

**THE WEST PAKISTAN AUQAF SERVICE RULES,
1962.**

NOTIFICATION

[The 12th October, 1962]

No. 1(22) **Auqaf/60.**- In exercise of the powers conferred by section 21 of the West Pakistan Waqf Properties Ordinance, 1961 (XXVIII of 1961) the Governor of West Pakistan is pleased to make the following rules, namely:—

**Part I
GENERAL**

1. Short title, commencement and application.— (1) These rules may be called the West Pakistan Auqaf Service Rules, 1962.

(2) They shall come into force with immediate effect.

(3) They shall apply to the incumbents of all administrative and ministerial posts under the Chief Administrator, Auqaf, and such other posts as may be notified by the Chief Administrator Auqaf, West Pakistan.

2. Definitions.-- In these rules unless the context otherwise requires, the following expressions shall have meanings hereby respectively assigned to them, that is to say-

- (a) "Administrator" and "Deputy Administrator" means respectively the Administrator and the Deputy Administrator of Auqaf appointed by Government under section 4;
- (aa) "Administrative post" means a post of Manager, Assistant Manager, and such other post, the pay whereof is debitable to the Auqaf Fund, as may be specified by Government;
- (b) "Board" means a Board of Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government in consultation with the Commissioner to be a Board for the purposes of these rules;
- (c) "Chief Administrator" means the Chief Administrator of Auqaf, West Pakistan;
- (d) "Governor" means the Governor of West Pakistan;
- (e) "Initial recruitment" means appointment made otherwise than by promotion or transfer from another service/department/post;
- (f) "Manager" means a person appointed by the Chief Administrator for the administration, control, management and maintenance of a waqf property and includes an Assistant Manager in independent charge of such waqf property;
- (ff) "Ministerial post" means a post the duties whereof are entirely clerical and includes any other post specified by the Chief Administrator Auqaf by general or special order, to be a ministerial post;
- (g) "Ordinance" means the West Pakistan Waqf Properties Ordinance, 1961;

- (h) "Recognised University" means any University incorporated by law in Pakistan or any other University declared by Government to be a recognised University for the purpose of these rules;
- (i) "Section" means section of the Ordinance; and
- (j) "Service" means the West Pakistan Auqaf Service.

Part II

CONSTITUTION OF SERVICES AND RECRUITMENT

- 4. Appointing Authority.-** Appointment to the Service shall be made by the Chief Administrator.
- 5. Method of recruitment.—** (1) Appointments to the administrative posts I in the Service shall be made by the following methods:--

- ¹(a) vacancies in the posts of Managers shall be filled:-
 - (i) 30% by initial recruitment;
 - (ii) 60% by promotion from among members of the service holding posts of Assistant Managers; and
 - (iii) 10% by transfer of suitable officers serving under Government²:

Provided that where no suitable officer of Government is available for filling a vacancy under this sub-clause, the vacancy may be filled, at the discretion of the Chief Administrator by initial recruitment or by promotion as provided in sub-clause (ii); and

- (b) vacancies in the posts of Assistant Managers shall be filled by initial recruitment, or by transfer of a suitable official serving under Government.

(2) Appointment to the ministerial posts in the Service shall be made by initial recruitment, by promotion, or by transfer, or as may be specified by the Chief Administrator from time to time by standing orders.

(3) Appointments to the other posts of the Service shall be made in the manner provided in the standing orders issued by the Chief Administrator from time to time.

³(4) Vacancies to be filled by initial recruitment shall be reserved for *bona fide* residents of the zones specified in the Appendix to these rules in proportion to their population according to the census figures.

- 6. Qualifications.-** No person shall be appointed to a post in the service by initial recruitment or by transfer unless-

¹ Substituted by Notification No. 2(8)Auqaf/OSD/67, dated 15.4.1969.

² Substituted by Notification No. LVI (8) Auqaf/65, dated 21st February, 1966.

³ Added by Notification No.8(2)A/OSD/67, date 25.6.1969.

