

REGISTERED No. M - 302
L.-7646

The Gazette of Pakistan

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, WEDNESDAY, SEPTEMBER 10, 2014

PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

LAW, JUSTICE AND HUMAN RIGHTS DIVISION

(Federal Ombudsman Secretariat)

**FOR PROTECTION AGAINST HARASSMENT OF WOMEN AT THE
WORKPLACE**

NOTIFICATION

Islamabad, the 9th September, 2014

S. R. O. 801 (I)/2014.—In exercise of the powers conferred by section 13 of the Protection against Harassment of women at the Workplace Act, 2010 (IV of 2010), the Federal Government is pleased to make the following rules, namely:—

CHAPTER-I

GENERAL

1. **Short title, application and commencement.**—(1) These rules may be called the Office of Federal Ombudsman for Protection against Harassment of women at the Workplace (Employees' Service) Rules, 2014.

(2655)

[4952(2014)/Ex. Gaz.]

Price : Rs. 10.50

- (2) They shall come into force at once.

2. **Definitions.**—(1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Protection against women at the Workplace Act, 2010 (IV of 2010);
- (b) “appointing authority” in relation to a post means, the authority competent to make appointment to a post under these rules;
- (c) “basic pay scales” mean basic scales of pay sanctioned by the Federal Government from time to time;
- (d) “section” means a section of the Act of the Protection against Harassment of women at the Workplace Act 2010 (IV of 2010);
- (e) “duty” includes,—
- (i) service as a probationer provided that such service is followed by confirmation;
- (ii) joining time;
- (iii) period of training undertaken, by an employee, with prior approval of the competent authority in or outside Pakistan;
- (iv) compulsory waiting for posting; and
- (v) attending obligatory departmental examination;
- (f) “initial appointment” means appointment made otherwise than by promotion or transfer;
- (g) “joining time” means the time allowed to an officer to join a post at the station to which he is posted;
- (h) “lien” means the title of an officer to hold substantively a permanent post on which he has been appointed substantively;
- (i) “Office” means the Secretariat of the Federal Ombudsman, appointed under section 7 of the Act;

- (j) “pay” means the pay as defined under clause (d) of sub section (1) of section 2 of the Civil Servant Act, 1973 (LXXI of 1973);
- (k) “permanent post” means a post as defined in clause (e) of sub-section (1) of Section 2 of the Civil Servants Act, 1973 (LXXI of 1973);
- (l) “regular appointment” means appointment made in the prescribed manner against posts likely to continue for an indefinite period whether by promotion or otherwise;
- (m) “Promotion and Selection Board” or “Promotion and Selection Committee” means Board or Committee constituted by the Federal Ombudsman for the purpose of recommending to appointing authority persons for initial appointment, promotion or appointment by transfer to a post in the office;
- (n) “schedule” means the Schedule to these rules;

(2) All the words and expressions used but not defined in these rules shall have the same meanings as is assigned to them in the Act or, as the case may be, Civil Servants Act, 1973 (LXXI of 1973), and Rules made there under and explanation, amendments made by the Government from time to time.

CHAPTER-II

ESTABLISHMENT AND APPOINTMENTS

3. **Employees’ establishment.**—The regular establishment of employees in basic pay scales 1 to 20 (BPS-1 to 20) of the Office shall consist of posts mentioned in the Schedule with their scales of pay, appointment to the posts in the Office shall be made in the manner as prescribed in the Schedule.

