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THE SINDH GOVERNMENT GAZETTE

DATED MONDAY MARCH 31, 1997.

PART 1

SECRETARY PROVINCIAL OMBUDSMAN (MOHTASIB) SINDH

N O T I F I C A T I O N

Karachi the 17th March, 1997

No. 5/25/96 Admn.—In pursuance of the provisions of Sub-section (2) of section 8 read with Section 36 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, the competent authority with the prior approval of the Governor Sindh is pleased to make the Service Rules and prescribe the method, qualifications and other conditions of employment to the post in BPS-1 to BPS-17 in the Secretariat of the Provincial Ombudsman (Mohtasib) Sindh and or the Regional office as indicated in Annexures A & B respectively.

ANNEXURE A

PART—I

PRELIMINARY

1. (1) These rules may be called the Provincial Ombudsman (Employees) Service Rules, 1997. **Short title and commencement.**

(2) They shall come into force at once.

2. They shall apply to all employees of the Office of the Ombudsman but shall not apply to casual or work-charge staff. **Definition.**

3. In these rules. Unless there is anything repugnant in the subject or context—

(a) “Act” means the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991.

(b) “Adhoc 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;

(c) “Appointing Authority” means the authority specified in schedule—I;

(d) “Director” means the Director of Administration in the secretariat and includes any person for the time being performing the duties of the Director;

(e) “Employee” means a person employed in the Secretariat or in any of its Regional Offices;

- (f) “Initial appointment” means appointment made otherwise than by promotion or transfer;
- (g) “Pay” means the amount drawn monthly by an employee as pay, and includes technical pay, special pay, personal pay, and other emoluments declared by the competent authority as pay;
- (h) “Permanent post” means a post sanctioned without limit of time;
- (i) “Post” means a post in the Secretariat or Regional Office;
- (j) “Promotion Committee” means a Committee constituted for the purpose of making selection for promotion to a post;
- (k) “Regional Office” means an office set up in any of the Regions of the Province by or under the orders or authority of the Governor.
- (l) “Schedule” means a Schedule to these rules;
- (m) “Secretariat” means the Secretariat set up at the principal seat of the Office of Ombudsman;
- (n) “Secretary” means the Secretary incharge of the Secretariat and includes any person for the time being performing the duties of the Secretary;
- (o) “Selection Committee” means a Committee constituted for the purpose of making selection for initial appointment to a post;
- (p) “(Temporary post” means a post other than a permanent post;

PART—II

GENERAL

4. No appointment to a post shall be made except in accordance with these rules. **Appointment to be made under these rules.**

5. (1) Appointment to a post or class of posts shall be made by any of the following methods, namely :— **Method of appointment**

- (a) by promotion or transfer;
- (b) by initial appointment.

(2) The method of appointment and the qualifications and other conditions applicable to a post shall be as laid down by the Ombudsman.

Provided that where a percentage has been specified for departmental promotion and initial appointment, promotion against the post reserved for promotion shall be made first.

Provided further that if no suitable person is available for promotion, the vacancy may be filled by initial appointment.

(3) Subject to other provisions of these rules, no appointment to a post shall be made except on the recommendations of the appropriate Committee.

6. (1) There shall be one or more Promotion and Selection Committees as may be determined by the Ombudsman.

**Promotion and
Selection
Committees.**

(2) Each such Committee shall consist of at least three members one of whom shall be appointed as Chairman.

PART—III

APPOINTMENT BY PROMOTION OR TRANSFER

7. (1) Appointment by promotion or transfer to a post in B—2 shall be made by the appointing authority on merit.

**Appointment by
promotion.**

(2) Appointment by promotion or transfer to a post in B—3 and above shall be made by the appointing authority on the recommendations of a Promotion Committee.

(3) Appointment by Promotion shall ordinarily be made on the basis of seniority-cum-fitness, but in case of a selection post, promotion will be made on merit, seniority being considered when all other things are equal;

Provided that no promotion on regular basis shall be made on a post in B—18 or above unless the officer concerned has completed such length of service as may be specified by the Governor or with the approval of the Governor.

