise than by promotion, transfer or deputation;
- (h) “**pay**” means an amount, drawn by an employee, on monthly basis, which includes special pay, personal pay and any other amount, declared by the Commission to be part of the pay;
- (i) “**post**” means a permanent post of the Commission, as specified in the Appendix;
- (j) “**Secretary**” means the Secretary of the Commission;
- (k) “**Selection and Promotion Board**” means the Selection and Promotion Board, constituted under rule 5 of these rules; and
- (l) “**Selection and Promotion Committee**” means the Selection and Promotion Committee, constituted under rule 6 of these rules.

(2) Words and expressions, used but not defined in these rules, shall have the same meanings, as are respectively assigned to them in the Act.

3. Method of appointment.---(1) Appointment to posts shall be made by the Appointing Authorities in any of the following methods, namely:

- (a) by promotion or transfer in accordance with the provisions contained in **Part-II** of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in **Part-III** of these rules.

(2) The qualifications, age limit, method of appointment and other conditions of service, applicable to a post, shall be such as laid down in columns 3 to 5 of the **Appendix**.

4. **Appointing Authority.**---The authorities, competent to make appointment to posts, in various basic pay scales, shall be as follow:

S. No.	Posts.	Recommending Authority.	Appointing Authority.
1.	Posts in Basic Pay Scale 17 and above.	Selection and Promotion Board.	Charitable Commission.
2.	Posts in Basic Pay Scale 16 and below.	Selection and Promotion Committee.	Chief Executive Officer.

5. **Selection and Promotion Board.**---There shall be a Selection and Promotion Board, which shall consist of the following members:

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|-----|---|----------------------|
| (a) | Special Secretary, Home and Tribal Affairs Department; | Chairperson |
| (b) | a representative of the Establishment Department, not below the rank of Additional Secretary; | Member |
| (c) | a representative of the Finance Department, not below the rank of Additional Secretary; and | Member |
| (d) | Chief Executive Officer, Charitable Commission, Khyber Pakhtunkhwa. | Member-cum-Secretary |

6. **Selection and Promotion Committee.**---There shall be a Selection and Promotion Committee, which shall consist of the following members:

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|-----|---|----------------------|
| (a) | Additional Secretary (FSC), Home and Tribal Affairs Department; | Chairperson |
| (b) | a representative of the Establishment Department, not below the rank of Deputy Secretary; | Member |
| (c) | a representative of the Finance Department, not below the rank of Deputy Secretary; and | Member |
| (d) | Deputy Director (Admn), Charitable Commission, Khyber Pakhtunkhwa. | Member-cum-Secretary |

7. **Procedure when the recommendation is not accepted.**---When the Appointing Authority for Basic Pay Scale-16 and below does not accept the recommendations of the Selection and Promotion Committee, it shall record its reasons and obtain the order from the next higher authority i.e. Commission. However, in case of Basic Pay Scale-17 and above, the decision of the Commission shall be final.

Part-II
Appointment by Promotion

8. **Appointment by promotion.**---(1) Appointment by promotion to posts, in respect whereof the Appointing Authority is the Commission, shall ordinarily be made on the recommendation of the Selection and Promotion Board. Promotion to posts other than those falling within the purview of the Commission shall ordinarily be made on the recommendations of Selection and Promotion Committee.

(2) Persons, possessing such qualifications and fulfilling such other conditions as laid down for the purpose of promotion to a post, shall be considered by the Selection and Promotion Board or the Selection and Promotion Committee, as the case may be.

Part-III
Appointment by Initial Recruitment

9. **Appointment by initial recruitment.**---(1) Initial appointment to posts in various basic pay scales, shall be made,-

- (a) if the posts in BPS-17 and above, on the basis of examination or written test to be conducted by the Commission; or
- (b) if the posts in BPS-16 and below, in the manner as may be determined by the Chief Executive Officer.