4. **Appointing authority.**—The person specified in column (3) of the Table below shall be appointing authority for making, on recommendations of the appropriate Promotion and Selection Board or Committee, appointment to various posts in the Office as specified in column (2) thereof namely:—

TABLE

| S. No | For appointment to posts in | Appointing Authority |
|-------|----------------------------------|--|
| (1) | (2) | (3) |
| 1. | BPS-20 and above and equivalent. | Appointments made by the Federal Government on deputation. |
| 2. | BPS-17 to 19 | Federal Ombudsman. |

| (1) | (2) | (3) |
|-----|--------------|--|
| 3. | BPS-5 to 16. | An officer to be notified by the Federal Ombudsman |
| 4. | BPS-1 to 4 | An officer to be notified by the Federal Ombudsman |

5. **Method of appointment and qualification for appointment, etc.**—(1) Appointment to various posts shall be made on regular basis by any of the following methods namely:—

- by initial appointment;
- by promotion; and
- by transfer

(2) The method of appointment, qualifications and other conditions applicable to various posts shall be as laid down in the Schedule.

6. **Promotion and Selection Board and Committee.**—The following shall be various Promotion Board and Committees to recommend to be appointing authority persons for their initial appointment, promotion or, as the case may be, appointment by transfer against various posts in the Office, namely:—

| S. No. | Name of the Board or Committee | For appointment to posts in | Composition of the Board or Committee |
|--------|--------------------------------------|-----------------------------|--|
| (1) | (2) | (3) | (4) |
| 1. | Promotion and Selection Board | BPS-19 | (a) Federal Ombudsman (b) Secretary (c) Director Chairperson Member Member-cum-Secretary |
| 2. | Promotion and Selection Board | BPS-17 to 18 | (a) Federal Ombudsman (b) Secretary (c) Director Chairperson Member Member-cum-Secretary |
| 3. | Promotion and Selection Committee-I. | BPS-5 to 16 | (a) Secretary (b) Director (c) Deputy Director (Admn) Chairperson Member Member-cum-Secretary |
| 4. | Promotion and Selection Committee-I. | BPS-1 to 04 | (a) Director (b) Registrar (c) Deputy Director (Admn) Chairperson Member Member-cum-Secretary |

7. **Initial appointment.**—A person shall be eligible for initial appointment to a post in the Office if he,—

- is a citizen of Pakistan;
- satisfies the prescribed qualifications and experience for the post as provided in the Schedule; and

(c) is within the not more age-limit specified against the post in the Schedule.

8. **Vacancies to be advertised.**—All vacancies to be filled in by initial appointment shall be advertised in the newspapers in accordance with the laid down policies of the Federal Government.

9. **Merit, provincial and regional quotas.**—Vacancies in various posts shall be filled on all-Pakistan basis in accordance with the merit and provincial and regional quotas prescribed by the Federal Government from time to time. (Women Quota, Minorities (Non-Muslim) Quota and Disabled Quota.

10. **Certificate of good conduct.**—(1) A person who is not already in the service of the Federal Government or a Provincial Government or any corporation or autonomous body set up or controlled by any such Government shall not be considered for appointment unless he produces a certificate of good moral character from an officer in basic pay scale 17 or above in the service of the Federal Government or a Provincial Government or an officer of similar rank in the service of such corporation or autonomous body.

(2) Character and antecedents of the candidate for appointment to any post, other than the one who is already in service of the Office or holding a post under the Federal Government or a Provincial Government, shall be verified and the appointment shall be made only, if in the opinion of the appointing authority, his character and antecedents are satisfactory.

11. **Medical fitness.**—A candidate for appointment to any post must be in good mental and bodily health and free from physical defect likely to interfere with the discharge of his duties. A candidate who, after such medical examination as has been prescribed by the Federal Government officers is found not to satisfy these requirements, shall not be appointed.

12. **Appointment by promotion.**—(1) An employee possessing the prescribed minimum educational and other qualifications, length of service and other conditions as set out in the Schedule shall be eligible for promotion to a higher post for the time being reserved under these rules for promotion.

(2) When first appointment of a person was made in a post in basic pay scale 16 or below, one-half of service in basic pay scale 16 and one-fourth in basic pay scale 15 and below shall be counted as service in basic pay scale 17 for computing minimum length of service for purpose of promotion.

(3) The period of extraordinary leave or any other period of service which is not reckoned as service qualifying for pension shall not be counted towards length of service for promotion.

