

GOVERNMENT OF ¹[Khyber Pakhtunkhwa]
SERVICES, INFORMATION AND GENERAL
ADMINISTRATION DEPARTMENT.

NOTIFICATION.

Peshawar, dated the 4th April, 1974.

No. SOS (iii) S&GAD-1-50/71.—In exercise of the powers conferred by sub-section (1) of section 26 of the ²[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (³[Khyber Pakhtunkhwa], Act XVIII of 1973), and in supersession of the West Pakistan Police Department Ministerial Service (Headquarters) Rules, 1964, and the West Pakistan Police Department Ministerial Service (Range) Rules, 1964 in their application to the ⁴[Khyber Pakhtunkhwa], the Governor of the ⁵[Khyber Pakhtunkhwa] is pleased to make the following rules regulating recruitment to the ⁶[Khyber Pakhtunkhwa] Police Department Ministerial Service and prescribing conditions of service for the persons appointed thereto, namely—

THE ⁷[Khyber Pakhtunkhwa] POLICE
DEPARTMENT MINISTERIAL SERVICE RULES, 1974,

PART I—GENERAL.

1. *Short title and commencement*—(1) These rules may be called the ⁸[Khyber Pakhtunkhwa] Police Department Ministerial Service Rules, 1974.

(2) They shall come into force at once.

2. *Definitions*.—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) "Appendix" means an Appendix to these rules;
- (b) "Appointing Authority" means the authority specified in Rule 5;
- (c) "Assistant Inspector-General" means the Assistant Inspector-General of Police (Headquarters), ⁹[Khyber Pakhtunkhwa];

¹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁷ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (d) "Board" means a Board of Secondary Education established by law in Pakistan or any other Educational Authority or institution declared by Government in consultation with the Commission to be a Board for the purposes of these rules;
- (e) "Commission" means the ¹⁰[Khyber Pakhtunkhwa] Public Service Commission;
- (i) "Department" means the Police Department, ¹¹[Khyber Pakhtunkhwa];
- (g) "Government" means the Government of the ¹²[Khyber Pakhtunkhwa];
- (h) "Initial Recruitment" means appointment made otherwise than by promotion or transfer from another Service/Department/Post;
- (i) "Inspector-General" means the Inspector-General of Police, ¹³[Khyber Pakhtunkhwa];
- (j) "Recognised Institute" means any institute recognised by Government in, consultation with the Commission to be a recognised Institute for the purposes of these rules;
- (k) "Recognised University" means any University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognised University for the purposes of these rules;
- (l) "Scheduled Castes" means the castes, races or tribes or parts or groups within castes, races or tribes, declared to be scheduled castes, under any law in force in Pakistan, or so declared by Government for the purposes of these rules;
- (m) "Selection Board" means the Selection Board constituted by or under orders of Government for the purposes of making appointments to the posts declared as selection posts;
- (n) "Service" means the ¹⁴[Khyber Pakhtunkhwa] Police Department Ministerial Service; and

¹⁰ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹¹ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹² Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹³ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹⁴ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (o) "Under Developed Areas" means the Tribal Areas of Dera Ismail Khan, Malakand and Peshawar Divisions, the Added Areas (Merged Areas) of Hazara and Mardan Districts and such other areas as Government may declare to be under developed areas for the purposes of these rules.

PART II—RECRUITMENT.

3. *Constitution and composition of Service.*—The Service shall comprise the posts specified in column 2 of Appendix 'A' and such other ministerial posts as may be determined by Government from time to time.

4. *Eligibility.*—(1) No person who has married a Foreign National shall be, eligible for a appointment to the Service,

(2) The restriction imposed by sub-rule (1) may be relaxed by Government in the case of a person who has married a citizen of India.

5. *Appointment Authority*— Appointments to the Service shall be made—

- (a) in the case of Registrar and Superintendents, by the Inspector-General; and
- (b) in other cases, by the Assistant Inspector-General/Deputy Inspector-General, Headquarter, as the case may be.

