

CHAPTER 3

TRANSFERS, POSTINGS AND DEPUTATIONS

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I. POSTINGS AND TRANSFERS

Sl. No. 1

General Conditions Regarding Postings, Transfers and Deputation- F.R. 15.

(a) The Governor-General* may transfer a Government servant from one post to another; provided that, except-

- (1) on account of inefficiency or misbehaviour,
or
- (2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by rule 49, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of rule 14.

Government decision.- Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F.R. 15.

[Authority.– Government of India, Finance Division letter No.F-452-R.I/27, dated 1-2-1928].

Sl. No. 2

Policy Guidelines for Postings/Transfers of Officers

It has now been decided by the President that postings/transfers of officers of **Grade-17 and above in all Occupational Groups/ Services/Ex-cadre posts, etc., will, henceforth, be made according to the Rules of Business, 1973 by the respective Ministries/Departments who are responsible for their administrative control.

2. The following guidelines may, however, be observed by the Ministries/Departments regarding policy concerning transfers:-

- (1) Transfer between Pakistan and foreign countries should normally be made only after 3 years. If an officer is required to be transferred earlier than 3 years, the orders of Establishment Division are required to be obtained.
- (2) Officers should not be transferred as a result of their taking leave for short

* President/Prime Minister.

** BPS.

periods for rest and recreation for which only acting arrangements should be made.

(3) Ordinarily 3 months notice should be given to government servants who are transferred from one station to another to enable them to plan their affairs.

3. The above instructions may be passed on to departments under the administrative control of the Division/Ministry.

[Authority.–Establishment Secretary's D.O. letter No.1/24/78, C.P., dated 30-9-1978].

Sl. No. 3

Normal Tenure of Posting

It has been observed that government instructions with regard to normal tenure for an officer on the same job/post issued from time to time are not being followed with the result that in some Ministries/Divisions/Departments, officers have continued to work on the same desk for unduly long periods. The position has been reviewed and the competent authority has laid down the following criteria for posting/transfer of the officers working in Ministries/ Divisions and the Attached Departments/Subordinate Offices, Autonomous and Semi-Autonomous Organizations, under their administrative control:

I. POSTINGS/TRANSFERS WITHIN PAKISTAN

- (i) The normal tenure of an officer on the same post should be three years. Posting of an officer on the same post beyond the normal tenure will require concurrence of the competent authority, in each case.
- (ii) Shifting of the officer may be phased in a manner that no dislocation in the official work takes place due to large scale transfers.
- (iii) Ordinarily, three months notice should be given to the officer who is to be transferred. Exception may, however, be made in case the officer is required to be shifted immediately in the public interest with the approval of the competent authority.
- (iv) Orders for premature transfers in the Ministries/Divisions/Departments of the Federal Government should be referred to the Establishment Division; and in the Autonomous/Semi-Autonomous Organizations to the administrative Ministry concerned.
- (v) These instructions will not strictly apply to technical and professional officers/experts recruited for particular posts. However, posting/transfer of such officers may also be rotated in their parent departments/cadres as far as possible in accordance with the rules of the post.

II. Postings/Transfers to Pakistan Missions Abroad (Other Than Posts Administered by Ministry of Foreign Affairs)

- (i) Posts in foreign missions abroad should be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry;
- (ii) The controlling Ministry should prepare a panel of suitable officers for the post;
- (iii) The panel of suitable officers should be considered by a Committee of the controlling Ministry including a representative of the Establishment Division;
- (iv) The recommendations of the Committee should be considered by the Special Selection Board; and
- (v) The recommendations of the Special Selection Board should be submitted to the competent authority for approval.

2. Ministries/Divisions are requested to proceed further in the matter of postings/transfers as above and bring these instructions to the notice of all departments, offices, autonomous/semi-autonomous bodies and corporations under their control for strict compliance.

[Authority.—Estd. Division O.M. No.10/10/94-R.2, dated 22-3-1994].

Sl. No. 4

Posting of Serving Husband/Wife at the Same Station

The government has taken note of the socio-economic problems and hardship faced by husbands and wives in government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with the

Civil Servants (Seniority) Rules, 1993*.

- (iv) If there is a tie between two or more government servants for posting at the same station in the same department/unit of an organization, the government servant with greater length of service may be preferred.
- (v) Request for posting by a spouse facing serious medical problems may be accorded highest priority.
- (vi) Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may not normally be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. The above guidelines are subject to the following conditions:-

- (i) Posting of husband and wife at the same station should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the framework of general policy of postings and transfers.
- (ii) The prescribed selection authority should be consulted in each case.

3. All government servants whose spouses are in government service may be asked to furnish, at the end of every calendar year, the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of **ICP Charts and up-to-date monitoring of the situation.

4. The above guidelines may be circulated to the autonomous bodies under the charge of Ministries/Divisions for adoption, with such modifications, as may be considered necessary.

[Authority.—Estt. Division O.M.No. 10/30/97-R.II, dated 13-5-1998].

Sl. No. 5

Posting of Unmarried Female Government Servants at the Place of Residence of Parents/Family

It has been brought to the notice of government that unmarried female

* Chapter 2, Sl.No.147.

** Individual Career Planning.

government servants face socio-economic and security problems when they are posted at stations other than the place of residence of their parents/family. The government has taken note of this difficulty and it has been decided to prescribe the following guidelines for dealing with requests of unmarried female government servants for posting at the place of residence of their parents/family:-

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the department concerned, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.
- (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993*.
- (iv) If there is a tie between two or more government servants for posting at the same station in the same department/unit of an organization, the government servant with greater length of service may be preferred.
- (v) Request for posting by an unmarried female government servant facing serious medical problems may be accorded highest priority.
- (vi) Unmarried female government servants already posted at a station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion, if interests of public service would permit.

2. The above guidelines are subject to the following conditions:-

- (i) Posting of unmarried female government servants at the station of residence of their parents/family should not be made by dislocation of any government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public

* Chapter 2, Sl. No. 147.

interest or within the framework of general policy of postings and transfer.

(ii) The prescribed selection authority should be consulted in each case.

3. It has also been decided that the above guidelines shall also be followed by autonomous/semi-autonomous bodies/ corporations etc. under the control of the Federal Government.

[Authority.–Estt. Division O.M. No.10/30/97-R-2, dated 17-12-1999].

Sl. No. 5-A

Posting of Married Female Government Servants at the Place of Residence/Posting of Their Husbands Who are Not in Government Employment

Keeping in view the socio-economic problems and hardships faced by husbands and wives in government service due to posting at different stations of duty, the Establishment Division issued instructions/guidelines vide its OM No. 10/39/97-R-2, dated 13.5.1998 (Sl. No. 4) and 17.12.1999 (Sl.No. 5) to facilitate posting of husbands and wives at the same station and the posting of the unmarried female civil servants at the place of residence of their parents/families. With a view to facilitating those female government servants whose spouses are not in government service or employed in the private sector or unemployed, it has been decided to extend the facility to this class of government servants also to the above to serve at the place of residence of their spouses irrespective of whether such spouses are employed with the government, private sector, or even unemployed.

[Authority:– Estt. Div.'s OM No. 10/30/97-R-2, dated 21-4-2006].

Sl. No. 6

Normal Tenure for an Officer on the Same Job/Post

It has been observed that a number of officers remain at the same desk for considerable period of time. This arrangement is not administratively desirable as the officers holding the same post for a long time tend to develop rigidity in the outlook and ideas and do not view the problems with the same objectivity as they normally should. It is, therefore, essential that officers should not be allowed to remain on the same job for any length of time. Normal tenure for an officer on the same post should be three years and should not exceed five years in any case.

2. The above orders apply not only to the Ministries and Divisions but also to all kinds of organizations, including the Attached Departments and Subordinate Offices as well as autonomous bodies and corporations under the administrative control of the various Federal Ministries/Divisions.

3. As regards the technical officers/experts, if they have been recruited for the same post in which they are working, the orders referred to above will not apply. However, if it is possible to rotate such officers, this may be done.

[Authority.– Establishment Secretary's d.o. letter Nos.27/370-F.1, dated 4-11-1970 and 30-6-1971].

Sl. No. 7

Guidelines for Selection of the Officers for Posting Abroad in Pakistan Missions

The President has been pleased to approve the following guidelines for selection of officers for posting abroad in Pakistan Missions:-

1. Posts will be filled on the basis of detailed job descriptions to be prepared by the controlling Ministry.
2. The controlling Ministry will:
 - (a) prepare a panel of suitable officers for the post on the basis of job description from amongst the officers working in or controlled by the Ministry;
 - (b) ask the Establishment Division for a panel of suitable names of officers working in other Ministries/Divisions and Provincial Governments.
3. This panel will be considered by a Committee in the Ministry/Division which exercises administrative control of the posts to be filled. The Committee shall include a representative of the Establishment Division.
4. The Committee will select, after due scrutiny, a panel of three officers against each post, taking into consideration the following factors:-
 - (a) The selectee fulfills the requirements of the post as detailed in the job description.
 - (b) The selectee is in the same *grade as the post to be filled. Officers from higher or lower *grades will not be considered.
 - (c) The selectee has an overall good record of service particularly during the last five years of service.
 - (d) The selectee is, at least, a graduate or possesses the technical qualification required for the job.
 - (e) Persons within promotion zone within the next 2 years should not be considered.
 - (f) Those likely to retire during the next 4 years should not be considered.

* BPS.

(g) An officer should not be posted abroad more than once.

5. The panel of three officers selected by the Committee on the above criteria will be submitted to the Special Selection Board for final selection including interview.

*6. The recommendations of Special Selection Board shall be submitted to the President for approval.

7. The Ministries/Divisions are requested to strictly follow this procedure in future while recommending officers for posting abroad in Pakistan Missions.

[Authority.—Estt. Div.'s O.M.No.4/7/81-TIV, dated 28-12-1981].

Sl. No. 8

Procedure for Selection of Candidates for Appointment in Pakistan Missions Abroad

Reference Establishment Division's O.M. of even number dated 28th December, 1981 (Sl.No.7) that in order to ensure uniformity in selection of candidates for appointment in Pakistan's Missions abroad, the following procedure be adopted by the Selection Committee to draw up the panel for submission to the Special Selection Board:-

1. The Selection Committee will allocate marks to be distributed as under:-

	<u>Marks</u>
(i) Officer's Record	50
(ii) Assessment by the Committee	50
(a) Interview	30
(b) Experience	20
<hr/>	
	Total = 100

2. The evaluation of record shall be computed against the scale of 50 marks in accordance with the formula for overall assessment enunciated in the Promotion Policy circulated vide Establishment Division's letter No. 10(3)/81-CP-I(Pt), dated 31st October, 1982*.

3. The Committee will interview the candidates to assess their fitness for the job.

* Note.—For "functions and procedures of the Special Selection Board, see Sl. Nos. 8, 16, 20, 55, 57, 58, 59, 59-B, 61-62, 65-67, 68, 74-75, 77-78, 78-A, 79, 87.

* Chapter 2, Sl. No. 162, read with Sl. No. 163. See also Sl. No. 162-A

4. Marks for experience should take into account the experience and additional qualifications relevant to the job. No marks need be allocated for the basic qualifications required for the post.

[Authority:– Estt. Div.’s O.M. No.4/7/81-T.IV, dated 18-1-1983].

Sl. No. 9

Seeking Reversion to Lower Post for Posting Abroad

Instances have come to the notice of Establishment Division where the Ministries/Divisions have been found indulging in the practice of permitting the employees serving under them, especially those belonging to the ministerial cadre holding posts of Private Secretary, Superintendent, Assistant, Stenographer etc. to revert to the lower post with a view to facilitating their posting in Pakistan Missions abroad. In the recent past, a few Ministries/Divisions approached this Division also supporting requests of their employees for reversion to lower posts for the purpose of posting abroad.

2. The above matter has been given careful consideration keeping in view the provisions of section 10 of the Civil Servants Act, 1973^{**} and F.R. 15^{***}. It has been held that these provisions do not lend any support to voluntary requests of officials for reversion to lower posts with a view to winning posting in Pakistan Missions/offices in foreign countries.

3. In view of above, it is advised that the requirements of Pakistan Missions/offices abroad may be met by restricting selection to holders of corresponding posts in Ministries/Divisions. The selection for posting abroad may be made on the basis of seniority-cum-fitness by an ad hoc committee to be constituted specifically for the purpose.

[Authority.– Estt. Division O.M.No.4/8/85-R.6 dated 3-12-1985].

Sl. No. 10

Authorities Empowered to Make Postings and Transfers of Officers and Staff

Officers in *Grade 17 and Above

1. Apart from first appointments and disciplinary measures, other administrative powers will be exercised by the Heads of Departments who should deal with all matters of postings, transfers, increments and leave, etc. except in the case of their deputies about whom references will be made to government.

^{**} Chapter 1, Sl. No. 2.

^{***} Compilation of FRs & SRs, Vol. I, First Edition (Second Reprint).

^{*} BPS

Officers in *Grade 16

2. Subject to the observance of general rules regulating the strength of the service, the method of recruitment (including consultation with the F.P.S.C. wherever required) and the conditions of service, the Heads of Departments will be the appointing authority in respect of all services/posts under his jurisdiction and exercise full powers in respect of their posting, transfer and discipline.

Officials in *Grade 1-15

3. The Head of the Department will be the final authority in all matters.

[Authority.—Estt. Division O.M.No.7/ 59-S.O., dated 15-1-1960 read with Sl. No. 6/A of Appendix 4 of the
**
Compilation of Fundamental and Supplementary Rules].

Sl. No. 11

Postings and Transfers of Officers who Hold the Status of Joint Secretary to the Federal Government

Reference Government of Balochistan letter No. 7-1/70-SOI (S&GAD), dated the 29th January, 1974 on the subject. In cases where the appointing authority is the President/Federal Government, the Provincial Government may issue only notifications of posting/assumption of charge in respect of an officer after his services have been placed at their disposal by the Federal Government through a formal notification. The Federal Government is required to be invariably consulted before the services of an officer, whether belonging to Provincial Government or to the Federal Government, serving under a province, are either replaced or placed at the disposal of the Federal Government.

[Authority.—Estt. Division Letter No. 35/2/74-AI, dated 9-5-1974].

Sl. No.12

Rotation Policy For DMG/PSP Officers

The competent authority, after consultation with the Provincial Governments, has been pleased to approve a rotation policy for DMG & PSP officers with the following broad guidelines/principles:-

(i) With a view to achieving the broader national objectives viz

** See rule 6 (1) and (2) of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973; Sl. No. 1, Chapter 2.

national integration and cohesion, underlying the concept of All Pakistan Services*, a DMG & PSP officer shall be liable to serve in, at least, two provinces as well as in the Federal Government during his career. However in the exigencies of service, an officer may be posted to a third province, or the Northern Areas and/or AJK. Posting in the Federal Government at various stages would be made against the vacancies apportioned for such officers as per law, rules/policy.

(ii) For assignment to provinces, the preference of an officer would be kept in view subject to availability of vacancies in a province.

(iii) A DMG & PSP officer shall be liable to serve at various levels for the tenure(s) as prescribed below:-

➤ During initial span of 12 years of service (BPS 17 & 18/equivalent posts)

(a)	Training in Civil Service Academy	One year
(b)	Province of first allocation (which shall not be the home province)	Five years including period of probation and trainings)
(c)	Federal Secretariat (on promotion)	Three years
(d)	Province of second allocation.	Three years

➤ During next span of 12-25 years of service (BPS 19 & 20)

(a)	Province of first allocation	Three years
(b)	Federal Government	Three years
(c)	Province of second allocation	Three years
(d)	Federal Government or Province of first allocation	Three years

* All Pakistan Unified Grades (APUG) comprise two Groups [Secretariat Group and DMG] and one Service [Police Service of Pakistan]. The Constitution of Pakistan, 1973 contains, in Article 240, the term 'All Pakistan Services' as in the Estab. Div. OM dated 22.7.2000 at Sl. No. 12 above.

➤ During remaining span of service

Assignment(s) against such posts may be made for a tenure not exceeding 5 years each, in the Provincial Governments and the Federal Government on merit/selection basis, in the public interest.

- (i) The rotation policy shall be implemented by a Selection Committee headed by the Establishment Secretary with Chief Secretaries of the provinces as its Members. The Committee shall meet bi-annually to consider and recommend postings/transfers to the prescribed approving authority/authorities.
- (ii) It shall be ensured that the DMG & PSP officers, during their career, are assigned field and staff assignments under the Federal and Provincial Governments including the instructional positions in the training institutions tenable by them, and commensurate with their experience/ background, etc. in order to expose them to varied experience.
- (iii) Application of the above rotation policy in respect of officers at present serving at various levels would start in accordance with the principle of least rotated-first transferred.

2. Government is fully conscious that a successful implementation of the rotation policy for DMG and PSP officers is inter-linked with the welfare aspect of periodic dislocation likely to be faced by these officers and their families. Accordingly, the following measures have been approved by the competent authority:-

- (i) Officers transferred to a province or the Federal Government shall be provided official residential accommodation as per their entitlement. In the event of an entitled residential accommodation not being made available, provision of a shelter/single accommodation is to be ensured with an allowance that residential accommodation being occupied by an officer at the time of transfer shall be retained by him till an entitled accommodation is provided to him.
- (ii) Placement in educational institutions for the children of officers, dislocated on account of transfer, shall be ensured.
- (iii) Transfers shall be planned preferably at the end of an academic year to avoid mid-year dislocation in the education of an officer's child/children.
- (iv) Establishment Division and Provincial Governments shall inform officers about their likely movement, at least forty five days in advance of such movement.

3. The following general principles shall be observed:-

- (i) The conditions of rotation shall not apply to a single female officer against her wishes. In case both husband and wife are in service, they shall be posted in the same province/station unless the nature of service requirements dictate otherwise.
- (ii) Service in Islamabad Capital Territory shall be treated as service under the Federal Government.
- *(iii) Service outside Pakistan either on deputation or training shall be treated as service under the Federation.
- (iv) Posting in training institutions shall be treated as service under the government controlling that particular institution.
- (v) Posting on deputation in corporations shall be treated as service under the government controlling that particular corporation.
- (vi) Establishment Division and the provinces shall ensure that sharing formula of APUG^{**} and PCS^{***} officers for provincial posts, approved by IPCC[@] in 1993, is followed strictly.

4. The above policy shall apply prospectively and shall be enforced w.e.f. 15th August, 2000.

5. This supersedes Establishment Division's instructions contained in letter No.1/11/93-Rev., dated 10th January, 1998 and all instructions on the subject, subsequent thereto.

[Authority:– Estt. Div.'s letter No.F.9/1/2000-CP-7, dated 22-7-2000]

**Sl. No.12-A
Rotation Policy For DMG/PSP Officers – Amendment Made**

Reference Establishment Division's letter of even number dated 22.7.2000 (Sl. No. 12) on the above subject. The competent authority has been pleased to approve an amendment in para 3(iii) of the rotation policy for DMG/PSP officers, circulated vide above referred letter, in the following manner:-

For: "Service outside Pakistan either on deputation or training shall be treated as service under the Federation."

Read: "Service outside Pakistan on deputation or on training shall be treated as service under the government from where an officer proceeds abroad on deputation."

[Authority:– Estt. Div.'s letter No.9//1/2000-CP-7, dated 2 -11-2000]

**Sl. No. 13
Grant of Leave to Transferred Officers**

* Amended vide Sl.No. 12-A.

** All Pakistan Unified Grades (All Pakistan Services).

*** Provincial Civil Service.

@ Inter Provincial Coordination Committee.

It has been decided that, in future, an officer transferred to another post, either in the Federal Secretariat, its Attached Departments or Subordinate Offices, or to a post under a Provincial Government on reversion from the charge should not be allowed leave for any period, except by the authority to whose control he is transferred.

[Authority:—Estt. Div.'s O.M. No. 6 (21)/ 60-E.IX, dated 8-10-1960].

Sl. No. 14
Grant of Leave and Notification of Transferred Officers

Doubts have arisen as to who should sanction and notify the leave in the case of officers referred to in the Establishment Division's Office Memorandum No.6 (21)/60-E.IX, dated the 8th October, 1960 (Sl.No. 13). The intention is that, after the date of issue of transfer orders, leave should be allowed and notified only by the authority under whose control the officer transferred has to go.

