

**SERVICES AND GENERAL ADMINISTRATION DEPARTMENT
(REGULATION WING)**

NOTIFICATION Karachi, the 2nd

October 1975.

No SO-IX-REG (S&GAD)-2/1/1-74, — In exercise of the powers conferred by section 26 of the Sindh Civil Servants Act, 1973, the Government of Sindh are pleased to make the following rules regulating the probation, confirmation and seniority of Civil Servants, namely. —

**THE SINDH CIVIL SERVANTS (PROBATION, CONFIRMATION AND
SENIORITY) RULES, 1975.**

1 (1) These rules may be called the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975

(2) They shall come into force at once.

PART—I PROBATION

2 A person appointed to a post by initial recruitment shall be on probation for two years and a person appointed otherwise may, if the appointing authority so directs, be on probation for one year

EXPLANATION - Service of deputation to an equivalent or higher post shall count towards the period of probation

3 The appointing authority may, for reasons to be recorded in writing, —

(i) Curtail the period probation;

(ii) Extend the period of probation by a period not exceeding one year at a time, and during or on the expiry of the extended period; pass such order as are passed during or on the expiry of the initial probationary period

Provided that if no orders are passed by the day following the completion of—

(a) the initial probationary period, the period of probation shall be deemed to have been extended by one year;

(b) the extended period of probation, the appointment shall be deemed to be continued until further orders.

These Rules were published in Sindh Government Gazette Part IV-A Extra Ordinary dl 9th October. 1975 at pages 90 – 93

2 PART—n CONFIRMATION

4. Confirmation of a civil servant shall be made in the order to seniority in a permanent post on which no other civil servant holds any lien.
5. On confirmation of a civil servant in a post, his lien, if any, on any other post shall stand terminated.
6. No civil servant who holds a lien on any post in any department shall be confirmed in any post in any other department unless his consent, and the consent of the department, where he holds such lien has been obtained in writing.
7. A civil servant eligible for confirmation in more than one posts, shall be confirmed first in the lower post and then in the higher post from the dates he is due for confirmation in such posts.
8. If a civil servant becomes due for confirmation, his confirmation shall not be deferred unless a disciplinary action is pending against him or the appointing authority for reasons to be recorded in writing defers his confirmation :

provided that if during the deferment of the Confirmation of a civil servant his junior becomes due for confirmation, the post in which such senior civil servant is due for confirmation shall be kept vacant and the junior civil servant shall be confirmed in the next available post.

PART—HI SENIORITY

9. (1) In each "cadre" in a department there shall be a separate seniority list of a group of civil servants doing similar duties and performing similar functions and for whose appointment same qualifications and experience have been laid down :

"[Provided that in the Collegiate Branch (Non-Technical) of the Education Department, there shall be a combined seniority list of Lecturers.]

- (2) The appointing authority shall, in the month of January every year, cause to be prepared, or, as the case may be, revised, the seniority list under sub-rule (1).

- 10, (1) Subject to the provision of rule 11, the seniority of a civil servant shall be reckoned from the date of his regular appointment.

- (2) No appointment made on adhoc basis shall be regularized respectively.

11 Interse seniority of civil servants appointed in a batch or on the same date shall be determined —

- (a) In the case of persons appointed by initial recruitment, in the order of merit assigned by the selection authority, and if such authority is either not competent to assign such order of merit or has omitted to do so and is unable to overcome the omission for reasons beyond its control, the seniority shall be determined by the appointing authority :

Provided further that a person selected in earlier selection shall rank senior to a person selected in a later selection;

- (b) in the case of persons appointed by promotion on the basis of their interse seniority in the lower post.
- (c) in the case of persons appointed by initial recruitment *viy-u-vi*[^] persons appointed by promotion, on the basis that the persons appointed by promotion shall rank senior to the persons appointed by initial recruitment;
- (d) in the case of persons not covered by clauses (a) to (c), on the basis that persons older in age shall rank senior to persons younger in age

12. If an appointment is made by transfer—"

- (a) a person appointed otherwise than on his own request shall, for the purpose of determining his seniority, be given the benefit of his regular service in other post or posts held by him before his transfer and appointment to the new post :