(4) An employee declining to avail of the benefit of the order of his first time promotion shall not be considered for such promotion for the next four years from the date of such order he shall stand superseded permanently on his forgoing such promotion second time.

8. (1) Where the appointing authority considers it to be in public interest to fill a post by promotion and the most senior employee who is otherwise eligible for promotion does not possess the specified length of service and is otherwise considered suitable, the authority may appoint him to the post on acting charge basis.

**Promotion on
acting Charge
basis.**

(2) So long as an employee holds the acting charge appointment, the employee (s) Junior to him shall not be considered for regular promotion but may be appointed on acting charge basis to a higher post.

(3) Acting charge appointment shall be made against a post which is likely to fall vacant for a period of six months or more but against a vacancy occurring for less than six months, current charge appointment may be made.

(4) Appointment on acting charge basis shall be made on the recommendation of the Promotion Committee.

(5) Acting charge appointment shall not amount to appointment by promotion on regular basis for any purpose including seniority, nor shall it confer any vested right for regular promotion to the post held on acting charge basis.

(6) The employee appointed on acting charge basis shall be entitled to draw fixed pay equal to the minimum pay at which his pay would have been fixed had he been appointed to that post on regular basis.

EXPLANATION:—Service rendered on acting charge basis in the basic pay scale applicable to the post shall not count for purposes of drawal of increments in that scale but such service shall count towards increments in the basic pay scale held immediately before appointment on acting charge basis.

(7) The employee appointed on acting charge basis shall assume full duties and responsibilities of the post.

9. Appointment by transfer shall be made from amongst the persons holding appointment in the same basic pay scale in which the post to be filled exists.

Appointment by transfer.

PART-IV

INITIAL APPOINTMENT

10. (1) Initial appointment to a post shall be made on the basis of recommendations and interview or test held by the Selection Committee after the vacancies have been advertised in newspapers:

Initial appointment.

(2) While making recommendations under sub-rule (1), the Selection Committee may also assign order of merit to the candidates so recommended and the vacancies shall be filled in accordance with the order of merit.

(3) The under-mentioned posts shall be filled on provincial basis in accordance with the merit and regional and district quota as determined by Government from time to time :—

- (i) Posts in B-16 and above; and
- (ii) Posts in B-3 to B-15 in the Secretariat dealing with the whole Province;
- (iii) Posts in B-3 to B-15 in offices dealing with particular region or district shall be filled by appointment of persons domiciled in the region or district concerned; and

- (iv) Posts in B-1 & B-2 shall ordinarily be filled on local basis keeping in view the Regional, Urban & rural quota.

11. (1) A candidate for initial appointment to a post must possess the prescribed educational qualifications and experience and be within the age limit laid down for the appointment.

Qualification, experience, and age limit etc.

(2) Age for the purpose of initial appointment shall be counted from the last date fixed for submission of application for appointment.

(3) The age limit laid down for appointment to a post may be relaxed to the extent specified by the "Governor in the case of posts in B-17 and above, and the Ombudsman in the case of other posts.

12. No person shall be appointed by initial appointment to a post unless he is a citizen of Pakistan and has his domicile and permanent residence in the Province of Sindh.

Nationality domicile & P.R.C.

Provided that such requirement may be relaxed in the interest of public service by the Governor in the case of the posts in B-17 and above, and the Ombudsman in the case of other posts.

13. No person, not already in the service of Government or statutory body, shall be appointed to a post unless :

Production of character and medical fitness certificates.

(a) he produces a certificate of character from two responsible persons (not being his relatives) who are well acquainted with such person;

(b) he is found to be medically fit by the Civil Surgeon concerned;

Provided that blindness or any other physical defect shall not be a bar to the appointment if the medical authority recognized by the Ombudsman conducting the medical examination certifies that such defect shall not interfere with his duties.