(4) The posts in basic pay scales 19 and below are non-selection posts. The promotion to those posts shall be made on the basis of seniority-cum-fitness.

(5) The appropriate Promotion and Selection Board or Committee shall consider case of the eligible employee in order of his seniority and either—

- (a) recommend him for promotion;
- (b) recommend him for supersession on the ground of his being unfit for promotion; or
- (c) defer consideration of his promotion, if —
 - (i) disciplinary or criminal proceedings are pending against him;
 - (ii) he is on deputation abroad with a foreign government, private organization or an international agency;
 - (iii) he has not undergone the prescribed training or passed the departmental examination required, if any, for promotion; or
 - (iv) his seniority is *sub judice* and some injunctive order has been passed:

Provided that in the case of deferment, a vacancy shall be reserved for him or, if it is filled, it shall be subject to condition that when he is subsequently promoted without having been superseded, he shall retain seniority with his original batch.

(6) An employee who is superseded shall not be considered for promotion again unless he earns one more performance evaluation report for a full year.

(7) An employee whose case is deferred shall be considered for promotion as soon as the reason for which his promotion was deferred cases to exist.

13. Appointment by transfer.—(1) Appointment by transfer from one post to another post shall be made in the public interest with approval of the appointing authority or recommendation of the appropriate Promotion and Selection Board or Committee as specified in schedule to these rules.

(2) Appointment to a post by transfer shall be made from amongst persons holding appointment on regular basis in the Federal Government or a Provincial Government in a post in the same basic pay scale or equivalent to or identical with the post to be filled, and only a person, possessing the qualification and meeting other conditions laid down for initial appointment to the post on which appointment by transfer is to be made, shall be considered for appointment by transfer on recommendations of the appropriate Promotion and Selection Board or Committee.

14. Appointment on contract.—Appointment on contract basis to a post shall be made in accordance with the policy of the Federal Government.

15. Appointment on deputation.—The Federal Ombudsman may appoint on deputation against a post in the Office, a person who is holding an equivalent post on regular basis in the Federal Government or a Provincial Government or in a Corporation or in an Organization set up or controlled by such Governments. The terms and conditions of such appointment shall be settled with mutual consent of the lending authority and the Federal Ombudsman as per existing standard terms and conditions of the Federal Government.

16. Appointment on acting charge basis.—Acting charge appointment shall be made in accordance with the provisions of the Civil Servants Act, 1973 (LXXI of 1973) and the rules made thereunder.

17. Additional Charge.—Additional charge arrangement shall be made in accordance with the policy of the Federal Government.

18. Current charge of higher post.—Grant of current charge of higher post shall be made in accordance with the policy of the Federal Government as amended from time to time.

19. Probation.—(1) A person appointed to a post by initial appointment, by transfer or promotion shall be on probation for a period of one year.

(2) The period of probation may be curtailed for good and sufficient reasons, to be recorded by the appointing authority or, if considered necessary, it may be extended for a period not exceeding one year as may be specified at the time of appointment.

(3) On successful completion of the period of probation the appointing authority shall, by specific order, terminate the probation.

(4) If no order is issued under sub-rule (3), on the expiry of first year of probation, it shall be deemed to have been extended for another year and if no order is passed after expiry of extended period of probation, the period of probation shall be deemed to have been completed satisfactorily.

(5) where in respect of any post, satisfactory completion of probation includes passing of any examination, test or course or successful completion of any training, a person appointed on probation to such post, who, before expiry of the original or extended period of probation, fails to pass such examination, test, course or complete training, as the case may be, shall stand discharged from service or reverted to the post from which he was promoted, or transferred, or initially appointed.

(6) An employee on initial appointment shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified to the satisfaction of the appointing authority.

20. **Confirmation.**—For the purpose of confirmation the employees shall be governed under the provisions of Civil Servants (Confirmation) Rules, 1993 as amended from time to time.

