



THE BALOCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

NO. 128 QUETTA SUNDAY JULY 30, 1989.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 30th July, 1989.

NO.PAB/LEGIS : III (2)/89. The Balochistan Public Service Commission Bill, 1989 having been passed by the Provincial Assembly of Balochistan, on 1st July, 1989 and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.

THE BALOCHISTAN PUBLIC SERVICE COMMISSION
ACT, 1989.

(BALOCHISTAN ACT NO. II OF 1989)

(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra Ordinary) dated 30th July, 1989.)

AN
ACT

to repeal and, re-enact the Balochistan Public Service Commission
Ordinance, 1989.

Preamble.

WHEREAS it is expedient to repeal and, re-enact the Balochistan Public Service Commission Ordinance, 1989;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Balochistan Public Service Commission Act, 1989.

(2) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Commission" means the Balochistan Public Service Commission;

(b) "Government" means the Government of Balochistan;

(c) "Member" means a member of the Commission and include the Chairman thereof;

(d) "Prescribed" means prescribed by rules; and

(e) "Service of Pakistan" means the Service of Pakistan as defined in the Constitution of Islamic Republic of Pakistan, 1973.

Composition of Commission, etc.

3. (1) There shall be a Balochistan Public Service Commission.

(2) The Government shall by regulations determine :—

(a) the number of members of the Commission and their conditions of service including terms of contract of re-employment.

(b) the number of members of the staff of the Commission and their conditions of service:

Provided that the salary, allowances and privileges of a member of the Commission shall not be varied to his disadvantage during his term of office.

(3) The Chairman and other members of the Commission shall be appointed by the Government.

(4) No proceeding or act of the Commission shall be invalid merely on the ground of existence of any vacancy in or any defect in the Constitution of the Commission.

Terms of Office
of a Member.

4. (1) The term of office of a Member shall not exceed five years:

Provided that a Member may be re-appointed for another term not exceeding three years:

Provided further that a Member, who immediately before his appointment as Member was holding a post in the Service of Pakistan may be transferred in public interest before the expiry of his term of office.

(2) A Member may resign his office by writing under his hand addressed to the Government.

Ineligibility for
further
employment.

5. (1) On ceasing to hold office a member shall not be eligible for further employment in the service of Pakistan.

(2) Nothing contained in sub section (1) shall be deemed —

(i) to prevent a member other than the Chairman, from being appointed as Chairman; and

(ii) to debar a Member who, immediately before his appointment as Member, was holding a post in the Service of the Government and has not attained the age of superannuation prescribed by law applicable to him as a civil servant at the time of his ceasing to hold office as Member, to hold a post as Civil Servant till he superannuates or retires or otherwise ceases to hold post as Civil Servant.

Removal from
Office.

6. (1) If the Government is of the opinion that the Chairman or Member, by reasons of physical or mental incapacity, is unable to perform his duties or is guilty of misconduct, the Government shall appoint a judge of the High Court of Balochistan, to inquire into the matter.

(2) If after holding the inquiry, the Judge submits a report that the Chairman or Member is incapable of performing his duties or is guilty of misconduct, the Government may, notwithstanding the provisions of section 4, remove such Chairman or Member.

Explanation— For the purpose of this sub-section, "misconduct" means a conduct prejudicial to the good order of service discipline or contrary to the rules of conduct applicable to Civil Servants of the Province of Balochistan or un-becoming of an officer and a gentleman and includes any act on the part of the Chairman or a Member, to bring or attempt to bring political or other outside influence directly or indirectly to bear on Government or any Government Officer, in respect of any matter relating to his retention as such Chairman or Member, punishment, retirement of other conditions of his service and includes —

- (i) conviction for an offence involving moral turpitude;
- (ii) active participation in the sectarian, communal or political controversy;
- (iii) persistent disregard of the regulations relating to conduct of affairs of Commission;
- (iv) assuming a style of living beyond his legitimate means.

(3) For the purpose of inquiry under this section the Judge shall have power vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely :—

- (i) enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery of documents;
- (iii) receiving evidence affidavits;
- (iv) issuing commission for examination of witnesses or documents.

Notice:

7. Notwithstanding the provisions of section 6, the Government may dispense with the services of the Chairman and the Members of the Commission who have been re-employed after retirement from the Provincial Service or Service of Pakistan, on one month's notice on either side.

Functions of the Commission.

8. The functions of the Commission shall be :—

- (i) to conduct test, examinations or interviews for recruitment for initial appointment to —

- (a) the Civil Services of the Province of Balochistan;
 - (b) such posts connected with the affairs of the Province of Balochistan as may be prescribed;
 - (c) such posts in or under a Corporation or other Autonomous Body or Organization set up by Government under any law or otherwise as may be prescribed;
- (ii) to advise Government on –
 - (a) the matters relating to qualification for, and methods of recruitment to, the services and posts referred to in clause (i); and
 - (b) any other matter which Government may refer to the Commission;
 - (iii) to hold such departmental or language examination as may be prescribed.

Reports of
Commission.

9. It shall be the duty of the Commission to present to the Government annually a report on the work done by the Commission, and the Government shall cause a copy of report to be laid before the Provincial Assembly of Balochistan.

Rules.

10. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Repeal.

11. The Balochistan Public Service Commission Ordinance, 1989 (XI of 1989), is hereby repealed.

AKHTAR HUSAIN KHAN
Secretary,
Provincial Assembly of Balochistan.