Provided that if the regular appointment is made in a batch or on the same day, the older in age shall rank senior to younger in age;

- (b) a person appointed on his own request shall rank Junior to all other persons appointed before him on the regular basis and the persons appointed with him in the same batch or on the same day by promotion or initial recruitment.
- (c) the interse seniority of persons appointed on their request in the same batch or on the same day shall be determined in accordance with their respective dates of regular appointment in the posts held by them before their transfer and appointment to the new posts provided that if the dates of their regular appointment in such other posts are same, the older in age shall rank senior to the younger in age

'1Added vide Notification No SOIX-REG (S&GAD)11/34-83 dt- 9-2-84.' 2 Subs vide Notification No SOIX-REG (S&GAD)/1/1674 dt 24-4-85

13 ^{(1) A civil servant, who is not promoted on his turn on the ground that —

- (i) his seniority is under dispute or is not determined, or (ii) he is on deputation, training or leave, or (iii) disciplinary proceedings are pending against him, or
- (iv) he is not considered for promotion for any reason other than his unfitness for promotion,

shall, on subsequent promotion, subject to any order made by the competent authority in this behalf for the purpose of inter-se seniority in the higher 'post' be deemed to have been promoted in the same batch as his juniors]

^{(2) A Civil Servant declining to avail of benefit of order of his promotion shall, on his subsequent promotion, rank junior, in the higher post to those who may have been promoted earlier as a result of his having declined to avail the benefit of such promotion"]

SAEED AHMED QURESHI Chief
Secretary to Govt of Sindh

- 1 Subs vide S&GAD Notification No SOIX-REG (S&GAD)2/1/-74 dated 1st Sep 1976 for original rule 13
- 2 Renumbered vide No SOIX-(S&GAD) VI/5-S1 dt 16-3-19S3
- 3 Added Subs vide Notification No SOIX-REG (S&GAD)2/1/74 dt 24-4-65

***Sah/ec!* :— PREPARATION OF SENIORITY LIST.**

Government have recently notified the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975, Sub-rule (2) of rule 9 of these rules makes it obligatory for the appointing authorities to prepare and revise the seniority lists annually in January, in accordance with sub-rule(1) of the same rule 9, Publication of Seniority Lists therefore cannot be postponed.

In case seniority of any person cannot be determined by that time or is likely to be revised due to some dispute over it, an indication may be given below the name of such person that his seniority is provisional and subject to revision in accordance with the orders of the competent authority. This will cover all contingencies likely to arise in that respect.

The Seniority of Officers of Grade 16 and above whose appointing authority vests in Chief Secretary or Chief Minister will be published by the Administrative Department concerned. But before doing so, the Lists may be put up to the appointing authority.

I am, therefore, desired to request you to ensure that the preparation of revision of Seniority Lists to taken in hand immediately so that these are finalized well in time and published in January, 1976, without fail.

14 APPOINTMENT AND PROMOTIONS ON REGULAR BASIS

I am directed to say that before introduction of the Service Laws, appointments of Class I and Class II Officers were made on the recommendation of the Public Service Commission, and vacancies of the Regional and the Heads of Attached Departments and equivalent **posts filled in** through the selection boards. But all other appointments were made by the appointing authorities without any clearance from a statutory body, committee or **board**.

The position has now changed as every regular appointment or promotion now made is to be on the recommendations of a Statutory Selection Authority. Every appointment made otherwise than in the prescribed manner *i.e.* without getting clearance of the Selection Authority concerned, will be adhoc appointment and that service will not count towards seniority.

It is therefore necessary that every appointment or promotion order or notification should **clearly** point out that the appointment or promotion, as the case may be, is *regular* or has been made on adhoc **basis**.

I am therefore to request you to impress the necessity of it on all notification should clearly point out the appointment or promotion, as *the above lines*.

No. **SOIX-REG.<S&GAD>-2/D/1-74 <PT-ID** (Vol.-II) Karachi, Dated

the 20th April, 1976.

PREPARATION OF SENIORITY LIST OF CIVIL SERVANTS POSITION OF AD-HOC APPOINTEES

A question has arisen whether the name of a civil servant who is holding a post on ad-hoc basis should be included in the seniority list of the holders of such posts.

