



THE KHYBER PAKHTUNKHWA
COMMISSION ON THE STATUS OF WOMEN



NOTIFICATION

Peshawar dated the 25th July, 2017.

No. KPCSW/Regulations/1-3/2017: In exercise of the powers conferred by section 19 of the Khyber Pakhtunkhwa Commission on the Status of Women Act, 2016 (Khyber Pakhtunkhwa Act No. XXVIII of 2016), the Khyber Pakhtunkhwa Commission on the Status of Women is pleased to make the following Regulations, namely:

THE KHYBER PAKHTUNKHWA COMMISSION ON THE
STATUS OF WOMEN SERVICE REGULATIONS, 2017

1. Short title, application and commencement.---(1) These Regulations may be called the Khyber Pakhtunkhwa Commission on the Status of Women Service Regulations, 2017.

(2) These shall apply to all the regular employees of the Commission.

(3) These shall come into force at once.

2. Definitions.---In these Regulations, unless the text or context otherwise requires,-

(a) "Act" means the Khyber Pakhtunkhwa Commission on the Status of Women Act, 2016 (Khyber Pakhtunkhwa Act No. XXVIII of 2016);

(b) "Appendix" means an Appendix to these Regulations;

(c) "Appointing Authority" in relation to a post means the person authorized under regulation 3 to make appointment to a post;

(d) "employee" means a regular employee of the Commission;

- (e) "initial appointment" means appointment made otherwise than by promotion or transfer;
- (f) "pay" means an amount drawn by an employee monthly and includes special pay, personal pay and any other amount declared by the Board to be a part of the pay;
- (g) "post" means a permanent post of the Commission; and
- (h) "Selection and Promotion Committee" means the Selection and Promotion Committee constituted under Regulation 4.

3. Appointing Authority.---The Chairperson shall be the Appointing Authority under these Regulations.

4. Selection and Promotion Committee.---A Selection and Promotion Committee for the purpose of making selection for initial appointment, promotion and transfer to posts shall consist of-

i. For BPS-16 and Above:-

(1)	Secretary;	Chairperson
(2)	two members of the Commission to be nominated by the Commission; and	Members
(3)	a representative of the Establishment Department of the Government.	Member

ii. For BPS-01 to BPS -15:-

(1)	Secretary of the Commission;	Chairperson
(2)	one representative of Commission Member	Member
(3)	Two no of Staff Members of the Commission	Members

5. Method of appointment.---Appointment to posts shall be made by any of the following methods, namely:

- (i) by initial recruitment in accordance with the criteria specified in the Appendix and shall be filled on merit-cum-zonal allocation basis according to the criteria as notified by the Government from time to time; provided that the posts in basic pay scale 1 and 2 shall be filled on local basis;
- (ii) by promotion; and
- (iii) by transfer/deputation.

6. Procedure for initial recruitment. --- (1) Posts from BPS-01 to BPS -05 required to be filled by initial recruitment shall be filled through employment Exchange Program as decided by the competent authority or board members.

(2) Posts from BSP-06 to BPS-17 required to be filled by initial recruitment shall be through an accredited testing agency for which a draft agreement shall be signed by the Commission with the accredited testing agency.

Posts BPS-18 and above shall be recruited through advertisement in two daily newspapers by specifying the Age, experience, term condition and Job description for the said Posts. Search and Scrutiny committee will shortlist the candidates for the applied posts.

(3) The accredited testing agency shall advertise the vacancies through leading news dailies and which shall also be available on the websites of the Commission and the approved testing agency. The eligible candidates shall submit their applications directly to the accredited testing agency within twenty-one (21) days from the date of the advertisement.

(4) Final approval for appointment shall be accorded by the Appointing Authority on the recommendation of appropriate Selection and Promotion Committee.

7. Appointment by promotion.---(1) Every employee possessing the prescribed minimum qualifications, length of service and other conditions, shall be eligible for promotion to a higher post for the time being reserved for promotion on the basis of seniority and performance evaluation report.

