

**THE BALOCHISTAN CIVIL SERVANTS  
ACT, 1974**

**(Baln. Act IX of 1974)**

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**<sup>1</sup>THE BALOCHISTAN<sup>2</sup> CIVIL SERVANTS  
ACT, 1974**

**(Balochistan Act IX of 1974)**

[20<sup>th</sup> July, 1974]

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Balochistan.

Preamble.

WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of Balochistan and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

Short title,

1. (1) This Act may be called the Balochistan Civil Servants Act, 1974.

application and commencement.

(2) It applies to all civil servants wherever they may be.

(3) It shall be deemed to have come into force from the 12<sup>th</sup> March, 1974.

CHAPTER I – PRELIMINARY

Definitions.

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

(a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;

(b) "civil servant" means a person who is a member of a civil service of the Province of Balochistan or who holds a civil post in connection with the affairs of the

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<sup>1</sup> This Act was passed by the Balochistan Assembly on 19<sup>th</sup> June, 1974; assented to by the Governor of Balochistan; and published in the Balochistan Gazette (Extraordinary) No. 41, dated 20<sup>th</sup> July, 1974.

<sup>2</sup> Spelling of the word "Baluchistan", wherever it appears in this Act, is corrected by insertion of letter "o" instead of "u"; as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18<sup>th</sup> June, 1989.

Province, but does not include—

- (i) a person who is on deputation to the Province of Balochistan from the Federation or from any Province or other authority; *or*
  - (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; *or*
  - (iii) a person who is a 'worker' or 'workman' as defined in the Factories Act, 1934 (XXV of 1934) or the Workman's Compensation Act, 1923 (VIII of 1923);
- (c) "initial appointment" means appointment made otherwise than by promotion or transfer;
  - (d) "Pay" means the amount drawn monthly by a civil servant as pay, and includes technical pay, special pay, personal pay and any other emoluments declared by the prescribed authority to be pay;
  - (e) "permanent post" means a post sanctioned without limit of time;
  - (f) "prescribed" means prescribed by rules;
  - (g) "rules" means rules made or deemed to have been made under this Act;
  - (h) "selection authority" means the Balochistan Public Service Commission<sup>1</sup>, a departmental selection board, departmental selection committee or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made;
  - (i) "temporary post" means a post other than

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<sup>1</sup> Constituted under the Balochistan Public Service Commission Act, 1989 (Act II of 1989); published in the Balochistan Gazette (Extraordinary) No. 88, dated 23<sup>rd</sup> May, 1989; and earlier to that under the Balochistan Ordinance II of 1978 (repealed) and the Balochistan Act IV of 1974 (repealed).

a permanent post.

(2) For the purpose of this Act an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

## CHAPTER II – TERMS AND CONDITIONS OF SERVICE OF BALOCHISTAN CIVIL SERVANTS

- Terms and conditions. 3. The terms and conditions of service of a civil servant shall be as provided in this Act and the rules<sup>1</sup>.
- Tenure of office of civil servants. 4. Every civil servant shall hold office during the pleasure of the Government of Balochistan.
- Appointments. 5. Appointments to the Balochistan Service or to a civil service of the Province of Balochistan or to a civil post in connection with the affairs of the Province of Balochistan shall be made in the prescribed<sup>2</sup> manner by the Government of Balochistan or by a person authorised by it in that behalf.
- <sup>3</sup>[Absorption. 5-A. (1) The Provincial Government may absorb a Federal Civil Servant of a devolved Ministry or Division of Federal Government, or an attached department or sub-ordinate office of such devolved Ministry or Division situated in Balochistan, who was transferred by Federal Government to the Province of Balochistan, in consequences of the devolution of functions pursuant to the Constitution (Eighteenth Amendment) Act, 2010<sup>4</sup> (Act No. X of 2010); and thereby he shall become a civil servant of Province of Balochistan under this Act, and on such absorption his terms and conditions of service as were applicable to them before such absorption shall not be less favorable to him than to which other civil servants of Government of Balochistan have under this Act.
- (2) Notwithstanding anything contained hereinabove sub-section (1), the seniority of a civil servant absorbed by virtue of sub-section (1) shall be determined by the concerned administrative department/ office of the Government of Balochistan, in accordance with the rules as prescribed under this Act.

<sup>1</sup> for rules *see* footnote 1 under section 25 (1).