6. *Method of recruitment.*--(1) Recruitment to the Service shall be made by initial recruitment or by transfer from other Government Departments or by promotion, in the manner provided in this rule.

(2) Appointments to the cadre posts of the Service shall be made in the following manner: —

- (a) vacancies in the posts of Registrar, Superintendents and Senior Clerks shall be filled by promotion;
- (b) fifty per cent of the vacancies in the posts of Assistants and Auditors shall be filled by initial recruitment or by transfer from other Government Departments; provided that the appointments by transfer shall not exceed five per cent of the total posts; and the remaining fifty per cent vacancies in such posts shall be filled by promotion;
- (c) vacancies in the posts of Stenographers shall be filled at the discretion of the appointing authority by initial recruitment or by promotion; and
- (d) not more than twenty per cent of the vacancies in the posts of Junior Clerks and Steno-Typists shall be filled by promotion from among Daftri,

Restorers and Peons of the Department and the remaining vacancies in such posts shall be filled by initial recruitment.

(3) For the purpose of filling the vacancies by initial recruitment, there shall be a block of 18 vacancies which shall be reserved for *bona fide* resident of the Zones specified in column 2 of Appendix 'B' in accordance with the number of posts shown against each Zone in column 4 thereof:

Provided that where a Zone has been further sub-divided into, parts specified in column 3 of Appendix 'B', the vacancies allocated to the Zone shall be made available to each part of the Zone in equal shares or by rotation, as the case may be:

“Provided further that in the case of a vacancy allocated to a Zone or, as the case may be, a part of the Zone, if no suitable candidate from that Zone or part is available, the vacancy shall be filled from any other Zone or part of that Zone, as the case may be, and the vacancy of the latter Zone or part of that Zone, as the case may be, when available shall be filled from former Zone, or as the case may be a part of that Zone, where no suitable candidate was available”.

(4) Vacancies to be filled by promotion shall be filled in the following manner—

- (i) ninety per cent of such vacancies shall be filled by selection on merit with due regard to seniority from among persons eligible for promotion to such vacancies in accordance with the provisions contained in column 4 of Appendix 'A' and
- (ii) the remaining ten per cent of such vacancies shall form a merit quota and shall be filled by selection on merit from among persons of outstanding record, who are eligible for promotion to such vacancies in accordance with the provisions contained in column 4 of Appendix 'A'.

(5) Where a person with the qualifications specified in clause (ii) of sub-rule (4) is not available for appointment to a vacancy referred to in that clause, the vacancy may be filled in the manner provided in clause (i) of sub-rule (4).

(6) Appointments by initial recruitment or by transfer to posts in the service carrying an initial salary of Rs. 275.00 per mensem or above and appointments by promotion to posts in the service carrying an initial salary of Rs. 325.00 per mensem or above shall be made on the recommendations of the Selection Board.

Explanation.—Where two pay scales are attached to a post on the basis of different academic qualifications and the minimum of the higher scale falls within the jurisdiction of the Selection Board, then appointments to all vacancies in such posts, irrespective of the entitlement of the candidates to higher or lower pay scales, shall be made on the recommendations of the Selection Board.

7. *Age.*—No person shall be appointed to a post in the service by initial recruitment, who is less than eighteen years or more than twenty-five years of age: —

- (a) where recruitment is to be made on the basis of a written examination, on the 1st of January of the year in which the examination is proposed to be held; and
- (b) in other cases, on the last date, fixed for submission of applications for appointment;

Provided that—

- (i) upto the 1st July, 1977, the upper age limit in the case of a candidate from the Scheduled Castes or Under-Developed Areas shall be twenty-eight years;
- (ii) in the case of a person whose services under Government have been terminated for want of a vacancy, the period of service already rendered by him shall, for the purpose of the upper age limit under this rule, be excluded from his age; and
- (iii) in the case of Ex-Defence personnel, the interval between the date of their release from the Defence Forces of Pakistan, including the Mujahid Force and the date of re-employment in a Civil Department, subject to maximum of seven years and the whole of the period of service rendered by them in such forces shall, for the purpose of upper age limit under this rule, be excluded from their age.