PART—V

ADHOC AND TEMPORARY APPOINTMENTS

14. (1) Where the appointing authority consider it to be in the public interest to fill on urgent basis a post calling within the purview of the Selection Committee, it may, pending selection of a candidate by the Selection Committee, proceed to fill such post on adhoc basis for a period not exceeding six months.

Adhoc appointment.

(2) Short term vacancies including the vacancies occurring as a result of creation of temporary posts for a period not exceeding six months falling within the purview of the Selection Committee may be filled by the appointing authority otherwise than through the Selection Committee on a purely temporary basis.

PART—VI

PROBATION, CONFIRMATION AND SENIORITY

15. A person appointed to a post by initial appointment shall be on probation for two years and a person appointed otherwise may if the appointing authority so directs, be on probation for one year. **Probation.**

16. The appointing authority may, for reasons to be recorded in writing:—

- (i) curtail the period of probation;
- (ii) extend the period of probation by a period not exceeding one year at a time, and during or on the expiry of the extended period, pass such orders as are passed during or on the expiry of the initial probationary period;

Provided that if no orders are passed by the day following the completion of:—

- (a) the initial probationary period, the period of probation shall be deemed to have been extended by one year;
- (b) the extended period of probation, the appointment shall be deemed to be continued until further orders.

17. (1) Confirmation of an employee shall be made in the order of seniority in a permanent post on which no other employee holds any lien. **Confirmation.**

(2) On confirmation of an employee in a post, his lien, if any, on any other post shall stand terminated.

(3) No employee who holds a lien on any post in any department shall be confirmed in any post in any other department unless his consent & the consent of the department, where he holds such lien, has been obtained in writing.

(4) An employee eligible for confirmation in more than one posts, shall be confirmed first in the lower post and then in the higher post from the dates he is due for confirmation in such posts.

(5) If an employee becomes due for confirmation, his confirmation shall not be deferred unless a disciplinary action is pending against him or the appointing authority, for reasons to be recorded in writing, defers his confirmation.

Provided that if during the deferment of the confirmation of an employee his junior becomes due for confirmation, the post in which such senior employee is due for confirmation shall be kept vacant and the junior employee shall be confirmed in the next available post.

18. (1) In each grade there shall be a separate seniority list of a group of employee doing similar duties and performing similar functions and for whose appointment same qualifications and experience have been laid down. **Seniority.**

(2) The appointing authority shall, in the month of January every year, cause to be prepared, or as the case may be, revise, the seniority list under sub-rule (1).

(3) Subject to the provision of sub-rule (5), the seniority of an employee shall be counted from the date of his regular appointment.

(4) No appointment made on adhoc basis shall be regularized retrospectively.

(5) Inter-se-seniority of an employee appointed in a batch or on the same date shall be determined:—

(a) in the case of persons appointed by initial appointment, in the order of merit assigned by the Selection Committee, and where it has omitted to do so, the seniority shall be determined by the appointing authority;

Provided that a person selected in earlier Selection shall rank senior to a person selected in a later selection.

(b) in the case of persons appointed by promotion on the basis of their inter-se-seniority in the lower grade;

(c) in the case of persons appointed by initial appointment vis-à-vis persons appointed by promotion, on the basis that the persons appointed by promotion shall rank senior to the persons appointed by initial appointment; and

(d) in the case of persons not covered by clauses (a) to (c), on the basis that persons older in age shall rank senior to persons younger in age.

(6) If an appointment is made by transfer:—

(a) a persons appointed otherwise than on his own request shall, for the purpose of determining his seniority, be given the benefit of his regular service in other post or posts held by him before his transfer and appointment to the new post;

Provided that if the regular appointment is made a batch or on the same day, the older in age shall rank senior to the younger in age;

- (b) a person appointed on his own request shall rank junior to all other persons appointed before him on regular basis and the persons appointed with him in the same batch or on the same day by promotion on initial appointment;
 - (c) the inter-seniority of persons appointed on their request in the same batch or on the same day shall be determined in accordance with their respective dates of regular appointment in the posts held by them before their transfer and appointment to the new posts: provided that if the dates of their regular appointment in such other posts are same, the older in age shall rank senior to the younger in age.
- (7) An employee, who is not promoted on his turn on the ground that—
- (i) his seniority is under dispute or is not determined; or
 - (ii) he is on deputation, training or leave; or
 - (iii) disciplinary proceedings are pending against him; or
 - (iv) he is not considered for promotion for any reason other than unfitness for promotion;
 - (v) disciplinary proceedings are pending against him; or shall on subsequent promotion; subject to any order made by the competent authority in this behalf for the purpose of inter-se-seniority in the higher grade, be deemed to have been promoted in the same batch as his juniors.