[Authority.—Estt. Division O.M. No. 8/20/ 60-F.I., dated 30-11-1961].

Sl. No. 15
Charge Report by Officers Proceeding on Transfer

Officers proceeding on long leave, transfer or retirement are required to sign a certificate of transfer of charge (Form TR-I) under Rule 114 of General Financial Rules, Vol.-I. In cases where the transfer of charge involves assumption of responsibility for cash, stores, etc., the instructions laid down in rule 44 of Treasury Rules, Volume-I and rules 115 and 150 of the General Financial Rules, Vol.-I are followed. As regards maintenance and handing/taking over of classified and accountable documents adequate instructions exist vide paras 25 to 29 of the booklet "Security of Classified Matter in Government Departments".

2. There is, however, no institutional arrangement in the Federal Secretariat under which an officer, proceeding on long leave, transfer or retirement should leave behind a memorandum on matters of importance concerning his charge, for the benefit of the successor. Consequently, the successor has now himself to grope and find out major development about various issues relating to his office, either incidentally or as and when they force his attention because of their urgency or importance. This lack of institutional arrangement could affect adversely proper perspective or continuity in the handling of problems at different levels.

3. It has, therefore, been decided that, apart from the procedure being followed in respect of cash, stores etc. mentioned in para 1 above, the officer proceeding on leave, transfer or retirement should also prepare a brief note (Note to successor), describing important cases, major issues and the directions in which they are developing and any other matter that his successor should know.

[Authority.—Estd. Division O.M. No. F. 8/6/ 74-F.I., dated 7-2-1974].

Sl. No. 16

Diplomatic Status to Civilian Officers of Other Ministries/Divisions Posted in Pakistan Missions Abroad

In consultation with the Ministry of Foreign Affairs it has been decided that following formula regarding grant of Diplomatic Status shall be applicable to those civilian officers of Ministries/ Divisions who are/shall be posted to Pakistan Missions abroad:-

(1)	Second Secretary(Junior Grade or any designation in future)	*Grade-17
(2)	Second Secretary (Senior Grade or any designation in future)	*Grade-18
(3)	First Secretary.	At least 5 years service in *Grade-18 & cleared by the Special Selection Board in case of non-FAG ^{**} officers.
(4)	Counsellor.	*Grade-19
(5)	Minister.	*Grade-20

2. It has also been decided that on the appointment of officers to foreign missions not only their seniority in accordance with the formula but also their suitability for appointment at that senior level would be taken into account.

[Authority.—Estd. Division O.M. No.4/16/80-T.IV, dated 8-10-1981].

Sl. No. 17

Premature Transfer of Government Servants Between Pakistan and Pakistan Missions Abroad

In 1958, the Establishment Division decided, in pursuance of the recommendations of the Economy Committee that the transfer of officers between the two zones of Pakistan and between Pakistan and foreign countries should normally be made after three years. If a transfer was unavoidable before the expiry of this period, sanction of the Cabinet Secretariat (Establishment Division) should be obtained invariably before the transfer orders were issued by the administrative Ministry. The Establishment Division reiterated these instructions from time to time.

* BPS

** Foreign Affairs Group; now Foreign Service of Pakistan, Chapter 8, Sl. No. 6.

2. This Ministry felt that transfer of officials within the two zones of the then Pakistan stood on an altogether different footing from transfer of officials from Pakistan to Missions abroad and vice versa. The exigencies of service, such as inadequacy of staff for certain types of posts, the special suitability of certain officers for certain Missions, the almost continuous re-organisation of Missions abroad, etc. made it well-nigh impossible to rigidly adhere to the principle of three years' tenure abroad. However, the Establishment Division were not agreeable to exempt this Ministry from the operation of the instructions in question.

3. The Secretary (Administration) discussed the case with the Establishment Secretary recently, when the latter agreed to exempt this Ministry from the application of the said restraint. It may be stated in this connection that in many cases orders of premature transfers are issued under the directions of the Prime Minister. In the case of Heads of Missions all orders of appointment and recall/transfer are issued in accordance with the directives of the Prime Minister.

4. The Establishment Secretary may kindly see for his formal concurrence in the proposed exemption of this Ministry from the requirement of obtaining prior approval of the Establishment Division in cases of premature transfer of officials between the Ministry of Foreign Affairs and the Pakistan Missions abroad.

[Authority.— Ministry of Foreign Affairs u.o. Note No. Rules-1/3/76, dated 3-5-1976 and Estt. Division u.o. Note No. 6/2/70-CV, dated 5-5-1976].

Sl. No. 18

Government Servants (Applications for Services and Posts) Rules, 1966

In exercise of the powers conferred by paragraph (a) of clause (2) of Article 178* and clause (1) of Article 179* of the Constitution**, the President is pleased to make the following rules, namely :-

1. Short title, application and commencement.- (1) These rules may be called the Government Servants (Applications for Services and Posts) Rules, 1966.

(2) They shall apply to every person who is a member of an All-Pakistan Service or holds any post in connection with the affairs of the *Centre except:-

(a) persons to whom the Pakistan Railway Establishment Code applies; and

(b) members of such Services and holders of such posts as the *Central Government may, by notification in the official Gazette, specify.

(3) They shall come into force at once.

* See Annex II, Sl. No. 1, Chapter 1.

** Refers to Constitution, 1962. See Articles 240 and 241, Constitution, 1973, and section 25(2) of Civil Servants Act, 1973, Chapter 1, Sl.Nos. 1&2.

* Federation; * Federal

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

- (a) "competitive examination" means a competitive examination held by the *Central Public Service Commission or a Provincial Public Service Commission for recruitment to any **Service or post and includes any method whatever adopted for recruitment to the Central Engineering Services; and
- (b) "temporary Government servant" means a person who is temporarily employed in connection with the affairs of the *Centre, but does not include a person employed on contract or on probation ***[against a permanent post or as probationer of a regularly constituted service].

3. Manner of making applications.- No Government servant shall apply for appearing at any competitive examination or for appointment to any post other than the post which, he for the time being, holds except-

- (a) for appearing at a ministerial services competitive examination through the head of the office, Ministry or Division in which he is employed; and
- (b)@ for appearing at a competitive examination other than a ministerial services competitive examination or for appointment to a service or post to be filled otherwise than by a competitive examination with the prior permission in writing of the head of the office, Ministry or Division in which he is employed, who may, for reasons to be recorded in writing, refuse such permission if he considered that such permission would not be consistent with the interests of the public service.

*4. Permission to be given or application to be forwarded not more than twice.- (1) Subject to the provisions of rule 3, the applications of, or permission to, a Government servant for appearing at competitive examinations at which he is otherwise eligible to appear shall not be withheld or refused, but in no case shall the applications be forwarded or permission be granted for appearing at more than two

** Includes 'Group'.

*** Subs. vide Estt. Division Notification No. 4/I/57-F.I, dated 20-2-1968.

@ Ministerial service competitive examination not now operative.

* For modified orders, see Estt. Division OM No. 1/21//76-T.III, dated 2-8-1976 (Sl.No. 19). Besides the existing position is as follows: -

- (i) There is only one competitive examination in one calendar year held by the FPSC.
- (ii) A candidate, who is already in service as a result of competitive examination, is left with maximum two chances to re-appear if he/she fulfills the criterion/condition.
- (iii) Change of Occupational Groups/Services is not allowed unless a candidate re-appears in the competitive examination and secures regional/provincial merit for the post in any other Occupational Group/Service on open competitive basis.

ministerial services competitive examinations during any calendar year or at more than two competitive examinations other than ministerial services competitive examinations during the whole service of a Government servant:

Provided that a Government servant appointed on the results of a competitive examination other than a ministerial services competitive examination shall not be permitted to apply for such examination more than once during his whole service.

(2) Subject to the provisions of rule 3, no Government servant shall apply more than twice in any calendar year for, or for appearing at any test or interview for appointment in, or for the transfer of his services to, a service or post to be filled otherwise than by a competitive examination, in another office, Ministry or Division of the Central Government or under the Provincial Government or a public statutory corporation.

(3) Notwithstanding anything contained in sub-rules (1) and (2), the applications of, or permission to, a Government servant employed on contract for a specified period, for appointment in a Service or post or for appearing at a competitive examination test or interview, may be withheld or refused if it appears that in the event of selection for appointment to any Service or post pursuant to such application, or on the result, of such examination, test or interview, such Government servant will have to be released before the expiry of his period of contract and that such release would not be consistent with the interests of the public service.

***5. Release of Government servants for appointment to a better Service or post.-** (1) Where a government servant who applied in accordance with rule 3 for appearing at a competitive examination is selected for appointment on the result, of such examination, his release for such appointment shall not be withheld or refused if he is a member of a Service in a group and is selected for appointment to a Service in a higher group, but not to a Service in the same or a lower group. For the purpose of this rule, the Central Services are grouped in the following descending order:-

1 st Group	Civil Service of Pakistan. Pakistan Foreign Service.
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* No such grouping exists currently in Occupational Groups/Services as mentioned in rule 5. The whole structure of CSS has been revised as per Civil Servants Act, 1973 **. All matters relating to recruitment through the competitive examination are being dealt with under the Civil Servants Act, 1973 and other laws/rules issued on the subject from time to time. Aspects such as domicile availability of vacancies in a group/service, provincial/regional quota etc. are taken into consideration at the time of finalizing the merit list by the FPSC on the basis of result of the examination and not at the time of tendering application for the competitive examination.

** The rules made and instructions/orders issued thereunder also refer. See Chapters 2, 3, 7 and 8.

2 nd Group	Police Service of Pakistan.
3 rd Group	Finance Services eligible for the Economic Pool, viz., Pakistan Audit and Accounts Service, Pakistan Railway Accounts Service, Pakistan Military Accounts Service, Pakistan Taxation Service and Pakistan Customs and Excise Service.
4th Group	Pakistan Postal Service (Class I) and Pakistan Military Lands and Cantonments Service.
5th Group	Central Secretariat Service (Class I) and other Class I Services and Posts.
6th Group	Class II (Gazetted) Services and posts.
7th Group	Non-Gazetted Services and posts.

ILLUSTRATION

A Police Service of Pakistan Officer shall be released for appointment to the Civil Service of Pakistan or Pakistan Foreign Service, but not to any of the Finance Services. A Pakistan Taxation Service Officer shall not be released for appointment to the Pakistan Audit and Accounts Service; or a Pakistan Military Lands and Cantonments Service Officer to the Pakistan Postal Service (Class I).

(2) If any person who, before his appointment to a Service of the Centre or a post in connection with the affairs of the Centre, had appeared at a competitive examination, test or interview or applied for appointment to a Service or post, it is, on the result of such examination, test or interview or pursuant to such application, selected for and offered appointment to a Service or post other than the one to which he belongs or which he holds, his release for such appointment, if desired by him, shall not be withheld or refused.

(3) Notwithstanding anything contained in sub-rules (1) and (2), release before the expiry of the period of contract of a Government servant employed on contract for a specified period may be withheld or refused if such release would not be consistent with the interests of the public service.

6. Temporary Government Servants.- Notwithstanding anything contained in these rules, the applications of, or permission to, a temporary Government servant for appointment to any service or post or for appearing at any competitive

examination, test or interview or his release on being selected for any service or post pursuant to such application or on the results of such examination, test or interview shall not be withheld or refused.

7. Exemption.- The President may, in such cases as he thinks fit, exempt any Government servant or class of Government servants from the operation of, or relax the restrictions imposed by, these rules.

8. Repeal.- The Government Servants' Applications for posts (Central Services) Rules, 1953, as amended from time to time, are hereby repealed. [No. 4/1/57-F.I.]

[Authority.—Estt. Division Notification No.SRO 593 (K)/66, dated 8-6-1966].

Sl. No. 19

General Instructions for Submission of Applications for Various Posts- Competitive Examination-Number of Chances for Government Servants who are in Grade*-16 and Below

The government servants in *Grade-16 or below who have completed two years service and have failed to secure direct entry into *Grade-17 through competitive examination have been allowed to take two more chances upto the age of 30 years in competitive examination vide Office Memoranda of Establishment Division forming various Occupational Groups**. This provision is, however, in conflict with the provisions of rule 4 of the Government Servants (Application for Posts and Services) Rules, 1966***. It has, therefore, been decided that rule 4 of the Government Servants (Applications for Posts and Services) Rules, 1966 may not be applied in the case of such government servants (in *Grade-16 and below) who wish

* BPS

** Add 'and Services'. See Chapters 7 and 8.

*** Sl. No. 18.

to take two chances in Competitive Examination upto the age of 30 years.

[Authority.- Estt. Division O.M. No. 1/21/76-T. III, dated 2-8-1976].

Sl. No. 20

Right of Government Servants to Apply for Higher Posts in Other Offices

It has been decided that normally officials appointed to a *grade, either by promotion or by direct recruitment should -

- (a) not be considered for appointment to, and
- (b) not be allowed to apply for

posts in other offices of government or of statutory bodies to a *grade carrying a higher *grade, till they have rendered an appreciable length of service in the former grade*.

2. This ban will, however, not apply to-

- (i) Appointments made through the Federal Public Service Commission or the Central Selection Board;
- (ii) Posts within the normal promotion prospects of the government servant concerned, e.g., the posts of Section Officers in the case of Superintendents of the Federal Secretariat; and
- (iii) Purely temporary government servants who are not likely to be employed permanently in the office, Ministry, Division, Service or cadre in which they are employed.

3. Departures from the above instructions should be made only in special cases.

4. Attention of all the Divisions is also invited to the fact that the Establishment Division administer the Civil Service of Pakistan*, the Police Service of Pakistan, the G.A.R.** (General Wing), the Economic Pool***, and the Section Officers' cadre. Therefore, cases relating to the deputation to other offices of the officers@ of these categories should not be made by the Division in which they are for the time being posted, but should be referred to the Establishment Division for disposal.

* Now DMG.

** Means General Administrative Reserve. Not relevant now.

*** Not relevant now. There is an Economists and Planners Group as distinct from the Economic Pool (Sl. No. 5, Chapter 8). For Economic Pool, see O&M Establishment Manual Vol. I, O & M Wing, Estt. Division 1968, Chapter X, pages 445-457.

@ In the present context, it would mean officers of Secretariat Group, District Management Group (DMG) and Police Service of Pakistan(PSP), the three components of All Pakistan Unified Grades (APUG) and Office Management Group(OMG) - a component of Federal Unified Grades (FUG).

[Authority.– Estt. Division O.M. No. 1/26/61-C.III, dated 20-2-1963].

Sl. No. 21
Applications of Section Officers

The instructions contained in paragraph 5 of the Establishment Division Office Memorandum No. 1/8/52-C.III, dated the 7th August, 1963 are not generally observed by various Ministries/Divisions while forwarding to Establishment Division the applications of Section Officers for appointment elsewhere.

2. It is reiterated that while forwarding the applications in question to the Establishment Division, information on the following points should also be invariably furnished to this Division:-

- (1) Pay Scale attached to the post applied for
- (2) Method of recruitment to the post in question
- (3) Whether the post in question has been advertised
- (4) Minimum educational qualifications and/or experience prescribed for the post concerned.
- (5) A statement showing the educational qualifications, and/or experience of the candidate concerned indicating also whether he fulfills the requisite qualifications and/or experience.

3. Such applications should be forwarded to the Establishment Division at least a fortnight before the last date prescribed for their receipt by the authorities concerned.

[Authority.– Estt. Div.'s O.M. No. 1/8/62-C. III, dated 14-5-1966].

Sl. No. 22
Appropriate Authority for Forwarding of Applications Through Proper Channel

The question has arisen as to what should be considered the appropriate authority for forwarding applications of the staff employed in a particular office. As only a responsible and fairly senior officer of a Division etc. is generally in a position to know the staff requirements of his Division, it has been decided, in consultation with the Federal Public Service Commission, that, in the case of a Ministry or a Division, the forwarding authority should be at least a Deputy Secretary and in the case of an Attached Department or a Subordinate Office, it should be the Head of the Department or Office, or an officer of rank equivalent to that of a Deputy Secretary designated by him.

[Authority.– Estt. Division O.M.No.50/1/48-Ests.(ME), dated 3-6-1948].

Sl. No. 23
Avoidance of Delay in Forwarding Applications of Government Servants to

the F.P.S.C

Under the existing orders, all government servants, whether in Provincial or *Central Service, have to apply to the Federal Public Service Commission in connection with the examinations/selections held by them, through their respective Heads of Departments or Offices. The last date for the receipt of applications by the Commission is set down in the notice relating to every examination conducted by them and in the advertisements issued in connection with selections to be held by them.

2. The Federal Public Service Commission have pointed out that many such applications are received in their office long after the closing date, and have hitherto been entertained if the Commission were satisfied that candidates themselves were not at fault. The Commission are not prepared to continue this indulgence indefinitely and desire it to be made clear that in future late applications will not normally be accepted whatever the reason. It is, therefore, requested that care should be taken to see that applications of candidates who apply to the Federal Public Service Commission for the Central Superior and Ministerial Services examinations and selections are not delayed beyond the permitted date, since delay in future will not be condoned.

3. To deprive a candidate of his candidature by reason of a negligent omission to forward his application could be a serious act of irresponsibility.

[Authority.— Estt. Division letter No. 25/4/53-SE (I), dated 23-7-1953, to all Provincial Governments and Ministries of the * Central Government].

Sl. No. 24

Competitive Examinations/Selections Held by FPSC – Applications of Departmental Candidates

Reference.-Establishment Division's letter No.25/4/53-SEI, dated the 23rd July, 1953 (Sl.No. 23). It has been reported by the F.P.S.C. that in several cases the applications from departmental candidates for the various competitive examinations/selections held by the F.P.S.C. are forwarded by the department concerned very late, without regard to the last date prescribed for receipt of applications announced by the Commission. To avoid that departmental delays, the Commission have decided that departmental delays in forwarding the applications of the departmental candidates will not normally be condoned. They will be condoned only in exceptional circumstances, which will be considered by the Commission on the merit of each case.

2. In view of what has been stated above, it will be very much appreciated if every possible effort is kindly made to ensure that applications from departmental candidates for appearing at the competitive examinations/selections held by the

* Federal.

FPSC, are forwarded to the Commission by the due dates. In case of unavoidable delays reasons should please be recorded, otherwise applications received after the due dates will not be entertained by the Commission.

[Authority.–Estt. Division letter No. 8/4/60-E, XIV, dated 18-7-1960].

Sl. No. 25

Practice of Withholding/Forwarding of Applications of Departmental Candidates to FPSC

The practice of withholding applications initially and forwarding them at a late stage should also be discontinued as no departmental permission which is granted subsequently will be acceptable to the Commission.

[Authority:– Estt. Div.'s (Training Wing) O.M. No.1/I/84-TR-IV dated 18-6-1985].

**II. (A) TRANSFER TO FOREIGN SERVICE
IN PAKISTAN: DEPUTATION**

Sl. No. 26

Explanation of the Term "deputation"

Deputation in Pakistan.– C.S.R.^{*} 77: An officer is said to be on deputation when he is detached on special temporary duty for the performance of which there is no permanently or temporarily sanctioned appointment.

According to the practice in vogue, a government servant begins to be regarded as a "deputationist" when he is appointed or transferred, through the process of selection, to a post in a department or service altogether different from the one to which he permanently belongs, he continues to be placed in this category so long as he holds the new post in an officiating or a temporary capacity but cease to be regarded as such either on confirmation in the new post or on reversion to his substantive post.

(Extract from PLD, 1981 S.C. 531-Islamic Republic of Pakistan versus Israrul Haq and 23-others.)

Sl. No. 27 ^{*}

Deputation of Government Servants – Period of Deputation

Maximum Period of Deputation.– In continuation of Establishment Division's circular D.O. letter No. 4/I/ 84-R.I (A) dated 20-11-1986 (Annex), conveying the directives of the Prime Minister requiring the period of appointment to be clearly specified in each case of contract, secondment or deputation, the following policy is laid down for deputation of government servants :

- (i) The normal period of deputation for all categories of government servants would be three years. This would be extendable by two years with the prior approval of the competent authority.