CHAPTER III

SENIORITY

21. **Seniority.**—For the purpose of seniority the employees shall be governed under the provisions contained in the Civil Servants (Seniority) Rules, 1993 as amended from time to time.

CHAPTER IV

POSTING AND TRANSFER

22. **Liability to serve.**—Unless otherwise provided for in these rules, an employee shall be liable to serve in any equivalent post in the Office anywhere in Pakistan:

Provided that where an employee 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 been so required to serve.

23. **Transfer within the Office.**—The Ombudsman may transfer employee from one post to another.

24. **Employee to serve for three years for fresh deputation.**—An employee on repatriation from an earlier deputation shall not be considered for subsequent deputation until he serves in the Office for a minimum period of three years.

25. **Promotion of an employee during deputation.**—An employee on deputation to a foreign service in Pakistan, if due for promotion, shall be considered for promotion only after he has resumed duty in the Office.

CHAPTER V

TERMINATION, REVERSION, RESIGNATION AND RETIREMENT

26. **Termination of service.**—For the purpose of termination of service, the employees shall be governed under Section 11 of the Civil Servants Act, 1973 as amended from time to time.

27. **Reversion to lower post etc.**—For the purpose of reversion to a lower post etc., the employees shall be governed under the provisions of Section 12 of the Civil Servants Act, 1973 as amended from time to time.

28. **Resignation from service.**—(1) An employee may resign from his post in writing:

Provided that the resignation shall not become effective unless it is accepted by the appointing authority and till such time the employee shall continue to serve and shall not absent himself from duty without proper leave:

Provided further that the appointing authority shall within fourteen days, decide the resignation and communicate the decision to the employee.

(2) If an employee after submission of his resignation withdraws it before it is accepted, the resignation shall be deemed to have been withdrawn.

(3) If an employee withdraws his resignation after its acceptance by the appointing authority but before he is relieved, it shall be open to the authority which accepted the resignation to allow the employee to withdraw the resignation.

(4) The resignation of an employee shall not be accepted if any disciplinary or criminal proceedings against him are contemplated or pending.

(5) An employee before submitting his resignation shall be required to clear all dues payable to the Office by him.

(6) The resignation shall be submitted by the employee through his immediate officer who shall forward it to the appointing authority alongwith the following information, namely:—

- (a) whether any disciplinary or criminal proceedings are contemplated or are pending against him;
- (b) whether the employee is required to serve the Office for any specified period in accordance with his terms and conditions of appointment or any bond or undertaking in connection with the grant of leave or training and whether the period of bond or undertaking has expired and if not, whether any money spent on his training is recoverable from him or has been paid by him; and
- (c) whether any other dues recoverable from him have been paid by him or not.

29. **Retirement.**—For the purpose of Recruitment the employees shall be governed under Section 13 of Civil Servants Act, 1973 as amended from time to time.

30. **Employment after retirement.**—A retired employee shall not be re-employed in the office unless such re-employment is absolutely necessary in the public interest and does not block promotion of a junior employee. Such re-employment may be made with approval of the Prime Minister in accordance with the policy of re-employment issued by the Federal Government as amended from time to time. Further, persons dismissed/compulsory retired or retired on exercise of option before attaining the age of superannuation shall not be eligible for re-employment in any manner.

31. **Conduct.**—For the purpose of conduct, the employees shall be governed under the provisions of Government Servants (Conduct) Rules, 1964 as amended from time to time.

32. **Efficiency and discipline.**—In the matter of efficiency and discipline the employees shall be governed under the Government Servants (Efficiency & Discipline) Rules, 1973 as amended from time to time.

CHAPTER VII

MISCELLANEOUS

33. **Application of other rules, etc.**—For matters not provided for under these rules, the employees shall be governed by the laws, rules, regulations, orders, instructions etc. as are applicable to civil servants of the same rank and status in the Federal Government.

