

THE WEST PAKISTAN LAND RECORDS MINISTERIAL SERVICE RULES, 1963

Services and General Administration Department

NOTIFICATION

The 7th August 1963

No. S. O. XVIII-1-54/59—In exercise of the powers conferred by clause (2) of Article 178 of the Constitution of the republic of Pakistan, the Governor of West Pakistan is pleased to make the following rules regulating recruitment to the West Pakistan Land Records, Ministerial Services and prescribing conditions of service for the persons appointed thereto, namely:—

PART I—GENERAL

1. *Short title and commencement*—(1) These rules may be called the West Pakistan Land Records Ministerial Service Rules, 1963.

(2) They shall come into force at once.

2. *Definitions*—In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) "Appendix" means the Appendix to these rules;
- (b) "Appointing Authority" means the authority specified in rule 4;
- (c) "Board" means a Board of Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government in consultation with the Commission to be a Board for the purposes of these rules;
- (d) "Commission" means the West Pakistan Public Service Commission;
- (e) "Director" means the Director of Land Records;
- (f) "Directorate" means the Directorate of Land Records;
- (g) "Government" means the Government of West Pakistan;
- (h) "initial recruitment" means appointment made otherwise than by promotion or transfer from another Service/Department/Post;
- (i) "recognised University" means any University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognised University for the purposes of these rules;
- (j) "region" means the whole of the area under the charge of a Director;
- (k) "Scheduled Castes" means the castes, races or tribes, or parts or groups within castes, races or tribes, declared to be Scheduled castes under any law in force in West Pakistan, or so declared by Government for the purposes of these rules;
- (l) "Selection Board" means the Selection Board constituted by or under orders of Government under Rule 20 of the West Pakistan Government Rules of Business, 1962 for the region where vacancy in the Service exists or is to be filled;
- (m) "Service" means the West Pakistan Land Records Ministerial Service; and
- (n) "Under-developed Areas" means Quetta and Kalat Divisions, Lasbela District of Karachi Division, the Tribal Areas of Dera Ismail Khan and Peshawar Divisions, and such other areas as Government may declare to be under-developed areas for the purposes of these rules.

PART II—RECRUITMENT

3. *Constitution and composition of Service*—(1) The Service shall consist of regional cadres, members of one cadre not being eligible, save as provided in rule 10, for appointment to a post borne on any other cadre of the Service.

(2) The Service shall comprise the posts specified in column 2 of the Appendix and such other posts in the Directorate as may be determined by Government from time to time.

4. *Appointing Authority*—Appointments to the Service shall be made by the Director incharge of the Region where the vacancies occur.

5. *Method of Recruitment*—(1) Recruitment to the Service shall be made—

(a) by initial recruitment; or

(b) by promotion in accordance with the provisions of sub-rule (6).

(2) Vacancies in the cadre posts of Superintendents, Assistants Readers and Senior Clerks shall be filled by promotion.

(3) Vacancies in the cadre posts of Junior Clerks and Steno-typists shall be filled by initial recruitment.

(4) Vacancies in the cadre posts of Steno-graphers may be filled at the discretion of the appointing authority, by initial recruitment or by promotion.

(5) Vacancies to be filled by initial recruitment shall be reserved for *bona fide* residents of the Region where the vacancies occur.

(6) Vacancies to be filled by promotion shall be filled in the following manner:—

(i) ninety per cent of such vacancies shall be filled by selection on merit with due regard to seniority from among members of the Service eligible for promotion to such vacancies in accordance with the provisions contained in column 4 of the Appendix; and

(ii) the remaining ten per cent of such vacancies shall form a merit quota and shall be filled by selection on merit from among members of the Service eligible for promotion to such vacancies in accordance with the provisions contained in column 4 of the Appendix, who—

(a) have an outstanding record;

(b) are below thirty-two years of age; and

(c) possess sound health.

(7) Where a person with the qualifications specified in clause (ii) of sub-rule (6) is not available for appointment to a vacancy referred to in that clause, the vacancy may be filled in the manner provided in clause (i) of sub-rule (6).

(8) Vacancies to be filled by initial recruitment in posts carrying an initial salary of Rs. 215 per mensem and above and vacancies to be filled by promotion in posts carrying an initial salary of Rs. 325 per mensem and above shall be filled on the recommendations of the Selection Board.

6. *Age*—(1) No person, who is less than eighteen years or more than twenty-five years of age, shall be appointed to the Service by initial recruitment:—

Provided that—

(i) for a period of ten years from the coming into force of these rules, the upper age limit in the case of a candidate from the scheduled castes or under-developed areas shall be twenty-eight years and

(ii) in the case of a person whose services under Government have been terminated for want of a vacancy the period of service already rendered by him shall, for the purpose of the upper age limit under this rule, be excluded from his age.