(2) The Selection and Promotion Committee shall consider the

cases of eligible employees in order of their seniority and performance and shall recommend:

- (a) suitable employee for promotion to higher post; or
- (b) supersession of employee on ground being unfit for promotion; or
- (c) deferment of consideration of an employee promotion, if-
 - (i) performance evaluation report is incomplete or any other document or information required by Selection and Promotion Committee for determining employee's fitness for promotion is not available; or
 - (ii) disciplinary or criminal proceedings are pending against the employee whose promotion case comes up for consideration; or
 - (iii) the employee is on deputation abroad with a foreign government, private organization or an international agency; or
 - (iv) the employee does not possess the requisite length of service; or
 - (v) the employee has not undergone the prescribed training or passed the departmental examination required for promotion or the employee's seniority is subjudice:

Provided that in case of deferment, a post shall be reserved for the employee or, if it is filled, it shall be subject to the condition that when the employee is subsequently promoted without having been superseded, the arrangement may be reversed and the junior most person, promoted due to such deferment shall be reverted to lower post.

(3) The employee superseded by the Selection and Promotion Committee for promotion shall not be considered for promotion unless he has earned one more performance evaluation report for a full year.

(4) Deferred promotion case of the employee shall be considered when the reason for his deferment ceases to exist-as the case may be.

(5) The Appointing Authority may approve the promotion of an employee from the date on which the recommendation of the appointment or promotion was made.

(6) An employee, who expires or superannuates after the recommendations of the Selection and Promotion Committee and before the issuing of the notification, shall stand exempted from assumption of the charge of the higher post. The Secretary shall give a certificate to the effect that the employee has expired or superannuated.

(7) Only such person, who possess the required qualifications and meet the conditions laid down for the purpose of promotion to a post, shall be considered by the Selection and Promotion Committee.

(8) No promotion on regular basis shall be made to posts in pay scales 17 and above or equivalent unless the employee concerned has completed such conditions mandatory for promotion (including required qualification, length of service and training etc) prescribed for the post in the Appendix.

(9) Length of service for promotion shall be counted as the length of service in a post or scale in addition to the other qualification required for promotion to the higher post.

(10) The period of extraordinary leave or any other period of service which is not considered as service qualifying for pension shall not be counted towards length of service for promotion.

8. Appointment by transfer.---(1) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same pay scale in which the post to be filled exists.

(2) Persons possessing the requisite qualification shall be considered by the Selection and Promotion Committee for recommending the Appointing Authority for appointment by transfer.

(3) Any officer or official may be transferred and posted or given charge of any equivalent or higher post in accordance with this Regulation.

9. Deputation.---(1) The Appointing Authority may post on deputation, a regular employee of Federal Government or a Provincial

Government or autonomous or semi-autonomous body or corporation under the administrative control of the Provincial Government against a post in the Commission through deputation, provided that concern meets the minimum criteria prescribed for the post.

(2) The terms & conditions of deputation of an employee shall be determined in accordance with the provision for deputation in both the organizations, under their respective rules or regulations. In case of any contradiction in rules or regulations governing the deputation in the two organizations, mutual consent of the appointing authorities of both organizations may be obtained for removal of contradictions. The terms and conditions should be acceptable to both the organizations i.e. Government, autonomous or semi autonomous organizations under the administrative control of the Federal or any Provincial Government, allowing deputation of its employee and the Commission.

10. Adhoc appointment.---(1) When the Appointing Authority considers it to be in the public interest to fill in a post urgently, it may, proceed to fill in such post on adhoc basis for a period not exceeding one year.

Explanation: Adhoc appointment for the purpose of this Regulation shall have the same meaning as given to them in the Khyber Pakhtunkhwa Civil Servant Act, 1973 and the rules made thereunder.

(2) Adhoc appointment shall not confer on an appointee the right of a regular employee.