<sup>2</sup> for rules prescribed, *see* footnote 1 (iv) under section 25 (1).

<sup>3</sup> New section 5-A inserted by Baln. Act III of 2015; passed by Provincial Assembly of Balochistan on 21<sup>st</sup> April, 2015; assented to by the Governor of Balochistan on 24<sup>th</sup> April, 2015; and published in Balochistan Gazette (Extraordinary) No. 50, dated 28<sup>th</sup> April, 2015.

<sup>4</sup> An Act passed by the Majlis-e-Shoora (Parliament) of Pakistan; assented to by the President of Pakistan on 19<sup>th</sup> April, 2010; and published in the Gazette of Pakistan (Extraordinary) Part I, dated 20<sup>th</sup> April, 2010, pages 267-316.

(3) A Federal Civil Servant absorbed in any department or office of the Government of Balochistan, pursuant to sub-section (1) and (2) above, may be appointed against a post of equivalent grade in that department or office available in the department or office for initial recruitment;

(4) In case any difficulty arises in absorption of Federal Civil Servants due to non availability of a post with similar designation or grade in a department or office on which a Federal Civil Servant had a lien before absorption, the Government of Balochistan may create any number of equivalent posts with the same designation and grade against which the Federal Civil Servant had maintained a lien in the federal government, as it may deem fit.]

#### Probation.

6. (1) An initial appointment to a service or post referred to in section 5, not being an *ad hoc* appointment, shall be on probation as may be prescribed<sup>1</sup>.

<sup>2</sup>[\* \* \* \* \*]

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed<sup>3</sup>.

(3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise—

- (a) if he was appointed to such service or post by initial recruitment, be discharged;  
*or*
- (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against

<sup>1</sup> for rules prescribed, *see* footnote 1 (iv) and (vi) under section 25 (1).

<sup>2</sup> Proviso deleted, which shall always be deemed to have been deleted, by Balochistan Ordinance IV of 1982.

For deleted proviso, date of coming into force and validation of any thing done, action taken, order made under the Act, prior to coming into force of the Ordinance, *see* the Balochistan Gazette (Extraordinary) No. 149, dated 8<sup>th</sup> September, 1982 and corrigendum published in Balochistan Gazette (Extraordinary) No. 176, dated 2<sup>nd</sup> November, 1982.

The Balochistan Ordinance IV of 1982 was made by Governor under the Provisional Constitution Order, 1981 (C.M.L.A. Order 1 of 1981); validated and declared continue in force by Article 270-A [as amended vide the Constitution (Eighth Amendment) Act, 1985 (Act XVIII of 1985)] of the Constitution of Islamic Republic of Pakistan, 1973.

<sup>3</sup> for rules prescribed, *see* footnote 1 (iv) and (vi) under section 25 (1).

which he holds a lien or, if there be no such service or post, be discharged:

Provided that, in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

Confirmation.

7. (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be <sup>1</sup>prescribed <sup>2</sup>[.] <sup>2</sup>[\* \* \* \* \*]

(2) A civil servant promoted to a post <sup>3</sup>[\*\*\*] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period <sup>1</sup>prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is latter.

Seniority.

8. (1) For proper administration of a service, cadre or <sup>4</sup>[post], the appointing authority shall cause a seniority list of the members for the time being of such service cadre or <sup>3</sup>[post] to be prepared, but nothing therein contained shall be construed to confer any vested right to a particular seniority in such

<sup>1</sup> for rules prescribed, *see* footnote 1 (vi) under section 25 (1).

<sup>2</sup> A full stop added after the word "prescribed"; and thereafter "all the words" omitted by Balochistan Ordinance III of 1983; with effect from 19<sup>th</sup> June, 1974.

For the omitted words, date of coming in force and validation of any thing done, action taken, order made under the Act, prior to coming into force of the Ordinance, *See* the Balochistan Gazette (Extraordinary) No. 37, dated 14<sup>th</sup> February, 1983.

The Balochistan Ordinance IV of 1983 was made by Governor under the Provisional Constitution Order, 1981 (C.M.L.A. Order I of 1981); validated and declared continue in force by Article 270-A [as amended vide Constitution (Eighth Amendment) Act, 1985 (Act XVIII of 1985)] of the Constitution of Islamic Republic of Pakistan, 1973.