(2) Initial recruitment to posts, shall be made on the recommendation of the Selection and Promotion Board or Selection and Promotion Committee, as the case may be, after the vacancies have been duly advertised in the leading newspapers.

(3) A candidate, competing for initial appointment to a post, shall possess the educational qualification or technical qualification and experience and except as provided in the rules framed for the purpose of relaxation of age limit, shall be within the age limit as laid down for the post; provided that-

- (a) where initial appointment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held; and
- (b) in other cases, as on the last date fixed for submission of applications for appointment.

10. Eligibility.---(1) For initial appointment to a post in the Commission it shall be mandatory that the candidate shall be a citizen of Pakistan and bona-fide resident of the Province of Khyber Pakhtunkhwa:

Provided that for reasons to be recorded in writing, Commission may, in a particular case, relax this restriction.

(2) A candidate, not already in Government service, shall not 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 certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(3) Notwithstanding anything contained in sub-rule (2), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of Appointing Authority.

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

Part-IV

Probation, Confirmation and Seniority

11. Probation.---A person, appointed to a post by initial recruitment or promotion on regular basis, shall remain on probation for a period of one year:

Provided that where the work or conduct of the employee, during the period of probation, has, in the opinion of the Appointing Authority, not been found satisfactory, the Appointing Authority may, notwithstanding that the period of probation has not been expired,-

- (a) dispense with his services, if he has been appointed by initial recruitment; or

- (b) revert him to his former post, if he has been appointed by promotion; or
- (c) extend the period of probation for a period, not exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it would have made during or on the expiry of the initial probationary period:

Provided that if no specific order is issued on the expiry of extended period of probation, the period of probation shall be deemed to have been successfully completed.

12. **Confirmation.**---(1) After successful completion of the period of probation, the employee shall be eligible for confirmation.

(2) An employee, who, during the period of his service, was eligible to be confirmed but retires before being confirmed, shall not, merely by attaining the age of superannuation, be refused confirmation or any other benefit accruing there-from.

(3) There shall be no confirmation against a temporary post or in case of an employee under enquiry till the inquiry is completed and he is exonerated from the allegations or charges, leveled against him.

13. **Seniority.**---(1) The seniority inter-se of the employees, in various pay scales or posts, shall be determined,-

- (a) in the case of persons, appointed by initial recruitment, in accordance with the order of merit, assigned by the Selection and Promotion Board or Selection and Promotion Committee, as the case may be, or where no order of merit can be assigned between persons, due to their belonging to different posts, with reference to the date of their appointment to such posts; provided that-
 - (i) if the two dates are the same, the older in age shall rank senior to the younger; and
 - (ii) a person selected in an earlier selection shall rank senior to a person selected in a later selection; and
- (b) in the case of persons, appointed by promotion, with reference to the dates of their continuous regular appointment; provided that persons, selected for promotion in one batch, shall, on their promotion, retain their inter-se- seniority as in the lower pay scale.

Explanation-I.---If a junior employee, in a lower pay scale, is promoted to a higher pay scale temporarily, even though continuing later permanently in the higher pay scale, it shall not adversely affect the interest of his seniors in the fixation of his seniority in the higher pay scales;

Explanation-II.---If a junior employee, in a lower pay scale, is promoted to a higher pay scale by superseding a senior employee and subsequently that employee is also promoted to the same pay scale, the employee, promoted first, shall rank senior to the employee promoted subsequently; and

Explanation-III.---A junior employee, appointed to a higher pay scale, shall be deemed to have superseded the senior employee, only if both the junior and senior employees were considered for the higher pay scale and the junior employee was appointed in preference to the senior employee.

(2) Seniority, in various pay scales of employees, appointed by initial recruitment, vis-à-vis those appointed otherwise, shall be determined with reference to the dates of their regular appointment to a post and if two dates of appointments, on regular basis, are the same, the person, appointed otherwise, shall rank senior to the person appointed by initial recruitment.