34. **Repeal and savings.**—Any rules, regulations, notifications, orders and instructions concerning terms and conditions of service of employees made or issued prior to commencement of these rules are hereunder repealed but the repeal thereof shall not affect any action taken or any thing done or suffered thereunder.

SCHEDULE

[see rules 2(1)(n), 3,5,7 and 12]

TABLE-I

| Sr. No. | Name of the post | Basic Pay Scale |
|---------|-------------------------------|-----------------|
| (1) | (2) | (3) |
| 1. | Secretary | 20 |
| 2. | Director | 19 |
| 3. | Private Secretary | 17 |
| 4. | Deputy Director (Admn) | 18 |
| 5. | Registrar | 18 |
| 6. | Publication Officer | 18 |
| 7. | Deputy Director (Accounts) | 17/18 |
| 8. | Assistant Director (Admn) | 16 |
| 9. | Assistant Registrar | 16 |
| 10. | Assistant Accounts Officer | 16 |
| 11. | Assistant Publication Officer | 16 |
| 12. | Superintendent | 16 |

SCHEDULE
[See rules 2(1)(n), 3,5,7 and 12]

TABLE-II

| S.No. (1) | Name of the Post (2) | Basic Pay Scale (3) |
|--------------|------------------------------|------------------------|
| 1. | Stenographer | 16 |
| 2. | Assistant In charge | 15 |
| 3. | Assistant | 14 |
| 4. | Stenotypist | 14 |
| 5. | Upper Division Clerk | 9 |
| 6. | Lower Division Clerk | 7 |
| 7. | Staff Car Driver | 4 |
| 8. | Dispatch Rider | 4 |
| 9. | Duplicating Machine Operator | 4 |
| 10. | Naib Qasid | 1 |
| 11. | Chowkidar | 1 |
| 12. | Mali | 1 |
| 13. | Farash | 1 |
| 14. | Sanitary Worker | 1 |

A- METHOD OF APPOINTMENT

TABLE-III

| S. No. (1) | Name of the Post (2) | By Promotion (3) | By initial appointment or by appointment by transfer (4) |
|---------------|-------------------------------|---------------------|--|
| 1. | Secretary | - | To be filled through Federal Government on deputation |
| 2. | Director | 50% | 50% |
| 3. | Deputy Director (Admn) | 100% | |
| 4. | Registrar | 100% | |
| 5. | Publication Officer | 100 % | |
| 6. | Deputy Director (Accounts) | 50% | 50% |
| 7. | Private Secretary | 100% | |
| 8. | Assistant Director (Admn) | 100% | |
| 9. | Assistant Registrar | 100% | |
| 10. | Assistant Publication Officer | 100% | |
| 11. | Assistant Accounts Officer | 100% | |
| 12. | Assistant Private Secretary | 50% | 50% |
| 13. | Superintendent | 100% | |

B.- CONDITIONS OF PROMOTION

TABLE-IV

Promotion to a post in column (2) of the table below shall be made by from amongst the persons who hold the post specified in column (4) of that table on regular basis and possess the qualification and experience prescribed in column (5), thereof namely.

