

PESSI (SERVICE) REGULATIONS, 1973

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No. 11-14(Lab.II)/73 – The Governing Body of the Punjab Employees' Social Security Institution, in exercise of the powers conferred on it by section 80 of the West Pakistan Employees' Social Security Ordinance, 1965, (Ordinance No. X of 1965) have approved the following regulations which were previously published as required under sub-section (1) of the said section.

PART I – General

1. Short title, Commencement and Application.

(1) These Regulations may be called the “Punjab Employees' Social Security Institution (Service) Regulations, 1973”.

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

(3) These shall apply to all employees of the Institution provided that the deputations shall be governed by the rules applicable to them in their parent department.

2. Definitions – (1) In these Regulations, unless it otherwise appears in the context, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

(i) “Appendix” means an appendix to these Regulations;

(ii) “Board of Secondary Education” means a Board of Secondary Education, incorporated by law in Pakistan or any other educational authority or institution declared by the Punjab Employees' Social Security Institution, in consultation with the Government of the Punjab, to be a Board of Secondary Education for the purposes of these Regulations;

(iii) “Chairman” means the Chairman of the Governing Body of the Institution;

(iv) “Deputationist” means a Government servant serving on deputation with the Institution;

(v) “Government” means Government of the Punjab and the “Government Servant” means a Government Servant of the Central or a Provincial Government in Pakistan;

(vi) “Governing Body” means the Governing Body established under Section 5 of the Ordinance;

(vii) “Head Office” means the Head Office of the Institution.

(viii) “Institution” means the Punjab Employees' Social Security Institution, established under sub section (1) of Section 3 of the Ordinance;

(ix) “Initial recruitment” means appointment made otherwise than by promotion or transfer from another post in the service or by deputation of a government servant.

(x) “Local Office” means an office of the Institution, other than the Head Office under the charge of a Director, and where there is no Director, under the charge of any other officer so authorized;

(xi) “Ordinance” means the Provincial Employees' Social Security Ordinance, 1965 (Ordinance X of 1965) as applicable to the Punjab Province;

(xii) “Post” means a post specified in column 2 of Appendix “A” and such other post or posts as may be determined by the Governing Body from time to time;

(xiii) “Recognized University” means any university incorporated by law in Pakistan or any other university declared by the Institution in

consultation with the Govt. of the Punjab to be a recognized university for the purposes of these Regulations;

- (xiv) "Service" means the Punjab Employees Social Security Institution Service and shall include officers and subordinate establishment;
- (xv) "Selection Board" means a selection board constituted by the competent authority for the selection of persons for appointment to any post in the service;

PART II- RECRUITMENT

3. Constitution and Composition of the Service – (1) The service comprise the posts specified in column 2, Appendix "A" and such other posts as may be determined by the Governing Body from time to time.

(2) All posts in the service carrying the name nomenclature and the same pay scale shall constitute one cadre provided that Class III posts in the service other than the posts of Superintendent and Assistant Social Security Officer shall be borne on Local Office-wise cadres.

(3) Members of one cadre shall not be eligible, save on transfer as provided in Regulation 10 or as provided in Regulation 5, for appointment to a post borne on any other cadre of the service.

(4) The posts in the service shall be classified and indicated in Appendix "A" into the following classes:-

Class-I.

Class-II

Class-III.

Class-IV

4. Appointing Authority – Appointments to the service shall be made by the authorities mentioned in column 6 of the Appendix "A" in respect of each post. In case such authority is the Chairman, he may delegate his powers to the Commissioner and in case such authority is Commissioner, he may delegate the powers to an officer not below the rank of Director.

5. Method of Recruitment – (1) Recruitment to the service shall be made by the method specified in column 4 of the Appendix "A" in respect of each post.

(2) Appointments

(a) By initial recruitment to the posts carrying an initial salary of Rs. 250/- per mensem and above;

(b) By promotion to posts of Assistant Social Security Officers/ Superintendents and above shall be made in the recommendations of a Selection Board;

(3) Vacancies of posts in a cadre to be filled by initial recruitment shall be filled in the following manner:-

Vacancies to be filled by initial recruitment shall be reserved by bonafide residents of the Zones specified in Appendix "B" in proportion to their population according to the census figures;

(4) Subject to the provision of clause (3) up to the age of 35 years, any member of the service regardless of his rank shall be eligible for appointment by initial recruitment to any vacancy in the service provided he possess the qualifications prescribed for such post in column (3) of Appendix "A";

(5) (a) Vacancies in the posts of Assistants, Stenographers, Assistant Social Security officers, Superintendents, Accounts Officers, Audit Officers, P.S to Commissioner and Deputy Directors, to be filled by promotion shall be filled on the recommendations of a Selection Board on seniority-cum-fitness basis.

(b) Vacancies in the posts of Director, Director Audit & Accounts, Senior Medical Officer and Admn. Officer, to be filled by promotion shall be filled by Selection on merit with particular reference to fitness for higher responsibilities, seniority being considered only in the case of persons of practically the same standard of merit.