11. Current charge appointment.---Current charge can be assigned to an employee of lower rank in case a vacancy of higher rank occurs due to existing incumbent's visit abroad, training, leave and deputation etc. The current charge can be assigned initially for a period not less than thirty (30) days and maximum for ninety (90) days. In case, due to service exigencies, further extension is required, the same may be granted by the next higher authority. Current charge holder shall be allowed 20% allowance of his running basic pay, which should not exceed from the maximum limit fixed by the Government. However, on return of existing incumbent, current charge appointment of concerned employee shall stand automatically be cancelled.

12. Acting charge appointment.---Acting charge appointment is made in public interest and may be given to an employee of lower grade. Acting charge appointee shall get the same pay and allowances as are admissible to the employee.

13. Additional charge appointment.---(1) Where a post is vacant or becomes vacant and it is not possible to fill the post immediately, additional charge of that post may be given to an employee in addition to his 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 extensible for further period by the next higher authority.

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

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

14. Quota for disabled persons.---(1) Two percent quota shall be fixed for disabled persons possessing required qualifications and fulfilling appointment criteria for initial recruitment:

Provided that in case of non-availability of suitable candidate on disabled quota of required qualifications, experience or other appointment criteria, the Selection and Promotion Committee upon getting satisfied that no such persons are available on reserved quota, may recommend from amongst other suitable candidates.

15. Quota for Females.---Fifteen percent (15%) quota shall be fixed for females possessing required qualifications and fulfilling appointment criteria for initial recruitment:

Provided that in case of non-availability of suitable candidate on female quota of required qualifications, experience or other appointment criteria, the Selection and Promotion Committee for promotion upon getting satisfied that no such persons are available on reserved quota, may recommend from amongst other suitable candidates.

16. Probation.---A person appointed to a post by initial recruitment or by promotion on regular basis shall remain on probation for a period of one year; provided that where the work or conduct 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 if there is no such post, dispense with his services; 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 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.

17. Confirmation.----(1) After successful completion of the period of probation and on passing such prescribed test or examination or acquisition of any certificate, diploma or degree, as may be prescribed in the letter of appointment, 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.

18. Seniority.--- (1) All the employees appointed in the Commission before the commencement of Khyber Pakhtunkhwa Commission on the Status of Women Act 2016, shall be deemed to have been validly appointed to these posts on regular basis on the commencement of the Khyber Pakhtunkhwa Commission on the Status of Women Act 2016 having the same qualification and experience for the said posts and their seniority shall be settled from the date of their appointment in these regulations.

(2) The Seniority inter se of the employees in various pay scales 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 Committee or where no order of merit can be assigned between persons due to their belonging to different posts with reference to the date of 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;
- (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
- (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.

19. Retirement.---An employee shall retire from service-

- (a) on such date after he has completed twenty-five years of service, qualifying for pension or other retirement benefits as the Appointing Authority may, in public interest, direct;
- (b) where no direction is given under clause (a) on completion of the sixtieth year of his age; and
- (c) an employee can be offered retirement with all benefits covered under the prevailing rules and regulations if he ceases physical or mental capability upon the recommendation of the Medical Board constituted by the Commission.

20. Resignation.---(1) An employee may resign from service of the Commission by giving one month's notice in writing. The resignation shall become effective on the expiry of the said period of notice.

(2) No resignation shall become effective during the pendency of any disciplinary proceedings against an employee.

(3) An employee shall have an option to surrender to the Commission at any time during the continuance of the notice a sum equal to gross pay including all allowances if any for the unexpired period of notice, in which case the resignation shall become effective on the date of such payment:

Provided that Appointing Authority may, at the request of the employee, waive the unexpired period notice and forego any payment in lieu thereof and accept his resignation notwithstanding the pendency of any disciplinary proceedings against such employee whereupon the service of that employee shall stand discontinued:

Provided further that if the Appointing Authority discontinues the service of an employee before the expiry of the notice period, the employee