

amalgamated to form a new group or cadre. In the case of groups where the cadre has not been amalgamated with any other cadre, the seniority in different grades as determined under the previous rules before the promulgation of the Civil Servants Ordinance, 1973 (15-8-1973) shall not be disturbed. However, seniority of persons promoted to higher grades after 15-8-1973 shall be determined strictly in accordance with the provisions of sub-section (4) of section 8 of the Civil Servants Act, 1973.

3. In regard to occupational groups which have been formed by amalgamating more than one cadre, no such protection of seniority is either permissible or practicable. The old cadres having ceased to exist, the seniorities in the newly formed groups have to be determined afresh and shall be fixed in accordance with the date of regular appointment to posts in the respective grades.

4. The instructions issued in the Establishment Division Office Memorandum No. 1/9/74-ARC, dated 12-9-1974 and the relevant provisions regarding seniority contained in the instructions about constitution of various occupational groups may be deemed to have been modified to the above extent.

[Authority:— Estt. Division's O.M.No. 1/36/75-D.II, dated 1-9-1975].

1.3 Civil Servants (Seniority) Rules, 1993

In exercise of the powers conferred by section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with section 8 thereof, the President is pleased to make the following rules, namely:—

1. **Short title, application and commencement.**—(1) These rules may be called the Civil Servants (Seniority) Rules, 1993.

(2) They shall apply to all civil servants except those governed under:—

- (i) the Police Service of Pakistan (Composition, Cadre and Seniority) Rules, 1985;
- (ii) the Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990; and
- (iii) the Establishment Div.'s O.M. No.1/2/74-ARC, dated 23rd January, 1974, amended vide O.M. No.2/1/75-ARC, dated 3rd March, 1976, and as amended from time to time.

(3) They shall come into force at once.

2. **Seniority on initial appointment.**—(1) Persons initially appointed on the recommendations of the selection authority through an earlier open advertisement shall rank senior to those appointed through a subsequent open advertisement.

(2) If two or more persons are recommended in open advertisement by the selection authority, their *inter-se-seniority* shall be determined in order of merit assigned by the selection authority.

(3) If only one candidate is recommended in open advertisement by the selection authority, he shall count his seniority from:—

- (a) the date of recommendation by the selection authority, if he was already holding the same post on ad-hoc basis.
- (b) the date of his joining the post after being recommended by the selection authority if he was not already holding the same post.

3. **Seniority on promotion.**—Seniority in a service, cadre or post to which a civil servant is promoted shall take effect from the date of regular promotion to that service, cadre or posts:—

Provided that—

- (a) Civil servants selected for promotion to higher posts on an earlier date shall be senior to those selected for such promotion on a later date;
- (b) Civil servants selected for promotion to higher posts in one batch shall on their promotion to the higher post, retain their *inter-se-seniority* as in the lower post; *[*]
- *[(ba) *Inter-se-seniority* of civil servants belonging to different occupational groups or services and selected for promotion to a post in a higher pay scale in one occupational group or service shall, on their promotion, be reckoned from the date of their regular appointment to the immediate lower pay scale in their respective occupational group or service, where such date is same, the person older in age shall rank senior:
- (bb) Civil servants of different occupational groups or services who opt for promotion in other occupational groups or services shall, on their promotion as such in one batch, be placed junior to the civil servants of the occupational group or service so opted; and]
- (c) Civil servants eligible for promotion who could not be considered for promotion in the original reference in circumstances beyond their control or whose case was deferred while their juniors were promoted to the higher post, shall, on promotion, without supersession, take their seniority with the original batch.

4. **Seniority on appointment by transfer.**—Seniority in service, cadre or post to which a civil servant is appointed by transfer shall take effect from the date of regular appointment to the service, cadre or post;

Provided that—

- (a) persons belonging to the same service, cadre or post selected for appointment by transfer to a service, cadre or post in one batch shall, on their appointment, take *inter-se-seniority* in the order of their date of regular appointment in their previous service, cadre or post; and
- (b) persons belonging to different services, cadre or posts selected for appointment by transfer in one batch shall take their *inter-se- seniority* in the order of the date of their regular appointment to the post which they

* Omitted & added vide S.R.O No. 1078(I)/2016 dated 22-11-2016.

were holding before such appointment and, where such date is the same, the person older in age shall rank senior.

*[4A. In the event of merger **[or devolution] of Ministries, Divisions, Attached Departments or Sub-ordinate Offices, the *inter-se-seniority* of civil servants, other than those belonging to regularly constituted Occupational Groups and Services, shall be determined in accordance with the date of regular appointment to a cadre or post].