Explanation – (i) In case of selection based on seniority-cum-fitness basis, the senior official shall be promoted unless his work in his existing post is not satisfactory or he is infirm of mind or body or subject to a departmental inquiry on a charge of misconduct or for persistent reputation of being corrupt, or if any criminal proceedings are pending against him.

(ii) As far as possible, objective standard shall be laid down for determining the relevant merit of fitness of candidates.

6. Age – No person shall be appointed to a post by initial recruitment who is possessing less than the minimum age or more than the maximum age as specified in respect of the post in column 5 of Appendix “A”.

- (a) where recruitment is to be made on the basis of a written examination, on the 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases, as on the last date fixed for submission of applications for appointment;

Provided that:-

- (i) for the period upto 7th June, 1973, the upper age limit in the case of a candidate from an under developed area shall be deemed to have been enhanced by three years; and
- (ii) in case of a person whose services under the Institution were terminated for want of a vacancy, the period of service already rendered by him, shall for the purpose of maximum age limit under these Regulations be excluded from his age;
- (iii) in the case of Ex-Defence personnel, the interval between the date of release from the Defence Forces of Pakistan, including the Mujahid Force, and the date of re-employment in a civil department subject to a maximum of seven years, and the whole of the period of service rendered by them in such forces shall, for the purpose of upper age limit under this Regulations be excluded from their age.

7. Qualifications – No person shall be appointed to a post by initial recruitment unless he:-

- (i) possess the qualifications as prescribed for the post in column 3 of Appendix “A”;
- (ii) produces a certificate of character from the Principal academic office of the Academic Institution last attended by him and also certificate of character from two persons, not being his relatives who are well acquainted with his character and antecedents; and
- (iii) produces a certificate of physical fitness from the Medical Officer authorized in this behalf by the Institution.

PART III – CONDITIONS OF SERVICE

8. Probation – (1) A person appointed to the service against a substantive vacancy shall remain on probation for a period of 2 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 higher post may be allowed to count towards the period of probation.

(2) If the work or conduct of a member of the service during the period of probation has been un-satisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his services, 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 a member of the service, the Appointing Authority may subject to the provision of clause (4) confirmed 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 services of junior-most official appointed by initial recruitment in his place;
- 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, the 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;

Explanation-III. A probationer who has satisfactorily completed his period of probation shall be confirmed with effect from the date of his continuous appointment in the post in substantive vacancy; provided that where the period of his probation has been extended under the provisions of sub-clause (c) of this clause, the date of confirmation shall, subject to the other provisions of this regulation, be the date on which the period of probation was last 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 the Governing Body from time to time.

(5) If a member of service fails to complete successfully any training or pass any departmental examination prescribed under clause (4) within such number of attempts as may be prescribed by the Chairman, the appointment 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 services of junior appointed by initial recruitment in his place.

9. Seniority – (1) The seniority inter-se of the members of the service in any cadre shall be determined:-

- (i) in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Board, if the appointment is made on the recommendations of a selection board and in other case in accordance with the

order of merit assigned by the appointing authority provided that person(s) selected for the service in an earlier selection shall rank senior to the person(s) selection in a later selection; and

Explanation-I If a junior official in a lower grade is promoted to a higher grade temporarily in the public interest, even though continuing later permanently in the higher Pay Group, it would not adversely effect the seniority of his seniors in the fixation of his seniority in the higher 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.

Explanation-III A junior official appointed to a higher grade shall be deemed to have superseded a senior official only if both the junior and the senior officials were considered for the higher Grade and the junior official was appointed in preference to the senior official.

(2) The seniority, in any grade of the service, of the members appointed by initial recruitment vis-à-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 their appointment to such vacancies 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;
- ii) 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.

10. Liability to Transfer and Serve – Members of the Service shall be liable to transfer any where in the Punjab and to serve in any other equivalent post in the same or any other cadre in the Service.

11. General Regulations – In all matters, not expressly provided in these Regulations, members of the service shall be governed by the Regulations as have been or may hereinafter be prescribed by the Governing Body and made applicable to them;

Provided that until such Regulations are prescribed by the Governing Body and made applicable to them, all such matters shall be disposed of by the Commissioner of the Institution in any manner deemed proper by him.

12. Relaxation – Any of these Regulations may, for reasons to be recorded in writing, be relaxed in individual cases, if the Chairman is satisfied

that strict application of the Regulations would cause undue hardship to the individual concerned;

Provided that wherever such relaxation involves a question on which consultation with the Selection Board / Departmental Promotion Committee is mandatory, the Selection Board / Departmental Promotion Committee, shall be consulted before relaxation is made.

13. Delegation – The Chairman may delegate his powers under Regulation 12 to the Commissioner of the Institution.

14. Powers to safeguard rights of Members of the Service – Whenever in the application of these regulations, the terms and conditions of service of any member of the service as guaranteed by any law, Rule or Regulation, for the time being in force are likely to be adversely effected, Chairman shall cause appropriate orders to be made to safeguard the constitutional and legal rights of such member.

15. Powers to impose minor penalties –The powers for imposing the minor penalties on junior Class I Officers and Class II Officers will vest with the Vice Commissioner.