

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P.III

G A Z E T T E

## **KHYBER PAKHTUNKHWA**

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**GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
OFFICE OF THE PROVINCIAL OMBUDSMAN,  
KHYBER PAKHTUNKHWA**

### **NOTIFICATION**

Peshawar Dated, the 28<sup>th</sup> August, 2025.

**No. SO(E)LD/7-4/2023/Ombudsman Service Rules/15639-50.** - In exercise of the powers conferred by section 35 of the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 (Khyber Pakhtunkhwa Act No. XIV of 2010), read with clause (i) of section 2 and sub-section (3) of section 8 thereof, and in supersession of all previous notifications issued in this behalf, the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

### **THE KHYBER PAKHTUNKHWA OFFICE OF THE PROVINCIAL OMBUDSMAN EMPLOYEES (TERMS AND CONDITIONS OF SERVICE) RULES, 2025.**

#### **PART-I PRELIMINARY**

**1. Short title, application and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Office of the Provincial Ombudsman Employees (Terms and Conditions of Service) Rules, 2025.

(2) These shall apply to all the employees of the Office of Provincial Ombudsman as defined in clause (e) of rule 2 of these rules:

Provided that Officers/Officials appointed by transfer or on deputation from Provincial Government shall be governed under their respective rules for the time being in force.

(3) These shall come into force at once.

**2. Definitions.**---(1) In these rules, unless the text or context otherwise requires,-

- (a) **“Act”** means the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 (Khyber Pakhtunkhwa Act No. XIV of 2010);
- (b) **“Appendix”** means an Appendix appended to these rules;
- (c) **“Appointing Authority”** in relation to a post means the person authorized under rule 4 of these rules to make appointment to a post;
- (d) **“Competent Authority”** means the Appointing Authority;
- (e) **“employee”** means regular staff of the Office of Provincial Ombudsman appointed under section 8 of the Act;
- (f) **“initial appointment”** means appointment made otherwise than by promotion or transfer;
- (g) **“pay”** means an amount drawn by an employee monthly and includes special pay, personal pay and any other amount declared by Government to be a part of the pay;
- (h) **“post”** means a permanent post of the Office of Provincial Ombudsman;
- (i) **“Selection and Promotion Board”** means the Selection and Promotion Board constituted under rule 5 of these rules; and
- (j) **“Selection and Promotion Committee”** means the Selection and Promotion Committee constituted under rule 6 of these rules.

(2) The words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act and the Khyber Pakhtunkhwa Provincial Ombudsman (Registration, Investigation and Disposal of Complaints) Regulations, 2011.

**PART-II**  
**APPOINTMENT**

**3. Method of appointment.**---Appointment to posts, in the Office of Provincial Ombudsman, shall be made by the Appointing Authorities in any on the following methods, namely:

- (a) by initial recruitment in accordance with the provisions contained in Part-III of these rules; and
- (b) by promotion, transfer or deputation in accordance with the provisions contained in Part-IV of these rules.

**4. Appointing Authority.**---The authority competent to make appointment to various posts shall be as under:

S.No.	Post	Competent Authority
(i)	Post in BPS-18 and above;	Chief Minister
(ii)	Post in BPS-17; and	Chief Secretary
(iii)	Post in BPS-16 and below.	Provincial Ombudsman.

**5. Selection and Promotion Board.**---(1) A Selection and Promotion Board for the purpose of making selection for initial appointment and promotion to post in BPS-17 and above, shall consist of-

- (a) Ombudsman; Chairperson
- (b) Secretary, Provincial Ombudsman Office; Member
- (c) representative of Law Department not below the rank of Deputy Secretary (BPS-18); Member
- (d) representative of Establishment Department not below the rank of Deputy Secretary (BPS-18); Member
- (e) representative of Finance Department not below the rank of Deputy Secretary (BPS-18); and Member
- (f) Section Officer (Admin), Ombudsman Office. Member -cum- Secretary.

(2) The recommendations of Selection and Promotion Board shall be subject to approval of the Appointing Authority.

**6. Selection and Promotion Committee.**---(1) A Selection and Promotion Committee for the purpose of making selection for initial appointment and promotion to posts in BPS-16 and below, shall consist of:

- |     |  |                               |
|-----|--|-------------------------------|
| (a) | Director General, Provincial Ombudsman, Secretariat;                         | Chairperson                   |
| (b) | Director, Ombudsman Secretariat;   | Member                        |
| (c) | Deputy Secretary, Ombudsman Secretariat;                                     | Member                        |
| (d) | representative of Law Department not below the rank of BPS-17;               | Member                        |
| (e) | representative of Finance Department not below the rank of BPS-17;           | Member                        |
| (f) | representative of Establishment Department not below the rank of BPS-17; and | Member                        |
| (g) | Section Officer (Admin), Ombudsman Office.                                   | Member<br>-cum-<br>Secretary. |

(2) The recommendations of Selection and Promotion Committee shall be subject to approval of the Appointing Authority.