* Civil Services Regulations.

* See Sl. No. 29 for modified instructions.

(ii) ** All cases of initial deputation of government servants holding posts in BPS 17 and above would be referred to the Establishment Division for approval of the competent authority. The initial deputation in the case of government servants holding posts in BPS 16 and below would be approved by the Secretary of the administrative Ministry concerned/Head of the Department not below BPS 21.

(iii) The competent authority to grant extension in deputation beyond the initial period of 3 years, would be as below :-

(a)	Government servants in BPS 1 and 2.	Head of the Department.
(b)	Government servants in BPS 3 to 16.	Secretary of the Admn. Ministry/Head of the Department not below BPS 21.
(c)	Government servants in BPS 17 to 19.	Secretary of the Admn. Ministry concerned.
(d)	Cases of government servants in BPS 20 and above would be referred to the Establishment Division.	
(iv)	On completion of the maximum period of five years, both the borrowing and the lending organizations should ensure immediate repatriation of the deputationist.	
(v)	In case it is not possible to repatriate a person to his parent organisation for compelling reasons, the case should be referred to the Establishment Division before the expiry of the maximum period of 5 years, fully explaining the circumstances due to which immediate repatriation is not possible and measures taken to obtain or groom a replacement as early as possible.	

2. The above policy would also be applicable to transfer on foreign service in terms of FR 9(7) and rules contained in Chapter XII of the Fundamental Rules.

3. Ministries/Divisions are requested to bring these instructions to the notice of their Attached Departments/ Subordinate Offices/Corporations and Autonomous Bodies etc.

4. The existing instructions on this subject issued vide Estt. Division's O.M. No. 1/28/75-D. II (CV), dated 4-11-1980 (Sl.No. 28) and O.M. No. 22/47/82-R-3, dated 12-4-1983 stand modified to the above extent.

[Authority.–Estt. Division O.M. No. 1/28/ 75-D.II/R. 3/R.I. dated 18-2-1987].

** See Sl. No. 27-A, para-2 for amendment.

(ANNEX)
(See Sl. No. 27)

[Copy of Estt.Division Additional Secretary's D.O. letter No. 4/1/84-RI
(A) dated 20-11-1986]

Re-employment/Appointment on Contract, Secondment or Deputation.- It has come to the notice of the Prime Minister that officers, appointed on contract or serving on re-employment, secondment or on deputation in the Federal Government, are allowed to continue in their posts after the expiry of their tenure without specific orders of the competent authority for its extension. The Prime Minister has taken a serious view of this situation and has directed that:-

- (a) In all cases of appointment on contract, re-employment, secondment or deputation, the period of appointment should be clearly specified.
- (b) On the last date of the specified period, the officer should automatically stand relieved of his duties unless the orders of the competent authority have been obtained in advance extending the period.

2. Immediate action may be taken to specify the period of appointment in those cases where it has not been specified. It may be ensured that in future no officer is appointed on contract, re-employment, secondment or on deputation without specifying the period of appointment. On the expiry of the specified period, the officer should be relieved of his assignment forthwith, unless the period has already been extended by the competent authority.

3. In order to ensure compliance of the above directive of the Prime Minister, all Ministries/Divisions are requested to identify the cases in which officers are continuing to work in their posts after the expiry of the specified period of contract/re-employment/secondment/deputation and intimate these to the Establishment Division immediately with recommendations for extension of the tenure where required. Action may also be taken to terminate the appointments where extension is not required.

4. All Ministries/Divisions etc. are also advised to initiate cases for extension in the period of contract/re-employment/secondment/deputation in future at least six months in advance of the date of expiry of the period of such appointment.

5. The provision in para 28 of Establishment Division's O.M. No. 14/5/78-D.III, dated 10-2-1980* dealing with induction/re-employment of the officers of armed forces in civil and such other instructions issued from time to time also stand

* Chapter 2, Sl.No. 231.

modified in accordance with the Prime Minister's orders contained in para 1 of this letter.

6. The above instructions may also be brought to the notice of all Corporations and Autonomous/Semi-Autonomous Bodies under the administrative control of Ministries/ Divisions as these would apply to them as well.

Sl. No. 27-A

Delegation of Powers in Regard to Deputation of Government Servants

In order to ensure expeditious processing of cases of deputation, the Chief Executive has been pleased to delegate to Secretaries of administrative Ministries/Divisions and Heads of Attached Departments and Subordinate Offices not below BPS 21, powers to approve initial deputation of officers upto BPS 19 belonging to cadres and posts under their administrative control for a period of three years. The above powers are subject to observance of the following guidelines: -

- (i) Where a post proposed to be filled is reserved under the rules for departmental promotion, appointment on deputation may be made only if the department certifies that no eligible person is available for promotion or the eligible person is found unfit for promotion by the appropriate DPC/Selection Board. In such cases, deputation may be approved till such time a suitable person becomes available for promotion.
- (ii) In case of posts reserved for initial recruitment, appointment on deputation may be made only as temporary arrangement, pending joining of the nominee of the FPSC, and subject to the condition that such appointment shall be made only after a requisition has been placed with the FPSC.
- (iii) In cases where a post is tenable through appointment by deputation, the normal period of deputation should be three years and no extension beyond three years may be allowed without prior approval of the Establishment Division.
- (iv) No officer should be sent on deputation unless he has completed three years' service in his parent department after return from an earlier deputation.

2. The provision of para 1(ii) of Establishment Division O.M. No.1/28/75-D.II/R.3/R.I, dated 18-02-1987 (Sl. No. 27) shall stand amended accordingly.

3. Ministries/Divisions are requested to bring these instructions to the notice of their Attached Departments/Subordinate Offices.

[Authority:– Estt. Div.'s OM No. 1/28/75-D.II/R.3/R.I, dated 11th April, 2000]

Sl. No. 27-B
Deputation of Government Servants

Reference Establishment Division's O.M. No. 1/28/75-D.II/R-3/R.I, dated 18 February, 1987 (Sl. No. 27) as amended vide O.M. of same No. dated 11th April, 2000 (Sl. No. 27-A) on the above subject. The term "deputation" as defined by the Supreme Court of Pakistan vide PLD 1981 SC 531 means that a government servant begins to be regarded as a "deputationist" when he is appointed or transferred, through the process of selection, to a post in a department or service altogether different from the one to which he permanently belongs, he continues to be placed in this category so long as he holds the new post in an officiating or a temporary, capacity, but ceases to be regarded as such either on confirmation in the new post or on reversion to his substantive post.

2. According to the judgement of Federal Services Tribunal in Appeals No. 39 and 40 (R)(CS)/2003 (M/s Liaqat Ali Chaudhry and others Vs Federation of Pakistan), up-held by the Supreme Court of Pakistan, as interpreted by the Law, Justice and Human Rights Division, all the incumbents who are deputed to work in an agency foreign to the service to which they belong, are entitled to draw Deputation Allowance.

3. In view of the position stated above, the Finance Division have issued orders/instructions vide their O.M. No. F.5 (8) R-2/2007, dated the 4th July, 2007 stating that deputation allowance may be granted to all officers/officials of Ministries/Divisions/Departments who have been transferred and posted on deputation basis or under Section 10 of Civil Servants Act, 1973*, to a post in a department or service altogether different from the one to which they permanently belong.

4. In view of the above, Ministries/Divisions are advised that hence-forth the Notifications/Orders issued by them regarding the deputation of their officers/officials to a department/office altogether different from the one to which they actually belong, must invariably state that:

- (i) The incumbent will be entitled to deputation allowance.
- (ii) The period of deputation shall be three years extendable by two years, with the approval of the competent authority.

[Authority:- Estt. Div.'s O.M. No. 1/18/2007-R-1, dated 10th December, 2007].

Sl. No. 28
Deputation Period – Absorption of Deputationists

In continuation of Establishment Division's O.M. of even number, dated 15.10.1979 (Annex), it is stated that:-

- (1) The normal deputation period, for all categories/grades* of

* Chapter 1, Sl. No.2.

* BPS.

government servants, shall be three years, extendable for another two years with prior permission of the Establishment Division. A government servant shall not, however, remain on deputation to another government organization or an autonomous body/corporation etc for more than five years.

- (2) If a person is on deputation to a government organization, and has completed the maximum tenure of five years, he must revert or be reverted by the borrowing office to his parent/lending organization of the expiry of that period; otherwise, the Audit Offices concerned shall not make payment of salary and allowances to him beyond the date of expiry of five years, unless specifically authorized by the Establishment Division.
- (3) If a person is on deputation to an autonomous organization/corporation etc, and has completed the maximum tenure of five years, it will be obligatory for that person to report back to his parent/lending organization on the expiry of that period, irrespective of his being relieved by the borrowing corporation/body etc. Failure to report back, unless specifically authorized otherwise by the Establishment Division, will be construed as 'Misconduct' and make him liable to disciplinary action under the government servants (Efficiency and Discipline) Rules, 1973**.
- (4) In case a deputationist is proposed to be absorbed permanently in the borrowing office (either a government organization or a corporation etc), such a proposal shall be initiated by the borrowing office at least six months before the expiry of the deputation period of the deputationist concerned. Such a proposal, with the written consent or request of the deputationist, shall be made by the borrowing office to the lending office (or parent office of the deputationist) which shall convey its decision(if necessary, in consultation with the Establishment Division) to the borrowing office as well as the deputationist, by the expiry of the term of his deputation. In the event of non-acceptance of the proposal, the individual shall revert back to his parent office as indicated at (2) and (3) above.

2. Ministries/Divisions are requested to bring these instructions to the notice of the officers/staff of their Secretariat/Attached Departments/ Subordinate Offices/Corporations etc.

[Authority.— Estt. Division O.M. No.1/28/75-D.II(CV), dated 4-11-1980].

(ANNEX)

** Chapter 9, Sl.No. 85, Vol. II or Sl. No. 185, as the case may be.

(See Sl. No. 28)

[Copy of the Establishment Division's O.M.No.1/28/75-D-II (CV) dated 15-10-1979]

In spite of instructions issued on the subject, cases have come to the notice of the Establishment Division where government servants whose services were placed on deputation with other departments/organizations for a specified period have not been returned to the lending departments after the expiry of their tenure of deputation. What happens is that either a deputationist does not want to come back to his parent department or the borrowing department does not allow him to revert to his parent department on expiry of his term of deputation. This practice is against the interest of efficient administration.

2. It has now been decided that in no case a government servant should remain on deputation to another department or autonomous body for more than five years. If a government servant has completed his maximum period of deputation, and the department still feels the need of his services, the borrowing department/organization should write to the lending department to replace him by another government servant of the same grade and qualification, failing which the borrowing organization would make their own arrangements. If a person is not willing to come back to his department on expiry of the period of his deputation and tenders his resignation, that may normally be accepted.

3. All Ministries, Divisions and Departments are requested to review the cases of deputationists and take necessary action in the light of the above instructions.

4. This supersedes all previous instructions on the subject.

Sl. No. 28-A

Deputation of Government Servants – Normal Period of Deputation and Extension

Reference Establishment Division's OM No. 4/11/84-R-I(A), dated 20-11-1986 (Annex to Sl. No. 27), addressed to all Federal Secretaries/ Provincial Chief Secretaries, wherein the following directive of the Prime Minister was communicated:

- (a) In all cases of appointment on contract, re-employment, secondment or deputation, the period of appointment should be clearly specified.
- (b) On the last date of the specified period the officer should automatically stand relieved of his duties unless the orders of the competent authority have been obtained in advance for extending the period.

2. The Ministries/Divisions were accordingly directed to specify the period of appointment in those cases where it was not specified and to ensure that no officer was appointed on contract, re-employment, secondment or on deputation without specifying the period of appointment. It was also directed that on expiry of the specified period, the officer should be relieved of his assignment forthwith unless the period has already been extended by the competent authority.

3. The standard terms and conditions of deputation which were drawn in consultation with Finance Division and circulated vide Establishment Division's OM No. 1/13/87-R.I, dated 03-12-1990 (SI.No.30), provide that "the normal period of deputation for all categories of government servants will be three years. This will be extendable maximum by two years with the prior approval of the competent authority" i.e. Establishment Division.

4. The policy guidelines issued with the approval of the Chief Executive and circulated vide Establishment Division's OM No.1/28/75-II/R-3/R.I, dated 11-4-2000 (SI. No. 27-A) also provided that "the normal period of deputation should be three years and no extension beyond three years may be allowed without prior approval of Establishment Division."

5. Despite the above cited instructions, it has been noticed with concern that in some cases neither the period of deputation is specified by the Ministries/Divisions concerned nor the incumbents are relieved of their duties on the expiry of specified period of deputation, and thus they continue to serve in the borrowing department without the prior approval of the competent authority, resulting into administrative problems and legal issues due to non adherence to the instructions of the government.

6. The Ministries/Divisions are once again advised to strictly observe the directions of the Prime Minister as referred to in paras 1 and 2 above and instructions issued by Establishment Division as referred to in paras 3 and 4 above.

7. The above instructions may also be brought to the notice of all corporations and Autonomous/Semi-Autonomous Bodies under the administrative control of Ministries/Divisions.

[Authority:– Estt. Div. OM No. 1/28/75-D.II/R.3/R.I, dated 04-03-2005].

SI. No. 28-B Terms and Conditions of Deputation of Civil Servants

Reference the instructions contained in Estab. Division's OM No. 1/28/75/D.II/R.3/R.I, dated 5.7.1995, on the above subject. The aforesaid instructions have been reviewed and it has been decided with the approval of the Prime Minister that civil servants who are on probation on promotion to a higher post may be allowed to proceed on deputation. However, this concession will not

be admissible to those civil servants, who are on probation on initial appointment and have to pass/qualify a prescribed examination, test or course/training for the successful completion of their probation.

2. Ministries/Divisions are to bring above instructions to the notice of Attached Departments/Subordinate Offices under their administrative control.

[Authority:– Estt. Div.'s OM No. 1/28/75/D.II/R.3/R.I, dated 14.02.2007]

Sl. No. 29
Deputation Not a Method of Appointment

Reference Establishment Division's O.M.No.1/28/75-D.2/R.3/R.I, dated 18th February, 1987 (Sl.No. 27), wherein the normal period of deputation for all categories of government servants had been fixed as three years, extendable by another two years with the prior approval of the competent authority. Under the said instructions, Secretaries of the Ministries/Divisions concerned were authorized to grant extension in deputation period beyond the initial period of three years in respect of government servants holding posts in BPS 17 to BPS 19.

2. It has been observed, however, that there is a growing tendency to resort to postings through deputationists despite the fact that deputation is not a normal prescribed method of appointment as, under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973*, three methods of appointments are required to be made either by promotion or by initial appointment or by transfer. The method of appointment to posts is also prescribed in the recruitment rules. Filling-up the posts through deputation, if not provided so in the recruitment rules, leads to following adverse implications:-

- (i) In case of promotion posts, the promotions of departmental personnel are delayed/stopped.
- (ii) In case the post is required to be filled through initial appointment, quota of a particular province is affected.

3. In order to bring the deputation policy in conformity with the present policy of postings and transfers circulated vide Establishment Division's O.M.No.10/10/94-R.2, dated 22nd March, 1994, (Sl. No.3) and also to discourage the increasing tendency of postings through deputation, it has been decided that, in future, the deputation period will be limited to three years only. A maximum two years extension in the deputation period will be considered only in exceptional cases, in the public interest, and with the prior approval of the Establishment Division in all cases of government servants in BPS 17 and above. The extension cases shall be forwarded to the Establishment Division at least six months before the expiry of the three-year deputation period and with proper justification for the proposal. However,

* Chapter 2, Sl.No.1.

no deputation proposals will be entertained which will adversely affect the method of appointment to the post as laid down in the recruitment rules. Accordingly, all such proposals must invariably be accompanied by a formal assurance signed by at least the Joint Secretary (Admn) to that effect.

4. Ministries/Divisions are requested to also bring these instructions to the notice of their Attached Departments, Subordinate Offices, Corporations, Autonomous Bodies, etc, under their administrative control, for guidance/strict compliance. It may please be noted that arrangements have been made in consultation with the Auditor General's Office whereby payment of emoluments etc. to those on deputation will be stopped forthwith, immediately following the completion of the three-year deputation period, unless the Establishment Division's prior approval has been obtained and conveyed to the concerned Audit Circle.

5. The existing instructions on this subject issued vide Establishment Division's O.M.No.1/28/75-D.2/R.3/R.I, dated 18th February, 1987 (Sl.No. 27), stand modified to the above extent.

[Authority.— Estt. Division O.M. No.1/28/75-R.I, dated 14-3-1995].

Sl. No. 29-A

Deputation of Government Servants – Procedure for Extension

Reference Establishment Division O.M. No. 1/28/75-D.II/R.3/R.I, dated 6.10.1994 read with OM dated 14.3.1995 (Sl. No. 29) on the above subject. According to the standing instructions contained in this Division OM dated 6.10.1994 cases for extension in deputation period are required to be forwarded to the Establishment Division at least six months before the expiry of initial period of deputation failing which no extension in deputation period would be granted and the officers concerned would be considered repatriated to their parent department/organization on expiry of initial period of deputation.

2. It has, however, been observed that, at times, the Ministries/Divisions send cases to this Division for extension in deputation period long after the expiry of initial deputation period. This practice is decidedly against policy instructions on the subject and need to be avoided.

3. Ministries/Divisions are, therefore, requested to comply with the standing instructions, referred to above, strictly and to ensure that cases for extension in deputation period are forwarded to Establishment Division six months before the expiry of initial period of deputation with proper justification.

[Authority:— Estab. Div. OM No. 1/28/75-R.I, dated 30th October, 2000]

Sl. No. 30

Terms and Conditions of Deputation of Civil Servants to Foreign Service in Pakistan*

The instructions governing the terms and conditions of transfer of civil servants to foreign service in Pakistan** are contained in FR.114 and various O.Ms. issued by the Finance Division/Establishment Division from time to time. Since these instructions are scattered over a number of O.Ms. enquiries have been received from Ministries/Divisions regarding applicability of these instructions in their correct perspective. Accordingly, standard terms and conditions of deputation of civil servants [to foreign service in Pakistan]*** have been drawn in consultation with the Finance Division and are given below:-

1. Period of Deputation

The normal period of deputation for all categories of government servants will be three years. This will be extendable maximum by two years with the prior approval of the competent authority.

2. Pay

Pay in BPS as admissible under the government from time to time.

3. Deputation Allowance

Deputation allowance will be admissible at 20% of the basic pay subject to a maximum of Rs. 6000 per month (both for Management Grade and non-Management Grade posts*).

4. Travelling Allowance

Travelling allowance will be admissible in accordance with the ordinary TA rules of the government except that where TA rules of the borrowing organization are more favourable the latter will apply.

5. Conveyance

(i) In case official car has been provided to the deputationist by the borrowing organization, it should be used for official purpose only, except where employees of the borrowing organization in an equivalent rank are entitled to free use of official car for both official and private purpose, the same facility would be admissible to the deputationist subject to the prescribed petrol limit.

* The words 'to foreign service in Pakistan' deleted vide Sl. No. 30-B.

** The words 'foreign service in Pakistan' substituted with the words 'on deputation', vide Sl. No. 30-B

*** Omitted vide Sl. No. 30-B.

* See Sl. No. 30-A

- (ii) If the deputationist is entitled to official car in his capacity as a government servant, excluding the official transport provided on a specific post, he shall continue to enjoy the facility on the same terms.
- (iii) If the deputationist is the chief executive of the autonomous/semi autonomous body, he will be permitted free use of official car, for official and private purpose subject to the condition that the total petrol consumption will not exceed 180 liters in a month, in case the deputationist is in **[BPS 20 or] BPS 21 and 240 liters in case he is in BPS 22.
- (iv) If official transport is provided both for official and private purpose, the residence-office conveyance allowance shall not be permissible.
- (v) In case official transport is not provided, or if provided, is not used for journey between office and residence, residence-office conveyance allowance will be admissible at specified stations, at the rates and on the conditions laid down in para-8 of the Finance Division's O.M.No. F.1(1) IMP.11/77, dated 28.4.1977, as amended from time to time. For occasional travel, the mileage/conveyance rates, admissible in the government will be applicable.

