

GOVERNMENT OF ¹[Khyber Pakhtunkhwa], AUQAF DEPARTMENT.

NOTIFICATION

12th September, 1987.

No. 18511-16/Auq:20.--- In exercise of the powers conferred by clause (e) of sub-section (2) of section of the ²[Khyber Pakhtunkhwa] Waqf Properties Ordinance, 1979 (³[Khyber Pakhtunkhwa] Ord: No. 1 of 1979) the Government of ⁴[Khyber Pakhtunkhwa] is pleased to make the following Rules, namely:---

THE ⁵[Khyber Pakhtunkhwa] AUQAF EMPLOYEES PENSION RULES, 1987,

1. (i) These Rules may be called the ⁶[Khyber Pakhtunkhwa] Auqaf Employees Pension Rules, 1987.
- (ii) They shall come into force at once.
2. (i) 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) "Competent Authority" in relation to an employee or class of employees, means the authority competent to make appointment to the post held by the employee or the class of employees, as the case may be:
 - (b) "Employee" means an employee of the Auqaf Administration but does not include a person, who
 - (i) Is paid from the contingency or is borne on work-charge establishment: or
 - (ii) Is engaged on contract basis; or
 - (iii) holds a post which has been declared by the competent authority to be non-pensionable; or
 - (iv) is on deputation to the Auqaf Administration; or

¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (v) is holding the post of Chief Khateeb, District Khateeb, Khateeb, Khateeb-*cum*-Imam, Imam, Naib Imam, Moazin, moazin-*cum*-Khadim, Mujawar, Head Mudaris and Mudaris or any other post attached with any mosque, shrine and darul-u-loom in the Auaf Administration, till such time, the age of retirement is fixed in respect of holders of these posts.
- (c) “Medical Authority” means an authority consisting of at least two Medical Officers, appointed to conduct medical examination of the employees for the purpose of granting invalid pension, extraordinary pension or commutation of pension.
- (d) “Service” means service rendered for the Auqaf Administration.
- (ii) The words and expressions used in these rules but not defined shall, unless the context otherwise requires, have the same meanings as assigned to them in the ⁷[Khyber Pakhtunkhwa] Waqaf Properties Ordinance, 1979 (⁸[Khyber Pakhtunkhwa] Ord: 1 of 1979) or the service rules made thereunder.
3. Extent of application.--- These rules shall apply to:---
- (a) all the employees who enter the service on or after the commencement of these rules ; and
- (b) all such employees who, immediately before the coming into force of these rules, were in the service and have opted for these regulations.
4. Exercise of option:---
- (i) All employees referred to in clause (b) of sub-rule (1) of Rule-2 shall have the right to opt or not to opt for these rules. The option shall be exercised within a period of six months from the date of coming into force of these rules, and shall be communicated in writing to the Administrator Auqaf, who shall acknowledge its receipt:
- Provided that in the case of an employee who at the time of commencement of these rules is out of Pakistan or is on leave, he may exercise his option within a period of four months from the date of resuming his duties.
- (ii) An employee who does not exercise his right of option within the period specified in sub-rule(1) shall be deemed to have opted for these rules.

⁷ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (iii) The option once exercised or deemed to have been exercised shall be final.
- (iv) An employee who opts to be governed by these rules shall have to surrender the employer's share of provident fund alongwith interest accrued thereon credited to his account till commencement of these rules under the Contributory Provident Fund Scheme. The balance at the credit of the employee concerned after such surrender shall then be transferred, alongwith the amount of interest accrued thereon, to the General Provident Fund Account of the employee concerned and the provisions of Contributory Provident Fund Rules shall cease to be applicable to him.

Explanation.---

An employee can opt either for these rules or for the existing Contributory Provident Fund Rules. He shall not be allowed to opt for existing Contributory Provident Fund Rules or a part of his service and for these rules for the remaining part thereof.

5. The pension shall be sanctioned by Competent Authority as far as possible, in accordance with the procedure laid down in the West Pakistan civil Servants Pension Rules, 1963.

6. Calcification of Pension.--- Save as otherwise provided in these rules, an employee shall be entitle to such kind of pension or pensions and of such amount and subject to such conditions and limitations as is admissible to a Government Servant of the equivalent or comparable scale of pay in pensionable service of Government of ⁹[Khyber Pakhtunkhwa].

7. Pension Fund.--- These shall be maintained a pension Fund to the credit whereof shall be placed---

- (i) the amounts contributed by the Auqaf Administration to the Provident Fund Accounts of the employees who have under the rules opted for pension system; and
- (ii) such contribution per month for every employee as would have been payable by the Auqaf Administration under the Provident Fund System.

8. Appeal Against orders.--- In any employee is aggrieved by an order passed under Rule 5, he may appeal to the same authority to whom he could have appealed, had he been dismissed or removed from the service and the provisions of the rules, regulating appeals for removal or dismissal, shall, *mutatis mutandis*, apply to appeal under these rules.

⁹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.

9. Investment of Surplus Fund.--- If the amount in Pension Fund is surplus to the requirement for the purposes of pension, the surplus funds may be invested, with the previous sanction of the Auqaf Administration, in such manner as may be beneficial but in accordance with the Government Policy on the subject and if the Pension Fund is running short of the requirements for the purposes of pension, the Auqaf Administration may raise, its contribution to the Pension Fund under sub-rule (2) of Rule 7 to such extent as may be specified.

10. Payment of pension.--- All Pensions shall be paid out of the Pension Fund maintained under Rule 7.

11. Anticipatory Pension.--- All formalities for the grant of pension shall be completed as expeditiously as possible, so that the employee retiring on pension starts getting his pension regularly within three months of his retirement; provided that if due to unavoidable circumstances such period is to be exceeded, the authority competent to grant the pension shall sanction anticipatory pension to the employee concerned for the interim period.

Sd./- X X X
Chief Administrator Auqaf,
¹⁰[Khyber Pakhtunkhwa], Peshawar.

¹⁰ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011.