### **PART-III**

#### **APPOINTMENT BY INITIAL RECRUITMENT**

**7. Appointment by initial recruitment.**---(1) Appointment by initial recruitment to posts in various Basic Pay Scales shall be made in the manner as specified in **Appendix-I**.

(2) Initial recruitment to the posts shall be made on the recommendations of the Selection and Promotion Board or Selection and Promotion Committee, as the case may be, after vacancies have been advertised in at least two leading newspapers.

(3) A candidate for initial recruitment to a post shall possess the educational qualification or technical qualification, experience and, except as provided in these rules made for the purpose of relaxation of age limit, shall be within the age limit as laid down in **Appendix-I**:

Provided that age shall be reckoned from the last date for submission of application given in the advertisement.

(4) Notwithstanding anything contained in any rules for the time being in force, two percent of all posts in each Basic Pay Scales to be filled in by initial recruitment, shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates.

**Explanation-I:** For the purpose of reservation under this sub-rule “disability” does not include such disabilities which hampers in the smooth performance of the duties required of a disabled candidate.

**Explanation-II:** Ten percent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

(5) Notwithstanding anything contained in any rules for the time being in force, five percent of all the posts in each basic pay scale to be filled in by initial recruitment, shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that the reservation shall not apply to-

- (a) the percentage of vacancies reserved for recruitment on merit;
- (b) short term vacancies likely to last for less than one year; and
- (c) isolated posts in which vacancies occur only occasionally.

(6) Notwithstanding anything contained in any rules for the time being in force, zero point five percent (0.5%) of all the posts in each basic pay scale to be filled in by initial recruitment, shall be reserved for transgenders.

(7) The criterion for quantification of qualifications of the candidates for appointment by initial recruitment shall be such as provided in **Appendix-II**.

**8. Eligibility.**---(1) A candidate for appointment shall be a citizen of Pakistan and bona fide resident of the Province.

(2) No person, not already in service, shall be appointed to a post unless he produces a certificate of character from the principal, academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(3) Notwithstanding anything contained in sub-rule (2), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate of the person appointed, to the satisfaction of Appointing Authority.

(4) No candidate shall be appointed to a post unless he is found, after such medical examination as the Appointing Authority may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

#### **PART-IV**

#### **APPOINTMENT BY PROMOTION, TRANSFER OR DEPUTATION**

**9. Appointment by promotion.**---(1) Every employee possessing the prescribed minimum qualifications, length of service and other conditions, as set out in the **Appendix-I** shall be eligible for promotion to a higher post reserved for promotion on the basis of seniority and performance evaluation report.

(2) The Selection and Promotion Board or Selection and Promotion Committee, as the case may be, shall consider the cases of eligible employees in order of their seniority and performance and shall recommend-

- (a) suitable employee for promotion to higher post; or
- (b) supersession of employee on ground of being unfit for promotion; or
- (c) deferment of consideration of an employee's promotion, if-
  - (i) performance evaluation report is incomplete or any other document or information required by Selection and Promotion Board or Selection and Promotion Committee, as the case may be, for determining employee's fitness for promotion is not available; or
  - (ii) disciplinary or criminal proceedings are pending against the employee whose promotion case comes up for consideration; or
  - (iii) the employee is on deputation abroad with a foreign government, private organization or an international agency; or
  - (iv) the employee does not possess the requisite length of service; or

- (v) the employee has not undergone the prescribed training or passed the departmental examination required for promotion or the employee's seniority is subjudice:

Provided that in case of deferment, a post shall be reserved for the employee or, if it is filled, it shall be subject to the condition that when the employee is subsequently promoted without having been superseded, the arrangement may be reversed and the junior most person, promoted due to such deferment shall be reverted to lower post:

Provided further that all promotions based on subjudice seniority shall be conditional subject to final outcome of court cases.

(3) Deferred promotion case of the employee shall be considered when the reason for his deferment ceases to exist.

(4) The Appointing Authority may approve the promotion of an employee from the date on which the recommendation of the appointment or promotion was made.

(5) An employee, who expires or superannuates after the recommendations of the Selection and Promotion Board or Selection and Promotion Committee, as the case may be, and before the issuing of the notification, shall stand exempted from assumption of the charge of the higher post. The Secretary shall give a certificate to the effect that the employee has expired or superannuated.

(6) Only such person, who possess the required qualifications and meet the conditions laid down for the purpose of promotion to a post as set out in the **Appendix-I**, shall be considered by the Selection and Promotion Board or Selection and Promotion Committee, as the case may be.

