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THE SIND GOVERNMENT GAZETTE
GAZETTED ON SATURDAY NOVEMBER 14, 1987.

THE KARACHI WATER & SEWERAGE BOARD EMPLOYEES (PROBATION, CONFIRMATION & SENIORITY) RULES, 1987.

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PART-I

GOVERNMENT OF SINDH
HOUSING, TOWN PLANNING, LOCAL GOVERNMENT AND RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

Karachi, dated the 13th October, 1987.

No. SOI(KDA)/11-9/84.- In exercise of the powers conferred by Section 103 read with section 138 of the Sind Local Government Ordinance, 1979, the Government of Sind are pleased to make the following rules:-

PART-I
GENERAL

Short-title ad commencement:

1. (1) These rules may be called the Karachi Water and Sewerage Board Employees (Probation, Confirmation and Seniority) Rules, 1987.

(2) They shall come into force at-once.

Definitions:

2. In these rules, unless there is anything repugnant in the subject or context:-

(i) "Board" means the Karachi Water and Sewerage Board;

(ii) "Confirmation" means the declaration of an employee as permanent on a permanent post;

(iii) "employee" means an employee of the Board;

(iv) "Lien" means title of an employee to hold substantively permanent post including a tenure post on which he has been appointed substantively.

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(2) Words and expression used but not defined in these rules shall have the same meanings as assigned to them in the Karachi Water and Sewerage Board Employees (General conditions of Service) Rules, 1987.

CHAPTER—II
PROBATION.

3. (1) 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.

EXPLANATION— Service on deputation to an equivalent or higher post shall count towards the period of probation.

(2) The appointing authority may, for reasons to be recorded in writing, curtail the period of probation.

4. If the work and conduct of an employee during the period of probation has been found unsatisfactory, the appointing authority, may notwithstanding that the period of probation has not expired—

(a) if the employee has been appointed by initial appointment, dispense with his services without notice; or

(b) if he has been appointed otherwise, revert him to his former post, or, if there be no such post, dispense with his services.

5. If the work or conduct of an employee, on competition of the period of probation, is found unsatisfactory, the appointing authority may—

(a) in case the employee has been appointed by initial appointment dispense with his services without notice; or

(b) In case he has been appointed otherwise, revert him his former post, and if there be no such post dispense with his services; or

(c) extend the period of probation by an additional period of not more than one year at a time and not more than two years in all.

6. (1) Subject to the provisions of sub-rule (2)—

(a) on completion of the period of probation by an employee, if his work or conduct has not been found unsatisfactory, the appointing authority may pass orders declaring that he has completed his probationary period satisfactory;

(b) if no such orders have been made by the appointing authority by the day following the completion by the employee of the initial period of probation, the said period shall be deemed to have been extended by two years, unless specially terminated earlier by the appointing authority on receipt of a satisfactory performance report regarding the employee from the concerned officer;

(c) if no order has been made by the date on which the maximum additional period of probation expires, the employee's probationary period shall be deemed to have been terminated with effect from the

date on which the period of probation was last extended or deemed to have been so extended.

(2) (a) No person shall be declared to have completed the probation period satisfactorily, unless he successfully completes such training and passes such departmental examination as may be prescribed by the Board.

(b) If the holder of a post fails to complete successfully any training or to any departmental examination within such period or in such number of attempts as may be prescribed by the Board, the appointing authority may—

(i) in case he has been appointed by initial appointment dispense with his services; or
(ii) in case he has been appointed otherwise revert him to his prior post and/or if there be no such post dispense with his services.

PART—III
CONFIRMATION

Confirmation.

7. (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for conformation in a post.

(2) An employee promoted to a post on regular basis shall be eligible for conformation after rendering satisfactory service for the period prescribed for confirmation therein.

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

(4) Confirmation of an employee in a post shall take effect from the date of occurrence of permanent vacancy in that post or from the date of continuous affiliation, in such post, whoever is later.

Confirmation in order of seniority.

8. Confirmation of an employee shall be made kin the order of seniority in a permanent post of which no other employee holds any lien.

Eligibility of confirmation.

9. 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.

Bar on deferment of confirmation.

10. 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.

Termination of lien.

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

Suspension of revival of lien.

12. No employee who holds a lien on any post in the Board shall be confirmed in any post in any other department or organization unless his consent and the consent of the Board where he holds such lien, has been obtained in writing.

Bar on confirmation.

13. Two or more employees shall not be appointed substantively to the same permanent post at the same time.

PART— IV
SENIORITY

Seniority.

14. (1) For proper administration of a cadre or post the appointing authority shall cause a seniority list of the members for the time being of such cadre or post to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such cadre or post.

(2) Seniority in the cadre or post to which an employee is promoted shall take effect from the date of regular appointment to a post in that cadre or scale:

Provided that the employees who are selected for promotion to a higher cadre or post in one batch shall, on their promotion to the higher scale, retain their inters seniority as in the lower post.

(3) On amalgamation of two or more cadres the seniority of each incumbent of the various posts in the amalgamated cadres will count from the date of his regular continues appointment to such post.

Preparation of Seniority List.

15. (1) In each cadre there shall be a separate seniority list of a group of employees doing similar duties and performing similar functions and for whose appointment same qualifications and experience have been laid down.

(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) The seniority of an employee shall be reckoned from the date of his regular appointment.

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

Inter-se Seniority.

16. Inter-se seniority of employees appointed in a batch or on the same date shall be determined—

(a) in the case of persons appointed by initial recruitment, in the order of merit assigned by the selection authority, and if such authority is either not competent to assign such order of merit or has omitted to do so and is unable to overcome the omission for reasons beyond kits control, 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 y promotion on the basis of their inter-se seniority in the lower post;

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

(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.

Seniority Transfer

17. If an appointment is made by transfer—

(a) a person 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 post held by him before his transfer and appointment to the new post:

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

(b) a person appointed on his own request shall rank junior to all other persons appointed before him on the regular basis;

(c) the inter-se 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.

Seniority of employees not promoted on turn

18. (1) 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 his unfitness for promotion,

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, he deemed to have been promoted in the same batch as his juniors.

(2) An employee declining to avail of benefit of order of his promotion shall on his subsequent promotion, ran junior, in the higher grade, to those who may have been promoted earlier as a result of his having declined to avail the benefit of such promotion.

ADDITIONAL CHIEF SECRETARY TO GOVERNMENT OF SIND.

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