2. According to Rule 10 of the Sindh Civil Servants (Probation, Confirmation & Seniority) Rules, 1975, the seniority of a civil servant shall be reckoned from the date of his regular appointment. Thus, unless the ad-hoc appointment is regularised, the name of ad-hoc appointee should not be shown in the seniority list in the grade to which he is appointed on ad-hoc basis. In case an ad-hoc appointment is made by promotion, such an officer is to be shown in the seniority list of the lower grade in accordance with his position in that grade with an indication in the Remarks Column about his ad-hoc promotion to higher grade. The date of his promotion on ad-hoc basis is irrelevant for the purpose of seniority.

3. The name of a civil servant appointed by initial appointment cannot, however, be shown in the seniority list till he is appointed on regular basis. A separate list of ad-hoc appointees, whether their appointment is by initial appointment or otherwise, can be prepared for administrative convenience; but such list should not be termed as seniority list.

No. **SOVIII-REG(S&GAD)26/30-7ft**. Karachi Dated the 15th October, 1976

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No,S01X-REG.(S&GAD)-2/D/1-74(PT-II) (Vol.-II) Karachi, Dated the 20th April, 1976.

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15 SUSPENSION OF LIEN AND CONFIRMATION

A question has arisen whether after promulgation of the Sindh Civil Servants Act, 1973 and the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975 the competent authority has still power to suspend the lien of a Government servant on a permanent post which he holds substantively as provided in rule 19 of the Sindh Civil Services Rules Volume I.

2. There is no express provision for suspension of lien held by civil servant on a permanent post in the aforesaid Act and the new Rules of 1975. The concept of suspension of lien as laid down in the Sindh Civil Services Rules has not been recognized in the new Rules. Rule 4 of the new Rules provides that confirmation of a civil servant is to be made in a permanent post on which no other civil servant holds any lien. In the case of suspension of lien, the civil servant concerned would still be considered to have a lien on the post, though in a suspended shape. It is, therefore, not permissible to make confirmation against that post.

3. Apart from the above, Sub-Section (3) of Section 7 of the Sindh Civil Servants Act, 1973 provides that there shall be no confirmation against any temporary post. The word 'temporary post' can be construed to include even temporary vacancy in the permanent post. By suspension of lien, there occurs only a temporary vacancy in the permanent post and as such no confirmation can be made against such vacancy. No confirmation provisional or otherwise, is possible under the new rules, unless a clear permanent vacancy is available.

4. It is, therefore, clarified that after promulgation of the Sindh Civil Servants Act and new Rules of 1975, the authorities are left with no power to order suspension of a lien held by a civil servant on a permanent post.

No. SOVm-Reg (S&GAD) 1-205/75, Dated 28th December, 1976.

REGULARISATION OF AD-HOC APPOINTMENTS

I am directed to state that the question of regularising adhoc appointments from retrospective date has been receiving the attention of the new service laws, adhoc appointments cannot repeat cannot be regularised with retrospective effect, To clarify this position, an express provision has been made in Rule 10 of the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975 that "no appointment made on adhoc basis shall be regularised retrospectively". Hence all orders issued after promulgation of the Sindh Civil Servants Ordinance in 1973 converting the ad-hoc appointment into regular appointment with retrospective effect are invalid and inoperative. They must therefore, be modified.

2. Some of the departments expressed the view that the application of the above mentioned provision involves hardship to adhoc appointees, who suffer in seniority due to the delay in making regular appointments, as the seniority under the rules is To be reckoned from the date of regular appointment. The matter as discussed in the meeting of the Secretaries' Committee held on 22nd December, 1975, and the question of invoking the special provision of section 24 of the Sindh Civil Servants Act, 1973 in cases of hardship was considered. It was generally agreed in the meeting that—

- (i) The practice of adhoc appointments and promotion is not desirable.
- (ii) If the regularisation with retrospective effect is done at this stage it would become a precedent for future.
- (iii) If section 24 is invoked there is no guarantee that this section would not be invoked again and again in future nullifying the norms of a good personnel policy.