<sup>3</sup> Words "or grade" omitted by Baln. Ordinance VI of 1984; effective from 1<sup>st</sup> July, 1983. *See* Balochistan Gazette (Extraordinary) No. 259, dated 26<sup>th</sup> July, 1984.

The Balochistan Ordinance VI of 1984 was made by Governor under the Provisional Constitution Order, 1981 (C.M.L.A. Order I of 1981); validated and declared continue in force by Article 270-A [as amended vide Constitution (Eighth Amendment) Act, 1985 (Act XVIII of 1985)] of the Constitution of Islamic Republic of Pakistan, 1973.

<sup>4</sup> Subs. *ibid.* for the word "grade".

service, cadre or <sup>3</sup>[post], as the case may be.

(2) Subject to the provisions of sub-section (1) the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same <sup>1</sup>[service or cadre], whether serving in the same department or office or not, as may be prescribed<sup>2</sup>.

(3) Seniority on initial appointment to a service, <sup>3</sup>[cadre] or post shall be determined as may be prescribed.

<sup>4</sup>(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post:

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their *interse* seniority as in the lower post.]

Promotion.

9. (1) A civil servant possessing such minimum qualifications as may be prescribed<sup>5</sup> shall be eligible for promotion to a <sup>6</sup>[higher] post for the time being reserved under the rules for departmental promotion in <sup>7</sup>[\* \* \* \*] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed—

- (a) in the case of a selection post, on the basis of selection on seniority-cum merit;  
*and*
- (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

Posting and transfers.

10. Every civil servant shall be liable to serve any where within or outside the Province of Balochistan, in any post under the Federal Government, or any Provincial Government or local authority, or a corporation or body set up or established by any such Government:

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<sup>1</sup> Subs. *ibid.* for the words "service or grade".

<sup>2</sup> for rules prescribed, *see* footnote 1 (iii) under section 25 (1).

<sup>3</sup> Subs. by Baln. Ordinance VI of 1984; effective from 1<sup>st</sup> July, 1983, for the word "grade". *See* Balochistan Gazette (Extraordinary) No. 259, dated 26<sup>th</sup> July, 1984. *See* also footnote 3 under section 7 (2).

<sup>4</sup> Substituted. *ibid.*, for sub-section (4).

<sup>5</sup> for rules prescribed, *see* footnote 1 (iv) under section 25 (1).

<sup>6</sup> Inserted *ibid.*

<sup>7</sup> The words "the higher grade of" omitted *ibid.*



Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Termination of  
service.

11. (1) The service of a civil servant may be terminated after expiry of one month's notice served on him for the purpose of payment of one month's salary in lieu of such notice—

(i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one <sup>1</sup>[service], cadre or post to another <sup>1</sup>[service], cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such <sup>1</sup>[service] or cadre, but he shall be reverted to his former <sup>1</sup>[service], cadre or post, as the case may be;

(ii) on the expiry of the initial or extended period of his employment; *or*

(iii) if the appointment is made *ad hoc* terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or <sup>2</sup>[service], the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or <sup>1</sup>[service].

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub-section (2), the service of a civil servant in temporary employment or appointed *ad hoc*

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<sup>1</sup> Subs. for the word "grade" by Ord. VI of 1984; taken effect from 1<sup>st</sup> July, 1983. See Balochistan Gazette (Extraordinary) No. 259, dated 26<sup>th</sup> July, 1984. See also footnote 3 under section 7 (2).

<sup>2</sup> Subs. for the word "grade" by Ord. VI of 1984; taken effect from 1<sup>st</sup> July, 1983. See Balochistan Gazette (Extraordinary) No. 259, dated 26<sup>th</sup> July, 1984. See also footnote 3 under section 7 (2).

shall be liable to termination on fourteen days' notice or pay in lieu thereof.

<sup>2</sup>[Absorption of Civil Servants rendered surplus.

<sup>1</sup>[11 A. Notwithstanding anything contained in this Act, the rules, agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post:

Provided that where no equivalent post is available he may be offered a lower post in such manner, and subject to such conditions, as may be prescribed and where such civil servant is appointed to a lower post the pay being drawn by him in the higher post immediately preceding his appointment to lower post shall remain protected.]