5. Seniority of officers of the Armed Forces on induction in civil posts.—Officers of the Armed Forces of Pakistan who are inducted in a civil service, cadre or post in accordance with the Government orders and instructions shall take seniority in that service, cadre or post from the date of such induction:

Provided that the officers inducted in one batch shall, on induction, retain their inter se seniority as in the Armed Forces of Pakistan.

6. *Inter-se-seniority of civil servants appointed in the same calendar year.—**Civil servants appointed by promotion, transfer, or initial appointment to a service, cadre, or post shall take seniority from the date of their regular appointment to that service, cadre or post:

Provided that the provisions of this rule shall not in any manner affect or impair the right of existing incumbents.

7. Repeal and savings.—The General Principles of seniority circulated vide Establishment Division's O.M.No.1/16/ 69-D.II, dated the 31st December, 1970[@], and all other existing rules, orders and instructions relating to seniority except—

- (i) the Police Service of Pakistan (Composition, Cadre and Seniority) Rules, 1985;
- (ii) the Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990; and
- (iii) the Establishment Division's O.M.No.1/2/74-ARC dated 23rd January, 1974, amended vide O.M. No. 2/1/75-ARC, dated the 3rd March, 1976 and as amended from time to time ;are hereby repealed.

[Authority:— Estab. Div.'s S.R.O. 163(I)/93, dated 28-2-1993].

1.4 Permanent Absorption of Civil Servants of the Devolved Ministries/Divisions/ Departments/Organizations

Refer to the points raised by the different Ministries/Divisions/Departments/Organizations regarding the absorption of the employees of the devolved Ministries/ Divisions/ Departments/Organizations after promulgation of the Ordinance (Ordinance No. V) of 2013 and to clarify as under:—

* Added vide Estt. Div.'s Notification SRO No. 01(I)/2002, dated 1-1-2002.

** Inserted vide Estt. Div.'s Notification S.R.O No. 437(I)/2018 dated 11-04-2018.

*** Subs. vide Estt. Div.'s SRO No. 572(I)/2009 dated 16-06-2009.

@ Sl. No. 158, pp 224-229, Estacode, 1989.

- (i) **Effective date of absorption:-** Effective date of absorption may be the date of issue of order/ notification as the case may be.
- (ii) **Fixation of Seniority:-** Rule 3(1) of the Civil Servants (Appointment, Promotion & Transfer) Rules, 1973 provides the following three methods of appointment:—
 - (a) By promotion
 - (b) By transfer
 - (c) By initial appointment

Adjustment/absorption of Civil Servants of the devolved Ministries/ Divisions/Departments/Organizations may be treated as appointment by transfer and their seniority may be determined under rule 4 of Civil Servants (Seniority) Rules, 1993 which reads as under:-

Rule-4 (Seniority on appointment by transfer):- Seniority in service, cadre or post to which a civil servant is appointed by transfer shall take effect from the date of regular appointment to the service, cadre or post;

Provided that.—

- (a) Person belonging to the same service, cadre or post selected for appointment by transfer to a service, cadre or post in one batch shall, on their appointment, take *inter-se-seniority* in the order of their date of regular appointment in their previous service, cadre or post; and
 - (b) Persons belonging to different services, cadre or post selected for appointment by transfer in one batch shall take their *inter-se-seniority* in the order of the date of their regular appointment to the post which they were holding before such appointment and, where such date is the same, the person older in age shall rank senior.
 - (c) Under rule 4-A of the Civil Servants (Seniority) Rules, 1993 in the event of merger of Ministries, Divisions, attached Departments or Subordinate Offices, the *inter-se-seniority* of civil servants, other than regularly constituted occupational Groups & Service shall be determined in accordance with the date of regular to a Cadre or a post.
- (iii) **Sanction Strength:-** As regards the sanctioned strength, it is clarified that the employees transferred alongwith post and budget may be absorbed against the post transferred at the time of devolution to the Ministries/Divisions/ Departments concerned. However the employees transferred against the vacant posts at the time of devolution shall not add to their sanctioned
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strength. The Ministries/Divisions may work out their sanctioned strength after absorption of the employees of the devolved Ministries/ Divisions/ Departments and may submit the case for revision of their sanctioned strength to the Finance Division for concurrence through Management Services Wing of the Establishment Division.

2. The absorption orders may be expedited in line with the orders of placement issued at the time of devolution of Ministries/Divisions/ Departments *i.e* against the vacant posts/alongwith post & budget as the case may be. However, in case of any further query in the matter, it is requested to consult this Division after issuance of absorption orders.

[Authority:– Estab. Div. M.S.Wing's OM No.F15(5)2011-MSW-IV dated 17th September, 2013].