(2) For the purposes of this rule, age shall be reckoned—

(i) where recruitment is to be made on the basis of a written examination, as on the 1st of January of the year in which the examination is proposed to be held; and

(ii) in other cases, as on the last date fixed for submission of applications for appointment.

7. *Qualifications*—(1) No person shall be appointed to a post in the Service by initial recruitment unless he possesses the qualifications prescribed for the post in column 3 of the Appendix.

(2) No person, not already in Government Service, shall be appointed to the Service unless he produces a certificate of character from the principal academic officer of the academic institution last attended and also certificates of character from two other responsible persons not being his relatives, who are well acquainted with his character and antecedents.

PART III—CONDITIONS OF SERVICE

8. *Probation*—(1) A person appointed to the Service against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment and for a period of one year, if appointed otherwise.

Explanation—Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If the work or conduct of a member of the Service during the period of probation has been unsatisfactory the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his services if he has been appointed by initial recruitment, and if he has been appointed otherwise, revert him to his former post or if there be no such post dispense with his services.

(3) On completion of the period of probation of a member of the Service the appointing authority may subject to the provisions of sub-rule (4), confirm him in his appointment, or if his work or conduct has, in the opinion of such authority, not been satisfactory—

(a) in case he has been appointed by initial recruitment, dispense with his services; or

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

(c) extend the period of probation by a period not exceeding two years in all and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation I—If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

Explanation II—If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(4) No person shall be confirmed in the Service unless he successfully completes such training and passes such departmental examinations as may be prescribed by Government from time to time.

(5) If a member of the Service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4) within such period or in such number of attempts as may be prescribed by Government, the appointing authority may—

(a) in case he has been appointed by initial recruitment, dispense with his services; or

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

9. *Seniority*—(1) The seniority *inter se* of the members of the Service in the various grades thereof shall be determined—

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Board where appointments are to be made in consultation with it, and in other cases by the appointing authority; provided that persons selected for the Service in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of persons appointed otherwise, with reference to the dates of their continuous appointment therein; provided that if the date of continuous appointment in the case of two or more members of the Service is the same, the older official, if not junior to the younger official or officials in the next below grade, shall rank senior to the younger official or officials.

Explanation I—If a junior official in a lower grade is promoted to a higher grade temporarily in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the interest of his seniors in the fixation of his seniority in the higher grade.

Explanation II—If a junior official in a lower grade is promoted to a higher grade by superseding a senior official and subsequently that official is also promoted, the official promoted first shall rank senior to the official promoted subsequently.

Explanation III—A junior official appointed to a higher grade shall be deemed to have superseded a senior official only if both the junior and the senior officials were considered for the higher grade and the junior official was appointed in preference to the senior official.

(2) The seniority in the various grades of the service of the members appointed by initial recruitment *vis-a-vis* those appointed otherwise shall be determined—

- (a) in case both the official appointed by initial recruitment and the official appointed otherwise have been appointed against substantive vacancies, or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancies in the case of the official appointed by initial recruitment and to the date of continuous appointment against such vacancy in the case of the official appointed otherwise; provided that if the two dates are the same, the official appointed otherwise shall rank senior to the official appointed by initial recruitment;
- (b) in case the official appointed by initial recruitment has been appointed against a substantive vacancy and the official appointed otherwise has been appointed against a temporary vacancy, the official appointed by initial recruitment shall rank senior to the official appointed otherwise; and
- (c) in case the official appointed otherwise is appointed against a substantive vacancy and the official appointed by initial recruitment is appointed against a temporary vacancy, the official appointed otherwise shall rank senior to the official appointed by initial recruitment.

10. *Liability to transfer and serve*—Members of the service shall be liable to—

- (a) transfer any where in West Pakistan; and
- (b) serve in any department of Government or any local authority or statutory body set up or established by Government.

11. *General Rules*—In all matters not expressly provided for in these rules, members of the service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

12. *Relaxation*—Any of these rules may, for reasons to be recorded in writing be relaxed in individual cases, if Government is satisfied that a strict application of the rule would cause undue hardship to the individual concerned:

Provided that wherever such relaxation involves a question on which consultation with the Commission is mandatory, the Commission shall be consulted before the relaxation is made.

13. *Delegation*—Government may delegate all or any of its powers under these rules to any officer subordinate to it.

14. *Powers of Governor to safeguard rights of Government Servants*—Whenever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of the Province of West Pakistan, as guaranteed by any law, for the time being in force, are likely to be adversely affected, the Governor of West Pakistan shall make appropriate orders to safeguard the constitutional and legal rights of such persons.