(7) No promotion on regular basis shall be made to any post unless the employee concerned has completed such conditions mandatory for promotion (including required qualification, length of service and training, etc.) prescribed for the post in the **Appendix-I**:

Provided that as per the Khyber Pakhtunkhwa Promotion Policy 2009 vide Notification No. SOE-III(E &AD)1-3/2008 dated 28/01/2009, where initial recruitment takes place in basic pay scale in 18 and 19, the length of service prescribed for promotion to higher basic pay scales shall be reduced as indicated below:

Basic pay scale 19:	07 years service in BPS-18 and other required qualification.
Basic pay scale 20:	10 years service in BPS-18 and above or 03 years service in BPS-19 and other required qualification.

(8) The period of extraordinary leave shall not be counted towards length of service for promotion.

**10. Appointment by transfer.**---(1) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same pay scale in which the post to be filled exists.

(2) Persons possessing the requisite qualification shall be considered by the Selection and Promotion Board or Selection and Promotion Committee, as the case may be, for recommending to the Appointing Authority for appointment by transfer.

(3) Any officer or official may be transferred and posted or given charge of any equivalent or higher post from Provincial Ombudsman Office to Regional Offices and vice-versa in accordance with this rule.

**11. Deputation.**---(1) The Appointing Authority may post on deputation, a regular employee of Federal Government or the Provincial Government or an autonomous or semi-autonomous body or corporation under the administrative control of the Provincial Government, against a post in the Office of Provincial Ombudsman through deputation and vice-versa.

(2) The terms and conditions of deputation of an employee shall be determined in accordance with the provision for deputation in both the organizations, under their respective rules or regulations. In case of any contradiction in rules or regulations governing the deputation in the two organizations, mutual consent of the appointing authorities of both organizations may be obtained for removal of contradictions. The terms and conditions shall be acceptable to both the organizations i.e. Government, autonomous or semi- autonomous organizations under the administrative control of the Federal or the Provincial Government, allowing deputation of employees.

**12. Current charge appointment.**---Current charge can be assigned to an employee of lower rank in case a vacancy of higher rank occurs due to existing incumbent's visit abroad, training, leave or deputation, etc. The current charge can be assigned initially for a period not less than thirty (30) days and maximum of six months. In case, due to service exigencies, further extension is required, the same may be granted by the Provincial Ombudsman. Current charge holder shall be allowed twenty percent (20%) allowance of his running basic pay,



which shall not exceed from the maximum limit fixed by Government. However, on return of existing incumbent, current charge appointment of concerned employee shall stand automatically cancelled.

**13. Acting charge appointment.**---Where the Appointing Authority considers it to be in the public interest to fill a post reserved under these rules for promotion and the most senior employee belonging to the cadre concerned, who is otherwise eligible for promotion, does not possess the specified length of service, the Appointing Authority may appoint him to that post on acting charge basis; provided that no such appointment shall be made if the prescribed length of service is short by more than two year.

**14. Additional charge appointment.**---(1) Where a post becomes vacant and it is not possible to fill the post immediately, additional charge of that post may be given to an employee in equivalent basic pay scale in addition to his duties by the Ombudsman.

(2) Additional charge appointments shall ordinarily be made initially for a period of three months by the Provincial Ombudsman which may be extended for another such term by the Secretary to Government, Law, Parliamentary Affairs and Human Rights Department.

(3) An employee shall cease to hold the additional charge of a post upon availability of the person appointed to the post on recommendations of the Selection and Promotion Board or Selection and Promotion Committee, as the case may be, or on return from leave/training/deputation of the existing incumbent.

(4) An employee holding additional charge shall be allowed twenty percent (20%) additional charge allowance of their basic pay, which shall not exceed from the maximum limit fixed for civil servants of the Province.

## **PART-V**

### **PROBATION AND CONFIRMATION**

**15. Probation.**---(1) A person appointed to a post by initial recruitment or by promotion on regular basis shall remain on probation for a period of one year.

(2) On the successful completion of probation period, prescribed in sub-rule (1), the employee concerned shall be confirmed under rule 17 of these rules.

(3) If in the opinion of the Appointing Authority, the conduct or the performance of an employee is not found satisfactory, the Appointing Authority may, notwithstanding that the period of probation has not been expired,-

- (a) dispense with or terminate his services under rule 17 of these rules, if he has been appointed by initial recruitment; or
- (b) revert him to his former post, if he has been appointed by promotion, or if there is no such post, dispense with his services; or
- (c) extend the period of probation for a period not exceeding one year.

(4) The extension of probation under clause (c) of sub-rule (3), shall be made by specific order within two months of the expiry of first year of probation period.

(5) In case no specific order of extension of probation period under sub-rule (4), the probation period, upon completion of one year, shall stand automatically terminated.

(6) In case of extension of probation period, through specific order for another year, under sub-rule (4), the probation shall stand automatically terminated on the completion of extended period.

**16. Termination.**---(1) Subject to rule 17 of these rules, the service of an employee may be terminated during the period of his probation:

Provided that, where such employee is appointed by promotion, he shall be reverted to his former post.