1.5 Quota Consideration Regarding Permanent Absorption of Civil Servants of the Devolved Ministries/Divisions/ Departments/Organizations

Refer to Establishment Division O.M of even numbers dated 3-7-2013 and 17-9-2013 on the above noted subject and to say that as per rules absorption/ appointment by transfer is made against the post reserved for direct recruitment. Thereby it has been decided that no absorption in respect of employees of devolved Ministries/ Divisions be made against the post of the Ministry/Division/Department/ Organization meant for promotion quota. Moreover, cases for absorption of the employees of devolved Ministries/ Divisions may be initiated with prior consultation of Management Service Wing, Establishment Division for revision of Notifications/ Office Orders to the extent of their transfer alongwith post & budget to absorb such employees of the devolved Ministries/Divisions against the transferred post to the concerned Ministry /Division.

[Authority:– Estt. Division M.S. Wing's O.M. No. 15(5)/2011-MSW-IV, dated 21-10-2013].

Clarification Regarding the Posts Transferred to Different Ministries/Divisions/Organizations alongwith the Incumbents and Later on Vacated Before Absorption of the Incumbents

Refer to different queries raised by various Ministries/Divisions on the above noted subject and to say that the posts which were transferred to Ministries/Divisions/ Organizations alongwith the incumbents of the devolved Ministries/Divisions and later on vacated either due to retirement of the incumbents or some other reason, before permanent absorption of the incumbents, may be treated as a part of the general pool. These posts do not add in to the existing sanctioned strength or structure of the Ministries/Divisions/ Organizations. Final fate of such posts shall be decided upon completion of absorption process.

[Authority:- Establishment Div. M.S. Wing's O.M.No.15(5)/2011-MSW-IV dated 17-02-2014.]

1.6 Operational Guidelines for the Administration of Surplus Pool

In a presentation to the *Chief Executive on “Restructuring and Rightsizing of Federal Ministries/Divisions” held on 28.5.2001, it was, *inter alia*, decided that the officer-staff ratio (excluding drivers, despatch riders etc.) should be 1:3.2 for the year 2001-2002 and 1:2.5 for the year 2002-2003, and thereafter it would be reviewed again.

2. Each administrative Secretary may be made responsible for ensuring implementation of the above decision by making internal adjustment of staff. If any officer/staff becomes redundant to the requirement of the Ministries/ Divisions/Departments as a result of implementation of the above or any other decision, that may be enlisted with the surplus pool for adjustment elsewhere. As a result of implementation of the above said decisions, the number of surplus civil servants will increase manifold.

3. In terms of Section 11(2) of the Civil Servants Act, 1973, the services of civil servants holding temporary and permanent posts can be terminated on abolition of such posts. However, on human considerations, government decided in 1993 to create a surplus pool under the charge of the Establishment Division. The civil servants declared surplus as a result of abolition of posts are enlisted in the surplus pool for absorption elsewhere.

4. In order to speed-up the pace of absorption of surplus civil servants, following guidelines have been framed with approval of the competent authority, for effective administration of the surplus pool:—

- (i) The name of a civil servant, other than ad-hoc employees and persons appointed against leave and deputation vacancies, who may be rendered surplus as a result of reorganization or abolition of a Division/ Department/Organization or reduction in the number of posts shall be placed in the surplus pool administered by Establishment Division for a period of two years whereafter his services shall stand terminated. If a civil servant has already completed two years in the surplus pool on the date of issuance of guidelines, he may be allowed to remain enlisted in the pool for a period of another one year whereafter his services shall stand terminated.
- (ii) If a post occupied by a deputationist or a person posted under Section 10 of Civil Servants Act, 1973 is declared surplus, the holder of the post shall be repatriated to his parent organization.
- (iii) During the period of his placement in the Surplus Pool a civil servant shall remain on the pay rolls of his parent department and he shall be entitled to pay and allowances which he would have drawn in the post last held by him on regular basis in his parent organization before his placement in the Pool. His post in his parent department shall be treated as supernumerary post and it shall be abolished after his absorption or the period mentioned in sub-para(i) above, whichever be earlier.

*Now Prime Minister.

- (iv) During placement in the surplus pool, civil servants may be given the option to avail leave under rule 27 of the Revised Leave Rules 1980.
- (v) Civil servants placed in the surplus pool shall be posted for absorption in other Divisions/Departments/Organizations in accordance with rules 3(3) and 3(4) of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 and Section 11-A of the Civil Servants Act, 1973.
- (vi) Surplus employees in BPS 1 – 5 shall, ordinarily, be posted for absorption at the station of their last posting or place of domicile. Civil servants in BPS 6 and above may be posted at a station other than the station of their last posting or domicile but subject to availability of posts, efforts may be made to arrange their posting nearest to the station of their last posting or their place of domicile.
- (vii) Failure of a surplus civil servant to join new post within the prescribed time shall render him liable to removal from the list of surplus pool and termination of his services. Where the competent authority is satisfied that failure of surplus civil servant to report for duty at the place of his new posting within the prescribed time was in circumstances beyond his control, it may, for reasons to be recorded in writing, allow him additional time for joining or consider him for alternative posting at a station other than the one to which he was last posted.
- (viii) If a Division/Department/Organization fails to accept the services of a civil servant transferred from surplus pool, the post shall be deemed to have been abolished.
- (ix) Legal provision for termination, reversion, E&D proceeding, *etc* shall be invoked only after the surplus civil servant fails to abide by the government orders within the given time-frame.