8. *Qualification.*—(1) No person shall be appointed to a post in the Service by initial recruitment or by transfer unless he possesses the qualifications prescribed for the post in column 3 of Appendix 'A'.

(2) No persons not already in Government service shall be appointed to a post in the Service 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 other responsible persons not being his relatives, who are well acquainted with his character and antecedents.

PART III—CONDITION OF SERVICE.

9. *Probation.*—(1) A person appointed to a post in the Service against a substantive vacancy 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.

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

2. If the work or conduct of a member of the Service during the period of probation has, in the opinion of the appointing authority, not been satisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his services, if he has been appointed by initial recruitment, and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services.

(3) On completion of the period of probation of a member of the Service, the appointing authority may, subject to the provisions of sub-rule (4), confirm him in his appointment or if his work or conduct has, in the opinion of such authority, not been satisfactory—

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

Explanation I.—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.

Explanation II.—If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

4. No person shall be confirmed in the service unless, he successfully completes such training and passes such departmental examination as may be prescribed by Government from time to time.

5. If a member of the Service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4), within such period or in such number of attempts as may be prescribed by Government, the appointing authority may—

- a. in case he has been appointed by initial recruitment, dispense with his services; and
- b. in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

10. *Seniority*—(I) The seniority *inter se* of the members of the Service in the various grades thereof shall be determined—

- a. in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Board, if the appointment is made on the recommendation of the Selection Board, and in other cases in accordance with the order of merit assigned by the appointing authority; provided that persons selected for the service in an earlier selection shall rank senior to the persons selected in a later selection; and
- b. in the case of members appointed otherwise, with reference to the dates of their continuous regular appointment therein:

Provided that if the date of continuous regular appointment in the case of two or more members is the same, the older official if not junior to the younger official or officials in the next below grade, shall rank senior to the younger official or officials:

Provided further that the members who are selected for promotion to a higher grade in one batch shall on their promotion to the higher grade, retain their *inter se* seniority as in the lower grade,

(2) The seniority in the various grades of the Service of the members appointed by initial recruitment *vis-a-vis* those appointed otherwise shall be determined with reference to the date of regular appointment to such vacancy in the case of the official appointed by initial recruitment and to the date of continuous regular appointment against such vacancy in the case of official appointed otherwise; provided that if the two dates are the same, the official appointed otherwise shall rank senior to the official appointed by initial recruitment.

(3) Nothing in this rule shall be construed to confer on the members of the Service any vested right to a particular seniority in the Service, cadre or grade, as the case may be.

11. *Liability to transfer and serve.*—Members of the Service shall be liable to—

- (a) transfer anywhere in the ¹⁵[Khyber Pakhtunkhwa]; and
- (b) serve in any Department of Government or any local authority or statutory body set up or established by Government.

12. *General Rules.*—In all matters not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

13. *Relaxation.*—Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rules would cause undue hardship to the individual concerned:

¹⁵ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

Provided that wherever such relaxation involves a question on which consultation with the Commission is mandatory, the Commission shall be consulted before the relaxation is made.

14. *Delegation.*—Government may delegate all or any of its powers under these rules to any Officer subordinate to it.

15. *Powers of Governor to safeguard rights of Government Servants.*—Whenever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of the ¹⁶[Khyber Pakhtunkhwa], as guaranteed by any law for the time being in force, are likely to be adversely affected the Governor of the ¹⁷[Khyber Pakhtunkhwa] shall make appropriate orders to safeguard the legal rights of such person,

By order of the Governor.

NASRUM MINALLAH,
Chief Secretary to Government,
¹⁸[Khyber Pakhtunkhwa]

¹⁶ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹⁷ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

¹⁸ Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

APPENDIX 'A'

[See Rules 3, 6 (4) and 8 (1)].