(2) Where, on the abolition of a post or reduction in the number of a post in a cadre or grade the services of an employee are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade.

**17. Confirmation.**---(1) After successful completion of the period of probation and on passing such prescribed test or examination or acquisition of any certificate, diploma or degree, as may be prescribed in the letter of appointment, the employee shall be eligible for confirmation.

(2) An employee appointed by promotion, who during the period of his service, was eligible to be confirmed but retires before being confirmed shall not merely by attaining the age of superannuation be refused, confirmation or any other benefit accruing therefrom.

(3) There shall be no confirmation against a temporary post or in case of an employee under enquiry till the inquiry is completed and he is exonerated from the allegations or charges, leveled against him.

**PART-VI**  
**SENIORITY**

**18. Seniority.**---(1) The seniority inter se of the employees in various pay scales shall be determined:

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Selection and Promotion Board or Selection and Promotion Committee, as the case may be, provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in later selection:

Provided that in case of initial recruitment, if two or more persons secure equal marks in the selection process, the person older in age shall be considered senior; and

- (b) in the case of persons appointed by promotion, with reference to the dates of their continuous regular appointment in the post; provided that persons selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se seniority as in the lower pay scale:

**EXPLANATION:**

- (i) if a junior employee in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it shall not adversely affect the interest of his seniors in the fixation of his seniority in the higher post;
- (ii) if a junior employee in a lower post is promoted to a higher post by superseding a senior employee and subsequently that employee is also promoted to the same post, the employee promoted first shall rank senior to the employee promoted subsequently; provided that the junior person shall not be deemed to have superseded a senior person if the case is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit; and
- (iii) a junior employee appointed to a higher post shall be deemed to have superseded the senior employee only if both the junior and senior employees were considered for the higher post and the junior employee was appointed in preference to the senior employee.

(2) Seniority in various pay scales of employees appointed by initial recruitment vis-à-vis those appointed otherwise, shall be determined with reference to the dates of their regular appointment to a post and if two dates of appointments on regular basis are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

**19. Retirement.**---The provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 shall be applicable to the employees to the extent of their retirement.

**20. Resignation.**---(1) An employee may resign from service of the Office of Provincial Ombudsman by giving one month's notice in writing. The resignation shall become effective on the expiry of the said period of notice.

(2) No resignation shall become effective during the pendency of any disciplinary proceedings against an employee.

(3) An employee shall have an option to surrender to the Office of Provincial Ombudsman at any time during the continuance of the notice a sum equal to gross pay including all allowances, if any, for the unexpired period of notice, in which case the resignation shall become effective on the date of such payment:

Provided that Appointing Authority may, at the request of the employee, waive the unexpired period notice and forego any payment in lieu thereof and accept his resignation notwithstanding the pendency of any disciplinary proceedings against such employee whereupon the service of that employee shall stand discontinued:

Provided further that if the Appointing Authority discontinues the service of an employee before the expiry of the notice period, the employee shall be paid a sum equal to his pay and all allowances for the unexpired period notice.

(4) Unless the resignation becomes effective in one of the ways mentioned herein, the employee shall not absent himself from the duty without prior approval of Appointing Authority. The leave shall be taken in writing and approved by the Appointing Authority if the employee has leave balance in his account. On willful contravention of this provision, the employee shall forfeit to the Office of Provincial Ombudsman an amount equal to his basic pay including personal pay for the unexpired period of notice and may also be liable to dismissal.

(5) An employee who is on probation may resign his service at seven (7) days prior notice.

(6) The resignation shall not become effective unless accepted by the Appointing Authority and on such acceptance, the service of such employee shall stand discontinued. However, the acceptance, in any case other than disciplinary proceedings, shall be within thirty (30) days of receipt of the resignation by the Appointing Authority.

**21. Lien.**---(1) A confirmed employee acquires lien on that post and have right of reversion initially for two years extendable by a further period of one year.

(2) An employee holding a post on regular basis shall retain a lien on that post:

- (a) while performing duties of that post;
- (b) while holding another post;
- (c) during joining time on transfer to any other post;
- (d) while on leave; and
- (e) while under suspension.

(3) An employee cannot hold lien concurrently on two posts at the same time.

(4) The lien held against a post shall stand terminated if an employee is either reduced in rank or reverted to a lower post as a result of penalty under the disciplinary proceedings; provided that such an employee shall acquire a lien against the lower post.

**22. Pay and allowances.**---The pay and allowances of the employees shall be such as admissible to the employees of civil secretariat of the same grade and pay scale except special allowances which are applicable to certain specific category of civil servants.

## **PART-VII**

### **LEAVE**

**23. General principles for leave.**---(1) Leave shall not be claimed as a matter of right. Grant of leave shall be subject to the exigencies of service. The Provincial Ombudsman may refuse leave or cancel the leave already granted and recall the employee for duty.

