

Sl. No. 98

### **Bar Against Waiving of the Probationary Period**

Under the instructions contained in the Establishment Division Office Memorandum No. 54/8/49-Ests (ME), dated the 8<sup>th</sup> January, 1951, Assistants, etc., nominated on the results of the Ministerial Services Examination conducted by the \*Central Public Service Commission against permanent and quasi-permanent vacancies are required to be placed on probation for one year before they can be considered for confirmation. However, the appointing authority has the discretion of extending the said period of probation or terminating it before one year, for good and sufficient reasons which should be recorded in writing. The Establishment Division have further held that the probationary period can be curtailed by the competent authority at his discretion, but it cannot be waived altogether.

2. It has been brought to the notice of the Establishment Division and this Ministry that in certain cases Ministries have not placed on probation the Assistants nominated on a regular basis as required in the Establishment Division Office Memorandum referred to in para 1 above, but have allowed them to count their previous service towards probation in accordance with para (I) (b) of this Ministry Office Memorandum No. F. 5 (72)-R. III/52, dated the 15th April, 1953. This virtually means the waiving altogether of the probationary period which is contrary to the instructions issued by the Establishment Division.

3. In order to remove the above anomaly, it has been decided that for the words "*count towards probation to the extent of one year*" occurring in para (I) (b) of this Ministry's Office Memorandum referred to in para 2 above, the words "be taken into account for the purpose of fixation of pay", shall be substituted. The effect of above amendment is that the previous service as Clerk on a pay not less than Rs. 100 p.m. would be counted for the purpose of fixation of pay, but this would not affect the question of actual probation which will be governed by the orders of the Establishment Division.

[*Authority*:- Finance Division O.M.No.F.2(3)-R.II(I)/57, dated 28-2-1957].

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### **Civil Servants (Confirmation) Rules, 1993**

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973\*\* (LXXI of 1973), the President is pleased to make the following rules, namely:-

1. *Short title, Commencement and application.*- (1) These Rules, may be called the Civil Servants (Confirmation) Rules, 1993.

(2) They shall come into force at once.

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\* 'Federal'.

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

(3) They shall apply to all civil servants.

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

(a) "Foreign Service" means service in which a civil servant receives his pay with the sanction of Government from any source other than the Federal Consolidated Fund; and

(b) "lien" means the title of a civil servant to hold substantively a post on which he has been confirmed.

3. *General Principles of confirmation.*- (1) A civil servant initially appointed to a post, on probation including a civil servant promoted or appointed to a post on transfer, shall on satisfactory completion of his probation, be eligible for confirmation in that post:

Provided that the confirmation shall be made only against a permanent post:

Provided further that two or more civil servants shall not be confirmed in the same post and at the same time or in a post on which another civil servant holds a lien:

Provided also that a civil servant shall not be confirmed on two or more posts at the same time.

(2) A civil servant shall be considered for confirmation strictly in order of his seniority.

(3) No confirmation shall be made against the post vacated on dismissal, removal or compulsory retirement of a civil servant until his appeal against such dismissal or, as the case may be, removal or retirement is finally decided.

4. The confirmation shall be made on the recommendations of the Confirmation Committee constituted for the purpose and with the approval of the authorities specified below:-

<b>Posts</b>	<b>Composition of the Committees</b>	<b>Confirming authorities</b>	<b>Remarks</b>
1	2	3	4
Posts in BPS 20 and above	Secretary of the Administrative Ministry or an authority controlling the Service/Cadre/Post as Chairman, Additional Secretary or a Joint Secretary where there is no Additional Secretary in the Ministry concerned, and Addl. Secretary Estt. Division as Members. If posts are in an Attached Department or Subordinate Office, the Head of the Attached Department or Head of Office, who controls the particular Service/Cadre/Post may be appointed as Co-opted Member.	Prime Minister	
Posts in BPS 17 to 19	Additional Secretary or Joint Secretary where there is no Additional Secretary in the Administrative Ministry controlling the service/cadre/ post as Chairman, and a Joint Secretary and a Senior Deputy Secretary of the Ministry concerned as Members. If posts are in an Attached Department or a Subordinate Office, the head of the Attached Department or Head of Office who controls the particular service/cadre/post may be appointed as Co-opted Member.	Secretary of the Administrative Ministry/Division who controls the particular service/cadre/post.	
<b>FOR POST IN BPS 3 TO 16</b>			
Posts in BPS 11 to 16	An Officer holding the post in BPS 20 as Chairman and two officers holding the post in BPS 19 as Members.	Secretary of the Ministry/ Division concerned or Head of Department provided he is holding the post in BPS 20 or above.	The Administrative Ministry will constitute separate committees for posts in the Ministries/Divisions and Attached Department/ Subordinate Offices.
Posts in BPS 10 and below:	An Officer in BPS 19 as Chairman and two Officers in BPS 18 as Members.		
<b>FOR POSTS IN BPS 1 TO 2</b>			
		Dy. Secretary of the Ministry/ Division concerned or Head of Deptt. or Head of Office provided he is holding the post in BPS 19 or above.	

\*[Provided that in case no post of Joint Secretary or Deputy Secretary exists or the number of such officers is less than the required number in the administrative Ministry or Division for the constitution of the Confirmation Committee, other officers of BPS 20 and BPS 19 in the concerned Ministry or Division may be included in the Committee:

\* Added by S.R.O No. 104(I)/97, dated 4.2.1997.

Provided further that in case there is no post in BPS 20 and BPS 19, officer of one-step below status in the concerned Ministry of Division may be included in the Confirmation Committee with the approval of Establishment Division].

5. *Acquiring of lien.*- (1) On confirmation in a permanent post, a civil servant shall acquire a lien in that post and shall retain it during the period when he -

- (a) holds a temporary post other than a post in a service or cadre against which he was originally appointed;
- (b) holds a post on deputation with a foreign government, an international organisation, a multinational corporation or any other organisation outside Pakistan;
- (c) holds a post in Foreign Service in Pakistan\*;
- (d) is on leave;
- (e) is called for duty in the Armed Forces as reservist of Armed Forces of Pakistan;
- (f) is under suspension; and
- (g) is on joining time on transfer to another post.

(2) A civil servant acquiring lien as referred in sub-rule (1), shall cease to hold lien acquired previously on any other post.

6. *Termination of lien.*- (1) The lien of a civil servant who is reduced in rank or reverted to a lower post as a consequence of action taken against him under the Government Servants (Efficiency and Discipline) Rules, 1973\*\*, shall be terminated against the post from which he is reduced in rank or, as the case may be, reverted to a lower post:

Provided that such civil servant shall acquire a lien against the lower post.

(2) A civil servant shall cease to hold lien against a post if he takes up an appointment on selection in an autonomous body under the control of Federal Government, Provincial Government, local authority or private organisation.

(3) Notwithstanding the consent of a civil servant, his lien on a post under the Federal Government shall not be terminated until he acquires lien on any other post.

(4) A confirmed civil servant who, of his own accord, joins some other service, post or cadre on regular basis shall have, after being selected through a regular selection process, the right of reversion to the previous post against which he shall hold lien only during the period of his probation on his new service, post or cadre.

7. *Repeal.*- All existing orders and instructions relating to confirmation of civil servants issued from time to time are hereby repealed.

[*Authority*:- Estt. Div.'s Notification No. S.R.O. 285(1)/93, dated 15-4-1993].

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\* Implies deputation.

\*\* Sl. No. 85, Chapter 9, Vol. II.