3. The matter has since been examined further, and the following decisions have been taken :—

- (a) Rule 13 of "Seniority" Rules has been amended affording protection of seniority to a senior civil servant who is not promoted on his turn, although considered suitable, by providing that such a civil servant on subsequent promotion, subject to any order made by the competent authority in this behalf for the purpose of inter se seniority in the higher grade, be deemed to have been promoted in the same batch as his juniors. Formal orders should, therefore, be issued under this rule in cases of hardship to ensure that inter se seniority is protected from unmerited distortions.
- (b) What is really needed, is systematic and thorough staff work at the time of regular appointments, so that seniorities in the lower grade are not distorted in the phasing of regularisation. This should be kept in mind.
- (c) Efforts should be made to eliminate the factors which necessitate making adhoc appointments and prompt steps should be taken to make regular appointments to posts at present being held by adhoc appointees.

4. In view of the above decisions there is no longer any justification for retrospective regularisation or proforma promotions. This issue should now be treated as closed. The cases of hardship should be dealt with under seniority rules which have been revised to accommodate all genuine cases.

No. SOVHI-Reg: (S&GAD)1-47/75.

dated 22nd January, 1977.

Subject :- SENIORITY LISTS - PREPARATION AND ISSUE OF. Sir,

I am directed to refer to the marginally noted correspondence of this department on the subject noted above,

1. Circular letter No. SOIX-REG (S&GAD)2/1/1-74, dated the 27-11-1975.
2. Circular letter No. SOIX-REG (S&GAD) 2/1-1-74 (P. I), dated the 11-1-1978.
3. Circular letter No. SOIX-REG (S&GAD) 2/1/1-74, dated the 24-11-1976.
4. D. O. letter No. SOIX-REG (S&GAD) 2/1/1-74 (P.11), dated the 17-7-1979, from the Chief Secy •
5. D. O, letter No. SOIX-REG (S&GAD) 2/1/1-74 (P.II), dated the 12-2-1983, from the Secretary, S&GAD

2. It has been brought to the notice of the Chief Secretary that in good number of Departments seniority lists have neither been prepared as yet nor issued and the officials concerned are completely un-aware of their seniority position, which otherwise they are to be kept informed of as per rules.

3. As preparation and issue of seniority lists is a mandatory requirement under the relevant rules, all the Administrative Departments are again requested to ensure that the seniority of all incumbents under the administrative control are prepared, analized in accordance to the rules and issued to all concerned without delay. These lists may also be updated accordingly as required under provisions of the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975 with the approval of competent authorities

No. SOIX-REG(S&GAD)2/1/1-74(P.m) dated 12th March, 1984.

Subject:- SENIORITY LISTS — PREPARATION AND ISSUE OF

I am directed to refer to this Department's Circular letter of even number, dated 12th March, 1984, on the subject noted above and to state that it has been noticed that in spite of the instructions contained therein, majority of the Departments/Offices in Sindh are not issuing seniority lists of the employees regularly, every year.

2. In this connection, it may be pointed out that the Sindh Service Tribunal in one of its judgements has made the following observations :—

"Before we part, let us make a candid observation — we observe with regret that the department has issued three delayed provisions lists in succession without finalizing any of these lists in a period of a year, as is laid down in Rule 9 of the Probation, Confirmation and Seniority Rules, 1975 and read with section 8 of the Sindh Civil Servants Act, 1973. Let us hope that the department will take cognizance of this observation and conform to this requirement of law in future".

3. It is once again requested that it may please be ensured that seniority lists are issued and finalised every year in future as also observed by the Sindh Service Tribunal. The contents of this circular letter may please be brought to the notice of all appointing authorities under your administrative control also for strict compliance in future.

[No, SOTX-RRG(S&GAD)2/1/1-74, dated 19th October, 1987].

19 Subject :— SENIORITY LISTS — **PREPARATION AND ISSUE OF.**

I am directed to refer to the communication ending with this Department Circular letter of even number, dated 19th October, 1987 (copy enclosed for ready reference) on the above subject, which is self-explanatory and to state that it has been noted with regret that inspite of the mandatory provisions in this regard and repeated instructions/follow up by this Department, every few **A.Ds.** have done the needful. The result is that most of the civil servants concerned are completely in the dark about their relative seniority positions.