(2) No leave shall be deemed to have been granted unless it is sanctioned by the Provincial Ombudsman. The leave shall be applied for in advance, expressed and sanctioned in terms of days.

(3) Sundays and holidays may be suffixed or prefixed to any kind of leave.

(4) An employee shall cease to earn any leave from the date of notice of the termination of services given on either side.

(5) Leave shall not be granted to an employee who is under suspension.

**24. Casual leave.**---(1) Casual leave may be allowed to an employee up to a maximum of twenty four days in a calendar year. Casual leave may be granted for unforeseen circumstances up-to maximum of three days at a time.

(2) Un-availed casual leave shall lapse automatically at the end of every calendar year.

(3) Casual leave shall not be combined with any other leave.

**25. Earned leave.**---(1) A confirmed employee shall be entitled to earned leave. Earned leave shall be available to an employee at the rate of four (04) days for every calendar month of the period of duty rendered and credited to his account as leave on full pay. Duty period of fifteen (15) days or less in a calendar month shall not be considered for grant of leave, whereas, more than fifteen (15) days shall be treated as full calendar month for the purpose.

(2) Application for earned leave shall be made by an employee to the Provincial Ombudsman through his immediate officer, at least fifteen (15) days before the employee desires to proceed on leave. However, the period of fifteen (15) days may be waived in emergent cases solely at the discretion of the Provincial Ombudsman.

(3) Encashment of accumulated earned leave shall be allowed in case of death or retirement.

(4) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows:

(i)	Without medical certificate;	120 days
(ii)	With medical certificate; and	180 days
(iii)	On medical certificate from leave account in entire service.	365 days

**26. Grant of leave on half pay.**---(1) Leave on full pay may be converted into leave on half pay at the option of the employee.

(2) Debit to the leave account shall be at the rate of one day of the former to every two days of the latter.

(3) Leave on half pay may be granted for a maximum of three hundred and sixty five days in the entire service so long as it is available by conversion from the leave account.

**27. Maternity leave.**---A female employee in regular service shall be allowed maternity leave as per policy/leave rules of the Provincial Government, for the time being in force.

**28. Study leave.**---Study leave may be granted as per policy/leave rules of Provincial Government as well as under FR-84 read with Appendix-9, with the approval of Finance Department.

**29. Ex-Pakistan leave.**---(1) Ex-Pakistan leave on full pay in all cases may be granted as per policy/leave rules of the Provincial Government for the time being in force.

(2) Leave salary shall be drawn in Pakistani rupees in Pakistan irrespective of the country where leave is spent.

(3) Ex-Pakistan Leave shall be regulated and be subjected to the same limits and conditions as prescribed on full pay/half pay and extra ordinary leave without pay.

**30. Leave without pay (EOL).**---Extraordinary leave without pay may be granted as per policy/leave rules of Provincial Government for the time being in force.

**31. Special (Iddat) Leave.**---A female employee may, on the death of her husband or in case of divorce, be granted special leave on full pay not exceeding 130 days subject to the policy/leave rules of the Provincial Government for time being in force.

**32. Admissibility of leave.**---No leave shall be granted unless it is admissible.

**33. Recall from leave.**---If an employee is recalled to duty compulsorily, with the prior approval of the leave sanctioning authority, from leave of any kind in Pakistan, that he is spending away from his place of duty, he may be granted a single return fare plus daily allowance as admissible on tour from the station where he is spending the leave to the place where he is required to report for duty.

**34. Joining of duty before expiry of leave.**---An employee on leave may not return to duty before expiry of the period of leave granted to him, unless permitted to do so by the leave sanction authority.

**35. Handing over charge.**---An employee proceeding on leave for more than thirty days shall hand over the charge of his post by signing the charge relinquishment report.

**36. Assumption of charge.**---An employee, on return from leave requiring charge relinquishment under rule 34 of these rules, shall report for duty to the authority that sanctioned his leave and assume charge of the post to which he is directed by the leave sanctioning authority unless such direction has been given to him in advance.

**37. Leave account.**---Leave account in respect of all the employees shall be maintained by the Office of Provincial Ombudsman in the relevant form as part of service record.

**38. Leave salary.**---(1) Leave pay admissible during leave on full pay or half pay shall be permissible as per policy leave rules issued by Provincial Government.

(2) An employee shall be entitled to the leave pay at revised rates of pay if general revision in pay takes place or an annual increment occurs during period of leave of the employee.

**39. Leave shall be admissible during the suspension.**---Leave shall be granted to an employee during the period of suspension, with the concurrence of Inquiry Officer.

### **PART-VIII**

#### **DISCIPLINE AND CONDUCT**

**40. Performance Evaluation Reports (PERs).**---(1) Performance of each employee shall be evaluated annually by his immediate controlling officer and countersigned by the next higher officer in such form and manner as determined for civil servants in the corresponding pay scales.