6. Residential Facility

- (i) Accommodation may be provided to the deputationist, of a standard not inferior to what is normally admissible to him as a government servant, subject to deduction of 5% of his emoluments. If accommodation is not provided, the deputationist will receive house rent allowance, at a rate fixed by the government from time to time. If the deputationist is the chief executive of the autonomous/semi autonomous body, free unfurnished accommodation may be provided except where an official residence has already been constructed by the autonomous/semi autonomous body.
- (ii) The facility of hiring of a house owned by a civil servant will be admissible to a civil servant appointed on deputation in an autonomous body as provided under rule 22 of Pakistan Allocation Rules, 1971*.

** Amended vide Estab. Div. OM No. 1/13/87-R.I, dated 15-12-1991.

* Pakistan Allocation Rules, 1971 were repealed by Pakistan Allocation Rules, 1993 vide Works Division's Notification No. SRO 1006(1)/93, dated 20-10-1993 (pages 19-40, Common Services Manual (Vol. II) PPARC, M.S. Wing, Estt. Div. 2003). Pakistan Allocation Rules, 1993 were repealed by the Accommodation Allocation Rules, 2002 vide Works Division's Notification No. SRO 749(I)/2002, dated 30-10-2002 (pages 41-69, of the document ibid).

- iii) In case accommodation is to be hired for the deputationist, the rental ceiling laid down by the Works Division in the Pakistan Allocation Rules, 1971*, as amended from time to time, or that applicable to employees of equivalent rank in the borrowing organization, whichever is beneficial to the deputationist, will be applicable.

7. Medical Facility

Medical facilities may be allowed, in accordance with the relevant rules of the borrowing organization provided that these facilities will not be inferior to those admissible under the government.

8. Pension Contribution **

Pension contribution will be payable by the borrowing organization to government at $33\frac{1}{3}\%$ of the mean of minimum and maximum of the pay scale of the post, held by the government servant concerned at the time of his proceeding on foreign service, plus other emoluments reckonable for pension, which would have been admissible to him had he not been deputed to foreign service.

9. Leave Salary

No leave salary contribution shall be payable by the borrowing organization, but leave/leave salary shall be sanctioned/paid during the period of deputation, by the borrowing organization. The Federal Government employees sent on deputation who are granted leave and paid leave salary by the borrowing organization shall not count the period spent on deputation for earning leave under the Government of Pakistan on their return. However, the leave earned by a civil servant, but not availed/allowed during the period of his deputation in Pakistan will be credited to his leave account on reversion to government department. For this purpose, the autonomous bodies and corporations will maintain proper leave accounts for the government servant on deputation with them. Encashment of leave will not be admissible in the case of government servants on deputation on the basis of the rules/regulations of the autonomous bodies/corporations.

10. Disability Leave

The borrowing organization shall also be liable for leave salary, in respect of disability leave granted to the civil servant, on account of disability occurred in and through foreign service*, even though if such disability manifests itself after the termination of foreign service. The leave salary charges, for such leave, shall be recovered by the civil servant direct from the borrowing organization.

** Substituted as in para 3(iii), Sl. No. 30-B.

* deputation

11. G.P. Fund etc.

During the period of deputation, the civil servant concerned will continue to subscribe to the G.P. Fund**, the remittance of which shall be supported with a G.P. Fund schedule, mentioning therein the G.P. Fund Account Number and the name of the Accounts Officer, maintaining the account. The remittance should be made to the parent office of the government servant concerned. The parent office will send copies of challans and schedules, to the Accounts Officer concerned for necessary action. As regards the Benevolent Fund and Group Insurance premium contribution, this should be remitted directly, by the government servant concerned, through the normal banking channel, to the Board of Trustees, Federal Employees Benevolent and Group Insurance Funds, Islamabad with the prescribed schedule, duly completed***.

12. Change in Terms of Deputation

The civil servant on deputation will continue to be under the rule-making control of the lending government, in matters of pay, leave, pension, G.P.Fund, etc. The lending government accordingly, will have a right to determine, in consultation with the borrowing organization, the terms of his employment under the latter and these terms shall not be varied by the borrowing organization, without consulting the lending government.

13. Joining Time, Pay and TA

The borrowing organization will pay for the joining time granted on transfer to and reversion from deputation, at the rate prescribed by the Federal Government. It will also pay TA to the deputationist for journeys performed by himself on transfer to and reversion from foreign service.

14. Encashment of LPR

A civil servant on deputation who is due to retire from government service either on completion of 30 years qualifying service or on attaining the age of superannuation, may draw the encashment of LPR from the borrowing organization, if he continues to work during the whole period of his LPR/last year of his service, without repatriation of his services.

** For GP Fund subscriptions, see Sl. No. 10 & 11, Chapter 11, Vol. II.

*** For Benevolent Fund & Group Insurance, see Chapter 12, particularly, Sl. Nos. 1, 2, 3, 4, 5, 6 and 8.

15. Compensatory Allowance

*[If, by reason of his transfer to foreign service **, the government servant loses any privilege or concession of pecuniary value which he would have enjoyed in government service or is constrained to incur extra expenditure due to the nature of his duties in foreign service or to the circumstances in which those duties are performed, he may be allowed a compensatory allowance or other suitable concession with the prior concurrence of the competent authority. This will include Personal Allowance admissible w.e.f. 1st June, 1994 vide para 5(i) of Finance Division's O.M. No. F.1(2)-Imp/94(i) dated 15th June, 1994***. Such personal allowance in case of BPS 17 to BPS 22 employees shall be reduced equal to annual increments and shall cease as his pay is increased equal to or more than his personal allowance].

16. Qualification Pay/Allowance

The deputationist would also be entitled to draw qualification pay/allowances which he has been drawing in his parent department. The qualification pay/allowance will not be related to the job but will be personal to the incumbent for possessing certain qualifications or passing an examination.

2. The above instruction shall come into force from the date of issue of this O.M. and shall replace the existing orders/instructions on the subject.

[Authority.– Estt. Division O.M.No.1/13/87-R.I, dated 3-12-1990].

Sl. No. 30-A

Terms and Conditions of Deputation of Civil Servants to Foreign Service in Pakistan

Reference this Division's Office Memorandum of even number dated 3.12.1990 (Sl. No. 30), as amended from time to time Item No. 3 (Deputation Allowance) of the aforesaid OM be substituted as under with immediate effect:-

“@ 20% of the basic pay subject to a maximum of Rs. 6000/- per month (both for Management Grade and non-Management Grade posts)”

2. This issues with the concurrence of Finance Division as contained in their O.M No. 3(3)/R.3/2006-360, dated 27.5.2006.

* Subs. vide Establishment Division OM No. 1/13/87-R-I, dated 12-2-1995

** 'deputation'.

*** Chapter 10, Sl. No. 12.

[Authority:– Estab. Div. OM No. F. No. 1/13/87- R.I, dated 12th June, 2006]

Sl. No. 30-B *
Terms and Conditions of Deputation of Civil Servants

The term “deputation” as defined by the Supreme Court of Pakistan vide PLD 1981 SC 531 means that a government servant begins to be regarded as a “deputationist” when he is appointed or transferred, through the process of selection, to a post in a department or service altogether different from the one to which he permanently belongs, he continues to be placed in this category so long as he holds the new post in an officiating or a temporary capacity but ceases to be regarded as such either on confirmation in the new post or on reversion to his substantive post.

2. According to the judgement of Federal Services Tribunal in Appeals No. 39 and 40 R (CS)/2003 (M/S Liaqat Ali Chaudhary and others vs Federation of Pakistan), upheld by Supreme Court of Pakistan, all the incumbents who are deputed to work in any agency foreign to the service to which they are entitled to draw deputation allowance.

3*. In view of the above, the standard terms and conditions of deputation to foreign service in Pakistan issued by the Establishment Division vide its OM No. 1/13/87 R.1, dated 3.12. 1990 (Sl. No. 30) have been reviewed in consultation with the Finance Division and following amendments have been made in the aforesaid instructions:-

- (i) The words “to foreign service in Pakistan” mentioned in “subject” may be deleted.
- (ii) The words “to foreign service in Pakistan” mentioned in opening paragraph may be substituted with the words “on deputation”. The words “to foreign service in Pakistan” appearing in line 10 of para 1 may be omitted.
- (iii) Item No. 8 Pension Contribution may be substituted as under:-

“When a civil servant is posted on deputation basis to autonomous/semi-autonomous bodies/corporations etc. pension contribution shall invariably be made by the borrowing

* See also Sl. No. 26.

* See Sl. No. 30, footnotes.

organization at the prescribed rate."

[Authority:— Estt. Div.'s OM No. 1/13/87-R.I, dated 04-04-2007]

Sl. No. 30-C

Terms and Conditions of Deputation of Civil Servants to Foreign Service in Pakistan

Reference Estab. Div. OM No. 1/13/87 R.I, dated 12th June, 2006 (Sl. No. 30-A) on the above subject. It is stated that the words "with immediate effect" appearing in line 4 of para 1 of the said OM may be substituted with the words/figures "w.e.f. 1.7.2005".

[Authority:— Estt. Div.'s OM No. 1/13/87, dated 9th December, 2006]

Sl. No. 31

Grant of Deputation Allowance

The term "deputation" has not been defined in the Civil Servants Act, 1973* and the rules made thereunder. However, in its judgement (PLD 1981 SC 531), the Supreme Court of Pakistan has enunciated the following explanation of the term deputation:

"According to the practice in vogue, a government servant begins to be regarded as a 'deputationist' when he is appointed or transferred, through the process of selection to a post in a department or service altogether different from the one to which he permanently belongs. He continues to be placed in this category so long as he holds the new post in an officiating or a temporary capacity but ceases to be regarded as such either on confirmation in the new post or on reversion to his substantive post."

2. On the basis of the above cited explanation, appointment of a civil servant of the Federal Government, other than an officer of the APUG, to a post in the Provincial Government would fall within the definition of deputation.

3. For the purpose of entitlement of deputation allowance, however, the above cited explanation of the term 'deputation' is not relevant because deputation allowance sanctioned in Establishment Division O.M. No. 1/13/87-R.I, dated 3rd December, 1990 (Sl. No.30) is admissible only on "deputation of civil servants to foreign service in Pakistan". The term "foreign service in Pakistan" has been defined in Rule 9(7) of the Fundamental and Supplementary Rules. According to these

* Chapter 1, Sl. No. 2.

rules, a government servant is considered to be on deputation to foreign service in Pakistan when he receives his pay from outside the general revenues of the federation, or a province or railways fund. This means that deputation allowance is not admissible if a person is on deputation to a department of Federal or Provincial Government even outside the normal line of his service because he continues to receive his salary during such deputation from the general revenues of the federation or a province. Deputation allowance is thus admissible only in cases of 'deputation to foreign service in Pakistan' as defined in FR.9(7) and it is not admissible in cases of deputation to Ministries/ Divisions, Attached Departments or Subordinate Offices of Federal Government or Provincial Government or Railways.

4. It is requested that the Finance Division may kindly tender their advice on the point raised at para 2 above.

[Authority.– Estt. Division O.M.No. Dy.875/98-DS(E.I), dated 2-4-1999].

Sl. No. 32 Clarification About Deputation Allowance

Reference Establishment Division's O.M. No.Dy.875/98-DS(E.I), dated 2.4.1999 (Sl.No.31) on the subject noted above. In accordance with the existing policy instructions issued by the Establishment Division vide O.M. No.1/13/87-R.I, dated 03.12.1990 (Sl.No. 30), deputation allowance is strictly allowed to all government servants including Provincial Governments who are deputed under the standard terms of deputation in light of Circular quoted above. It is also confirmed that term "a foreign service in Pakistan", has been covered in rule 9(7) of the Fundamental and Supplementary Rules.

2. It is, therefore, clarified that a government servant is considered to be on deputation to foreign service in Pakistan when he receives his pay from outside the general revenues of the federation or a province or railway funds. Subsequently, deputation allowance would not be admissible to a person on deputation to a department of Federal or Provincial Government even outside the normal line of his service because he continues to receive his salary during such deputation from the general revenue of federation or a province.

[Authority.– Finance Division O.M. No. F.12(1) R.3/99-386, dated 13-5-1999].

Sl. No. 33 Instructions to Regulate Cases of Transfers/Deputation of Staff from One Office to Another

The following instructions are issued to regulate cases of transfers from one

office to another of the ministerial staff employed in the Pakistan Federal Secretariat and its Attached Departments with particular reference to the position of a deputationist in his parent office as well as in the borrowing office.

2. Should temporary transfers to other offices be allowed (i) as a normal course, or (ii) only if considered necessary in the public interest.- Transfers should be allowed only in the public interest. The term "public interest" is explained in paragraph 4 below.

3. Should a transfer be allowed (i) normally in the same grade^{*}, or (ii) only if it involves promotion. It does not appear necessary to lay down any hard and fast rules in this respect, since as stated in paragraph 2 above, transfers will be allowed only, if necessary, in the public interest, and it would, therefore, be immaterial whether a transfer is in the same grade^{*} or whether it involves promotion.

4. What should be done to ensure that the claims to promotion of those already employed in the borrowing office have been satisfied.- (a) It has been decided that, in fairness to the persons employed in the office in which a vacancy occurs, a person from another office should be appointed only if no person eligible and suitable for appointment is available in the office concerned. For this purpose, it should be placed on record by the appointing authority, or the Departmental Promotion Committee concerned, as the case may be, that none of the persons eligible concerned, for appointment from amongst the persons is available in the office. The reasons for declaring the persons employed in the office concerned as unfit for appointment to the post in question should be recorded by the authority concerned. When a person is appointed by transfer in the circumstances stated above, his transfer should be considered to have been made in the public interest. (b) When a transfer becomes necessary in the manner referred to above, it should be arranged between the offices concerned without a reference to any outside authority. It may be pointed out that a transfer should be made only if it is permissible under the relevant rules relating to recruitment to the post or service concerned. In this connection, attention is also invited to the Establishment Division Office Memorandum No. 54/2/48-Estt. (ME), dated the 21st November, 1949.

5. The position in his parent office of the person transferred temporarily to

* BPS/post. See section 10 of Civil Servants Act, 1973, Chapter 1, Sl. No. 2.

another office.- When a transfer has been made in the public interest as explained in paragraph 4 above, the interests of the person concerned should be protected in his parent office until he is confirmed in the borrowing office. For this purpose, when a vacancy occurs in a higher grade ★ in his parent office, the person concerned should be considered therefor, and if he is selected for promotion in accordance with the relevant rules, he should be appointed formally (and not actually) to the post in the higher grade. Similarly, if he was officiating, at the time of his transfer, in post a higher than the one in which he was employed permanently, he should be considered for confirmation in the higher post when his turn comes. This would enable him to occupy, on reversion to his parent office, the position which he would have occupied had

'next rule★' should, however, be allowed to him in respect of a promotion nor

* Note:

Next Below Rule: In initial substantive appointment of a government servant, his pay is fixed, if he holds a lien, on a permanent post in this manner: if the appointment involves assumption of duties and responsibilities of greater importance than those of the permanent post, he will draw as initial pay the stage of time scale next above substantive pay in respect of the old post. When appointment to the new post does not involve such assumption, he will draw, as initial pay at the stage of the time scale equal to his substantive pay in respect of the old post, or if there is no such stage, the stage next below that pay plus personal pay equal to the difference, till he earns an increment in the time scale of the old post or in the time scale of the new post, whichever is less, but if the minimum in the time scale of the new post is higher than his substantive pay, he will draw that minimum as initial pay. The guiding principle for the working of the next below rule, as given in FR 30(10) is that an officer outside his regular line should not suffer by forfeiting acting promotion had he remained in his regular line. Thus a fortuitous acting promotion of a junior officer to an officer outside the line of promotion, does not give rise to claim under the next below rule.

Procedure for regulating pay under the 'next below rule': The Governor General has sanctioned the adoption of the following guiding principle in regard to the working in future of the 'next below' rule. The intention of the so-called rule was apparently that an officer out of his regular line should not suffer by forfeiting acting promotion which he would otherwise have received had he remained in his regular line. From that it follows that the fortuitous acting promotion of some one junior to an officer who is out of the regular line does not, in itself, give rise to a claim under the 'next below' rule. Before such a claim is established it should be necessary that all the officers senior to the officer who is out of the regular line have been given acting promotion, and also the officer next below him, unless in any case the acting promotion is not given because of inefficiency, unsuitability or leave. In the event of one of these three bars being applicable to the officer immediately below the officer outside his regular line, some other officer, even more junior should have received acting promotion and the officers, if any, in between should have been passed over for one of these reasons.

(Late Govt. of India Finance Department Endst. No. F.27(1)-EX-I/36, dated the 20th February, 1936 and Home Department No. F. 52/36, dated the 6th February, 1936).

The Ministry of Finance has had under consideration the question of operation of the 'next below rule' in the offices of the Government of Pakistan. The "next below rule" was a temporary expedient designed to protect government servants from monetary loss and in effect meant the temporary upgrading of posts. It was originally intended that the expediency should not last more than six months in individual cases. Whatever may have been the held advantage in the past to leave a man undisturbed in the post by him if the exigencies of the public service required it, the need for such, considerations does not exist at present. It is the considered opinion of this Ministry that the concessions of the 'next below rule' should not be permitted except in very exceptional circumstances and that too for very short periods. It has been decided, therefore, that the cases wherein the benefit of the 'next below rule' has been conceded should be reviewed forthwith. The Ministry of Interior/etc. should take steps either to obtain the approval of this Ministry for the continuance of that benefit or

should he be placed in an advantageous position vis-a-vis his colleagues in his parent office, by virtue of his promotion, if any, in the borrowing office. In other words, he should be considered, while on temporary deputation to the other office, as a member of his parent office for the purpose of confirmation, promotion, seniority etc. He should be allowed to revert to his parent office with the agreement of both the lending and the borrowing offices.

6. Seniority on transfer from one office to another.- (i) The instructions in the foregoing paragraphs regulate the position of a deputationist in his parent office. As regards his seniority in the office to which he is transferred, it should be determined in the following manner:-

- (a) When it is open to the person concerned to accept or refuse an offer of appointment in another office, he should count his seniority in the new office from the date of his transfer to that office.
- (b) When a person is compulsorily transferred to another office as a result of conscription, or alongwith the post and his work, he should be allowed to count his previous continuous service in the grade towards seniority in that grade in the new office.

It may be pointed out that separate seniority lists should be prepared in respect of (i) persons appointed on a permanent or a quasi-permanent basis; and (ii) persons appointed on a purely temporary basis, and the person obtained by transfer from another office should be assigned his appropriate place, in accordance with the above instructions, in the list of the persons to which category he belongs.

(ii) The seniority* of a person, who went on deputation from one office to another before 31st March, 1951, should be determined in his new office, in accordance with the following instructions:-

- (a) In order to get the benefit of continuous service in a **grade, a deputationist be permanent in that **grade in his parent office, and not merely eligible for being made permanent. In case, however, he is subsequently made permanent in a **grade in his parent office from a retrospective date, his seniority should be changeable in the borrowing Ministry/ Department, and he should be considered to be permanent on the date of transfer, and given the benefit of his continuous service in the borrowing Ministry/Department in that grade;
- (b) A deputationist can get the benefit of his continuous service in a **grade

to revert the government servant concerned to his parent office.

(Ministry of Finance O.M. No. 1196-R.E.-G./47, dated the 7th December, 1947)

* For seniority, see also Civil Servants (Seniority) Rules, 1993, Chapter 2, Sl. No. 147.

** BPS/post. Chapter 2, Sl. No.1.

in the borrowing Ministry/ Department only if he is appointed in the borrowing Ministry against a regular post in accordance with the roster prescribed in the Establishment Division Office Memorandum No. 54/2/48/Ests. (ME), dated the 21st November, 1949. If, however, he is appointed in the borrowing Ministry/Department against a temporary post, he will take seniority with effect from the date he is appointed against a regular post, and all persons in the borrowing Ministry who are permanent in that grade, or have been appointed according to the prescribed roster on the date of the deputationists temporary appointment, will take seniority over him.