- (a) in the case of a post of Manager, he is a graduate from a recognised University; and
- (b) in the case of a post of Assistant Manager, he has passed ⁴Intermediate Examination from recognised University or Board:

Provided that preference shall be given to the candidates who--

- (i) had Islamiat or/and social work as their subjects in examination; or
- (ii) possess experience of managing agriculture or residential properties.

7. Eligibility.— No person who is not eligible for appointment under Government shall be appointed to the service.

8. No person, who is less than eighteen years or more than twenty-five years of age, shall be appointed to the service by initial recruitment:

Provided that:

- (i) in the case of candidate whose services under Government have been terminated for want of a vacancy, the period of service already rendered by him under Government shall for the purpose of the upper age limit under this rule, excluded from his age; and
- (ii) the Chief Administrator may, for reasons to be recorded in writing, relax the age limit in special case.

9. Medical fitness and other qualifications.-- No person shall be appointed to the service by initial recruitment unless he has been certified by a registered medical practitioner to be of sound constitution and medically fit.

10. Character.— No person, who is not already in Government service, shall be appointed to the service, unless he produces a certificate of character from the principal academic officer of the academic institution last attended and also certificate of character from two other responsible persons, not being his relatives who are well acquainted with his character and antecedents.

Part III CONDITIONS OF SERVICE

11. Probation.— (1) A person appointed to the service against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise.

Explanation:— Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

⁴ Amended by Notification No.4(1)A/OSD/67,dated 12.11.1971.

(2) If the work or conduct of a member of the service during the period of probation has been found to be unsatisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his service, if he has been appointed by initial recruitment, and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services.

(3) On completion of the period of probation of member of the service, the appointing authority may, subject to the provisions of subrule (4) confirm him in his appointment, or if his work or conduct has in the opinion of such authority, not been satisfactory-

- (a) in case he has been appointed by initial recruitment, dispense with his services; or
- (b) in case he has been appointed otherwise, revert him to his former post and if there be no such post, dispense with his services; or
- (c) extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period/ pass such orders, as it could have passed during or on the expiry of the initial probationary period.

Explanation I.— If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

Explanation II.— If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

(4) No person shall be confirmed in the service unless he successfully completes such training and passes such departmental examinations as may be prescribed by Government from time to time.

(5) If a member of the service fails to complete successfully any training or pass any departmental examination prescribed under sub-rule (4) within such period or in such number of attempts as may be prescribed by Government the appointing authority may--

- (a) in case he has been appointed by initial recruitment, dispense with his service, or
- (b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

12. Service agreement.- Members of the service except those loaned by - Government shall execute an agreement, in the form prescribed by the Chief Administrator at the time of permanent substantive appointment. The stamp duties due on the agreement shall be borne by the member of the service concerned.

13. Termination of services.- The services of a member of the service may be terminated in accordance with terms of the agreement executed under rule 12.

14. Termination of service without notice.— The authority competent to terminate the service of a member of the service may, notwithstanding any provision in the agreement entered with the member under rule 12 providing for the giving of a notice, terminate the services of the member at any time without giving notice or on a shorter notice, without assigning any reason, provided that pay for the period by which the notice falls short of the required period, or where no notice is given, pay for the full required period, is granted.

15. Resignation.- (1) No member of the service shall abandon or discontinue his service without first giving to the Chief Administrator fifteen days' notice of his intention in writing or forfeit fifteen days' pay in lieu thereof.

(2) A member of the service who wishes to resign from the Service may give the same notice as prescribed in sub-rule (1) or deposit necessary sum in lieu thereof: Provided that when an employee gives a notice of resignation, the competent authority shall be entitled to accept it with immediate effect or from any time before expiry of the notice period without payment of the salary for the un-expired period of the notice.

16. Retirement.-- The date of compulsory retirement of a member of the Service shall be the date on which he attains the age of fifty-five years provided that the Chief Administrator may allow a member of the service to remain in service up to sixty years of age if the incumbent concerned continues to remain efficient and physically fit to perform his duties.