2 To rectify this unhappy state of affairs, the Chief Secretary has been pleased to direct that all **A.Ds.** may be reminded, sufficiently in advance, to ensure that :--

a (a)

(b)

L Seniority lists of all civil servants in respect of whom they are the appoint-ing authority are issued by all A.Ds. positively by 31 st January, 1989, and

Similar action is taken by all appointing authorities under the administrative control of the A.Ds. by the stipulated date.D ^

3. I am accordingly directed to request that this important task may please be taken in hand in right earnest immediately so that all formalities are completed in the intervening period of over two months. Thereafter, compliance of Chief Secretary's directive may please be reported to this Department latest by 28th February, 1989 in the following form for the information of the Chief Secretary :—

'(Certified that seniority lists of all civil servants whom I am competent to appoint have been duly issued as required by Section 8 of the Sindli Civil Servants Act, 1973 read with Rule 9 of the Sindh Civil Servants (Probation, Confirmation and Seniority) Kules, 1975.

Certified further that similar action has been duly taken by all appointing authorities under my administrative control,

(To be signed by the Administrative Secretary concerned)"

4. The names of the A.Ds. which fail to report compliance by 28th February, 1989 would be reported to Chief Secretary, Sindh for such action as he may deem fit.

5. The receipt of this Circular may please be acknowledged and its contents brought to the notice of all concerned for their information, guidance and strict compliance.

[No. SOR-REG(S&GAD)2/1/1-74(II), dated 30th October, 1988].

20 CONFIRMATION/LIEN OF CIVIL SERVANTS

I am directed to say that the Government policy regarding confirmation/lien of civil servants is embodied in the Sindh Civil Servants Act, 1973, the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975, and the Sindh Civil Services Rules Manual Vol-1. The extracts from the above documents are enclosed for ready reference.

2. A perusal of the enclosed extracts would show that in pursuance of those mandatory provisions on the subject, the confirmation cases of civil servants should normally be processed by the Administrative Department on a continuous, on-going basis without any reminder from the outside agency. Rule 8 of the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975, goes to the extent of prescribing that if a civil servant becomes due for confirmation, his confirmation shall not be deferred, except for the reasons mentioned therein.

3. It has, however, been found that, in actual practice, these mandatory provisions of the rules are not being acted upon by the Administrative Departments. The result is that a large number of civil servants continue to serve on temporary basis in spite of the fact that permanent posts do exist and that the employees have since fulfilled all prescribed conditions for confirmation. In some cases, civil servants even retire on superannuation and yet their confirmation orders are not issued.

4. The Chief Secretary has taken a very serious view of this unhappy state of affairs. Non-confirmation of a civil servant who is otherwise eligible for confirmation in all respects, seriously jeopardizes his service interests. When the question of the retention of a civil servant's lien arises, the absence of his/her confirmation, otherwise due, results in great disadvantage to the employee.

5. I am, therefore, directed to advise that in order to safeguard the genuine interests of civil servants, the process of their confirmation may be initiated in earnest immediately where this is at present at a stand still, and where cases are being processed but slowly the matter may be given due priority and all cases should be finalized as early as possible. The Administrative Secretaries may like to fix a reasonable dead-line keeping in view the number of cases involved in their jurisdiction to ensure prompt action.

6. The receipt of this letter may please be acknowledged and a certificate in the following form may please be furnished to this Department by 31st December, 1990, positively :—

"CERTIFICATE Certificate that the cases of all civil servants under the administrative control
of

this Department who were due for confirmation till 30th September, 1990 have been processed and necessary orders issued. Sd/-
Administrative Secretary" 21

EXTRACT SECTION 7 OF THE SINDH CIVIL SERVANTS ACT, 1973

7. (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 or grade 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 benefits accruing therefrom.

(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 officiation, in such service or post, whichever is later.

EXTRACT PART-TI CONFIRMATION OF THE SINDH CIVIL SERVANTS (PROBATION, CONFIRMATION AND SENIORITY) RULES, 1975

4. Confirmation of a civil servant shall be made in the order of seniority in a permanent post on which no other civil holds any lien.