7. Transfers as a result of conscription.- The interests of the person transferred compulsorily to another office as a result of conscription should be adequately protected in his parent office as stated in paragraph 5 above. In addition, when his turn for promotion to a higher grade comes in his parent office, he should be appointed to the post actually and be allowed the financial benefit of the "next below rule"***.

8. Transfers alongwith posts.- As regards persons who are transferred to another office alongwith their posts, the question of the protection of their interest in their parent office will not arise, since they will be transferred on a permanent basis and will thus sever their connections with the previous office.

9. Protection of interests of temporary persons.- The above instructions apply to persons who hold permanent posts in their parent offices. As regards persons employed on a temporary basis, there is no question of the protection of their interests in their previous office, since, on transfer to another office, they will automatically cease to be members of their previous office. If, however, an occasion arises in which a temporary person is compulsorily transferred to another office as a result of conscription, the question regarding the protection of his interests in his original office should be decided in consultation with the Establishment Division.

10. Persons holding excluded posts^{*}.- Persons employed against "excluded posts" in the Pakistan Federal Secretariat and its Attached Departments are not eligible for appointment to posts in the regular cadre, vide Establishment Division Office Memorandum No. 54/I/48/Est. (ME), dated the 24th August, 1948. If a case arises in which a person holding a permanent appointment in the regular cadre is appointed temporarily to a post in the "excluded cadre", in view of his special or technical qualifications, his case should be considered as one of transfer to another office, and should be dealt with in the light of the instructions contained in the foregoing paragraphs.

11. These instructions take effect from the date of this Office Memorandum. It is necessary that, before a transfer is made, the position of the person concerned,

*** Note w.r.t para 5 above (Sl. No. 33)

* For excluded posts, see Establishment Manual, Vol III, 1968, Sl. No. 98, pp 140-143. For summary position, see Sl. No. 88.

both in his parent office and the borrowing office, should be specially determined in the light of these instructions and the decision communicated in writing to the person concerned as well as to the office to which he is transferred.

[Authority.– Estt. Division O.M. No. 6/15/48-ME, dated 31-3-1951 read with O.M. No. 6/39/57-ME, dated 5-2-1958].

Sl. No. 34

Right of Reversion to Temporary Government Servants

When the right of reversion is given to a temporary person, his case becomes analogous to that of a regular deputationist to some other office. Para 9 of the Office Memorandum, dated the 31st March, 1951 (Sl.No. 33) states the normal position in respect of temporary staff. If, however, the employing Ministry give the right of reversion to a temporary employee at their discretion, there is nothing wrong in it. The spirit behind the instructions contained in the Office Memorandum, dated the 31st March, 1951 (Sl.No. 33) was the protection of interests of deputationists to other offices while they are away.

[Authority.– Estt. Division U.O. Note No. 6/17/58-ME, dated 4-8-1958].

Sl. No. 35

Reversion of Probationers Undergoing Training at the Civil Services Academy to Their Former Post

It has been decided that a probationer, who holds lien against his former post where he was appointed otherwise than through Competitive Examination held by the Federal Public Service Commission, will be allowed to revert to that former post within 30 days of the commencement of common training programme at the Civil Services Academy. Such a probationer will not be allowed to revert, in any case, after the expiry of that period.

2. It is requested that the above decision may appropriately be incorporated in the offer of appointment in future.

[Authority.– Estt. Division O.M. No.1/17/87-T.V. dated 19-2-1987].

Sl. No. 36

Counting of Period of Formal Promotion Towards Increment on Reversion to Parent Office

It has been decided in consultation with the Ministry of Finance, that the persons, on deputation to other offices, who are appointed formally (and not actually) to officiate in accordance with paragraph 5 of the Office Memorandum, dated the 31st March, 1951 (Sl.No. 33), may be allowed to count the period of such officiating service towards increments in those higher posts, on reversion to their parent offices.

[Authority.– Estt. Division O.M. No. 6/15/48-ME], dated 30-1-1953].

Sl. No. 37

Gazetted and Non-Gazetted Technical Services

A question has been raised whether the instructions contained in the Establishment Division O.M. No. 6/15/48-ME, dated the 30th January, 1953 (Sl.No. 36) are applicable to Gazetted and non-Gazetted technical services also. The matter has been considered in the Establishment Division, and it has been decided that there should be no objection to the cases of officials of the gazetted and non-gazetted technical services being decided in accordance with these instructions provided that the procedure laid down in para 11 of the Establishment Division O.M. No. 6/15/48-ME, dated the 31st March, 1951 (Sl.No. 33) is observed in each case.

2. These instructions will take effect from 1st January, 1961.

[Authority.— Estt. Division O.M. No. 11/6/60-E, XI, dated 18-1-1961].

Sl. No. 38

Deputation of Section Officers Against Other Posts

A reference is invited to the Establishment Division O.M. No. 3/7/68-C.III, dated the 7th February, 1970 (Annex) on the above subject. It is stated that it has been decided that all applications of Section Officers for deputation to ex-cadre posts under the government or semi-government organizations will be in the first instance, scrutinised and examined by a Committee consisting of the Joint Secretary and Deputy Secretary of the Establishment Division and a representative of, at least Deputy Secretary's level, of the Ministry/Division under whose administrative control the ex-cadre posts in question belong.

2. All Ministries/Divisions are accordingly requested to forward all applications received from Section Officers for appointment to any ex-cadre posts to the Establishment Division at least one month before the last date prescribed for the receipt of such applications by the authority concerned. While forwarding any application to the Establishment Division, the Ministry/ Division concerned should certify that the candidate possesses the requisite qualifications and experience prescribed for the post and that they will have no objection to release him if he is selected for the appointment.

3. In cases where the Section Officers are to be considered alongwith officers belonging to other services the recruiting agency should invariably forward a copy of the notification to the Establishment Division for reference.

[Authority.— Estt. Division O.M. No.3/7/68-C.III(B), dated 23-10-1971].

(ANNEX)

(See Sl. No. 38)

[Copy of Establishment Division's O.M. No. 3/7/68-C-III, dated the 7th February, 1970].

It was decided by the government in early 1968, vide point No. 6 in the Establishment Division Office Memorandum No.1/ 11/66-C. III, dated the 14th February, 1968, that deputation of *CSS officers to autonomous bodies, attached/subordinate offices should be encouraged to give them field experience. Pursuant to that decision, Ministries/Divisions have been deputing officers to other organizations but apparently in a haphazard manner. The following guidelines are, therefore, laid down for observance by all concerned:-

(a) While framing recruitment rules for the posts in government and autonomous organizations for which the services of Section Officers can be gainfully utilized, the question of making them eligible for such appointments may be considered by the administrative

* Central Secretariat Service (CSS), now Office Management Group (OMG), Sl. Nos. 10 and 10-A, Chapter 8.

Ministries/Divisions concerned in consultation with the Regulations Wing of the Establishment Division and the *Central Public Service Commission, where necessary.

- (b) Where recruitment rules have already been framed, the question of revising them with a view to making a provision as proposed at (a) above, may be considered by the Ministries/Divisions concerned.
- (c) Where Section Officers are to be considered, alongwith officers belonging to other services, then applications may be invited by the recruiting agency. Such applications from Section Officers will invariably be routed through the Establishment Division vide their O.M. No. 1/8/62-C. III, dated the 14th May, 1966. (Sl.No.21).
- (d) For the posts against which only Section Officers are to be considered for appointment, the Ministries/Divisions concerned may place their requirements with the Establishment Division indicating:-
 - (i) Educational qualifications and experience prescribed for the post.
 - (ii) Pay Scale etc. prescribed for it.
 - (iii) Nature of the duties attached to it.
 - (iv) Method of selection.
 - (v) Any other special points required to be kept in view while making selection.
- (e) No Section Officer will be allowed to stay away on deputation for more than five years.

Sl. No. 39

Application of Section Officers for Ex-Cadre Posts

Instances have come to the notice of the Establishment Division that Ministries/Divisions are forwarding applications of their Section Officers for appointment against ex-cadre posts without prior clearance of the Establishment Division, and the matter is referred to this Division for appointment to such posts on ex-post facto basis. This practice is not in order and violates the instructions contained in this Division Office Memorandum No. 3/7/68-C.III, dated 7-2-1970 and 23-10-1971 (Sl. No. 38). Ministries/Divisions are requested kindly to adhere strictly to the instructions under reference.

[Authority.– Estt. Division O.M. No. 11/11/73-C.III(B), dated 2-4-1973].

Sl. No. 40

Procedure for Confirmation of Deputationists

Reference.–Ministry of Finance letter No.F.10(23) - EGII/ 48, dated the 10th June, 1949.

2. It has been brought to notice that there have been cases in which permanent officers belonging to a department or government while on deputation to

* Now Federal.

another department or government have been confirmed in the latter without the formal concurrence of the former which is essential as stipulated in the Ministry of Finance letter No. F. 10 (23)EGII/48, dated the 9th December, 1948. It is requested that when an officer is confirmed in the borrowing government or department, prior formal concurrence of the lending government or department as well as the consent of the officer concerned should be obtained.

[Authority.– Finance Division letter No. 600-RIII/52, dated 6-3-1952].

Sl. No. 41

Lien of Government Servants – Objective and Administrative Implications

F.R. 14-A(b) provides that the lien suspended under F.R. 14 (a) (2) cannot be terminated while the government servant remains in government service except on his written request. The effect of this provision is that in a case where a government servant is appointed in a substantive capacity to a permanent post outside the cadre on which he is borne, he can retain his suspended lien in his parent cadre for the entire period of his service under the government, vide Government decision below F.R. 14-A. It is possible that the exercise of this right will result in certain administrative difficulties in some cases.

2. These rules have been framed with a view to safeguarding the legitimate rights of government servants. It is not contemplated that their provisions should be so exploited as to cause administrative inconvenience to government. In a case, therefore, where the competent administrative authority feels that the retention of a suspended lien, on the post by a government servant after his appointment in a substantive capacity to an ex-cadre post for an indefinite period thereafter if the consent required for its termination under F.R. 14-A(b) is not given, is likely to cause administrative inconvenience, it is open to that authority not to allow, as a purely administrative measure, the making of the substantive appointment on the ex-cadre post. This is fully permissible and is not connected with the provisions of these rules. The Ministries and Divisions etc., may kindly note this for guidance and issue suitable instructions to the administrative authorities subordinate to them, emphasizing the necessity of having this point considered before substantive appointments in ex-cadre posts of government servants holding liens or suspended liens in the cadres administered by them are allowed. In this connection attention is invited to the Ministry of Finance endorsement No. 600-RIII/52, dated the 6th March, 1952 (Sl.No. 40) according to which borrowing departments etc., are required to consult the lending departments before confirming lent officers in the posts under the former's control.

[Authority.– Finance Division O.M. No. 8/36/59-E. XII, dated 13-3-1961].

Sl. No. 42

Confirmation of Deputationists by Borrowing Offices

There are a number of government servants who are substantive holders of permanent posts in one office but are on deputation to another. It has been brought to the notice of the Establishment Division that some times when such a government servant, during the course of his service in the borrowing office, is confirmed, the parent office is not informed. As this practice causes administrative inconvenience to the parent office, it should be avoided. As laid down in the Ministry of Finance letter No. 600-RIII/52, dated the 6th March, 1952 (Sl. No. 40), permanent officers belonging to a government or department, while on deputation to another government or department, should not be confirmed in the latter without the prior formal concurrence of the former and the consent of the officer concerned. Once such confirmation is decided upon, after taking also into consideration the point emphasized in the Establishment Division O.M. No. 8/36/59-E.XII, dated the 13th March, 1961 (Sl. No.41), a copy of the resultant confirmation orders should be endorsed to the lending government or department.

2. Should such a government servant continue to serve the borrowing government or department till the time of his retirement from service, information to the effect that he is being retired should be furnished to the lending government or department, unless the lien of the government servant in his parent cadre had been terminated at the time of his confirmation in the ex-cadre post, as visualized in the Establishment Division Office Memorandum, dated the 13th March, 1961 (Sl.No. 41), referred to in the preceding paragraph.

[Authority.– Estt. Division O.M. No. 8/7/64-F.I, dated 19-10-1964].

Sl. No. 43

Bar Against the Use of the Term "Deputation Allowance"

It has been brought to notice that Ministries and Divisions frequently sanction "deputation allowance" for government servants without specifying the reason for the allowance.

2. At the outset, it may be stated that the term "deputation allowance" has not been used in the F.Rs and under those rules special duty or "deputation within Pakistan" is not recognized vide Audit instruction below F.R. 40. Such cases are correctly described as cases of temporary transfer. The use of the term "deputation allowance" to denote an addition to pay or an allowance granted to a government servant on his transfer from one department to another is technically incorrect and not recognized under the FRs. The position under these rules is that:

- (1) if on transfer from one department to another a government servant is appointed to a post for which pay and allowances have already been fixed he should, ordinarily, draw the pay and allowances attached to that post;

- (2) if he is transferred for temporary duty against a temporary post created for him, the pay of the post has to be fixed in accordance with the principles laid down in F.R. 40 and the government orders below that rule;
- (3) if it is not considered necessary to fix the pay of the post, the officer who is placed on temporary duty draws his own pay but if the duty involves the consideration mentioned in F.R. 9(25), a suitable special pay is sanctioned to him ;
- (4) if, however, the transfer does not attract the provisions of F.R. 9(25), but the grant of a compensatory allowance is justified e.g., where an officer has to incur extra expenditure due, for instance, to the expensiveness or remoteness of the locality to which he is transferred a suitable compensatory allowance is granted.

The classification of the additional remuneration, in either of the last two cases, would depend on the reasons for which it is sanctioned.

3. The position stated above may be kept in view while sanctioning additions to emoluments on transfer of government servants. The terminology used in the sanctions should be strictly in accordance with the terms recognized under the FRs and the reasons for which additions to emoluments are sanctioned should invariably be specified in the sanction letter.

[Authority.- Finance Division O.M.No.F.3 (31)-R-II(I)/58, dated 15-8-1958].

Sl. No. 44

Deputation of Officers/Staff in Northern Areas of the *Centre/ Provinces and Vice Versa

Government of Pakistan have decided that the officers/staff employed in the Northern Areas should be made interchangeable with comparable categories of officers/staff working in other parts of the country, including the provinces. This decision may kindly be brought to the notice of all concerned for information and necessary action.

[Authority.- Estt. Division letter No.15/3/73-AV, dated 12-5-1973]

Sl. No. 44-A

Convention Between the **Central Government and the Provincial Governments 'Inter-Se' Regarding Terms and Conditions of Deputationists

As a government servant on deputation retains a lien on the permanent post in his parent office, he is ordinarily governed by the rules of the lending government in matters of pay, leave, pension, etc., and continues to be under the rule-making control of the lending government which has a right to recall him. The lending government accordingly has a right to determine in consultation with the borrowing government, the terms of his employment under the latter, and these terms should not be varied by the borrowing government without consulting the lending government.

* Federation.

** Federal.

2. A convention has been established between the *Central Government and the Provincial Governments, on the one hand, and the Provincial Governments inter-se, on the other, to the effect that no increase in pay or improvements in other service prospects should be offered to any such officer without consulting the lending government or department.

[Authority.– Ministry of Finance letter No.F.10(23)-E.G.II/48, dated 9-12-1948 and 10-6-1949].

Sl. No. 44-B

Appointment of Provincial Government Employees Against **Grade 17 and Above Posts Under the Federal Government

A question has arisen whether appointment to posts in **Grade 17 and above under the Federal Government by appointment through deputation of officers of Provincial Governments are required to be approved by the competent authority in the Federal Government and, if so, under which legal-provision.

2. According to section 5 of the Civil Servants Act, 1973*** appointment to civil posts in connection with the affairs of the Federation are made by the President or by an officer authorised by him in this behalf. Under rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973@ made under the above mentioned Act, 1973, the appointing authority for the posts in **Grade 17 and above is the @@Prime Minister. Therefore, according to section 5 of the Act read with rule 6, the approval of the Prime Minister is necessary for appointment to posts under the Federal Government, but a doubt has arisen in the case of appointment of officers belonging to Provincial Governments to posts under the Federal Government. The Civil Servants Act, 1973** is applicable to civil servants vide sub-section (2) of Section 1 of the Act. According to definition of "civil servant" given in section 2 of the Act, a person who is on deputation to the Federation from any Province is not a "civil servant". The Civil Servants Act, 1973** does not, therefore, apply to cases of officers of Provincial Governments who are appointed by deputation to posts under the Federal Government. If this view is correct, the next question which arises is whether Article 241@@@ of the Constitution would be attracted in such cases. Our view is that since no act has been made by the Legislature in respect of the officers belonging to Provincial Governments who may be appointed by deputation to posts under the Federal Government, the rules and orders which were enforced immediately before the coming into force of the Constitution, will continue to be applicable to such cases. This will mean that approval of the competent authority as required under the Rules of Business, 1973 which were applicable before coming into force of the Constitution should be obtained in such cases. Under these rules, the approval of the President was

* Federal.

** BPS

*** Chapter 1, Sl. No. 2.

@Chapter 2, Sl. No. 1.

@@ Note.–This rule was amended on 10-5-1979 to authorise Establishment Secretary to make appointments to posts in BPS 17 to 19. For present position, see footnote **.

@@@ Chapter 1, Sl. No.1.

necessary to first appointment to *Class I posts under the Federal Government. The President, in the present context means the Prime Minister. The approval of the Prime Minister, or of the persons authorised by him in this behalf, should therefore, be obtained before making appointments of officers of the Provincial Governments to posts connected with the affairs of the Federation. In other words, if the Civil Servants Act, 1973** is not applicable to deputationists from the Provincial Governments, we are not left in void. The law provides for the continuance in force of all previous rules and orders where the Civil Servants Act, 1973** is not applicable.

3. The Law Division is requested for advice on the views of the Establishment Division.

[Authority.—Estt. Division U.0.Note No.4/1/74-D.III, dated 8-5-1975]

Sl. No. 44-C

Ruling Regarding Employees from Provinces/Authority on Deputation to Federation

Under clause (2) of section 1 of the Civil Servants Act, 1973**, that Act applies only to civil servants. Under sub-clause (i) clause (b) of section 2 of that Act persons who are on deputation to the Federation from any Province or other authority have been excluded from the definition of "civil servant". Therefore the Act or the Rules made thereunder are not applicable to such persons. Any rules having the force of law applying to such persons and existing before the coming into force of the permanent Constitution are to be treated as "existing laws", as defined in clause (7) of Article 268*** of the Constitution and will continue to be in force by virtue of clause (1) of that Article. Under Article 241*** of the Constitution also until the Parliament makes a law under Article 240*** of the Constitution governing such persons, all rules and orders in force immediately before the commencing day are to continue in force in so far as they are not inconsistent with the provisions of the Constitution.

[Authority.-Law Division U.O. Note No. 763/75-Law, dated 13-5-1975].

Sl. No. 45

Deputationists from Provincial Governments

The question has been raised whether, with the substitution of efficiency honorarium for advance increments, it is still necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments before recommending deputationists for the grant of efficiency honorarium. After a careful consideration of the financial aspect of the matter, it has been decided that it will not be necessary for the Ministries/Divisions to obtain the consent of the lending Provincial Governments

* BPS 17 and above.

** Sl. No. 2, Chapter 1.

*** Sl. No. 1, Chapter 1.

before recommending deputationists for the grant of efficiency honorarium provided the recommendations are not based on the recommendees' good performance under the Provincial Governments.

[Authority.-Estt. Division O.M. No. 5//63-CV/LR.II, dated 13-3-1965].

Sl. No. 46

Change in Terms and Conditions of Deputationists

A case has recently come to the notice of the Establishment Division in which a BPS 5 employee of a Provincial Government on deputation to the Federal Government was promoted to a BPS 16 post and subsequently to a BPS 17 post while on deputation, without consultation with the Provincial Government concerned. This has created an awkward situation for the Provincial Government in the matter of fixation of pay, grant of pension, etc. to the employee concerned on repatriation from deputation.

2. It may be recalled that a government servant on deputation continues to be under the rule-making control of the lending government and is governed by the rules of the lending government in matters of pay, leave, pension, etc. The lending government accordingly have a right to determine, in consultation with the borrowing government, the terms of his employment under the latter and these terms should not be varied by the borrowing government without consulting the lending government.