| S.No. (1) | Nomenclature of the post (2) | BPS (3) | Person eligible for promotion (4) | Conditions for promotion (5) |
|--------------|------------------------------------|------------|---|--|
| 1. | Director | 19 | Deputy Director (BPS-18) | 12 years service in BPS-17 and above or 07 years service I BPS-18 in case of direct recruitment I BPS-18 |
| 2. | Deputy Director | 18 | Assistant Director (BPS-16), and Superintendents (BPS-16) | In the absence of intermediary post in BPS-17 the conditions regarding length of service should be 08 years in BPS-16. |
| 3. | Assistant Director (Admn) | 16 | Assistant-in-Charge (BPS-15) and Assistant (BPS-14) | 03 years service as Assistant Incharge (BPS-15) or 05 years service as Assistant (BPS-14) |
| 4. | Assistant Registrar | 16 | Assistant Incharge (BPS-15 and Assistant (BPS-14) | 03 years service as Assistant Incharge (BPS-15) or 05 years service as Assistant (BPS-14) having bachelors degree in Law from any recognized university. |
| 5. | Assistant Publication Officer | 16 | Assistant Incharge (BPS-15) and Assistant (BPS-14) | 03 years service as Assistant Incharge (BPS-15) and 05 years service as Assistant (BPS-14). |
| 6. | Assistant Accounts Officer | 16 | Assistant Incharge (BPS-15) and Assistant (BPS-14) | 03 years service as Assistant Incharge (BPS-15) and 05 years service as Assistant (BPS-14). |
| 7. | Private Secretary | 16 | Assistant Private Secretary (BPS-16) | 03 years experience as Assistant Private Secretary. |
| 8. | Superintendent | 16 | Assistant-in-charge (BPS-15) and Assistant (BPS-14) | 03 years service as Assistant Incharge (BPS-15) or 05 years service as Assistant (BPS-14). |

NOTE.— If no suitable person is available for promotion, the post reserved for promotion shall be filled in by initial appointment and failing that by transfer.

C - QUALIFICATIONS, EXPERIENCE AND AGE LIMIT FOR INITIAL APPOINTMENTS

On the closing date for receipt of applications as fixed in the relevant advertisement, a candidate for initial appointment to a post must possess the educational qualifications and experience and must be within the age limit as mentioned against the post concerned:

Provided that the maximum age limit shall be relaxable in respect of the different categories of candidates to the extent as provided in the Initial Appointment to a Civil Posts (Relaxation of Upper Age Limit) Rules, 1993.

TABLE-V

| S. No. | Nomenclature of the post | BPS | Age | | Academic Qualification |
|--------|-----------------------------|-----|---------|---------|--|
| | | | Minimum | Maximum | |
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | Director | 19 | 32 | 40 | Second Class or Grade "C" Master's Degree from any recognized University Social Science and Law. 12 years service in BPS-17 and above or 07 years service in BPS-18 in case of direct recruitment. |
| 2. | Deputy Director | 18 | 25 | 35 | Second Class or Grade "C" Master's Degree from any recognized University Social Science and Law. 05 years experience in BPS-17. |
| 3. | Registrar | 18 | 25 | 35 | Second Class or Grade "C" Master's Degree from any recognized University Social Science and Law. 05 years experience in BPS-17. |
| 4. | Assistant Private Secretary | 16 | 20 | 28 | (i) Second class or Grade "C" Bachelor's degree from a University recognized by HEC (ii) A minimum speed of 100/50 w.p.m. in shorthand/typing respectively (iii) Must be computer literate. |

| (1) | (2) | (3) | (4) | (5) | (6) |
|-----|----------------------------|-----|-----|-----|--|
| 5. | Assistant Registrar | 16 | 22 | 30 | Second Class or Grade "C" Bachelors Degree from any recognized University in Social Science and Law. |
| 6. | Assistant Accounts Officer | 16 | 22 | 30 | i. 2nd Class or grade "C" B.Com/IBBA/BCS from a University recognized by the High Education Commission; and ii. Final Examination of Association of Accounting Technicians of Pakistan (AAT); or iii. Foundation Examination of Institute of Chartered Accounts of Pakistan (ICAP). Or 2nd Class or grade "C" Master's Degree in Commerce/ Business Administration / Finance/ Accounts from a University recognized by the High Education Commission. |
| 7. | Assistant Director | 16 | 22 | 30 | Second Class or Grade "C" Bachelor's Degree from any recognized University Social Science and Law. |

35. This issues with the approval of the Establishment Division *vide* their O.M. No .6/4/2013-R-II, dated 24-1-2014 and Finance Division *vide* their U.O. No.3(4) R-14/2014-24, dated 07-02-2014.

[No. FOS-3(25)/2013-Admn.]

SYED SHAHID MUMTAZ,
Deputy Director
(Admn & Finance).