17. Seniority.- (1) The seniority *inter se* of the members of the service in the various grades thereof shall be determined—

- (a) in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the appointing authority: Provided that persons selected for the service in an earlier selection shall rank senior to the persons selected in later selection; and
- (b) in the case of members appointed otherwise with reference to the dates of their continuous appointment therein: Provided that if the date of continuous appointment in the case of two or more members of the service is the same the older official, if not junior to the younger official or officials in the next below grade, shall rank senior to the younger official or officials.

Explanation (I).— If a junior official in lower grade is promoted to a higher grade temporarily in the public interest even though continuing later permanently in the higher grade it would not adversely affect the interest of his seniors in the fixation of his seniority in the high grade.

Explanation (II).— If a junior official in a lower grade is promoted to a higher grade by superseding a senior official and subsequently that official is also promoted, the official promoted first shall rank senior to the official promoted subsequently.

(2) The seniority in the various grades of the service of the members appointed by initial recruitment *vis-a-vis* those appointed otherwise shall be determined—

- (a) in case both the officials appointed by initial recruitment and the official appointed otherwise have been appointed against substantive vacancies, or both have been appointed against temporary vacancies, with reference to the date of appointment to such vacancy in the case of the official appointed by initial recruitment and to the date of continuous appointment against such vacancy in the case of the official appointed otherwise: Provided that if the two dates are the same, the official appointed otherwise shall rank senior to the official appointed by initial recruitment:
- (b) in case the official appointed by initial recruitment has been appointed against a substantive vacancy and the official appointed otherwise has been appointed against a temporary vacancy the official appointed by initial recruitment shall rank senior to the official appointed otherwise; and
- (c) in case the official appointed otherwise is appointed against a substantive vacancy and the official appointed by initial recruitment is appointed against a temporary vacancy, the official appointed otherwise shall rank senior to the official appointed by initial recruitment.

18. Liability to transfer and serve.- Members of the service shall be liable to transfer anywhere in West Pakistan.

19. No member of service shall apply for an outside appointment without the prior written permission of the appointing authority.

Part IV

LEAVE, PAY AND ALLOWANCES, INCREMENTS ETC.

⁵20. Leave.- A member of the service shall be granted leave in accordance with the "West Pakistan Auqaf Department Leave Rules, 1964".

21. Pay and Allowances.- A member of the service shall begin to draw the pay and allowances attached to his post, with effect from the date on which he assumes the duties of the post if the charge is transferred before noon of that date, otherwise from the following day and shall cease to draw them as soon as he ceases to discharge those duties.

22. Fixation of pay.- The initial pay of a member of the service, who is appointed for the first time to service on a time-scale of pay shall be fixed at the minimum of the time-scale unless the appointing authority, for reasons to be recorded in writing considers that it is necessary to give him higher pay.

⁵ Am. Inserted added and omitted under Notification No. LVI(3)A/65, dated 21st February, 1966.

23. Increments.- (1) An increment in the time scale shall ordinarily be drawn as a matter of course unless it is withheld by a competent authority by an order in writing.

(2) Where an efficiency bar is prescribed in a time scale, the increment next above the bar shall not be given to a member of the service without the sanction of the authority empowered to withhold increments.

24. With-holding of increments.- (1) The Chief Administrator or any officer specifically empowered by him in this behalf may by an order in writing, withhold an increment of a member of the service.

(2) The order withholding an increment under sub-rule (1) shall state the period for which the increment shall be withheld and whether it shall have effect of postponing future increments.

25. Advance increment.- The Chief Administrator may grant one or more premature increments to a member of the service in a time-scale. This will not, however, change the date of increment admissible in the ordinary course.

Part V

DISCIPLINARY MATTERS

26. Discipline, penalties and appeals.- Members of the service shall be governed by the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, and such other rules and orders relating to penalties, discipline, and appeals applicable to Government servants under the rule-making authority of the Governor of West Pakistan as may be specifically made applicable to them by the Chief Administrator,

27. Suspension.- (1) The Chief Administrator or the authority to whom he has given such powers may suspend a member of the service pending enquiry into his conduct.

(2) A member of the service shall, during the period of suspension, be entitled to a subsistence allowance not exceeding one-half of the pay admissible to him immediately before his suspension *plus* full allowances.