3. In view of the position explained above, it is brought to the notice of all the Ministries/Divisions etc. that no increase in pay or improvement in other service prospects should be allowed to any employee on deputation without consulting the lending government or department and without the approval of the Establishment Division.

[Authority.-Estt. Division O.M.No.1/4/86-R.I. dated 3-4-1986].

Sl. No. 47

Bar Against Asking Officers by Name for Posting in Corporations/Autonomous Bodies

There is a growing number of cases where government servants have approached the various Ministries and Divisions and have managed to obtain offers by name for posting to the Ministry/Division concerned or to a corporation or autonomous body under them. It has also come to notice that the corporations and autonomous bodies negotiate directly with officers serving in other departments and Ministries and ask for their release for posting with them. This procedure is neither regular nor proper. The posts generally carry additional benefits like special pay, deputation allowances etc. It is, therefore, not fair to confine selection to one or two names which a Ministry/Division may specify. Other officers with requisite qualification and experience with equal, if not better, record of service and senior to those asked for are not considered simply because they do not happen to be known to senior officers in the Ministry or Corporation wanting such officers.

2. The Establishment Division will not now entertain requests for particular

officers. This Division will be constrained to take disciplinary action against a government servant, if it is established that he has secured offer through influence or pressure. It is, therefore, requested that all Ministries and Divisions should communicate their requirements to the Establishment Division specifying the qualifications and experience etc. required for the incumbent of a post. The selection of a suitable officer will be made by the Establishment Division from amongst all those government servants who answer the required qualification and experience etc. In making the selection, the Establishment Division will continue to consult the referring Ministry. If there are any special considerations for which the services of a particular officer are required, such requests should come at the level of Secretary or Additional Secretary Incharge of Division and it should be clearly explained why a particular officer is being asked for.

3. So far as corporations are concerned, the Establishment Division propose to prepare panels of officers of various occupational groups* in different grades** whose services may be lent to the corporations. All future postings to corporations will be made out of these panels. Appointment will be made for a period of at least two years during which the officer will not be eligible for consideration for promotion in his parent department. Officers within the zone of promotion will not, as far as possible, be included in the panels with a view to obviating the possibility of dislocation in the work of the corporation in the event of their recall on promotion by the Ministry concerned.

[Authority.-Estt. Secretary's D.O. letter No.4/I/75-A.R.C., dated 24-6-1975].

Sl. No. 48

Bar Against Allowing Officers to Go on Deputation Against Lower Posts

It has come to the notice of the government that some Ministries/Divisions allowed their officers to go on deputation to foreign service in Pakistan to posts lower in emoluments and responsibility than what they had in the government. This resulted in wasteful utilization of government officers, embarrassment to the officers and difficulties in fixing their emoluments.

2. It has, therefore, been decided to request the Ministries/ Divisions that they should not henceforth depute any of their officers to a post which is lower in emoluments and responsibility than the one he is holding in his parent office.

[Authority.- Estt. Division O.M. No. 3/5/ 68-A.III, dated 19-3-1968].

Sl. No. 49

* Services to be added.

** BPS.

Reversion of Deputationists

Cases have come to the notice of the Establishment Division where officers whose services were obtained on deputation for a specific period were not returned by the borrowing department when the parent department asked for their reversion. Attention in this regard is invited to the Establishment Division's O.M. No. 1(28)/71-D. II, dated the 28th March, 1972 (Annex I), wherein it was laid down that officers obtained on deputation should be reverted to their parent department on the expiry of the period of deputation.

2. In the interest of efficient administration, it is reiterated that the above mentioned instructions should be followed rigidly and the deputationists reverted to their parent department on the expiry of the period of deputation unless the intention is to permanently absorb the deputationist in the cadre or department where he is serving on deputation and the recruitment rules for the post provide for such a course. In such cases, the consent of the deputationist to the suspension or termination of lien on his permanent post in the parent department, as well as the agreement of the parent department, should be obtained. With the completion of these formalities, the deputationist will be treated as regular member of the establishment of the borrowing department.

3. Where, however, it is not intended to permanently absorb the deputationist in the borrowing department, the deputationist must not be allowed to remain away from his parent cadre for unduly protracted period; he should be reverted to the parent department on expiry of the period of deputation as originally fixed. If the borrowing department needs the services of another officer having the qualifications or experience possessed by the deputationist, a request should be made to the lending department to depute some other officer in his place possessing the same qualifications or experience as far as possible. The borrowing department in no case should insist on retaining a particular individual beyond the original period of deputation.

4. All Ministries, Divisions and Departments are requested to examine the cases of deputationists with them and take necessary action in the light of the above instructions. If relaxation of these orders is required in any individual case, it may be referred to Establishment Division with full justification.

[Authority.-Estt. Division O.M. No. 1(28)/75-D.II, dated 6-3-1975].

(ANNEX I)

(See Sl. No. 49)

[Copy of Establishment Division O.M. No. 1(28)/71-D. II, dated the 28th March, 1972].

The question has been raised whether the instructions issued in the Establishment Division O.M. No.1/23/71-D.II, dated 29th July, 1971 (Annex II) regarding proforma promotion apply also to past cases where proforma promotions had already been made prior to the issue of these instructions. The Ministries and Divisions are advised to review all such cases. If the officer had been allowed to proceed on deputation for a specific period, he should be required to revert to the parent department on expiry of that period. In case no period was specified, the parent department should examine the propriety of recalling the officer to the parent cadre as it is not administratively desirable that officers and staff should remain away from their parent cadre for unduly long period, say, more than 3 years in the case of gazetted officers and 5 years in the case of non-gazetted staff. However, if in the case of a particular department the number involved is large, the recall of the deputationists should be judiciously staggered so that no large scale reversions are caused in the parent office consequent on the recall of the deputationists. Priority in recall should be given to those who have been allowed proforma promotion in the parent cadre. Where, however, the borrowing departments are prepared to confirm such officers and staff on their own establishment (provided this is admissible in accordance with the recruitment rules applicable to the post) and the officer or staff is also willing to be so absorbed, reversion to parent cadre may not be insisted upon.

(ANNEX II)

(See Sl. No. 49)

[Copy of Establishment Division O.M. No. 1/28/71-D.II, dated the 29th July, 1971].

The Ministries and Divisions, as well as Attached Departments and Subordinate Offices, have, in the past, been ordering proforma promotions (also called promotions in absentia) of persons serving on deputation on foreign service, or in ex-cadre posts, as a matter of course on the sole ground that the deputationists had been approved for promotion by the D.P.C. of the parent department and a person junior to him had been promoted. This has resulted in the deputationists serving away from their parent department or cadre for unduly long periods as such persons not only enjoy better emoluments while on deputation but also feel secure that their interests are being fully protected in their own departments.

2. The intention underlying proforma promotions is to protect the interests of the government servant only in circumstances where the government servant is required to serve away from his parent cadre because of a definite requirement of public interest and not merely to suit his own interests. Normally, therefore, a deputationist, as soon as he becomes due for promotion, should be required to

revert to his parent department or cadre so that he is promoted to the next higher post for which he may have been declared fit. In case an offer of promotion is made to him and he declines to revert, he may be allowed to remain in the outside post on the clear understanding that he will not ask for proforma promotion. Only in exceptional cases where the borrowing department or organization expresses its inability to spare the officer, and the head of the parent department records, in writing, why he considers it necessary to keep the government servant on deputation in the ex-cadre appointment, may proforma promotions be made. Even in such cases, the period for which the officer is allowed to continue to remain on deputation, with the benefit of proforma promotion, should be judiciously fixed so that the officer reverts to his cadre and is appointed to the post for which he has been approved for promotion, as early as possible. Such period should not normally exceed 6 months. All cases, where proforma promotions are allowed for a period exceeding 6 months, should be reported to the Establishment Division with full justification.

3. The Ministries/Divisions are also advised that in future whenever they send an officer or member of the staff on deputation to an ex-cadre post, or on foreign service, they should settle in advance the period of deputation with the borrowing office/organization on the expiry of which the government servant should revert to his parent cadre. While selecting persons for deputation, care should also be taken not to depute officers who would soon be coming up for promotion to the next rank in their own cadre and may have to be re-called. In the majority of cases, officers and staff are sent on deputation on their application or request. They should be warned that in case they fall due for promotion, they will have to revert to their parent cadre and they will not be allowed promotions in absentia.

4. The above instructions do not apply to senior appointments in international organizations such as the United Nations, the R.C.D. Sectretariat*, etc. to which officers are nominated by government having regard to their qualifications, experience and suitability. In such cases, it may be presumed that the services of the officer have been placed on deputation with the foreign organization in the public interest, and proforma promotion, when called for, may be made.

Sl. No. 50

Drawal of Rewards, Remunerations and Other Concessions Not Specifically Sanctioned

Government Order under F.R. 114 and para 1 of Appendix 11 to Fundamental Rules, and Supplementary Rules, Vol. II provides that no government servant shall be permitted to receive any remuneration or enjoy any concession which is not specifically settled, and that if the sanctioning authority is silent as to any particular benefit it must be assumed that it shall not be enjoyed.

2. Audit Instruction No. 2 below F.R. 114 reads that government servants on foreign service cannot accept any reward or remuneration not covered by the terms

* ECO/Successor Organization.

of their transfer to foreign service unless it is specially sanctioned subsequently by the authority competent to sanction their transfer to foreign service.

3. It has come to the notice of the government that the above provisions of the rules/instructions have not been followed by some of the autonomous/semi-autonomous/statutory bodies. In flagrant violation of rules/instructions, government servants on deputation to autonomous bodies etc. have been allowed the services of *Peons/Orderlies exclusively for residence, Chowkidar and servants at the residence and transport exclusively for the deputationist without the knowledge and sanction of competent authority. Government have taken serious note of such irregularities. With a view to ensuring financial discipline, the Provincial Governments and the autonomous bodies are requested to discontinue, forthwith, such unauthorized concessions being enjoyed by the government servants on deputation.

[Authority.-Finance Division O.M. No. 1(32)/ 69-A.III, dated 12-7-1969].

Sl. No. 51

Benefit of Promotion in Parent Cadre while in Foreign Service**

It appears that the position regarding promotion, in their parent cadres, of government servants transferred to 'foreign service'** [as defined in Fundamental Rule 9(7)], and the benefit occurring to them from such promotion is not clear in some quarters.

2. Cases of promotion, in their parent cadres, of government servants who are transferred to foreign service and the emoluments admissible to them are regulated by the provisions of Fundamental Rules 113 and 114 which fall in Chapter XII of Section I of the Fundamental and Supplementary Rules, Vol. I, and not by the proviso to the 'next below rule'*** i.e., the second proviso below F.R. 30 which falls in Chapter IV of those Rules and applies in cases of government servants serving outside their ordinary line within government service.

3. According to F.R. 113, a government servant transferred to foreign service remains in the cadre in which he was included in a substantive or officiating capacity immediately before his transfer and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide, keeping in view the considerations mentioned in that rule. According to F. R. 114, read with orders issued thereunder, which have been printed in Appendix No. II to the Fundamental and Supplementary Rules, Vol. II, a government servant transferred to 'foreign service' in Pakistan shall, unless his duties in 'foreign service

* Naib Qasid.

** 'deputation'

*** See Note ** on Sl.No.33.

* deputation.

involve a decided increase in work or responsibility in comparison with duties of his post in government service, be allowed the same remunerations as he would have received from time to time in government service but for his transfer to foreign service. It follows from these orders that if a government servant who is on deputation to foreign service* is promoted in his parent cadre, he should, if he continues to remain in foreign service*, be allowed the remuneration which he would have received in the higher post in government service to which he is promoted. The higher remuneration would, of course, be payable by the foreign employer.

[Authority.- Finance Division O.M. No. F. 6(4)-R2/65, dated 9-2-1966].

Sl. No. 52

Recovery of Leave Salary and Pension Contribution in Respect of Federal Government Employees on Deputation to Foreign Service within Pakistan or Abroad

In accordance with Fundamental Rule 116, the rates of contributions payable on account of pension and leave salary shall be such as the President may by general orders, prescribe. The existing rates are contained in Appendix 11-A, FRs and SRs Vol.II. The question regarding revision of the rates and mode of recovery etc., of leave salary and pension contributions has been engaging the attention of the government for some time past. It has now been decided to prescribe a uniform rate of recovery of pension contributions at 33.33% of the mean of minimum and maximum of the pay scale** of the **grade held by the government servant concerned at the time of his proceeding on foreign service, plus other emoluments (reckonable for pension) which would have been admissible to him had he not been deputed on foreign service. The above prescribed rate of pension contribution shall apply to all Federal Government employees whether on deputation to foreign service within Pakistan or abroad.

2. In future, the pension contributions in all cases shall be payable by the foreign employers. However, in the case of government servants presently on deputation to foreign service* within Pakistan or abroad, pension contributions shall be paid by the foreign employers or the government servants concerned, as the case may be, according to the agreed terms of deputation.

3. As regards leave salary contributions, it has been decided that no leave salary contributions shall be recovered from foreign employers, but leave/leave salary shall be sanctioned/paid during the period of foreign service by the foreign employers. The Federal Government employees sent on deputation to foreign service* who, under the revised procedure, are granted leave and paid leave salary by the foreign employers, shall not count the period spent on foreign service for earning leave under the Government of Pakistan.

4. These orders shall take effect from 01-01-1982. Formal amendments to the relevant rules shall be issued separately.

[Authority.- Finance Division O.M. No. F. 5(5) Reg.7/79-1407, dated 15-12-1981].

** BPS.

Sl. No. 53

Procedure for Recovery of Leave Salary and Pension Contributions

According to the procedure laid down in Part VI of Appendix 3 of FRs and SRs, Vol. II, a copy of the orders sanctioning a government servant's transfer to foreign service should always be communicated to Audit and Accounts Officer concerned. The terms and conditions of foreign service and other detailed particulars regarding pay to be drawn in foreign service are required to be furnished to the Audit and Accounts Officer so that the rates of monthly leave salary* and pension contributions are intimated to foreign employer, the government servant concerned and his department. Any promotion or reversion in the parent department is also to be reported to the Audit and Accounts Officer concerned. The contributions paid into the government account are accounted for by the Audit and Accounts Office and recoveries in individual cases are watched.

2. It has come to the notice of the Finance Division that in several cases the orders of transfer of a government servant on foreign service do not reach the Audit and Accounts Office concerned or, if received, the terms and conditions and other particulars are not given therein. Consequently, the rates of monthly contribution cannot be intimated by the Audit and Accounts Office to the foreign employer and the government servant concerned, with the result that the contributions are not deposited promptly and regularly. There have been many cases in which the government servants completed their tenure of **foreign service in Pakistan or abroad and returned to their parent department without depositing the leave salary and pension contributions due to the reason that the Audit and Accounts Office concerned is not informed in time about their transfer on **foreign service. The required particulars are not furnished by the department to the Audit and Accounts Office and consequently the latter are not in a position to intimate the rates of monthly contributions resulting in their non-deposit. In case of deputations abroad, loss of foreign exchange is suffered by government if the pension contribution is payable by the government servant and he returns to Pakistan on completion of his tenure without depositing the contribution for the reason that the amount was not intimated to him in due time.

3. In view of the position stated above, all Ministries/Divisions are requested to ensure that in future all sanctions regarding the deputation on foreign service are invariably addressed to the Accounts Offices concerned. While sanctioning the transfer of a government servant on foreign service, the monthly rates of leave salary and pension contribution should be invariably indicated in the sanction. The rates so indicated by the departments concerned may be provisionally adopted for depositing the contributions promptly and regularly every month till the final rates are intimated by the Audit and Accounts Offices on receipt of which the excesses/deficiencies, if any, can be adjusted. The Audit and Accounts Officers will check the accuracy of the rates and watch the recoveries of the contributions and their proper accounting in the government accounts.

* Note.-Under the latest orders (Sl.No. 52) no leave-salary contributions are recoverable from the foreign employer/government servant.

** deputation.

[Authority.-Finance Division O.M.No.F.5(5) Reg.7/77-1082-(2), dated 28-2-1980].

Sl. No. 54

Recoveries of Dues from Government Servants in Foreign Exchange

A reference is invited to the Finance Division O.M. No. F. 1(8) EF (B. II)/76-2720 dated the 14th July, 1976. It is stated that the question of recoveries from government servants due in foreign exchange has been re-examined in consultation with the Ministry of Law. The position is that the government is legally entitled to recover the exact amount in the currency in which the overpayment was made or the dues became recoverable. It has, therefore, been decided that if the overpayment was made or dues became recoverable in a particular currency, the recoveries should be made in that currency or in equivalents of US dollars according to the rate of exchange between that currency and the US dollar on the date of recovery. If, for any reason, such as posting in Pakistan on retirement, etc. recoveries cannot be effected in foreign exchange these can be effected in Pakistani rupees. However, since permission to pay such dues in local currency is, in fact, permission to purchase foreign exchange for refund to government the rate of exchange applicable in such cases shall be the rate prevailing on the date on which such recoveries are actually effected. Finance Division's O.M. dated the 14th July, 1976 quoted above may please be deemed to have been modified accordingly with immediate effect.

[Authority.-Finance Division O.M.No.F.1(8)EF (B.II)/80-2689, dated 18-12-1980].

II. (B) TRANSFER TO FOREIGN SERVICE
OUT OF PAKISTAN: DEPUTATION

Sl. No. 55

Transfer to Foreign Service out of Pakistan

Applications for posts under foreign governments advertised in foreign newspapers/magazines. It has been decided that applications of government servants for posts under foreign governments which are advertised in foreign newspapers/magazines should not be entertained. No such proposal should also be forwarded to the Special Selection Board.

[Authority.-Estt. Division O.M. No. 1/23/ 66-T.IV, dated 26-11-1977].

Sl. No. 56

Application for Jobs in World Bank

Reference Establishment Division's O.M. No.1/16/82-T-IV dated 4th May, 1982 in which it was decided that applications of government servants for posts

under international organizations which are advertised in foreign newspapers/magazines should not be entertained.

2. Recently, it has been observed that the World Bank has not been circulating any notices of vacancies which may be available with them. Instead the posts are being advertised in the press. As government servants are not allowed to apply for such posts, the representation of Pakistan in the Bank has come to virtual [nil]. It has, therefore, been decided that government servants may be allowed to apply for jobs advertised by the World Bank in the press after obtaining approval of the competent authority. The existing instructions will continue to apply as far as other international organizations etc. are concerned.

[Authority.- Estt. Division O.M.No.1/80/84-T.IV, dated 30-7-1984].

Sl. No. 57
Deputation Abroad of Government Servants

Under the President's directive, deputation abroad of government servants, irrespective of their scales, requires the approval of Special Selection Board in the Establishment Division. Cases of officers of pay scales 17 and above are submitted to the Prime Minister for his approval.

2. It has, however, been noted that certain Ministries have been deputing their officers abroad without the approval of the competent authority. The Prime Minister has taken serious view of this irregularity and has directed that there should be no deviation, whatever the circumstances, from the procedure laid down in this behalf.

3. It is requested to bring these instructions to the notice of all concerned for strict compliance.

[Authority.-Estt. Secretary's D.O.letter No.1/165/83-T.IV dated 12-1-1983].

Sl. No. 58
Procedure Regarding Employment Abroad of Government Servants in Private Firms/Organisations

Reference Establishment Division O.M. No. 1/23/66-T.IV dated 24th June, 1978 (Sl. No. 71) on the subject noted above. The following decision taken in the Special Selection Board meeting held on 17th September, 1980 is conveyed for information and compliance:-

"The government servants shall not be allowed to seek employment with private bodies outside Pakistan either on their own or through the Bureau of Emigration and Overseas Employment or Overseas Employment Corporation. They should apply only against posts under the foreign governments advertised in the country through the Bureau of Emigration and

Overseas Employment or Overseas Employment Corporation. Their cases will be considered by the Special Selection Board and the maximum period for which they may remain abroad shall not exceed 5 years. If this condition is not complied with, the government servant concerned shall have to resign from government service."