PART-VII

OTHER TERMS AND CONDITIONS OF SERVICE

19. Subject of these Rules, the rules orders, or instructions for the time being in force, applicable to the civil servants, shall regulate the terms & conditions of service of the employees, including the following matters:—

Other terms & conditions of Service.

- (a) Leave.
- (b) Advances.
- (c) G. P. Fund.
- (d) Retirement, Pension, Commutation etc. & re-employment after retirement or appointment on contract basis.
- (e) Move-over.
- (f) Group Insurance.

- (g) Benevolent Fund.
- (h) Selection Grade.
- (i) TA/DA.
- (j) Medical facilities.
- (k) Honorarium.
- (l) Record of service & confidential report.
- (m) Residential accommodation.
- (n) Any matter not provided for in these Rules.

Provided that the powers exercisable by the Government of Authority subordinate thereto under the said rules shall be exercisable by the Ombudsman or by such person as he may by general or special order direct.

20. The Sindh Government Servants (Conduct) Rules, 1966, Sindh Civil Servants (Efficiency & Discipline) Rules, 1973 and the Sindh Civil Servants (appeal) Rules, 1980 shall, subject to Schedule-II, apply mutatis mutandis to the employees.

**Conduct,
discipline, &
Appeal.**

SALEEM AHMED MEMON
SECRETARY
Sectt. Provincial ombudsman (Mohtasib)
Sindh Karachi.

SCHEDULE-I

(See Rule 3(c))

Serial No.	Posts	Appointing Authority
(1)	Posts in B-17 and above	Governor in Consultation with the Ombudsman
(2)	Posts in B-3 to B-16	Ombudsman.
(3)	Posts in B-1 to B-2	Secretary

SCHEDULE-II

(See Rule 20)

1. The Authorities and Authorised Officers for the purpose of Efficiency and Discipline Rules in respect of employees shall be as under:-

Serial No.	Posts	Authority	Authorised Officer
(1)	B-1 and B-2	Secretary	Director
(2)	B-3 to B-16	Ombudsman	Secretary
(3)	B-17 & above	Governor	Ombudsman

2. The authorities competent to hear appeal under the Efficiency and Discipline Rules and Appeal Rules shall be as Follows;-

Serial No.	Authority Making the Order	Authority Competent to Hear Appeals and Entertain Representation.
(1)	Director	Secretary
(2)	Secretary	Ombudsman
(3)	Ombudsman	Governor
(4)	Governor	Review by the Governor.

SALEEM AHMED MEMON
SECRETARY
Sectt. Provincial ombudsman (Mohtasib)
Sindh Karachi.

SECRETARIAT PROVINCIAL OMBUDSMAN (MOHTASIB) SINDH

Karachi, dated the 17th march 1997

S.No.	Nomenclature of Post with BPS	Method of appointment	Qualification and Experience	Age Limit
1.	Assistant Director (Public Relations) (BPS-17)	(i) By initial recruitment. (ii) By transfer.	Master's degree in Public Relation/ Journalism at least second class from a recognized University-Experience in the relevant filed will be preferable.	21-30
2.	Assistant Director (Administration) (BPS-17)	(i) By promotion from amongst Assistant Directors/ Superintendents (Admn) B-16 working in the Ombudsman Secretariat with atleast 4 years experience and holding an approved appointment. OR (ii) By transfer OR (iii) By initial recruitment.	Master's degree atleast/ second class from a recognized University with atleast 3 years experience in Administration/establishment in a Government/semi Government organization.	
3.	Accounts Officer (BPS-17)	(i) By transfer (ii) By promotion from amongst Accountants (B-16) working in the Ombudsman Sectt; having 4 years experience and holding an approved appointment. OR (iii) By initial recruitment	B.Com atleast second class from a recognized University having atleast 5 years experience in Accounts in a Government/semi Government organization.	21-30
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>

