

THE SINDH CIVIL SERVANTS ACT, 1973

(SINDH ACT NO. XIV OF 1973)

[Karachi, the 5th December, 1973]

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan in connection with the affairs of the Province of Sindh.

Preamble. –WHEREAS it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan in connection with the affairs of the Province of Sindh and provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. Short title, application and commencement. – (1) This Act may be called the Sindh Civil Servants Act, 1973.

(2) It applies to civil servants wherever they may be.

(3) It shall come into force at once.

CHAPTER – I

PRELIMINARY

2. Definitions. – (1) In this Act unless there is anything repugnant in the subject or context, -

(a) “**ad hoc appointment**” means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending the recruitment in accordance with such method;

*[(aa) **“absorption”** means the appointment of a person by way of absorption in accordance with sub-section (2) of section 10-A;]

(b) “civil servant” means a person who is a member of a civil service of the Province or holds a civil post in connection with the affairs of the Province, but does not include –

(i) a person who is on deputation to the Province from the Federation or any other Province or authority; or

(ii) a person who is employed on contract, or on work-charged basis, or who is paid from contingencies; or

(iii) a person who is “worker” or “workman” as defined in the Factories Act, 1934 (XXV of 1934), or the Workmen’s Compensation Act, 1923 (VIII of 1923);

*[(bb) **“deputation”** means the posting of a person in accordance with sub-section (1) of section 10-A;]

(c) **“Government”** means the Government of Sindh;

*Clause (aa) & (bb) inserted by the Sindh Civil Servants (Amdt.) Ord. 2012 (Sindh Ordinance No.VI of 2012), the Sindh Govt. Gaz., Extr. Pt. I, P No. 494, dt. September 4, 2012. **Declared ultra vires by Apex Court reported as 2013-SCMR-1752.**

- (d) “**initial appointment**” means appointment made otherwise than by promotion or transfer *[or absorption];
- (e) “**pay**” means the amount drawn monthly by a civil servant as pay, and includes technical pay, special pay, personal pay and any other emoluments declared by the prescribed authority to be pay;
- (f) “**permanent post**” means a post sanctioned without limit of time;
- (g) “**prescribed**” means prescribed by rules;
- (h) “**rules**” means rules made or deemed to have been made under this Act;
- (i) “**selection authority**” means the Sindh Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendation of, or in consultation with which any appointment or promotion, as may be prescribed, is made;
- (j) “**temporary post**” means a post other than permanent post.

(2) For the purpose of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

*In clause (d), inserted by the Sindh Civil Servants (Amdt.) Ord., 2012 (Sindh Ordinance No. VI of 2012), the Sindh Govt. Gaz., Extr. Pt. I, P. No. 494, dt. September 4, 2012. **Declared ultra vires by Apex Court reported as 2013-SCMR-1752.**

CHAPTER - II
**TERMS AND CONDITIONS OF
SERVICE OF CIVIL SERVANTS**

3. Terms and conditions. – The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.

4. Tenure of office of civil servants. – Every civil servant shall hold office during the pleasure of Government.

5. Appointments. – Appointments to a civil service of the Province of a civil post in connection with the affairs of the Province shall be made in the prescribed manner by Government or by a person authorized by it in that behalf:

Provided that two per centum of such appointments shall, subject to availability, be made from amongst the disabled persons as defined in the Disabled Persons, (Employment and Rehabilitation) Ordinance, 1981.

6. Probation. – (1) An initial appointment to a service or post referred to in section 5, not being an adhoc appointment, shall be on probation as may be prescribed.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

(3) Where, in respect of any service or post, the satisfactory completion of probation include the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise,-

(a) if he was appointed to such service or post by initial recruitment, be discharged; or

(b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

Provided that, in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. Confirmation.- (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

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

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefit accruing there from.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiating, in such service or post, whichever is later.

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

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or cadre whether serving in the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, cadre or post shall be determined as may be prescribed.

(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment of such civil servant to that post, service or cadre:

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se-seniority as in the lower post.

9. Promotion.- (1) A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rules for departmental promotion in the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed,-

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

***[9-A.** – (1) Notwithstanding anything contained in this Act or any other law for the time being in force or any judgment of any court, a civil servant who provenly exhibits the act of gallantry while performing his duties or very exceptional performance beyond the call of duty, may be granted out of turn promotion or award or reward by Government.]