Part-V
General

14. **Appointment on acting charge or current charge basis.**---(1) Where the Appointing Authority considered it to be in the public interest to fill a post, reserved for promotion and the most senior employee, belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service, the Appointing Authority may appoint him to that post on acting charge basis:

Provided that no such appointment shall be made, if the prescribed length of service is short by more than three (03) years.

(2) Acting charge appointment shall be made against posts, which are likely to fall vacant for a period of six months or more. Vacancies, occurring for less than six months, current charge appointment may be made against such vacancies, in accordance to the orders issued by the Competent Authority from time to time.

(3) Appointment, on acting charge basis, shall be made on the recommendations of the Selection and Promotion Board or the Selection and Promotion Committee, as the case may be.

(4) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

15. **Additional charge appointment.**---(1) Where a post is vacant or likely to become vacant and it is not possible to fill in the post immediately, additional charge of that post may be given to an employee in addition to his own duties by the Appointing Authority.

(2) Additional charge appointments shall not ordinarily be made for a period of less than thirty (30) days and more than ninety (90) days, extendible by the Appointing Authority for a further period of ninety (90) days.

(3) An employee shall cease to hold the additional charge of a post upon availability of the person appointed to the post on the recommendations of the Selection and Promotion Board or Selection and Promotion Committee or on return from leave, training or deputation of the existing incumbent.

(4) An employee, holding additional charge, shall be allowed twenty percent (20%) additional charge allowance of running basic pay, which shall not be exceeded from the maximum limit fixed by Government from time to time.

16. **Appointment by transfer.**---(1) Appointment by transfer shall be made from amongst the persons, holding appointment on regular basis, in the same basic pay scale, in which the posts to be filled, exist.

(2) Civil servants, posted by transfer in the Commission, shall draw pay and allowances, equal to last pay drawn by them.

17. **Retirement.**---(1) The employee shall retire from service on attaining the age of superannuation i.e. 60th year of his age.

(2) An employee may, however, apply to retire early from service, after completion of twenty-five (25) years of qualifying service or on attaining the age of fifty-five (55) years, whichever is later.

18. **Resignation.**---An employee may resign from service by giving fifteen (15) days prior notice, in writing, or forfeiture of salary in lieu thereof.

19. **Termination.**---(1) During probation, the Appointing Authority may terminate the service of an employee, by giving him one month notice, with reasons recorded in writing, or by way of punishment duly awarded in accordance with these rules.

(2) The Appointing Authority may pay to the employee at any time during the continuance of the notice a sum equal to his basic pay and allowances for the unexpired period of notice in which case the termination shall become effective on the date such payment is tendered.

20. Pay and allowances.---The employee shall be entitled to such pay and allowances as may be determined by the Commission with the approval of Government.

21. Terms and conditions of service of employees on deputation.---The employee, appointed on deputation from any Department of Government, board, corporation or other statutory body of Government, shall be paid such salaries and allowances as admissible to them under the rules, applicable to their service and they shall be governed under the said rules and relevant instructions issued by Government, from time to time.

(2) The initial period of deputation shall be three years, extendable for another two years, as per deputation policy, on completion of which the deputationist shall be repatriated to his parent department.

22. General principles for leave.---The Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, shall be applicable to the employees of the Commission till framing of their own leave rules under the Act.

23. Performance Evaluation Reports (PERs).---(1) Performance of each employee shall be evaluated annually by his immediate controlling officer and countersigned by the next higher officer:

Provided that an employee shall have served continuously at least for a period of ninety (90) days under the controlling officer:

Provided further that where an employee has served for a period of ninety (90) days or more under more than one controlling officers in a year, his performance shall be evaluated by each such controlling officer for the respective period independently and countersigned by the next higher officer. In case, an officer has served less than ninety (90) days under one controlling officer is on visit abroad for training etc., then "Not Due Certificate" shall be issued by the relevant officer.

(2) An employee aggrieved by any adverse entry, communicated to him, may file an appeal, within fifteen (15) days, to the Appointing Authority.