4. Registrar (B-17) (i) By promotion from amongst Assistant Registrars (B-16) working in Ombudsman Secretariat having atleast 4 years experience and holding an approved appointment. If no suitable person is available for promotion then by initial recruitment. Law graduate atleast 2nd class from a recognized University having 5 years experience in Court matters 21-30
- (ii) By initial recruitment.
- OR
- (iii) By transfer
5. Private Secretary (BPS-17). (i) By transfer. (i) Bachelor's degree atleast 2nd Class from a recognized University with 3 years experience as Secretary/ Stenographer with senior office in Government department or a statutory body 21—30
- OR
- (ii) By promotion from amongst the Sr. Scale Stenographers with atleast 4 years experience and holding an approved appointment. (ii) Certificate in short hand and typing issued by an Institute recognized by the Board of Technical Education Sindh.
- (iii) By initial recruitment. (iii) A speed of 120 words per minutes in short hand and 40 w.p.m. in typing in English.
6. Accountant (B-16) (i) By promotion from amongst the Assistant in the Ombudsman

		Secretariat having 4 years experienced and holding an approved appointment.	B.Com atleast 2 nd class from a recognized University having 3 years experience in accounts in the Government/ semi government organization.	21— 30
	(ii)	If no suitable persons is available for promotion then by transfer.		
		OR		
	(iii)	By initial recruitment.		
7.	Superintendent (B-16)	(i) By promotion from amongst Assistant in the Ombudsman Secretariat having atleast 5 years experience and holding an approved appointment.		
	(ii)	If no suitable person is available for promotion then by transfer.		
8.	Extra Assistant Director (B-16)	(i) By initial recruitment.	Bachelor's degree atleast 2 nd class from a recognized University. Preference will be given to those having 3 years experience in a Government/semi Government organizations	21— 30
9.	Assistant Registrar (B-16)	(i) By initial recruitment	Law graduate atleast 2 nd class from a recognized University	21— 30

OR

having 3 years experience in court matters.

- (ii) By promotion from amongst the Assistant, working in the Ombudsman Secretariat with atleast 4 years experience and possessing law degree and holding and approved appointment.

OR

- (iii) By transfer.

QUALIFICATION AND EXPERIENCE FOR THE POST B-15 TO B-1 PROPOSED BY THE COMMITTEE

Serial	Nomenclature of Post with BPS	Method Appointment	Qualification and Experience	Age Limit
10.	Selection Grade Stenographer (B-16)	(i) By promotion from amongst the senior scale stenographer (B-15) in the Ombudsman Secretariat on seniority cum fitness basis.		
11.	Senior Scla Stenographer (B-15)	(i) 2/3 by initial recruitment. (ii) 1/3 by promotion from amongst the Stenographers (B-12) with atleast three years experience and holding an approved appointment and possessing an	(i) Matriculation or equivalent qualification from recognized University or Board. (ii) Certificate in short hand and typing issued by an Institute recognized by the Board of Technical Education Sindh.	18— 28

approved appointment and possessing a speed of 120 w.p.m. in short hand in English, Urdu or Sindhi as the case may be and 40 w.p.m. in typing in English, Urdu or Sindhi as the case may be on the basis of seniority-cum-fitness.

(iii) A speed of 120 words per minute in short hand in English, Urdu or Sindhi as the case may be and 40 W.p.m in typing in English, Urdu or Sindhi as the case may be.

(iii) By transfer.