10. Postings and transfers.- Every civil servant shall be liable to serve anywhere within or outside the Province in any post under Government, Federal Government, or any Provincial Government or local authority, or corporation or body set up or established by any such Government:

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region:

Provided further that, where, a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

*Section 9-A substituted by the Sindh Civil Servants (Second Amdt.) Ord., 2012 (Sindh Ordinance No. VII of 2012), the Sindh Govt. Gaz., Extr., Pt. I, P. No. 498, dt. September, 5, 2012. **Declared ultra vires by Apex Court reported as 2013-SCMR-1752. Before substitution Section 9-A read as follows.**

9-A. – *Notwithstanding anything contained in this Act or any other law for the time being in force or any judgment of any court, a civil servant who provenly exhibits, the act of gallantry while performing his duties or very exceptional performance beyond the call of duty, may be granted out of turn promotion or award or reward in such manner as may be prescribed.*

***[10-A.** (1) Notwithstanding anything contained in this Act or any law in force or any judgment of any court, Government (C.M) shall have and shall be deemed to always have had the power to appoint any person on deputation basis, who is a civil servant as defined in this Act or the Federal Civil Servants Act, 1973 or is in the service of Government or Federal Government or autonomous, semi-autonomous body, corporation or any organization set up, established, owned, controlled or managed by Government, or as the case may be, the Federal Government, against any post, in any cadre, in the civil service of the Province or in connection with the affairs of the Province:

Provided that-

- (a) such person shall possess the minimum qualifications as may be laid down for the person to be appointed to that post and shall be subject to provincial laws and rules relating to disciplinary proceedings;
- (b) such deputation shall be for an initial period of three years, which may be extended only once by Government (C.M) for a further period of two years; and
- (c) the number of persons whose appointing authority is the Federal Government or autonomous, semi-autonomous body, corporation or any organization set up, established, owned, controlled or managed by the Federal Government shall not, unless otherwise directed by the Chief Minister, exceed ten percent of the posts in any cadre of posts sanctioned in the civil service of the Province or in connection with the affairs of the Province.

*New section 10-A inserted by the Sindh Civil Servants (Amdt.) Ord., 2012 (Sindh Ordinance No. VI of 2012), the Sindh Govt. Gaz., Extr., Pt. I, P. No. 494, dt. September 4, 2012. **Declared ultra vires by Apex Court reported as 2013-SCMR-1752.**

(2) Notwithstanding anything contained in this Act or any law in force or any judgment of any court, Government (C.M) shall have and shall be deemed to always have had the power to appoint any person by way of absorption, who is a civil servant as defined in this Act or the Federal Civil Servants Act, 1973 or is in the service of Government or Federal Government or autonomous, semi-autonomous body, corporation or any organization set up, established, owned, controlled or managed by Government or as the case may be the Federal Government, against any post, in any cadre, in the civil service of the Province or in connection with the affairs of the Province:

Provided that-

- (a) such person shall possess the minimum qualifications as may be laid down for the person to be appointed to that post;
- (b) such person shall be appointed to a post of equivalent or comparable grade and if such post is not available, then to a lower grade;
- (c) previous service, if not pensionable, shall not count for pension and gratuity unless Government (C.M) directs otherwise;
- (d) the number of persons whose appointing authority is the Federal Government or autonomous, semi-autonomous body, corporation or any organization set up, established owned, controlled or managed by the Federal Government and who are absorbed in accordance with this subsection shall not, unless otherwise directed by the Chief Minister, exceed ten percent of the posts in any cadre of posts sanctioned in the civil service of the Province or in connection with the affairs of the Province.

(3) Notwithstanding anything contained in this Act or any law in force or any judgment of any court, any person deputed or absorbed against any post, in any cadre, in the civil service of the Province or in connection with the affairs of the Province prior to the coming into force of the Sindh Civil Servants (Amendment) Ordinance, 2012 shall be deemed to have been validly deputed or absorbed, as the case may be, in accordance with section 10-A.]

11. Termination of service.- (1) The service of a civil servant may be terminated without notice,-

(i) during the initial or extended period of his probation:

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one service, cadre or post to another service, cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such service or cadre, but he shall be reverted to his former service, cadre or post, as the case may be;

(ii) on the expiry of the initial or extended period of his employment; or

(iii) if the appointment is made adhoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or service, the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or service.

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub-section (2), the service of a civil servant in temporary employment or appointed *ad hoc* shall be liable to termination on fourteen day's notice or pay in lieu thereof.

12. Reversion to a lower post. - A civil servant appointed to a higher post *ad hoc* or on temporary or officiating basis shall be liable to reversion to his lower post without notice.

13. Retirement from service.- A civil servant shall retire from service,-

- (i) on such date after he has completed twenty years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest, direct:

Provided that no civil servant shall be retired unless he has been informed in writing of the grounds of the action proposed to be taken against him and has been given reasonable opportunity of showing cause against that action; or

- (ii) where no direction is given under clause (i), on the completion of the sixty years of his age.

Explanation.- In this section, "competent authority" means the appointing authority or a person duly authorised by the appointing authority in that behalf, not being a person lower in rank than the civil servant concerned.

14. Employment after retirement.- (1) A retired civil servant shall not ordinarily be re-employed under Government, unless such re-employment, is necessary in the public interest and is made with prior approval of the authority next above the appointing authority:

Provided that, where the appointing authority is Government, such re-employment may be ordered with the approval of Government.

(2) Subject to the provisions of sub-section (1) of section 3 of the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (XII of 1966), a civil servant may during leave preparatory to retirement, or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

*[(3) Notwithstanding anything contained in this Act or any law in force or any judgment of any court, Government shall have shall be deemed to always have had the power to appoint any retired civil servant, whose services, in view of his expertise, are required by Government in the public interest, for a period as deemed appropriate by Government.]