(3) The Performance Evaluation Report shall have weight-age of twenty percent (20%) in the promotion criteria.

24. Discipline and general conduct.---Discipline and general conduct shall have the same meaning as given in Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 till framing of their own disciplinary rules under the Act.

25. Medical facilities.---Medical facilities shall be admissible to the employees as are permissible to the employees of Government.

26. **Other matters.**---All other matters, not specifically mentioned under these rules, the relevant rules, policies or, as the case may be, instructions of Government shall mutatis mutandis be applicable to the employees:

Provided that for the purpose of these rules, the relevant competent authorities, specified under the above mentioned rules, policies or instructions of Government, shall be the competent authorities as specified under these rules.

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**ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

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APPENDIX

S. No.	Nomenclature of the post.	Minimum qualification for initial recruitment.	Age limit.	Method of recruitment.
1.	Chief Executive Officer (BPS-20).	---	---	By transfer of BPS-20 or above of PAS or PMS officer.
2.	Director (BPS-19).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Deputy Director (BPS-18), with at least five (05) years service as such: Provided that if no suitable person is available for promotion then by transfer of PAS or PMS Officer in BPS-19.
3.	Deputy Director (BPS-18).	At-least Second-Class Master's Degree in Public Administration, Business Administration, Finance, Economics, Statistics, LLB or its equivalent qualification from a recognized University.	25 to 40 years.	(i) Fifty percent (50%) by initial recruitment; or (ii) fifty percent (50%) by transfer from amongst the PAS or PMS officers.
4.	Law Officer (BPS-17).	---	---	By transfer or on deputation, from amongst the Assistant Public Prosecutors (BPS-17) from the Directorate of Prosecution.
5.	Private Secretary (BPS-17).	(i) At-least Second Class Bachelor's Degree or its equivalent qualification from a recognized University; (ii) a speed of one hundred (100) words per minute in shorthand in English and sixty (60) words per minute in typing; and (iii) knowledge of computer.	20 to 32 years.	By initial recruitment.

6.	Assistant (BPS-16).	At-least Second Class Bachelor's Degree or its equivalent qualification from a recognized University.	22 to 35 years.	(i) Fifty (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Senior Clerk (BPS-14), with at least three years' service as such and having qualification prescribed for initial recruitment; and (ii) fifty (50%) by initial recruitment.
7.	Computer Operator (BPS-16).	(i) At least Second Class Bachelor's Degree in Computer Science / Information Technology (BCS/BIT four years), from a recognized University; or (ii) at-least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	22 to 35 years.	By initial recruitment.
8.	Senior Clerk (BPS-14).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Junior Clerk (BPS-11), with at least two years' service as such.
9.	Junior Clerk (BPS-11).	(i) At-least FA/FSc with Second Division or its equivalent qualification from a recognized Board; and (ii) a speed of thirty (30) words per minute in typing.	18 to 30 years.	(i) Forty percent (40%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Naib Qasid and Chowkidar (BPS-03), with two (02) years' service as such, who have passed FA/FSc examination or its equivalent qualification from a recognized Board; and (ii) sixty percent (60%) by initial recruitment.

10.	Driver (BPS-06).	(i) At-least Secondary School Certificate in Second Division or its equivalent qualification from a recognized Board; and (ii) holder of valid LTV driving license from Transport and Mass Transit Department of Government or Police Department.	18 to 40 years.	By initial recruitment.
11.	Dispatch Rider (BPS-04).	(i) At-least Secondary School Certificate in Second Division or its equivalent qualification from a recognized Board; and (ii) holder of a valid LTV driving license from the Transport and Mass Transit Department of Government or Police Department.	18 to 35 years.	By initial recruitment.
12.	Naib Qasid (BPS-03).	At least Secondary School Certificate.	18 to 40 years.	By initial recruitment.
13.	Chowkidar (BPS-03).	At least Secondary School Certificate.	18 to 40 years.	By initial recruitment.