<sup>2</sup>[11-B.(1) Where it is brought to the notice of the appointing authority that appointment of a person to a civil post was made without observing the prescribed procedure or without fulfilling the prescribed qualification, experience and age limit, it may send a reference to the Balochistan Public Service Commission<sup>3</sup> for determination whether he is fit to hold the post to which he was appointed and, if not, whether he is fit to hold any other post compatible with his qualification and experience.

(2) On receipt of the advice of the Balochistan Public Service Commission on a reference made under subsection (1), the appointing authority may pass such order of appointment or termination of services as may be considered by it to be just and equitable.

Provided that if it is proposed to pass order of termination of services in the light of the advice of the

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<sup>1</sup> New section 11-A inserted by Baln. Ordinance XIV of 2001; published in the Balochistan Gazette (Extraordinary) No. 93, dated 25<sup>th</sup> July, 2001.

The Baln. Ordinance XIV of 2001 was made by Governor under the Provisional Constitution (Amendment) Order, 1999 (Chief Executive Order No. 9 of 1999); protected first under Article 270-AA [as amended vide Constitution (Seventeenth Amendment) Act, 2003 (Act III of 2003)]; and later declared continue in force by clause (2) of Article 270-AA [as amended vide Constitution (Eighteenth Amendment) Act, 2010 (Act X of 2010)] of the Constitution of Islamic Republic of Pakistan, 1973.

<sup>2</sup> New section 11-B inserted by Baln. Act VIII of 2003; passed by the Provincial Assembly of Balochistan on 11<sup>th</sup> October, 2003; assented to by the Governor of Balochistan on 27<sup>th</sup> October, 2003; and published in the Balochistan Gazette (Extraordinary) No. 78, dated 30<sup>th</sup> October, 2003.

<sup>3</sup> See footnote 1 under section 2 (2) (n).

Commission, a reasonable opportunity of showing cause against the order of termination, shall be provided.

(3) Where an order of appointment is made on the advice of the Commission, it shall be treated as a case of fresh appointment.]

Reversion to a lower <sup>1</sup>[post].

12. A civil servant appointed to a higher post <sup>2</sup>[before the first day of July, 1983, to a higher post] *ad hoc* or on temporary or officiating basis shall be liable to reversion to his lower post <sup>3</sup>[\* \* \* \*] without notice.

<sup>4</sup>[Omitted]

<sup>4</sup>[Section 12-A. Certain Persons to be liable to removal or reversion — (Omitted)]

<sup>5</sup>[Retirement from service.

13. A civil servant shall retire from service—

(i) On such date after he has completed<sup>6</sup>[twenty] years of service qualifying for pension or other retirement benefits as the competent authority may, in public, interest, direct: *or*

(ii) Where no direction is given under clause (i), on the completion of the sixtieth year of his age.

(2) No directions under clause (i) of sub-section (1) shall be made until the civil servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

*Explanation.* In this Section “competent authority” means the appointing authority prescribed in Rule 4 of the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 1979<sup>7</sup>.]

<sup>1</sup> Subs. by Balochistan Ordinance VI of 1984; published in Balochistan Gazette (Extraordinary) No. 259, dated 26<sup>th</sup> July, 1984, for the words "grade or service". See also footnote 3 under section 7 (2).

<sup>2</sup> Subs. *ibid.*, for the words "or grade".

<sup>3</sup> Words "or grade" omitted *ibid.*

<sup>4</sup> Section 12-A omitted by Baln. Act III of 2015; passed by Provincial Assembly of Balochistan on 21<sup>st</sup> April, 2015; assented to by the Governor of Balochistan on 24<sup>th</sup> April, 2015; and published in Balochistan Gazette (Extraordinary) No. 50, dated 28<sup>th</sup> April, 2015.

Earlier section 12-A was added by a Baln. Ordinance XIV of 1978, see Balochistan Gazette (Extraordinary) No. 47, dated 28<sup>th</sup> May, 1978.

<sup>5</sup> Subs. by Balochistan Ordinance IV of 2000; published in the Balochistan Gazette (Extraordinary) No. 29, dated 8<sup>th</sup> September, 2000, for section 13.

Ordinance IV of 2000 was made by Governor under Provisional Constitution (Amendment) Order, 1999 (Chief Executive Order 9 of 1999); protected first under Article 270-AA [as amended vide Constitution (Seventh Amendment) Act, 2003 (Act III of 2003)]; and later declared continue in force by clause (2) of Article 270-AA [as amended vide Constitution (Eighteenth Amendment) Act, 2010 (Act X of 2010)] of the Constitution of Islamic Republic of Pakistan, 1973.