2. It is requested that strict compliance of the foregoing instructions may please be ensured. Any instructions issued by a Ministry/Division or the Provincial Governments which are not in conformity with the above decisions should please be treated as cancelled. Proposals which do not conform to the revised procedure stated above will be returned to the sponsoring Ministries/Divisions unapproved.

[Authority.- Estt. Division O.M. No. 1/23/78-T.IV, dated 1-10-1980].

Sl. No. 59

Receiving or Soliciting Direct Offers of Appointment from Private Firms/Organizations

It has been noticed that some government servants are directly receiving or soliciting offers of appointment from private firms/organisations based in foreign countries and are seeking government clearance for accepting such offers on deputation basis. This practice, which is on the increase, is against Government Servants (Conduct) Rules, 1964*. It is obvious that in all cases of this nature, the government servants while still in government service, had established contacts with the private firms/ organisations offering the appointment. This tendency has to be curbed because it is quite possible that the firm/organization, offering the appointment to the government servant concerned, may be doing so in consideration of some favour done to the firm by the government officer concerned. It has, therefore, been decided that any government servant receiving such an offer of employment from a private firm/organisation abroad will not, in future, be allowed to go on deputation. He will have to resign from government service before he is allowed to accept the appointment with a private firm/organisation based in a foreign country.

2. These instructions, however, do not affect the offers of appointments or submission of applications against vacancies announced by foreign governments or international agencies. The existing procedure prescribed in such cases will continue to be observed and the relevant cases should be sent for approval to the Special Selection Board in the prescribed manner.

[Authority.- Estt. Division O.M. No.1/23/ 66-T.IV, dated 6-10-1977].

Sl. No. 59-A

Employment with Foreign Governments

Reference the subject cited above. The competent authority has been pleased to direct that in future all the cases of employment of government servants,

* Sl.No.1, Chapter 9, Vol. II.

other than official requests from the government of a friendly country or international organization/UN specialized agencies, be processed as employment on leave/EOL due rather than deputation.

2. It is requested that these instructions may kindly be circulated among all concerned for further necessary action.

[Authority:– Estab. Div. O.M No. 1/65/90-T-IV, dated 22nd April, 1998^{**}]

Sl. No.59-B

Deputation/Employment etc. of Government Servants with International Organizations/ Foreign Governments/ UN-Specialised Agencies

In continuation Establishment Division's O.M. of even number dated 22-4-1998 (Sl.No. 59-A), it is stated that such cases of employment of government servants with the international organizations, foreign governments or UN specialized agencies, which fulfill the following conditions shall be treated as 'official request' and as such deputation abroad:-

- (a) The vacancy announcement by an international organization/ United Nations specialized agency or a foreign government is officially communicated to the Government of Pakistan;
- (b) The vacancy is widely circulated to all Ministries/Divisions/ Provincial Governments, etc;
- (c) Officers selected are the nominees of the Government of Pakistan;
- (d) The final approving authority is the Chief Executive*** (for officers in BPS 19 and above/equivalent); Establishment Secretary(for officers in BPS 17 & 18/equivalent), on recommendations of the Special Selection Board in the Establishment Division; the administrative Secretary of the Ministry concerned (for officials in BPS 16 and below/ equivalent officers/officials).

[Authority:– Estt. Div.'s (Training Wing)'s O.M.No.1/65-90-T.IV, dated 13-4-2000]

Sl. No. 60

Adequate Circulation of Vacancy Notice – View of Special Selection Board

Extract from the minutes of the meeting of the Special Selection Board is reproduced below :-

* Extra-Ordinary Leave.

** See also Sl. No. 87.

*** Prime Minister.

"The Special Selection Board was of the view that in cases where nominations against senior posts were called for, the sponsoring Ministries/Divisions should bring the offers to the notice of the concerned Ministries/Divisions at the level of the Secretary/Joint Secretary."

2. It is requested that Ministries/ Divisions concerned may kindly take necessary action in the matter as indicated above as soon as job descriptions are received by them.

[Authority.- Estt. Division O.M. No. 1/103/ 71-A.VII, dated 30-10-1971].

Sl. No. 61

Vacancy Notices for Posts in International/Regional Organizations

Recently, instances have come to the notice of the Special Selection Board that the instructions regarding submission of cases to the Special Selection Board for nominations against various posts in international/regional organizations are not being strictly followed. The Vacancy Notices received from the various international/regional organizations are not adequately circulated thus restricting the scope of selection by the Special Selection Board and also giving a cause of complaint to many qualified government servants.

2. It may please be ensured that in future all 'Vacancy Notices' are circulated to all the Ministries/Divisions concerned and Provincial Governments. Copies of all notifications may be endorsed to the Establishment Division.

[Authority.- Estt. Division O.M. No. 1/23/ 66-T.IV, dated 23-6-1977].

Sl. No. 62

Decisions by Special Selection Board

The following decision of the Special Selection Board taken in its meeting held on 24th July, 1977 is conveyed for necessary compliance:-

"Whenever a Ministry/Division receives a vacancy notice from any international organization, it may be adequately circulated among the concerned agencies and all the applications received be forwarded to the Establishment Division for SSB's approval with clear recommendations".

[Authority.-Estt. Division O.M.No.1/23/66-A. VII/T.IV, dated 6-8-1977].

Sl. No. 63

Circulation of Vacancy Notices

Despite the instructions contained in the Establishment Division's O.M. No. 1/23/66-T.IV, dated the 23rd June, 1977 (Sl.No. 61), instances of inadequate

circulation of Vacancy Notices received from various international/regional organizations are on the increase. In future all Vacancy Notices may please be circulated to all the Ministries/Divisions concerned and Provincial Governments and copies of all such notices endorsed to the Joint Secretary (Training), Establishment Division, Rawalpindi*.

[Authority.- Estt. Division O.M. No. 1/23/ 66-T.IV, dated 16-4-1978].

Sl. No. 64 Circulation of Job Descriptions

It has been observed that the job descriptions of various posts received from the international organizations are not being circulated properly amongst the Ministries/Divisions concerned and the Provincial Governments. It has also been noted that, in many cases, the nominees are not qualified for the jobs. It has, therefore, been decided that in future the Ministries/Divisions should;

- (i) circulate the vacancy announcements amongst the Ministries/Divisions concerned and Provincial Governments well in time;
- (ii) nominate only those officers who are properly qualified for the jobs;
- (iii) nominate, at least, three candidates for each job to enable S.S.B. to pick-up the best suited candidates; and
- (iv) to ensure adequate circulation of job descriptions, the Ministries/Divisions receiving vacancy announcements direct from international organizations should send the copies of their circulars to Economic Affairs Division and Establishment Division indicating the Ministries/Divisions to whom the particular job is being circulated.

[Authority.- Estt. Division O.M. No. 4/3/80-T.IV, dated 18-8-1980].

Sl. No. 65 Functions of the Special Selection Board

The following decisions taken in the Special Selection Board's meeting held on 13th October, 1977 are conveyed for information and compliance:-

- (i) All cases of postings of non-Foreign Service officers in Pakistan's missions abroad like Commercial Secretaries, Educational Attaches, Labour Attaches*, Information Officers, etc. (excluding Intelligence and Defence personnel) should be referred to the Establishment Division for clearance of Special Selection Board ;

* Cabinet Block, Islamabad.

* Community Welfare Officers.

(ii) The cases of deputation of government servants to international agencies and foreign governments should, as before, be referred to the Special Selection Board for clearance. However, no such case will be entertained in which the officers have been received by government officers direct. Only such nominations will be entertained as are received by the Ministries/Divisions through proper channel.

2. It is requested that strict compliance of the foregoing instructions may please be ensured. Any instructions issued by a Ministry/Division or the Provincial Governments which are not in conformity with the above decisions should please be treated as cancelled. Proposals which do not conform to the revised procedure stated above will be returned to the sponsoring Ministries/Divisions unapproved.

[Authority.- Estt. Division O.M. No. 1/23/66-T.IV, dated 26-10-1977].

Sl. No. 66
Procedure for Submission of Cases to S.S.B

It has been noticed that incomplete cases are being forwarded by the Ministries/Divisions to the Establishment Division viz. Economic Affairs Division which results in delay.

2. Ministries/Divisions are requested to send cases complete in all respect to this Division through Economic Affairs Division with the following documents:-

- (1) Biodata 6 copies
- (2) Job description 6 copies
- (3) Summary Statement
(Proforma attached-
Annex)..... 6 copies
- (4) Sparability certificate
(signed by the Secretary
of Division/Head of
Department.....
- (5) C.R. dossier complete with
photograph of the officer
thereon.....

[Authority.- Estt. Division O.M. No.1/23/80-T.IV, dated 18-7-1981].

(ANNEX)
[(See Sl. No. 66 para 2 (3)]

SUMMARY STATEMENT PROFORMA

Name of Post	Name of International Organization	Job Description in Brief	Qualification Required by the International Organization	Name of Officer Nominated	Qualifications of the Officer Nominated	Training	Experience Attached	Whether or not Released Certificate
1	2	3	4	5	6	7	8	9

Sl. No. 67
Sparability Certificate

The following instructions were issued vide Establishment Division's letter No. D.1700/79-T.IV, dated 17th November, 1979 :-

"The Establishment Division controls District Management, Group* Tribal Areas Group, Secretariat Group, Police** and Office Management Group(s) and all service matters of officers of these groups are being dealt with by this Division. It has, therefore, been decided that the Establishment Division will be the final authority to determine the sparability of officers of the above mentioned groups for jobs within or outside Pakistan. The Ministries/Divisions concerned would, of course, be provided a substitute of equal ability".

2. It has been observed that sparability certificates are not issued in accordance with the aforesaid instructions. The Special Selection Board is, therefore, unable to consider such cases with the result that they get delayed and the facilities lapse. To avoid such situations, it is requested that it may please be ensured that the sparability certificates of candidates for deputation to foreign government/international agencies belonging to the above mentioned groups are issued strictly in accordance with the instructions contained in letter No. D.1700/79 T.IV dated the 17th November, 1979.

[Authority.- Estt. Division O.M. No. D. 1700/79-T.IV, dated 6-10-1981].

Sl. No. 68
Requirement of Second Approval by S.S.B

The Special Selection Board in its meeting held on 28th July, 1981 decided that the candidates once approved by it for a job in an international organization will

* Since merged in DMG.

** Police Service of Pakistan.

require fresh approval of the Board if they intended to apply subsequently for a similar job in any international organization.

[Authority.- Estt. Division O.M. No. 1/221/ 80-T.IV, dated 5-9-1981].

Sl. No. 69

Clearance for Posting Abroad or on Deputation

The President has been pleased to direct that all government personnel being posted abroad on government appointments or on deputation with other agencies, whether they are members of any service group or are professional such as educationists and scientists, will have to be cleared by the intelligence agencies before they proceed to take charge of their assignments. The names of such persons will be forwarded to the D.I.B., ten to twelve weeks before they are scheduled to leave. The individuals will be sent abroad only when clearance has been obtained from the Intelligence Bureau.

2. It is requested to ensure that the above instructions are enforced strictly with immediate effect and government servants under administrative control of Ministries proceed abroad only when they have been cleared by the Intelligence Bureau.

[Authority.- Estt. Secretary's D.O.letter No.1/102/83-I-IV, dated 18-7-1983].

Sl. No. 70

Standard Terms and Conditions of Service for Government Servants Who Proceed for Service Abroad

In supersession of this Division's letter of even number dated the 23rd November, 1970, on the subject noted above, the decision of the President is that the government servants who proceed for service abroad, whether in government or in private sector, will be allowed the following terms and conditions for the period of their deputation:-

- (1) The period of deputation will be treated as foreign service and will commence from the date of release from the *Central Divisions/ Provincial Departments and will terminate on the date of resumption of duty under the *Central/ Provincial Government.
- (2) During the period of foreign service, the person concerned will be entitled to pay allowances and travelling facilities (including passage for himself and his family to the place of employment under the borrowing government and back on termination of the contract) in accordance with the regulations of or the terms and conditions offered by the borrowing government.
- (3) The person concerned shall, during the period of his foreign service,

* Federal.

pay to the Government of Pakistan through the Pakistan Mission in the borrowing country, in foreign currency in which he receives his salary from the foreign employers, pension contribution in accordance with the relevant rules of and at the rate prescribed from time to time by Government of Pakistan. On delayed payments of these contributions, interest shall be payable under S.R. 307. Till such time as the rates of pension contribution are ascertained and intimated by the Audit Office concerned the person concerned shall provisionally pay pension contribution in foreign currency on the basis of the *length of his service at the rate given in Appendix No.11-A to the F.R. and S.R. Vol.-II.

- (4) During the period of foreign service, the person concerned will continue to subscribe to the G.P. Fund or any other Fund of the same nature of the **Central/Provincial Government according to the rules and orders regulating subscription to that Fund. The amount of subscription is payable in foreign exchange and he shall remit the necessary amount in foreign exchange every month to a scheduled bank in Pakistan which shall pay to the Accounts Officer the rupee equivalent thereof at the official rate of exchange on the basis of his pay which would have been admissible to him in government service, but for his transfer to foreign service.
- (5) The leave terms of the person concerned during the period of his foreign service will be regulated according to the rules of or the terms and conditions offered by the borrowing government. Leave salary due in respect of such leave will be payable by the borrowing government to the person concerned. No part of the leave earned by him during the period of foreign service will be credited to his leave account with the **Central/Provincial Government, nor will any liability in respect of leave salary on account of such leave devolve on the government. The **Central/Provincial Government will not recover any leave salary contribution from the borrowing government. The person concerned will also not be entitled to receive any leave salary, from the **Central/Provincial government in respect of disability arising in and through foreign service with the borrowing government.
- (6) During the period of foreign service, the person concerned will not be entitled to receive any leave salary from Central*/Provincial Government in respect of disability leave on account of any disability arising in or through foreign service, even though this disability might manifest itself even after the termination of foreign service.
- (7) During the period of foreign service, the person concerned will not be

* Note.- For latest orders see Finance Division O.M.No.F-5(5)Regs 7/79-1407,

** dated 15 12-1981 Sl. No 52.

** Federal.

entitled to any medical facility in respect of himself and family members at the expense of the Central*/Provincial Government.

(8) The person concerned shall be on deputation with the borrowing government for the period originally agreed upon. Any extension beyond the original period of deputation shall not be made without the approval of the Government of Pakistan. Any extension without the approval of the Government of Pakistan will be treated as an irregularity on the part of the person concerned and may call for disciplinary action.

(9) Further, if the person concerned during the period of his deputation becomes entitled to any additional benefit, or is appointed to any post involving alteration in his emoluments, he will intimate particulars of such appointment to the Government of Pakistan for information. Any modifications of the terms involving additional liabilities on the government will require their prior approval.

(10) The person concerned shall retain his lien if he is holding a permanent post, or if allowed by the Department/Division, as a special case.

2. In the case of government servants who are already on deputation abroad, sanctions already issued should be amended particularly in the light of sub-paras (4) and (5) of the preceding para, under intimation to the government servant and the Accounts Officer concerned.

[Authority.- Labour and Local Bodies Division's letter No. 15-1 (18)/70-El, dated 1-3-1973].

Sl. No. 71
Maximum Period of Employment Abroad

It has been decided that government servants who have gone abroad on their own and are in employment with private bodies on contract terms may be allowed to remain abroad till termination of their contract period provided that their total period of foreign employment does not exceed 5 years. Such government servants should submit copies of their contract/documents, duly authenticated, through the Pakistan Missions concerned to their administrative Ministries so that their liens may be maintained and they may now be required to return by the 30th June, 1978.

2. In this connection, attention of all concerned may be invited to Fundamental Rule 18 which lays down that unless the President, in view of the special circumstances of the case, shall otherwise determine, after 5 years continuous absence from duty, elsewhere than on foreign service in Pakistan, whether with or without leave, a government servant ceases to be in government employ. It would, therefore, be in their own interest if the government servants who are serving abroad on their own with private organizations or on foreign service terms ensure that the period of 5 years continuous absence from duty in Pakistan if not exceeded without proper government sanction.

* Federal.

3. The Ministries and Divisions are requested to review immediately the cases of the government servants under their administrative control who have been continuously absent from their duty owing to their employment with organizations outside Pakistan either on their own or on foreign service terms and take steps to ensure that those who have completed 5 years period return immediately to their duty in Pakistan failing which they shall cease to be in government employ under F.R. 18 except where their absence in excess of 5 years is covered by proper government sanction or where they are bound by some terms of contract which should be produced by them. In the latter cases, the Ministries/Divisions concerned may take action to obtain government sanction in terms of F.R. 18 to cover the period exceeding 5 years.

[Authority.- Estt. Division O.M. No. 1/23/ 66-T.IV, dated 24-6-1978].

Sl. No. 72

Extension of Tenure of Officers Holding Posts/Assignments in Various International Agencies or Foreign Governments

It has been noticed that officers going abroad on deputation to international organizations or foreign governments for the fixed term almost invariably send in requests for extension of their term. Existing government policy limits the tenure of officers serving in international agencies to five years. However, a number of officers have been holding foreign posts for more than 5 years and requests for further extension are not un-common. It has been decided that officers who have completed five years abroad should be asked either to return or if they wish to continue in international agencies beyond the prescribed tenure seek retirement from service in Pakistan. Ministries/Divisions/ Provincial Governments may kindly take this action in respect of officers under their administrative control under intimation to Establishment Division.

[Authority.- Estt. Division O.M. No. 1/8/ 74-A.VII, T/IV, dated 24-9-1974].

Sl. No. 73

Option of Premature Retirement by Deputationists Abroad

Reference Establishment Division Office Memorandum No. 1/8/74-AVII/T.IV, dated the 24th September, 1974 (Sl.No. 72). In modification of the instructions issued in that Office Memorandum, it has been decided that government servants who have completed five years abroad and have not completed 25 years of service should be asked to return to Pakistan. Government servants who have completed 25 years of service qualifying for pension may opt for retirement from service in Pakistan if they wish to continue in international agencies beyond the prescribed tenure of five years.

[Authority.- Estt. Division O.M.No.1/8/ 74-A.VII/T.IV, dated 3-12-1974].

Sl. No. 74

Extension in Deputation – Decision by Special Selection Board

The following decision of the Special Selection Board taken in its meeting held on the 24th July, 1977 is conveyed for necessary compliance:-

- (i) xxxx xxxx xxxx
- (ii) All the cases of extension be referred to the Establishment Division and where the administrative Ministries think that extension should not be granted, they may make the recommendations but should obtain the approval/decision of the Special Selection Board/Establishment Division invariably in all cases.
- (iii) All extensions upto 5 years may be liberally recommended but beyond 5 years no extensions should be recommended.

[Authority.- Estt. Division O.M.No.1/23/ 66-A-VII/T.IV, dated 6-8-1977].

Sl. No. 75

Deputation Against Pakistani Posts Abroad

It has been observed that the officers going on deputation abroad against Pakistani posts stay abroad beyond the tenure fixed for the posts in question. They ask for extension on various grounds and sometimes put pressures for extending their tenure. The government has taken a serious view of the prevailing situation and has decided that the Ministry/Division concerned will, in future, automatically move the case for recall of the officer 6 months before completion of his normal tenure and submit a panel of names for consideration of the Special Selection Board to enable the latter to select a suitable person to succeed the officer already abroad.

[Authority.- Estt. Division O.M.No.1/23/ 80-T.IV, dated 20-8-1980].

Sl. No. 76

Deputation Against Pakistani Posts Abroad – Proposal for Replacement

In continuation of the Establishment Division's O.M. No. 1/23/80-T.IV, dated 20th August, 1980 (Sl.No. 75), it is reiterated that a proposal for replacement of an officer on deputation should be initiated six months before his tenure is due to expire. In case an officer is promoted during his deputation abroad and has more than six months of his tenure left, he should be given a notice of six months to return and join his new post.

[Authority.- Estt. Division O.M. No. 1/23/80-T.IV, dated 23-9-1980].

Sl. No. 77

Extension in the Deputation of Officers Posted in Pakistan Missions Abroad

Reference Establishment Division O.M. No. 1/23/80-T. IV, dated 23rd September, 1980 (Sl. No.76) on the subject. It is stated that the period of deputation of non-diplomatic officers posted in Pakistan Missions abroad should not be more than 3 years.

