

**THE ¹[KHYBER PAKHTUNKHWA] PUBLIC SERVICE COMMISSION
ORDINANCE, 1978.**

²[KHYBER PAKHTUNKHWA] ORDINANCE No. XI OF 1978.

[13th May, 1978.]

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¹ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³ Inserted vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

⁴ Inserted vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

⁵ Substituted vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

⁶ Inserted vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

⁷ Added vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

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²[KHYBER PAKHTUNKHWA] ORDINANCE No. XI OF 1978.

[13th May, 1978.]

**AN
ORDINANCE**

*to repeal and with certain modifications, re-enact the ³[Khyber Pakhtunkhwa]
Public Service Commission Act, 1973.*

WHEREAS it is expedient to repeal and, with certain modifications, re-enact the ⁴[Khyber Pakhtunkhwa] Public Service Commission Act 1973 (⁵[Khyber Pakhtunkhwa] Act No. XIX of 1973), in the manner hereinafter appearing;

Preamble.

AND WHEREAS the Governor of the ⁶[Khyber Pakhtunkhwa] is satisfied that, circumstances exist, which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C. M. L. A. Order No. I of 1977), and in exercise of all powers enabling him in that behalf, the Governor of the ⁷[Khyber Pakhtunkhwa] is pleased to make and promulgate the following Ordinance:

1. (1) This Ordinance may be called the ⁸[Khyber Pakhtunkhwa] Public Service Commission Ordinance, 1978.

Short title and
commencement.

(2) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,—

Definitions.

¹ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁷ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

- (a) “Commission” means the ¹[Khyber Pakhtunkhwa] Public Service Commission;
- (b) “Government” means the Government of the ²[Khyber Pakhtunkhwa];
- (c) “Governor” means the Governor of the ³[Khyber Pakhtunkhwa];
- (d) “Member” means a Member of the Commission and includes the Chairman thereof;
- (e) “prescribed” means prescribed by rules made under this ordinance and
- (f) “Province” means the ⁴[Khyber Pakhtunkhwa.]

3. (1) There shall be a Commission for the Province to be called the ⁵[Khyber Pakhtunkhwa] Public Service Commission.

Composition of
Commission etc.

(2) The Governor shall by regulations determine,—

- (a) the number of members and their terms and conditions of service; and
- (b) the number of officers and servants of the Commission and their terms and conditions of service :

Provided that the salary, allowances and privileges of a member shall not be varied to his disadvantage during his term of office.

(3) The Chairman and other members shall be appointed by the Governor ⁶[:]

⁷[Provided that a serving member of the Commission may be appointed as Chairman for a term not exceeding the un-expired portion of his term as such member.]

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁶Replaced vide Khyber Pakhtunkhwa Ord No. XVII of 2002.

⁷Inserted vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

(4) Not less than one-half of the members shall be persons who have held office in the service of Pakistan for not less than twenty years ¹[and has been retried in basic pay scale 20 or above.]

²[(5) Subject to sub section (4), at least one of the member shall be a female.]

4. ³[(1) A member of the Commission shall hold office for a term of three years from the date on which he enters upon office or till he attains the age of sixty-five years, whichever is earlier and shall not be eligible for re-appointment.]

Term of office of members, etc.

⁴[1A. Notwithstanding anything contained in any contract or agreement pertaining to the terms and conditions of service, a member who on the commencement of the Khyber Pakhtunkhwa Public Service Commission (Amendment) Act, 2011, completes his tenure or attains upper age limit as specified in subsection (1) shall cease to be a member.]

(2) A member may resign his office by writing under his hand addressed to the Governor.

⁵[4A. Oath of Office. — Before entering upon Office, the Chairman and a member shall take Oath in the form set out in the schedule to this Ordinance, before the Governor in the case of Chairman, and before the Chairman in case of a member.]

Oath of Office.

⁶[5. In eligibility for further employment. — On ceasing to hold Office, a member shall not be eligible for further employment in the Service of Pakistan]

In eligibility for further employment.

6. A member shall not be removed from office except in the manner applicable to a Judge of a High Court and upon a reference made by the Governor.

Removal from office.

⁷[7. Functions of the Commission.— (1)The functions of the Commission shall be —

Functions of the Commission.

¹Added vide Khyber Pakhtunkhwa Ord No. XXVI I of 2002.

²Added vide Khyber Pakhtunkhwa Act No. I of 2010.

³Substituted vide Khyber Pakhtunkhwa Act No. VI of 2011.

⁴Inserted vide Khyber Pakhtunkhwa Act No. VI of 2011.

⁵Inserted vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

⁶Inserted vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

⁷Substituted vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

(a) to conduct tests and examinations for recruitment of persons to —

(i) the civil services of the Province and civil posts in connection with the affairs of the Province in basic pay scales 16 and above or equivalent, and

¹[(ii) posts in basic pay scales 11 to 15 or equivalent in all Administrative Departments and Attached Departments of the Government, except the District cadre posts.]

(b) to advise the Governor—

(i) on matters relating to qualifications for, and method of recruitment to, services and posts referred to in clause (a);

(ii) on the principles to be followed in making:

(1) initial appointments to the services and posts referred to in clause (a);

(2) appointments by promotion to posts in BPS-17 and above; and

(3) transfer from one service to another; and

(iii) on any other matter which the Governor may refer to the Commission.

Explanation.— In this section, recruitment means initial appointment other than by promotion or transfer.

(2) Recruitment to the following posts shall be outside the preview of the Commission:

²[(i) posts pertaining to house hold staff in the governor house and chief minister house.]

(ii) posts to be filled on adhoc basis for a period of six months or less; provided that before filling the post, prior approval shall be obtained from the Commission ;

¹Substituted vide Khyber Pakhtunkhwa Act No. VI of 2011.

²Substituted vide Khyber Pakhtunkhwa Act No. XIV of 2003.

- (iii) posts to be filled by re-employing as retired officer; provided that the re-employment is made for a specified period not exceeding two years in a post not higher than the post in which the person was employed on regular basis before recruitment.]

8. Where the Governor does not accept the advice of the Commission, he shall inform the Commission accordingly.

Commission to be informed when its advice not accepted.

9. (1) It shall be the duty of the Commission to present to the Governor annually a report on the work done by the Commission, and the Governor shall cause a copy of the report to be laid before the Provincial Assembly.

Reports of Commissions.

(2) The report referred to in sub-section (1) shall be accompanied by a memorandum setting out so far as is known to the Commission. —

(a) the cases, if any, in which the advice of the Commission was not accepted and the reasons there for; and

(b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons therefore.

10. Government may, by Notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

Rules.

¹[10A. Power of the Commission to make regulation.— Subject to the Provisions of this Ordinance and the rules made there under, the Commission may make regulation for carrying out the purposes of this Ordinance.]

Power of the Commission to make regulation.

11. The North-West Frontier Province Public Service Commission Act 1973 (N. W. F. P Act No. XIX of 1973), is hereby repealed.

Repeal.

¹Inserted vide Khyber Pakhtunkhwa Act No. XXVII of 2011.

¹**[SCHEDULE**
[Section 4A]

I _____ do solemnly swear that I will bear true faith and allegiance to Pakistan. That, as a Chairman (or Member) of the ²[Khyber Pakhtunkhwa] Public Service Commission, I will discharge my duties and perform my functions honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law and always in the interest of the solidarity, integrity and well-being and prosperity of Pakistan.

That I will not allow any personal interest to influence or my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment of appointment or in any other way, I will act without fear or favour, affection or ill-will.]

¹ Added vide Khyber Pakhtunkhwa Ord No. XXVII of 2002.

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.