<sup>6</sup> Substituted by Balochistan Ordinance LII of 2001; published in the Balochistan Gazette (Extraordinary) No. 193, dated 10<sup>th</sup> December, 2001, for the words (twenty five).

Ordinance LII of 2001 was made by Governor under Provisional Constitution (Amendment) Order, 1999 (Chief Executive Order 9 of 1999); protected first under Article 270-AA [as amended vide Constitution (Seventeenth Amendment) Act, 2003 (Act III of 2003)]; and later declared continue in force by clause (2) of Article 270-AA [as amended vide Constitution (Eighteenth Amendment) Act, 2010 (Act X of 2010)] of the Constitution of Islamic Republic of Pakistan, 1973.

Employment after retirement.

14. (1) A retired civil servant shall not ordinarily be re-employed under the Balochistan Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Provided that, where the appointing authority is the Government, such re-employment may be ordered with the approval of the Government.

(2) Subject to the provisions of sub-section (1) of section 3 of the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966<sup>1</sup> (XII of 1966), a civil servant may, during leave preparatory to retirement, or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

Conduct.

15. The conduct of a civil servant shall be regulated by rules<sup>2</sup> made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

Efficiency and discipline.

16. A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure<sup>3</sup>.

Pay.

17. A civil servant appointed to a post <sup>4</sup>[\*\*\*] shall be entitled, in accordance with the rules<sup>5</sup>, to the pay sanctioned for such post <sup>3</sup>[\*\*\*\*\*]:

Provided that, when the appointment is made on a current-charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

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<sup>7</sup> Rules made by Government of Balochistan, Services and General Administration Department, vide its Notification No. 17-237-79-SO-ARC/S&GAD, dated 26<sup>th</sup> June, 1979; published in the Balochistan Gazette (Extraordinary) No. 73, dated 10<sup>th</sup> July, 1979; and repealed by the Balochistan Civil Servant (Appointment, Promotion and Transfer) Rules, 2009, Rule 23.

Now the Balochistan Civil Servant (Appointment, Promotion and Transfer) Rules, 2009, *See* the Balochistan Gazette (Extraordinary) No. 165, dated 27<sup>th</sup> October, 2009.

<sup>1</sup> This Act was passed by the National Assembly of Pakistan; assented to by the President on 7<sup>th</sup> July, 1966, and published in the Gazette of Pakistan (Extraordinary), dated 7<sup>th</sup> July, 1966. (PLD 1966 CS P. 282).

<sup>2</sup> For the Balochistan Civil Servant (Conduct) Rules, 1979, *See* the Balochistan Gazette (Extraordinary) No. 54, dated 29<sup>th</sup> July, 1979.

<sup>3</sup> For relevant rules and law see footnote 1 (i) under section 25 (1).

<sup>4</sup> Words "or grade" omitted by the Balochistan Ord. VI of 1984; taken effect from 1<sup>st</sup> July, 1983. *See* the Balochistan Gazette (Extraordinary) No. 259, dated 26<sup>th</sup> July, 1984. *See* also footnote 3 under section 7 (2).

<sup>5</sup> *See* footnote 1 (xi) under section 25 (1).

Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

Leave.

18. A civil servant shall be allowed leave in accordance with the leave rules<sup>1</sup> applicable to him, provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority.

Pension and gratuity.

19. (1) On retirement from service, a civil servant and shall be entitled to receive such pension, or gratuity, as may be prescribed<sup>2</sup>.

(2) In the event of the death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two-thirds of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity; and any overpayment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

Provident Fund<sup>3</sup>.

20. (1) Before the expiry of the third month of every financial year, the accounts officer or other officer required to maintain provident fund account shall furnish to every civil servant subscribing to a provident fund the account of which he

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<sup>1</sup> See footnote 1 (x) under section 25 (1).

<sup>2</sup> See footnote 1 (ix) under section 25 (1).

<sup>3</sup> for definition and provisions of "Provident Fund", see the Provident Funds Act, 1925 (Act No. XIX of 1925).