12.	Stenographer (B-12)	(i) By initial recruitment.	(i) Matriculation or equivalent qualification from recognized University or Board.	18— 28
			(ii) Certificate in short hand and typing issued by an Institute recognized by the Board of Technical Education Sindh.	
			(iii) A speed of 80 w.p.m. in shorthand in English and 35 w.p.m. in typing in English.	
13.	Urdu Stenotypist/ Stenographer (B-12)	(i) By initial recruitment.	(i) Matriculation or equivalent qualification from recognized University or Board.	18— 28
			(ii) Certificate in Urdu short hand and typing issued by an Institute recognized by the Board of Technical Education Sindh.	
		(ii) By transfer	(iii) A speed of 80 w.p.m. in short hand in Urdu and 35 w.p.m in typing in Urdu.	
14.	Sindhi Stenotypist	(i) By initial recruitment	(i) Matriculation or equivalent qualification from recognized University or Board.	

		(ii) By transfer.	(ii) Certificate in Sindhi short hand and typing issued by an Institute recognized by the Board or Technical Education Sindh	18— 28
			(iii) A speed of 80 w.p.m. in short hand in Sindhi and 35 w.p.m. in typing in Sindhi.	
15.	Selection Grade Assistant (B-15)	(i) 25% of the total sanctioned posts in the cadre of Assistant (B-11) shall be filled by promotion from amongst the Assistants (B-11) in the Ombudsman Secretariat on seniority-cum-fitness basis.		
16.	Assistant (B-11)	(i) 75% initial recruitment AND (i) 25% by promotion from amongst the Sr. Clerks working in the Ombudsman Secretariat having at least 2 years experience and holding an approved appointment. (ii) If no suitable person is available for promotion then by transfer or by transfer or by initial recruitment.	(i) Bachelor's degree from a recognized at least 2 nd Class.	21— 30
17.	Receptionist (B-11)	(i) By initial recruitment OR	(i) Bachelor's degree from a recognized University at least 2 nd class having	21— 30

		(ii) By transfer.	years 2 experience as such.	
18.	Sindhi Translator (B-11)	(i) By initial recruitment.	(i) Bachelor's Degree from a recognized University at least 2 nd class having 2 years experience as such	21—30
19.	Senior Clerk (B-07)	(i) By promotion from amongst the Jr. Clerks in the Ombudsman Secretariat on seniority cum-fitness basis		
20.	Junior Clerk (B-05)	(i) By initial recruitment	Matriculation or equivalent qualification from recognized University or Board with a minimum speed of 30 w.p.m. in typing in English/Urdu/Sindhi as the case may be.	18—28
21.	Telephone Operator (B-05).	(i) By initial recruitment.	Matriculation or equivalent qualification from recognized University or Board having 2 years experience as	18—28
22.	Photostat Machine Operator (B-05).	(i) By initial recruitment.	(i) Possession of valid LTV/Motor Cycle driving licence. (ii) Must be able to maintain the log book. (iii) At least five years driving experience.	18—28
23.	Despatch Rider (B-04)	(i) By initial recruitment. (ii) If no suitable person is available then by promotion from amongst Daftari/ Qasids & Naib Qasids	(i) Possession of valid LTV/Motor Cycle driving licence. (ii) Must be able to maintain the log book. (iii) At least five years driving	

		with at least two years approved service as such & having valid Motor Cycle.Scooter Driving Licence.	experience.	
24.	Driver (B-04)	(i) 75% by initial recruitment (ii) 25% by promotion from amongst Daftari/Qasid/Naib Qasid who possess Valid LTV driving licence & having two years approved driving experience	(i) Possession of valid LTV/HTV driving licence. (ii) Must be able to maintain the log book. (iii) At least five years experience as a driver	21— 35
25.	Qasid/Daftari (B-2)	(i) By promotion from amongst Naib Qasids possessing Matriculation Certificate.		
26.	Naib Qasid (B-1)	(i) By initial recruitment	Literate.	
27.	Mali (B-1)	(i) By initial recruitment.	(i) Literate, having two year's experience in Gardening.	18-28
28.	Chowkidar (B-1)	(i) By initial recruitment.	(i) Literate.	18-28

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