(2) An employee aggrieved by any adverse entry, communicated to him, may file an appeal, within fifteen (15) days to the Ombudsman. In case the adverse entry has been made by the Ombudsman, the appeal shall lie to the Secretary to Government Law, Parliamentary Affairs and Human Rights Department.

(3) The Performance Evaluation Report shall have weightage of twenty percent (20%) in the promotion criteria.

**41. Discipline and general conduct.**---(1) The conduct of employees of the office of Provincial Ombudsman shall be governed under the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1981.

(2) For the purpose of sub-rule (1), references to government servants, civil servants or any other identical terms or terms denoting any competent authority in the rules ibid shall be construed to be references to the employees or relevant competent authorities of the office of Provincial Ombudsman.

**42. Misconduct and disciplinary proceedings.**---(1) Misconduct or any disciplinary proceedings in pursuance thereof against an employee of the office of the Provincial Ombudsman shall be governed under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, or any instructions or instruments issued in this behalf by the Government for civil servants.



(2) For the purpose of sub-rule (1), references to government servants, civil servants or any other identical terms or terms denoting any competent authority in the rules ibid shall be construed to be references to the employees or relevant competent authorities of the office of Provincial Ombudsman.

**43. Upgradation.**---(1) Upgradation of certain posts in the office of the Provincial Ombudsman may be allowed in cases of individual hardships where an employee does not have further chances of promotion or career progression in his service cadre and his position is stagnant and has stayed in the said position for longer period of time not less than ten years.

(2) Upgradation of a post shall only be allowed in hardship cases and not otherwise. And the concerned section head, where a post is proposed to be upgraded shall make out a clear case for consideration of the Upgradation Committee.

(3) For the purpose of upgradation there shall be a committee to be known as the Upgradation Committee which shall consist of the following, namely:

(a)	Provincial Ombudsman	Chairman
(b)	Director General, Provincial Ombudsman Office;	Member
(c)	a representative of Law Department not below the rank of a Deputy Secretary;	Member
(d)	a representative of Finance Department not below the rank of a Deputy Secretary;	Member
(e)	a representative of Establishment Department not below the rank of a Deputy Secretary;	Member
(g)	Deputy Secretary (Admin), Provincial Ombudsman Office; and	Member
(h)	Section Officer (Admin), Provincial Ombudsman Office.	Member -cum-secretary

(4) Upgradation shall be allowed subject to the following conditions, namely:

(a) there shall be no upgradation beyond basic pay Scale 19;

- (b) there are absolutely no prospects of promotion in the service structure for the post;
- (c) the incumbent has stayed on the said post for at least ten years;
- (d) the incumbent has not been earlier upgraded in the existing scale through personal upgradation; and
- (e) the upgradation shall personal to the incumbent and the post shall stand downgraded as and when vacated by such incumbent in any manner.

**44. Age relaxation.**---(1) Age in relation to a post in the office of Provincial Ombudsman shall be relaxed in accordance with the rules governing age relaxation framed by the Provincial Government for civil servants from time to time.

(2) References to the authorities competent to grant age relaxation upto the maximum permissible limit in the rules of Provincial Government mentioned in sub-rule (1) shall be construed as references to Provincial Ombudsman, Chief Secretary and Chief Minister, as the case may be, depending on the number of years to be relaxed.

**45. Application of Government rules.**---In all matters not expressly provided for in these rules, the employee shall be governed by such rules, regulations or policies as have been or may thereafter be made by Government for civil servants.

**46. Repeal and savings.**--- (1) The Notification No. E&A/P.O/1-1(13)S.Rules/ 2011, dated: 21<sup>st</sup> September, 2011, issued by the office of Provincial Ombudsman is hereby repealed.

(2) Notwithstanding the repeal of Notification No. E&A/P.O/1-1(13) S.Rules/2011, dated: 21<sup>st</sup> September, 2011, any appointment made whether by initial recruitment or by promotion, any seniorities maintained or any other orders issued under the above said repealed Notification, shall be deemed to have been made or issued under these rules.

**APPENDIX-I**

[see rules 2 (1) (b), 7 (1) & (3) and 9 (1), (6) & (7)]

S. No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment or by transfer.	Age Limit.	Method of Recruitment.
1.	2.	3.	4.	5.
1.	Secretary (BPS-20)	---	---	By transfer, from amongst the PAS/PCS/PMS officers of the Provincial Government.
2.	Director General (BPS-20)	---	---	<p>By promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Director with at least seventeen years service in BPS-17 and above:</p> <p>Provided that where initial recruitment takes place in BPS- 18 or BPS-19, the required length of service shall be as follows:</p> <p>(a) in case of initial appointment in BPS-18, length of service shall be ten years in BPS-18 and above; or</p> <p>(b) in case of initial appointment in BPS-19, the length of service shall be three years in BPS-19:</p> <p>Provided further that if no suitable officer is available for promotion, then by transfer from amongst the serving officers in BPS-20 of Government.</p>
3.	Director (BPS-19)	(i) At least Second Class LL.M, from a recognized University with a license from the Bar Council and ten years regular service in BPS-17 and above or five years regular service, in case of initial recruitment in BPS-18, in a Government Department, Organization, Judicial or Quasi-Judicial forums in legal capacity; or		(i) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Deputy Director and Registrar with at least twelve years service in BPS-17 and above or seven years service in BPS-18 in case of initial recruitment in BPS-18:

		(ii) First Class LL.B, from a recognized University, with a license from Bar Council and having twelve years regular service in BPS-17 or at least seven years regular service in BPS-18 or above in a Government Department, Organization, Judicial or Quasi-Judicial forums in legal capacity.		<p>Provided that if no suitable officer is available for promotion then by transfer from amongst the PAS/PCS/ PMS officers of the Provincial Government.</p> <p><b>Note:</b> A joint seniority list of Deputy Director (BPS-18) and Registrar (BPS-18) shall be maintained for the purpose of promotion; and</p> <p>(ii) fifty percent (50%) by initial recruitment from amongst persons having qualification prescribed for initial recruitment.</p>
4.	Deputy Secretary (BPS-18)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Section Officer (Admin) having at least five years service as such.
5.	Deputy Director (BPS-18)	---	---	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant Director with at least five years service as such:</p> <p>Provided that if no suitable officer is available for promotion then by transfer of officer of the Provincial Government.</p>
6	Deputy Director (IT) (BPS-18)	First Class MS Degree or equivalent qualification in Computer Science from a recognized University with at least seven years' experience in computer, programming networking, web designing and developing, system analysis, operational management and information technology.	30-40 Years	By initial recruitment.

7.	Registrar (BPS-18)	(i) At least Second Class LL.B, from a recognized University with five years standing at the Bar Council having at least three years practice of High Court; or  (ii) at least Second Class LL.B, from a recognized University, having five years service in BPS-17 and above in Government Institutions.	30-40 Years	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Deputy Registrar with at least five years service as such:  Provided that if no suitable officer is available for promotion, then by initial recruitment.
8.	Deputy Registrar (BPS-17)	At least Second Class LLB Degree from a recognized University with at least three years post qualification experience in administration or investigation or standing at the Bar Council.	21-35 years.	By initial recruitment.
9.	Section Officer (Admin) (BPS-17)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts of Superintendent with at least five years service as such.
10.	Section Officer (Accounts) (BPS-17)	---	---	By transfer from Accountant General Office, Khyber Pakhtunkhwa.
11.	Assistant Director (Investigation) (BPS-17)	At least Second Class LL.B Degree, from a recognized University and enrolment as an Advocate with the Bar Council with three years post qualification experience in administration or investigation or standing at the Bar Council.	21-35 years.	By initial recruitment.
12.	Assistant Director (IT) (BPS-17)	At least Second Class Master's Degree or equivalent qualification in Computer Science from a recognized University.	21-35 years.	By promotion, on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Programmer with at least five years service as such:  Provided that if no suitable official is available then by initial recruitment.

13.	Assistant Director (Media and Research) (BPS-17).	At least Second Class Master degree from a recognized University in Journalism or Mass Communication with three years experience as Journalist in any news agency or daily newspaper.	21-35 years	By initial recruitment.
14.	Private Secretary (BPS-17)		---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Personal Assistant with at least three years service as such:  Provided that if no suitable official is available for promotion, then by transfer from suitable officer of the Provincial Government.
15.	Superintendent (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant with at least five years service as such:  Provided that if no suitable official is available for promotion then by transfer from amongst the officials of the Provincial Government.
16.	Assistant Programmer (BPS-16)	At least Second Class Master's Degree in Computer Science or four years Bachelor's Degree in Computer Science / Information Technology or equivalent qualification, from a recognized University.	21-35 years.	(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness from amongst the holders of the posts of Computer Operator, having prescribed qualification for initial recruitment, with at least five years service as such; and  (b) fifty percent (50%) by initial recruitment.
17.	Personal Assistant (BPS-16)	At least Second Class Bachelor's Degree, from a recognized University with the speed of eighty (80) words per minute in Shorthand and forty (40) words per minute in typing.  <b>Note:</b> Preference will be given to the candidates who are computer literate.	21-35 years.	By initial recruitment.