For Rules see General Provident Fund Rules as applicable to the Province of Balochistan and amended from time to time by Services and General Administration Department, under section 25 of the Civil Servant Act, 1974 (Balochistan Act IX of 1974)

For General Provident Fund investment, control and management, see the Balochistan General Provident Investment Fund Act, 2007 (Balochistan Act I of 2007), published in the Balochistan Gazette (Extraordinary) No. 66, dated 13<sup>th</sup> June, 2007.

is required to maintain a statement under his hand showing the subscriptions to, including the interest accruing thereon, if any, and withdrawals or advances from, his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the accounts officer or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

Benevolent Fund  
and Group  
Insurance.

21. All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan Government Servants Benevolent Fund Ordinance, 1960<sup>1</sup> (West Pakistan Ordinance XIV of 1960), and the West Pakistan Government Employees Welfare Fund Ordinance, 1969<sup>2</sup> (West Pakistan Ordinance I of 1969) and the rules<sup>3</sup> made thereunder.

Right of appeal or  
representation.

22. (1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules<sup>4</sup> applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post

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<sup>1</sup> Promulgate by the Governor of West Pakistan on 19<sup>th</sup> April, 1960; published in West Pakistan Gazette (Extraordinary), dated 23<sup>rd</sup> April, 1960, pages 1773-76; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan, 1962. Adopted by Balochistan Laws (Adaptation) Order, 1975 with substitution of the word "Balochistan" for the words "West Pakistan".

<sup>2</sup> Promulgate by the Governor of West Pakistan on 17<sup>th</sup> March, 1969; published in West Pakistan Gazette (Extraordinary), dated 18<sup>th</sup> March, 1969, pages 423-427; and, saved first by Proclamation of Martial Law Order, dated 25<sup>th</sup> March, 1969 and then by Article 281 of the Interim Constitution of the Islamic Republic of Pakistan, 1972. Adopted by Balochistan Laws (Adaptation) Order, 1975 with substitution of the word "Balochistan" for the words "West Pakistan".

<sup>3</sup> for the Balochistan Government Servants Benevolent Fund, Part I (Disbursement) Rules, 1982 and the Balochistan Government Servants Benevolent Fund, Part-II (Rules issued by S&GAD vide its Notification No. S&GAD(Admn:II(32)BW/80, dated 7<sup>th</sup> March, 1982), *see* the Balochistan Gazette (Extraordinary) No. 38, dated 11<sup>th</sup> March, 1982.

Also see the Balochistan Provincial Employees Group Insurance Act 2009 (Act X of 2009), published in the Balochistan Gazette (Extraordinary) No. 135, dated 5<sup>th</sup> November, 2009.

<sup>4</sup> for rules, *see* footnote 1 (viii) under section 25 (1).

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### CHAPTER III – MISCELLANEOUS

Saving. 23. Nothing in this Act or in any rule shall be construed to limit or abridge the power of the Government of Balochistan to deal with the case of any civil servant in such manner as may appear to it to be just and equitable:

Provided that, where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rule.

<sup>2</sup>[Indemnity. 23A. No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done in his official capacity which is in good faith done or intended to be done under this Act or the rules, instructions or directions made or issued thereunder.]

<sup>3</sup>[Jurisdiction barred. 23B. Save as provided under this Act and the Service Tribunals Act, 1974<sup>4</sup> or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the Governor or any officer authorized by him shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance of any power conferred by, or under, this Act or the rules made thereunder.]

Removal of difficulties. 24. If any difficulty arises in giving effect to any of the provisions of this Act the Government of Balochistan may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

### CHAPTER IV– RULES

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<sup>1</sup> Words “or grade” omitted by the Balochistan Ord. VI of 1984; taken effect from 1<sup>st</sup> July, 1983. Published in the Balochistan Gazette (Extraordinary) No. 259, dated 26<sup>th</sup> July, 1984. See also footnote 2 under section 7(2).

<sup>2</sup> New section 23A inserted by Balochistan Ord. VII of 2002; promulgated by the Governor of Balochistan on 6<sup>th</sup> March, 2002; published in Balochistan Gazette (Extraordinary) No. 18, dated 16<sup>th</sup> March, 2002.

Ordinance LII of 2001 was made by Governor under Provisional Constitution (Amendment) Order, 1999 (Chief Executive Order No. 9 of 1999); protected first under Article 270-AA [as amended vide Constitution (Seventh Amendment) Act, 2003 (Act III of 2003)]; and later declared continue in force by clause (2) of Article 270-AA [as amended vide Constitution (Eighteenth Amendment) Act, 2010 (Act X of 2010)] of the Constitution of Islamic Republic of Pakistan, 1973.