*Sub-section (3) of section 14 added by the Sindh Civil Servants (Second Amdt.) Act, 2013 (Sindh Act No. XXIV of 2013), dt. 21st March, 2013. **Declared ultra vires by Apex Court reported as 2013-SCMR-1752.**

15. No person convicted for an offence involving moral turpitude shall, unless Government otherwise direct, be appointed to a Civil Service or post.

16. Conduct.- The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

17. Efficiency and discipline.- A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

18. Pay.- A civil servant appointed to a post shall be entitled, in accordance with the rules, to the pay sanctioned for such post:

Provided that, when in exigencies of service, the appointment for temporary period is made to higher post, the appointing authority may direct that the appointee shall, instead of drawing the pay of such higher post, draw the pay of the lower post he held immediately before such appointment, with such special pay as may be prescribed, but where the appointment is made on acting charge basis or by way of current or additional charge the pay of the appointee shall be fixed in the prescribed manner:

Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

19. Leave.- A civil servant shall be allowed leave in accordance with the leave rules applicable to him, provided that the

grant of leave, will depend on the exigencies of service and be at the discretion of the competent authority.

20. Pension and gratuity.- (1) On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.

(2) In the event of the death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.

(3) No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two-thirds of the pension or gratuity which would have been admissible to him, had he been invalidated from service on the date of such dismissal or removal.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity; and any over payment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

21. Provident Fund.- (1) Before the expiry of the third month of every financial year, the Accounts Officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to,

including the interest accruing thereon, if any, and withdrawals or advances from his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the Accounts or other Officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

22. Benevolent Fund and Group Insurance.- All civil servants and their families shall be entitled to the benefits admissible under the Sindh Government Servants Benevolent Fund Ordinance, 1960 and the Sindh Civil Servants Welfare Fund Ordinance, 1979, and the rules made thereunder.

23. Right of appeal or representation:- (1) Where a right to prefer an appeal or to apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post.

¹[23-A. Regularization of out of turn promotions.- (1)

Notwithstanding anything contained in any law, or order or judgment of any Court, all out of turn promotions made immediately before the commencement of the Sindh Civil Servants (Amendment) Act, 2013, under section 9-A by Government or Competent Authority or otherwise by the Police Department shall stand regularized from the dates of such promotions.

(2) All promotions regularized under sub-section (1) above and all notifications, proceedings, instructions or orders issued in pursuance of such promotions are hereby affirmed and shall be deemed always to have been validly made.

(3) A person aggrieved by any promotion regularized under sub-section (1), may file an appeal in the Sindh Service Tribunal, within thirty days of the commencement of the Sindh Civil Servants (Amendment) Act, 2013.]

²[23-B. (1) Notwithstanding anything contained in this Act or rules made thereunder, or in any decree, order or judgment of a court, an employee absorbed, or as the case may be, promoted under section 9-A as a civil servant against a post in connection with the affairs of the Province and holding such post immediately before the date of commencement of the Sindh Civil Servants (Second Amendment) Act, 2013, shall be deemed to have been validly absorbed, or as the case may be, promoted to that post on regular basis with effect from the date of his absorption, or as the case may be, promotion.

¹Section 23-A inserted by the Sind Civil Servants (Amdt.) Act, 2013 (Sindh Act No. I of 2013), the Sindh Govt. Gaz., Extr. Pt. IV, P. No. 1 dt. February 21, 2013.

Declared ultra vires by Apex Court reported as 2013-SCMR-1752.

²Section 23-B inserted by the Sindh Civil Servants (Second Amdt.) Act, 2013 (Sindh Act No. XXIV of 2013), dt. 21st March, 2013. **Declared ultra vires by Apex Court reported as 2013-SCMR-1752.**

(2) A person aggrieved by any absorption, or as the case may be, promotion regularized under sub-section (1), may file an appeal in the Sindh Service Tribunal, within thirty days of the commencement of the Sindh Civil Servants (Second Amendment) Act, 2013.]

23-C. Appointment of Federal Civil Servants.

(1) Notwithstanding anything contained in this Act, Government may, by notification, appoint a person to a civil service of the Province or to a post in connection with the affairs of the Province, who immediately before the commencement of the Constitution (Eighteenth Amendment) Act, 2010 (Act No. X of 2010) was holding a post in connection with the affairs of the Federation and whose services have been transferred to the Province in the wake of the said Amendment Act of 2010.

(2) Government shall, in prescribed manner, determine the terms and conditions of service of the civil servants appointed under sub-section (1) including cadre and seniority.

CHAPTER – III

MISCELLANEOUS

24. Saving.- Nothing in this Act or in any rule shall be construed to limit or abridge the power of Government to deal with the case of any civil servant in such manner as may appear to it to be just and equitable:

Provided that where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favourable to him than that provided by this Act or such rules.

25. Removal of difficulties.- If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary for the purposes of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

CHAPTER – IV**RULES**

26. Rules.- (1) Government or any person authorised by it in this behalf, may make such rules as appear to be necessary or expedient for carrying out the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

<http://sstsindh.gov.pk>