(3) If on enquiry he is honourably acquitted, he shall be reinstated from the date of suspension and shall be allowed full pay and allowances to which he would have been entitled if he had not been suspended,

(4) If he is not honourably acquitted, the competent authority shall pass such orders as it deems fit about the payment of his pay and allowances.

(5) In the case falling under sub-rule (3), the period of absence from duty shall be treated as a period spent on duty.

(6) In the case falling under sub-rule (4), the period of absence from duty shall not be treated as a period spent on duty unless the appellate authority so directs.

28. Appeal.— (1) A member of the service against whom any penalty has been imposed by any authority subordinate to the Chief Administrator, may appeal against such order to the Chief Administrator within ...six weeks from the receipt by him of the copy of the order

(2) The order passed by the Chief Administrator in appeal under sub-rule (1) shall be final.

Part VI SERVICE AND CHARACTER RECORD

29. Service Book.- A Service Book shall be maintained in respect of each member of the service, giving therein all important events relating to his service, namely, pay, leave, punishment, warnings, confirmation, *etc.* The Service Book shall be maintained by the appointing authority or the authority authorised by the Chief Administrator in this behalf.

30. Character Roll.-The Character Roll of members of the service shall be maintained in the form and in accordance with the rules prescribed by Government for Government servants under the rule-making authority of the Governor of West Pakistan.

31. Officer on deputation from Government.— A member of the service whose services have been obtained on loan from Government, shall not be removed or dismissed, reduced in rank or suspended without previous sanction of Government.

Part VII MISCELLANEOUS

32. Delegation.- The Chief Administrator may delegate any of his powers under these rules to any officer subordinate to him:

Provided that no member of the service shall be dismissed or removed from service or reduced in rank by an authority subordinate to the authority by whom he was appointed.

33. Relaxation.- Any of these rules may, for reasons to be recorded in writing, be relaxed individual cases if the Chief Administrator is satisfied that a strict application of the rule would cause undue hardship to the individual concerned.

34. General.- In any matter not covered by these rules, the members of the service shall be governed by the Government Civil Services Rules applicable to Provincial Government servants in the integrating units of West Pakistan where such members of service are for the time being serving.

APPENDIX
[See Rule 5(4)]

⁶Zones.

1. Quetta and Kalat Divisions and Lasbella District.
2. Khairpur and Hyderabad Divisions.
3. Lahore Division, Districts of Rawalpindi Sargochla, Lyallpur, Multan and Montgomery.
4. Bahawalpur Division and the districts of Muzaffargarh, Dera Ghazi Khan, Compbellpur, Jhelura, Mianwali and Ihang.
5. Agencies, States and Tribal Areas including added and special areas adjoining settled districts.
6. Peshawar and Dera Ismail Khan Divisions excluding Zone No. 5.
7. Karachi Division excluding Lasbella District.

[The 30th June, 1968]

No. XIX (3)-Auqaf/65.~ In pursuance of the provisions of sub-rule (3) of rule 1 of the West Pakistan Auqaf Service Rules, 1962, the Chief Administrator of Auqaf, is pleased to direct that the said rule shall also apply to the incumbents of the following posts in the Auqaf Administration, other than those on deputation from other Departments/Organizations of any Government—

- | | |
|-----------------------------|---------------------------------------|
| (1) Executive Engineer. | (2) Medical Superintendent. |
| (3) Litigation Officer. | (4) Public Relations Officer. |
| (5) Sub-Divisional Officer. | (6) Medical Officer; Darbar Hospital. |
| (7) Deputy Administrator | (8) Assistant Accounts Officer. |
| (9) Tehsildar | |
| (10) Overseer | (11) Draftsman. |
| (12) Assistant Draftsman. | (13) Naib-Tehsildar. |
| (14) Staff-Nurse | (15) X-R Technician. |
| (16) Laboratory Assistant. | (17) Dispenser. |
| (18) Dresser. | (19) Patwari. |
| (20) Supervisor. | (21) surveyor. |

⁶ Added by Notification No. 8(2)A/OSD/67, dated 25.06.1969