<sup>3</sup> New section 23B inserted *ibid*.

<sup>4</sup> That is Balochistan Service Tribunal Act, 1974 (Act V of 1974); published in the Balochistan Gazette (Extraordinary) No. 30, dated 27<sup>th</sup> June, 1974.

Rules. 25. (1) The Government or any person authorised by it in this behalf, may make such rules<sup>1</sup> as appear to him to be necessary or expedient for carrying out the purposes of the Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

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<sup>2</sup>[Validations. Notwithstanding anything contained in the Balochistan Civil Servants Act, 1974 (IX of 1974). anything done, actions taken, order made under this Act, or any other law or rules, prior to coming in force of this Ordinance\*, shall be deemed to have been validly done, taken, or made, as if this Ordinance\* was in force on the day on which such thing, action or order was done, taken or made.]

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<sup>1</sup> For-

- i. the Balochistan Government Servants (Conduct) Rules, 1979" *See* the Balochistan Gazette (Extraordinary) No. 84, dated 29<sup>th</sup> July, 1979;
- ii. the Balochistan Civil Servants (Efficiency and Discipline) Rules, 1981", *See* the Balochistan Gazette (Extraordinary) No. 15, dated 18<sup>th</sup> January, 1992. These rules were repealed by the Balochistan Removal from Service (Special Powers) Ordinance, 2000 (Balochistan Ord. IV of 2000), which was also repealed and replaced by the Balochistan Employees' Efficiency and Discipline Act 2011 (Balochistan Act VI of 2011); published in the Balochistan Gazette (Extraordinary) No. 207, dated 4<sup>th</sup> July, 2011.
- iii. the Balochistan Civil Servants (Seniority) Rules, 2008, *See* the Balochistan Gazette (Extraordinary) No. 222, dated 25<sup>th</sup> August, 2008;
- iv. the Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 2009, *See* the Balochistan Gazette (Extraordinary) No. 165, dated 27<sup>th</sup> October, 2009; It repealed the earlier Balochistan Civil Servants (Appointment, Promotion and Transfer) Rules, 1979. published in the Balochistan Gazette (Extraordinary) No. 73, dated 10<sup>th</sup> July, 1979.
- v. the Balochistan Government Servants (Marriage with Foreign Nationals) Rules, 2011, *See* the Balochistan Gazette (Extraordinary) No. 10, dated 14<sup>th</sup> December, 2011;
- vi. the Balochistan Civil Servants (Confirmation) Rules, 2012, *See* the Balochistan Gazette (Extraordinary) No. 29, dated 16<sup>th</sup> April, 2012;
- vii. the Balochistan Government Initial Appointment to Civil Service Posts (Age and Relaxation of Upper Age Limit), Rules, 2012, *See* the Balochistan Gazette (Extraordinary) No. 35, dated 25<sup>th</sup> February, 2013;
- viii. the Balochistan Civil Servants (Appeal) Rules, 2013, *See* the Balochistan Gazette (Extraordinary) No. 34, dated 26<sup>th</sup> February, 2013. Which repealed the earlier appeal rules i.e. Balochistan Civil Servants (Appeal) Rules, 1983; published in the Balochistan Gazette (Extraordinary) No. 53, dated 1<sup>st</sup> March, 1983.
- ix. the Balochistan Civil Servants Pension Rules, 1989, *See* Finance Department, Government of Balochistan's Notification No. FD (R) VII-1/86, dated July, 1989.
- x. the Balochistan Province Civil Servants Leave Rules, 1981, *See* Finance Department, Government of Balochistan's Notification No. FD(R)- IX-2/81, dated September, 1981.
- xi. the Balochistan (Basic Pay Scale) Civil Services Rules, 1983. *See* Finance Department, Government of Balochistan's Notification No. FD (R) III (40-41) 184, dated 26<sup>th</sup> December, 1984.

<sup>2</sup> See Balochistan Ord. IV of 1982\*; published in the Balochistan Gazette (Extraordinary) No. 149, dated 8<sup>th</sup> September, 1982, and Balochistan Ordinance III of 1983\*; published in Balochistan Gazette (Extraordinary) No. 37, dated 14<sup>th</sup> February, 1983, wherein this provision is given in section 3. *See* also footnote under section 6 (1) and 7 (1).