

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT

NOTIFICATION

Date Quetta, 28th April 2015

No.PAB/Legis: V (06)/2015. The Balochistan Civil Servants (Amendment) Bill, 2015. (Bill No.06 of 2015), having been passed by the Provincial Assembly of Balochistan on 21st April, 2015 and assented to by the Governor, Balochistan on 24th April, 2015 is hereby published as an Act of the Balochistan Provincial Assembly.

The Balochistan Civil Servants (Amendment) Act, 2015

Act No. III of 2015

AN ACT

*further to amend the Balochistan Civil Servants Act, 1974
(Balochistan Act No. IX of 1974).*

Preamble.

WHEREAS, in consequences of an amendment made in the Constitution of the Islamic Republic of Pakistan 1973 in pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (Act No. X of 2010), the Concurrent Legislative List has been omitted from the Constitution; and the Implementation Commission constituted in term of clause (9) of Article 270AA of the Constitution, has processed the transfer of the devolved subjects of the Federal Government, as mentioned in the aforesaid List, to the Provinces;

AND WHEREAS, the Federal Civil Servants working in devolved ministries and divisions of the Federal Government or the attached departments or sub-ordinate offices of such devolved ministries or divisions situated in Balochistan, have been transferred by the Federal Government to the Province of Balochistan, in consequences of the devolution of functions pursuant to the Constitution (Eighteenth Amendment) Act, 2010;

AND WHEREAS NOW, it is expedient to amend the Balochistan Civil Servants Act, 1974 (Balochistan Act No. IX of 1974), to enable the Provincial Government of Balochistan to absorb the aforesaid Federal Civil Servants in Balochistan as Civil Servants of the Government of Balochistan, in the manner hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement

1. (1) This Act may be called the Balochistan Civil Servants (Amendment) Act, 2015.

(2) It shall come into force at once.

Insertion of new section 5-A, Act IX of 1974.

2. In the Balochistan Civil Servants Act, 1974 (Balochistan Act No. IX of 1974), hereinafter referred to as “the said Act”, after section 5, the following new section shall be inserted, namely:—

"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 (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.

(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 the 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.

- Omission of section 12 A, Act IX of 1974.** 3. In the said Act, section 12-A shall be omitted.

Secretary

Balochistan Provincial Assembly.

No.PAB/Legis: V (06)/2015.

Dated Quetta, the 28th April 2015.