5. On confirmation of a civil servant in a post, his lien, if any on any other post shall stand terminated.

6. No civil servant who holds a lien on any post in any other department unless his consent and the consent of the department, where he holds such lien, has been obtained in writing.

7. A civil servant eligible for confirmation in more than one posts, shall be confirmed first in the lower post and than in the higher post from the dates he is due for confirmation in such posts.

8. If a civil servant becomes due for confirmation, his confirmation shall not be deferred unless a disciplinary action is pending against him or the appointing authority for reasons to be recorded in writing defers his confirmation :

Provided that if during the deferment of the confirmation of a civil servant; his junior becomes due for confirmation, the post in which such senior civil servant is due for confirmation shall be kept vacant and the junior civil servant shall be confirmed in the next available post 22

**EXTRACT RULES 18 TO 20 OF THE SINDH CIVIL SERVICES RULES
MANUAL VOLUME-T.**

18. (a) Two or more Government servants cannot be appointed substantively to the s

^^^viously acquired on any other post.

18-B Unless his lien is suspended under Rule 19 or transferred under Rule 21, a Government servant holding substantively a permanent post retains a lien on that post —

L1(a)

(b)

(c)

(d)

(e) n while performing the duties of that post;

while on foreign service, or holding a temporary post, or officiating in another post, during joining time on transfer to another post, unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post, while on leave, and while under suspension. ^ n

19 (a) A competent authority shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(1) to a tenure post, or

(2) to permanent post outside the cadre on which he is borne, or

(3) provisionally, to a post on which another Government servant would hold a lieu not been suspender under this rule.

(b) A competent authority may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of Pakistan or transferred to foreign service, or, in circumstances not covered by clause (a) of this

rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent, from the post on which he holds a lien for a period of not less than three years

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.Vf^.—'When it is known that a Government servant on transfer to a post outside his cadre is due to retire on superannuation within three years of his transfer his lien on his cadre post cannot be suspended. ^ n

(c) Notwithstanding anything contained in clause (a) or (b), this rule a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively no another permanent post his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) or this rule, the post may be filled substantively, and the Government servant appointed to held it substantively shall acquire a lien on it, provided that the arrangements shall be reversed as soon as the suspended lien revives.

nNote. 1 "—

Note. 2.—"DThis clause applies if the post concerned is a post in a selection grade of a cadre.

When a post is filled substantively under this clause, the appointment ill be termed as provisional appointment; the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) or (b) of this rule. D D

(e) A Government servant's lien which has been suspended under clause (a) of this rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

(f) A Government servant's lien which has been suspended under clause (b) of this rule shall revive as soon as he ceases to be on deputation out of Pakistan or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave continue to be on deputation out of Pakistan or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fail short of three years or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (a).

20, When suspension of the lien of a Government servant is sanctioned, it is permissible retrospectively from the date of creation of the temporary post or from any subsequent date on which he was appointed to it, but whether provisional substantive promotions should be given from that date or from any subsequent date is a matter which is entirely at the discretion of the authority whose duty it is to fill up the post if permanently vacant.

20.A. (a) A Government servant's lien on a post may in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) In a case covered by sub-clause (2) of clause (a) of Rule 19 the suspended lien may not, except on the written request of the Government servant concerned, be terminated while the Government servant remains in Government service.

Subject — **CONFIRMATION/LIEN OF CIVIL SERVANTS.**

I am directed to refer to this Department circular letter of even No. dated 23rd June, 1990 followed by three subsequent reminders dated 8th September, 1990, 7th November, 1990 and 6th January, 1991 on the subject noted above and to state with regret that in spite of issuance of clear instructions as contained in the communication referred to above, the required certificate which was to reach this Department by 31st December, 1990, has not yet been received so far.

2, It is accordingly requested, to please look into the matter personally and ensure that the process of confirmation of civil servants, who are otherwise due for it, is finalized early and the required certificate as mentioned in Para 6 of the this Department letter dated the 23rd June, 1990 referred to in Para 1 above is furnished to this Department without any further delay.

3. Receipt may please be acknowledge.

4. This issues with the approval of the Secretary (G.A.) No. SOR-I(S&GAD)2/7-90(Pt-I),

Dated 11th June, 1991.