Serial No.	Nomenclature of the posts.	Minimum qualifications prescribed for appointments by initial recruitment.	Method of recruitment.
1	2	3	4
1.	Registrar		By promotion from among members of the Service holding posts of Superintendents.
2.	Superintendents		By promotion from among members of the Service holding the posts of Assistants, Stenographers and Auditors, with at least five years' experience as such; provided that the Stenographers must have passed the Departmental examination prescribed for confirmation of Assistants.
3.	Assistants	Degree from a recognised University.	(i) Fifty per cent by initial recruitment; or by transfer in accordance with the provisions contained in clause (b) of sub-rule (2) of Rule 6; and (ii) Fifty per cent by promotion from among members of the Service holding post of Senior Clerks with at least three years' experience as such.

Serial No.	Nomenclature of the posts.	Minimum qualifications prescribed for appointments by initial recruitments.	Method of recruitment.
4.	Auditors	<p>(a) B. Com. from a recognised University; or</p> <p>(b) Graduate in Economics from a recognised University and a certificate or diploma in Accounts from a recognised Institute.</p>	<p>(i) Fifty per cent by initial recruitment or by transfer in accordance with the provisions contained in clause (b) of sub-rule (2) of rule 6; and</p> <p>(ii) Fifty per cent by promotion from among members of the Service holding post of Senior Clerks with at least three years' experience as such who possess a diploma or certificate in Accounts from a recognised Institute.</p>
5.	Senior Clerks		By promotion from among members of the Service holding posts of Junior Clerks with at least two years' experience as such.
6.	Junior Clerks	Matriculate or equivalent qualification from a recognised University; or Board.	<p>(i) Not more than twenty per cent by promotion from among Daftri/Restorers/Peons of the Department with two years' service as such, who are having the qualifications prescribed for initial recruitment; and</p> <p>(ii) not less than eighty per cent by initial recruitment.</p>

Serial No.	Nomenclature of the posts.	Minimum qualifications prescribed for appointments by initial recruitment.	Method of recruitment.
1	2	3	4
7.	Steno-graphers	<p>(i) Matriculation or equivalent qualification from a recognised University; or Board; and</p> <p>(ii) Speed of 100 w. p. m. in Shorthand in English and 40 w. p. m. in typing.</p>	<p>(a) By initial recruitment; or</p> <p>(b) By promotion from among members of the Service holding post of Steno-typist.</p>
8.	Steno-typists	<p>(i) Matriculation or equivalent qualification from a recognised University; or Board; and</p> <p>(ii) Speed of 80 w. p. m. in Shorthand in English and 35 w. p. m. in typing.</p>	<p>(i) Not more than twenty per cent by promotion from among Daftri/Restorers/Peons of the Department with two years' service as such, who are having the qualifications prescribed for initial recruitment; and</p> <p>(ii) not less than twenty per cent by initial recruitment.</p>

APPENDIX 'B'

[See Rule 6 (3)].

Serial No.	Zones.	Parts of Zones.	No. of posts for each Zone.
1.	2	3	4
1.	Agencies of Mohmand, Khyber, Kurram, North Waziristan, South Waziristan, Tribal Areas attached to the Districts of Peshawar, Kohat, Bannu and Dera Ismail Khan and Bajaur Area of Malakand Agency.	(i) North and South Waziristan and Bajaur. (ii) Mohmand and Khyber Agencies. (iii) Kurram Agency and Centrally Administered Tribal Areas attached to the Districts of Peshawar, Kohat, Bannu and Dera Ismail Khan.	4
2.	Peshawar and Mardan Districts	..	4
3.	Districts of Swat, Dir, Chitral and Malakand Protected Area (Swat Ranizai and Sam Ranizai) and Backward Area of Hazara District and Added Area of Mardan District	(i) Swat. (ii) Dir. (iii) Chitral. (iv) Malakand Protected Area (Swat Ranizai and Sam Ranizai) and Backward areas of Hazara District and Added Area of Mardan District.	4
4.	Dera Ismail Khan, Bannu and Kohat.	..	3
5.	Hazara District, excluding backward Areas of Hazara District.	..	3