2. According to the current practice, while deputation of these officers is approved by the Special Selection Board and the Prime Minister, the extensions in their deputation period are being granted by the Ministries/Divisions concerned themselves. It has, however, been noticed that a number of officers have been holding these posts for more than 3 years and requests for extensions beyond their normal tenure are not uncommon. To maintain uniformity in granting extensions to the officers posted against Pakistani posts abroad, it has been decided that extension for a period of one year may continue to be allowed by the Ministries/Divisions in deserving cases. However, cases involving extension beyond one year should henceforth be put up to the Special Selection Board for decision.

[Authority.- Estt. Division O.M. No.1/97/ 83/T.IV, dated 26-3-1986].

Sl. No. 78

Deputation of Pakistanis in International Organisations as Short-Term Consultant

Officers of the Government of Pakistan/Provincial Governments are sometimes engaged by international organisations as Consultants and paid consultancy fee plus other benefits. Under SR-12, they are required to deposit 1/3rd of the fee into General Revenues. It has, however, been noticed that these instructions for crediting portion of the fee to government are not being followed by the Ministries/Divisions and Provincial Governments in the case of consultancies abroad. The Ministries/ Divisions are requested to apply the provisions of SR-12 strictly when officers go abroad as Consultants.

[Authority.- Estt. Division O.M. No. 1/27/80-T.IV, dated 13-4-1980].

Sl. No. 78-A

Consultancy Assignments

Consultancy Assignments. Reference the subject cited above. The Special Selection Board has further simplified the procedure for consultancy assignments to the following extent:-

- (i) consultancy may be allowed for a period not exceeding six months during the five years cycle;
- (ii) one consultancy should not be for more than 90 days;
- (iii) the Establishment Division may consider any relaxation with regard to (i) & (ii) on case to case basis and recommend to the competent authority, if deemed appropriate; and
- (iv) all the cases of consultancies relating to officers in BPS 17-22 will be put up to the Prime Minister for approval.

[Authority:- Estab. Div.'s OM No. 1/8/81-T-TV, dated 13th June, 1996]

Sl. No. 79
 Procedure for Deposit of Consultancy Fee

Reference.- Establishment Division O.M. No. 1/27/80-T. IV, dated 13th April, 1980 (Sl.No. 78).

2. It has further been decided by the Special Selection Board that a copy of the letter sanctioning terms and conditions of the officers (including the condition that one third of the fee/ remuneration may be deposited into the General Revenues) may be endorsed, in future, to the AGPR and Accountants General of the Provinces in the case of federal and provincial employees respectively as well as to the Pakistan Embassy in the country where the officer is taking up the consultancy. One copy should also be sent to the Training Wing, Establishment Division.

[Authority.- Estt. Division O.M. No. 1/27/80-T. IV, dated 22-9-1980].

Sl. No. 80
 Policy Concerning Promotion of Civil Servants on Deputation Abroad

A civil servant, if selected for appointment in any international agency, foreign government or private organization abroad, is permitted to go on deputation for a period of 3 years extendable to 5 years on the request of the deputationist or his employer. After expiry of the approved period of deputation, the deputationist is required to come back and resume duty in the country.

2. While on deputation abroad, a civil servant was considered for promotion in accordance with his seniority position but actual promotion took place after he resumed duty on return to Pakistan. This enabled such civil servants to regain their seniority 'vis-à-vis' their juniors on actual promotion. Experience has shown that despite promotion, these officers seldom return even on completion of their approved deputation period. By the time they return, many officers have lost their utility and experience relevant to service needs. Promoting such officers immediately on return may not, therefore, be in public interest.

3. It has, therefore, been decided with the approval of the President that:-

- (i) Promotion of a civil servant on deputation to an international agency, foreign government or private organization abroad will only be considered after he resumes duty on return to Pakistan.
- (ii) Such officers may be given timely intimation to return so that they can earn at least one annual confidential report before their cases come up for consideration in accordance with their seniority position.
- (iii) If an officer returns, his case will be considered for promotion in the normal course. If he does not return in response to such intimation, his case will be deferred till he returns to Pakistan on completion of 5 years and earns a confidential report on his work for one full year after resuming duty. If approved for promotion, he will regain his original seniority.

4. Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However in all such cases, the officer's names will be removed from the existing Seniority List and placed on a separate Static List with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the Seniority List only after he resumes duty on return. In such cases also, the officer must earn a confidential report for one full year before he is considered for promotion. If approved for promotion he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge.

5. All Ministries/Divisions are requested to bring the above instructions to the notice of all civil servants already serving on deputation abroad and those allowed to proceed on deputation in future.

[Authority.- Estt. Division O.M.No.10 (3)/ 81-CP.I dated 25-6-1984].

Sl. No. 81

Policy Governing Civil Servants on Deputation Abroad

The Cabinet in its meeting held on 17.4.1989 took the following decision on the summary submitted by Manpower and Overseas Pakistanis Division:-

"A maximum of 20% of Government servants in all *grades will be allowed to take up overseas employment. For this purpose the Government servants would be required to leave their jobs and would not be allowed to retain lien on their appointments. This may be considered for appointment on their return, if vacancies in the relevant grades are available".

2. The deputation abroad covers the following categories:-

- (a) deputation of officers from Government of Pakistan to a foreign government.
- (b) deputation of officers from Government of Pakistan to international organizations/agencies; and
- (c) employment of government servants in private organizations/agencies at their own.

3. It is informed that officers coming under categories (a) & (b) at para 2 above would continue to be governed by the existing policy on the subject issued vide Establishment Division's O.M. No. 10/3/81.CP.I, dated 25.6.1984 (Sl. No. 80).

* BPS.

The new policy will only apply to the cases covered by para 2 (c) i.e. government servants, who take up overseas employment in private organizations/agencies on their own, would have to leave their jobs without any lien on their appointments in Pakistan.

4. The decision contained in this O.M. will come into force with immediate effect and will not affect the cases decided prior to its date of issue.

5. The above decision of the Cabinet may be widely circulated to all concerned.

[Authority.- Estt. Division O.M. No.1 (91)/89-T.IV, dated 17-5-1990].

Sl. No. 82

Size of Family Members of Serving Personnel Selected for Secondment Abroad

Reference Ministry of Defence U.O.No.2/1/D-17/2000/3519/Secy., dated April 24, 2000 and the meeting of Joint Chief Staff Committee held on January 25, 2000, on the above subject. The competent authority has been pleased to approve the following:-

1. Individuals already selected for secondment abroad on the process of departure and having more than 4 children be given an option to either proceed abroad without family or their names be excluded from secondment (a certificate to be rendered to this effect by the selected individuals).
2. *No part families will be permitted for secondment abroad.
3. For uniform government policy on the subject at national level, the decision would be implemented in all government departments.
4. The decision of Joint Chief Staff Committee shall not apply to:-
 - (a) Offices of Pakistan Foreign Service**, who shall be exempted from the above as an exception.
 - (b) Government servants on deputation/employment abroad with international organizations/foreign governments where no funds of Government Pakistan are involved.

[Authority:- Estt. Div.'s O.M.No.5/1/2000-T.IV, dated 23-8-2000]

Sl. No. 82-A

Size of Family Members of Serving Personnel Selected For Secondment Abroad

In continuation of Establishment Division's O.M. of even number dated

* For amended position, see Sl. No. 82-A.

** Foreign Service of Pakistan, Chapter 8, Sl. No. 6.

August 23, 2000 (Sl. No. 82) on the above noted subject, it is stated that the competent authority has been pleased to approve the following amendment in the aforementioned O.M.:-

For: No part families will be permitted for secondment abroad.

Read: No part families will be permitted for secondment abroad, except families having non-dependent children i.e. boys enrolled/serving in the armed forces or pensionable government jobs and girls married and living with their husbands.

[Authority:—Estt. Div.'s O.M.No.5/1/2000-T.IV, dated 4-11-2000]

Sl. No. 82-B

Deputation Abroad Beyond Five Years and Placement in Static List

Please refer to the Establishment Division O.M. No. 10(3)/81 CP.I, dated 25th June, 1984 (Sl. No. 80) regarding policy governing civil servants on deputation abroad.

2. Till recently, government servants on deputation to international organizations and foreign governments were required to come back after spending five years of their deputation abroad. This policy has been reviewed and, in accordance with para 4 of the O.M. referred to above (Sl.No. 80), government servants can stay abroad beyond 5 years under certain conditions. The relevant provision of the policy is reproduced below:-

"Government may allow an officer to continue against his assignment abroad even after the expiry of 5 years on the request of the officer or his employer. However in all such cases, the officer's name will be removed from the existing Seniority List and placed on a separate Static List with no claim to promotion or to seniority over any junior who may be promoted during this period. An officer's name would be brought back on the Seniority List only after he resumes duty on return. In such cases also, the officer must earn a confidential report for one full year before he is considered for promotion. If approved for promotion, he will not regain his seniority. He will be assigned seniority in the higher post only from the date he assumes its charge".

3. It is, therefore, requested that cases of government servants, who wish to stay abroad beyond five years, may kindly be processed accordingly.

[Authority.-Establishment Secretary's D.O. letter No.1/40/83-T.IV, dated 24-3-1985].

Sl. No. 83

Publicity of Vacancies in International Agencies, Foreign Governments and Private Organizations

With reference to the Establishment Division Office Memorandum of even number dated 25-6-1984 (Sl. No.80), it is stated that some civil servants serving

abroad on deputation with various international agencies, foreign governments or private organizations have complained that sufficient publicity has not been given to the policy contained in Establishment Division Office Memorandum under reference.

2. All Ministries/Divisions were requested vide para 5 of the Establishment Division's Office Memorandum dated 25-6-1984 (Sl.No. 80) to bring the instructions on the subject to the notice of civil servants already serving on deputation abroad and those allowed to proceed on deputation in future. This may please be ensured.

[Authority.- Estt. Division O.M. No.10(3)/81-CP.I(A). dated 19-5-1985].

Sl. No. 83-A

Size of Family Members for Secondment Abroad

In continuation of this Division's O.M. of even number dated 23-8-2000 (Sl.No. 82) and 04-11-2000 (Sl. No. 82-A) on the above subject, it is stated that the competent authority has been pleased to approve the following:-

- (a) The family of the official who proceeds abroad single, will be allowed to retain government accommodation in Pakistan during the period of secondment abroad subject to the condition that the official will not have accommodation on government expense at two stations i.e. in Pakistan as well as outside Pakistan; and
- (b) There is no objection to the members of the families proceeding abroad at their own expense. However, no part families will be permitted.

2. These instructions may please be circulated for strict compliance.

[Authority:- Estt. Div.'s O.M.No.5/1/2000-T.IV(Z), dated 27-8-2001]

Sl. No.84

Deputation of Defence Officers in Civil : Requisition by Name

Reference the instructions regarding above subject issued by the Defence Division vide their U.O.No.F.2/84/D-24/88, dated 23.12.2000 and F.2/33/D-24(C-IV)/88, dated 24.10.88. Despite the above instructions there has been an increasing tendency of requisitioning services of officers of the armed forces by name. Ministries/Divisions are, therefore, requested that in future services of armed forces officers in civil departments shall not be requisitioned by name. Further, for processing of cases of such nature in future, the following guidelines shall be observed:-

- (i) When services of personnel of the armed forces are required for posting against any civil post, the proposal to this effect shall be forwarded by the respective Ministry/Division to the Ministry of

Defence indicating the post with BPS/pay and allowances, job description and the period for which the services are required (copy of the same shall also be forwarded to the COS to the Chief Executive* for information).

- (ii) Defence Division, in consultation, with the Services HQ concerned and with the approval of the COAS shall forward the panel of officers of armed forces to the Ministry/Division concerned who will make selection of the most suitable officers and obtain approval of the competent authority for secondment of the officer with the civil departments.
- (iii) On receipt of confirmation/approval from the borrowing Ministry/Division. Defence Division will convey the same to the Services HQ concerned to allow the officers to join the respective organization.

[Authority:- Estt. Div.'s O.M.No.1/99/2000-CP-6, dated 10-01-2001]

Sl. No. 85

Terms and Conditions of Deputation Abroad of Police Officials on UN Peace-Keeping Missions

Reference Finance Division's UO No. 3(7)R-10/94-902/2001, dated 23rd January, 2002 on the above subject.

2. The deputation of police officials under various UN Missions is approved by the competent authority from time to time in accordance with the request of Ministry of Interior. The proposed terms and conditions will be applicable in all the cases approved by the competent authority, from time to time, under United Nations Peacekeeping Missions abroad.

3. In view of the above, Finance Division is once again requested for vetting of the draft terms and conditions proposed by Ministry of Interior read with this Division vide OM of even number dated 16.5.2001, 13.8.2001, 16.11.2001 as the matter has been considerably delayed and Ministry of Interior is pressing hard for clearance of the terms and conditions of deputation of police personnel under United Nations Peacekeeping Missions abroad.

[Authority:- Estab. Div. OM No. 5/2/2001-T-IV, dated 28-01-2002]

Sl. No. 86

Deployment of Police Personnel in UN Missions

Reference Estab. Div. OM No. 5/2/2001-T-TV, dated 28th January, 2002 (Sl.No. 85) on the above subject. Finance Division is of the view that the deployment of police personnel in UN Missions cannot be considered as deputation to foreign service unless they pay these personnel the salary,

* In the present context, it would imply COS Secretary to the President; the Principal Secretary to the Prime Minister.

allowances and other facilities. Deployment of personnel in UN Missions means that the person will go out of the cadre. The cadre means under FR 9(4) the strength of a service or a part of a service sanctioned as a separate unit. According to FR 9(7), foreign service means the service in which the government servant receives his substantive pay with the sanction of the Government from any source other than the revenue of the Governor General* or of a province etc. "If we consider these police officials on foreign service, they cannot be paid salary and other facilities from the revenues of the Government of Pakistan. Moreover, UN is allowing them subsistence grant. When the subsistence grant is allowed to a government servant by a foreign mission, he cannot be paid the salary from revenues of Government of Pakistan. The provision of FR-9(27) is as under:

"Subsistence grant means a monthly grant made to a Government servant who is not in receipt of pay or leave salary".

2. In view of this provision in the financial rules, the police officials sent to serve the UN Missions cannot claim or cannot be paid the salary from the revenues of Government of Pakistan, in this case the concerned Police Department. They can claim pay from the Government of Pakistan or Police Department concerned when they serve under the Government of Pakistan. The rule position has been clarified under FR-9(28) as under:

"The substantive pay means the pay other than special pay, personal pay or emoluments classed by pay by the Governor General under rule 9(21) (a) (iii) to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reasons of his substantive position in a cadre".

When a police personnel is serving in the UN Mission, he is not serving against his substantive post or substantive post or substantive position in a cadre. He cannot be paid pay from the general revenue of Government of Pakistan.

3. From the provisions of above rules, it is clear that police personnel sent to serve the UN Missions cannot claim pay from Government of Pakistan as they did not serve the Government of Pakistan or in their cadre. Moreover, since they will be in receipt of subsistence grant or allowance they cannot be paid salary. Their period of duty in UN Mission will also not be counted for the purpose of pension unless they pay pension contribution. This period will also not count for the maintenance of leave account. They are also required to contribute towards GP Fund etc. However, as a special compensation the government may allow the families of such police personnel to retain the government accommodation and

* President; Revenues of Government of Pakistan.

medical facilities.

4. In view of above, Establishment Division is requested to reconsider the proposed terms and conditions of police personnel so as to bring these in line with the rules.

5. This issues, with the approval of the competent authority.

[Authority:- Finance Div. OM No. F.3(7)-R-10/94, dated 7th March, 2002].

Sl. No. 87

Deputation/Employment etc. of Government Servants with International Organizations/Foreign Governments/United Nations Specialized Agencies

Reference Establishment Division's OM No. 1/65/90-T-IV dated April 22, 1998 (Sl. No. 59-A), on the above subject. The policy on employment with international organizations/UN specialized agencies has been reviewed. It has been decided that civil servants, who are selected by international organizations/UN specialized agencies, may invariably be treated as "on deputation" for a maximum period of five years, after obtaining clearance of the Special Selection Board and approval of the competent authorities (Chief Executive*) for officers in BPS 19 and above and Establishment Secretary for officers in BPS 17 & 18 with the following modifications conditions:

- (i) The policy shall also apply to the case of deputation to foreign governments (both in Pakistan and abroad);
- (ii) The deputation shall be made initially for a period equal to the approved tenure of appointment offered by the borrowing international agencies/foreign governments, subject to renewal;
- (iii) Surety bond shall be executed by the government servant concerned that he will revert to the parent government/department on completion of the approved tenure of deputation and in case of default he will render himself liable to E&D* proceedings for misconduct (un-authorized absence);
- (iv) No government servant shall approach the international agencies/foreign governments, for seeking employment etc. directly;
- (v) The government servant proceeding on deputation, under the above policy, shall vacate the government allocated residential accommodation, as per extant rules.

2. The competent authority for officials in BPS 16 and below/equivalent, shall continue to be the administrative Secretary of the Ministry/Division.

3. All Ministries/Division/Provincial Governments are requested to ensure

* Prime Minister.

* Efficiency and Discipline. See Sl. Nos. 85 and 185, Chapter 9, Vol. II.

compliance of the above instructions.

[Authority:- Estab. Div. OM No. 5/3/2002-T-IV, dated 18-09-2002]

Sl. No. 88

Waiving of the Requirement of Supplementary Rule 12 for Government Servants Engaged in Part Time Employment/Private Work

Reference Estab. Div.'s Summary bearing No. 4/3/2005-D.3 dated 20th May, 2005, on the subject noted above.

2. Finance Division has made further amendment in Supplementary Rule 12 vide notification No. F.2(1)Reg.4/2004, dated 26.1.2005(Annex). The Summary referred to above is returned herewith, original, as there is no need for approval of the Prime Minister for this purpose.

[Authority:- Finance Division UO No. F.22(1)R. 4/2004, dated 15.6.2005]

(ANNEX)

(See Sl. No. 88, para 2)

[Copy of the Finance Division Notification No. F.2(1)Reg.4/2004, dated 26.1.2005].

In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973^{**}(LXXI of 1973), the President is pleased to direct that the following further amendment shall be made in the Supplementary Rules, namely:-

"In the aforesaid Rules, in rule 12, for the figure "50" occurring twice, the figure "5000" shall be substituted".

Sl. No. 89

Recruitment to "Excluded Posts" and of Persons in Subordinate Offices for Appointment in Secretariat/Attached Departments

Certain posts with technical qualifications were excluded from the ordinary cadre of departments for recruitment, provided these should not be transferred or promoted to posts in the ordinary cadre in any office. Experience in India, however, showed that the clerical establishment Secretariat/ Attached Offices hardly included any post considered really requiring technical qualifications. In effect, the posts removed from the ordinary cadre for technical qualifications generally provided a 'back door' entry. Another objection was that the persons appointed to "excluded posts" were not eligible for transfer or promotion to posts in the ordinary cadre, and had to remain throughout service in the post in which they were initially appointed, unless there were some other "excluded posts" to which they could be promoted. After some years of service, the persons appointed against "excluded posts" saw that their contemporaries recruited against ordinary posts were promoted. They felt discontented though recruited for a particular type of work in view of their technical qualifications and had no claim for promotion to posts which did not fall within their ambit. Yet, they harboured a grievance and put forward their claim for promotion in the ordinary cadre for experience of Secretariat work a claim supported by departments. The requests had to be refused.

2. Establishment Division considered that there was no need to provide for an "excluded cadre" in the clerical establishment recruitment to which was then made through FPSC. If there was any post requiring technical qualifications, it should be sanctioned separately from the clerical cadre and recruitment thereto made.

3. The justification for this provision was that the experience of a person employed in a Subordinate Office could be of any real advantage to an Attached Department or Division only if the experience was of a technical or special nature. It followed that the transfer of a person from a Subordinate Office the Secretariat could be justified if the post to which he was appointed required technical or special qualifications he had by his experience in the Subordinate Office. The post could be treated like other posts with technical or special qualifications.

^{**} Chapter 1, Sl.No.2.