5. As regards employees of the autonomous bodies, they are not civil servants and are governed by the regulations/instructions operative in each individual organization. Each Ministry/Division should, therefore, lay down a policy in consultation with the Finance Division for disposal of surplus employees of the autonomous bodies under its administrative control.

6. All Ministries/Divisions are requested to comply with the above instructions/guidelines strictly.

7. This supersedes all the instructions issued on the subject from time to time.

[Authority.— Estt. Division's O.M.No.1/4/97-RW.III/CP.9, dated 9-10-2001].

1.7 Modified Guidelines for Disposal of Federal Government Employees in the Surplus Pool

The Prime Minister has been pleased to direct that all efforts be made to absorb surplus employees in various government departments as early as possible and the services of no surplus employee be terminated. However, those surplus employees who

are willing to proceed on retirement may be allowed all admissible service benefits like leave, pension/gratuity etc under the normal rules.

2. In order to implement the directive of the Prime Minister, all Ministries/Divisions are requested to comply with the following instructions:—

- a) The services of surplus civil servants shall not be terminated by the Ministries/Divisions /Departments. They will continue to work in respective departments and get their salaries etc. till absorption elsewhere.
- b) Surplus employees, who are willing to proceed on retirement, may be discharged retired (depending on the length of service) and allowed all admissible service benefit like leave, pension/gratuity etc under the normal rules.
- c) Ministries/Divisions may immediately report available vacancies for direct recruitment in Ministries/Divisions/ Departments for absorption of surplus employees. They shall continue obtaining clearance from Establishment Division before resorting to direct recruitment.
- d) Absorption orders issued by Establishment Division may be implement without delay through consultation between the old and the new departments of the surplus employees. The surplus employees are regular civil servants, appointed through prescribed selection processes like tests/interviews etc, they cannot be put through another selection process by the new departments.

3. The guidelines contained in Management Services Wing, Establishment Division's O.M No. 1/4/97-RW.III/CP.9 dated 09-10-2001 are modified to the above extent.

[Authority.— M.S Wing, Estt. Division's O.M.No.1/4/97-MSW-III, dated 14-05-2003].

1.8 Merger of the Cadres of Urdu and English Typist/Stenotypist/ *Stenographer for Purposes of Seniority, Promotion etc.

In the past, posts of Urdu Typist, Stenotypist/*Stenographer have been created in various Ministries/Divisions without consulting the Establishment Division and without prescribing any method of recruitment to these posts including avenues of promotion on account of which the incumbents of these posts have faced stagnation. The matter has been considered in consultation with the Finance Division and the following decisions have been taken:—

- (i) The existing posts of Urdu Typist/Urdu Stenotypist and Urdu *Stenographer are merged with the posts of LDC/English Typist (**RNPS 5/BPS 5), English Stenotypist (**RNPS 8/BPS 12) and English *Stenographer (RNPS 11/BPS 5) respectively.

* Now Assistant Private Secretary.

** Revised National Pay Scales (1977).

- (ii) The existing incumbents of posts of Urdu Typist/ Stenotypist/*Stenographer shall form part of the cadre of their English counterparts.
- (iii) The Urdu Typists/Stenotypists/*Stenographers who have been allowed pay scales different than those mentioned in (i) above shall also be treated as part of the cadre of their English counterparts. Any such pay scales earlier allowed will be treated as personal to the incumbent of the post concerned.
- (iv) The conditions/rules prescribed for appointment to the posts of LDC (English Typist) English Stenotypist and English *Stenographer shall henceforth apply to the posts of Urdu Typist/ Urdu Stenotypist and Urdu *Stenographer, respectively. The incumbents of these posts will, in future, be allowed the same pay scales as are applicable to their English counterparts.
- (v) The Urdu Typists/Stenotypists/*Stenographers will enjoy seniority, in the combined cadre with their English counterparts from the date of their continuous regular officiation as such.
- (vi) If promotion of an Urdu Typist/Stenotypist/ *Stenographer poses a placement problem, the post held by him may temporarily be upgraded in accordance with the orders/ instructions on the subject, to allow him the benefit of promotion.

[Authority:— Estt. Div.'s O.M.No.5/1/77-F.II(R.6), dated 26-6-1988].

* Now Assistant Private Secretary.