18.	Assistant (BPS-16)	At least Second Class Bachelor's Degree, from a recognized University.	21-35 years.	<p>(a) Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Senior Clerks having qualification prescribed for initial recruitment and with at least five years service as Junior Clerk or three years service as Senior Clerk:</p> <p>Provided that if no suitable official is available for promotion, then by initial recruitment or transfer from amongst the suitable officials of the Provincial Government; and</p> <p>(b) twenty five percent (25%) by initial recruitment.</p>
19.	Computer Operator (BPS-16)	<p>(a) At least Second Class Master's Degree in Computer Science /Information Technology or equivalent qualification from a recognized university; or</p> <p>(b) at least Second Class Bachelor's Degree (BCS/BIT four years) from a recognized University.</p>	21-35 years.	By initial recruitment
20.	Senior Clerk (BPS-14)	<p>(a) At least Second Class Bachelor's Degree or equivalent qualification, from a recognized University; and</p> <p>(b) typing speed of 30 words per minute.</p>	18-32 years.	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Junior Clerk with at least two years service as such:</p> <p>Provided that if no suitable official is available for promotion, then by initial recruitment.</p>
21.	Junior Clerk (BPS-11)	(a) At least Second Class Intermediate Certificate (FA/ F.Sc) or equivalent qualification from a recognized Board; and	18-32 years.	(a) Forty percent (40%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts of Naib Qasid, Chowkidar, Mali and Sweeper including

		(b) typing speed of 30 words per minute.		<p>holders of other equivalent posts in the Ombudsman Secretariat with two years service as such, who have passed FA/F.Sc Examination or its equivalent qualification from a recognized Board; and</p> <p>(b) sixty percent (60%) by initial recruitment.</p> <p><b>Note:</b> For the purpose of promotion, there shall be maintained a common seniority list of Naib Qasids, Chowkidars, Mali, Sweepers etc. with reference to the dates of their acquiring the FA/F.Sc qualification:</p> <p>Provided that if two or more officials have acquired the FA/F.Sc qualification in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.</p>
22.	Driver (BPS-06)	Light Transport Vehicle (LTV) License, with at least three years experience of practical driving; and  Preferably literate.	18-40 years.	By initial recruitment.
23.	Naib Qasid (BPS-03)	At least Second Class Secondary School Certificate from a recognized Board.	18-40 years.	By initial recruitment.
24.	Chowkidar/ Mali/Sweeper (BPS-03)	At least Second Class Secondary School Certificate from a recognized Board.	18-40 years.	By initial recruitment.



## APPENDIX-II

[see rules 7 (7)]

### QUANTIFICATION CRITERIA FOR SELECTION:

- (i) A candidate for appointment to a post in the office of Provincial Ombudsman must possess the minimum educational qualification and experience prescribed for the post and must be within the age limits advertised for the post.
- (ii) A candidate shall be a citizen of Pakistan domiciled in Khyber Pakhtunkhwa.
- (iii) Selection to all posts in the office of Provincial Ombudsman shall be based on merit. The selection criteria shall be based on academic qualification, higher qualification, relevant experience etc. in accordance with any of the following criteria from (a) to (d) elaborated in table below to be determined by the Provincial Ombudsman:

### SCORING MATRIX

S.N	(a)	(b)	(c)	(d)
Minimum Qualification	60	40	30	15
Higher Qualification	10	10	10	10
Experience	10	10	-	15
Training	02	02	04	04
Hafiz-e-Quran	1	1	1	1
Distinction/Gold Medal	02	02	02	02
Test	-	-	45	30
Interview	15	35	08	23
<b>TOTAL</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

#### A. Minimum Qualification:

For General Cadre/Non-Technical Posts:

Minimum Prescribed Qualification/ Certificate/Degree		Marks Share & Distribution											
		60			40			30			15		
		1 <sup>st</sup> Div	2 <sup>nd</sup> Div	3 <sup>rd</sup> Div	1 <sup>st</sup> Div	2 <sup>nd</sup> Div	3 <sup>rd</sup> Div	1 <sup>st</sup> Div	2 <sup>nd</sup> Div	3 <sup>rd</sup> Div	1 <sup>st</sup> Div	2 <sup>nd</sup> Div	3 <sup>rd</sup> Div
1	Matric	60	45	36	40	30	24	30	23	18	15	12	9

<b>2</b>	Matric	25	20	15	15	10	10	10	10	8	6	5	4
	FA/F.Sc./ Equivalent/ 12 Years Education	35	25	21	25	20	14	20	13	10	9	7	5
<b>3</b>	Matric	15	12	10	12	8	6	8	6	4	3	2	2
	FA/F.Sc./ Equivalent/ 12 Years Education	20	15	12	13	10	8	10	8	6	5	4	3
	BA/B.Sc./ Equivalent/ 14 Years Education	25	18	14	15	12	10	12	9	8	7	6	4
<b>4</b>	Matric	12	8	7	8	6	4	6	4	3	3	2	2
	FA/F.Sc./ Equivalent/ 12 Years Education	14	10	8	10	7	5	7	6	4	3	3	2
	BA/B.Sc./ Equivalent/ 14 Years Education	16	12	10	10	8	7	8	6	5	4	3	2
	MA/M.Sc/ Equivalent/ 16 years Education	18	15	11	12	9	8	9	7	6	5	4	3

**Note:** For degrees in CGPA, equivalent percentage ranges will be as under:

<b>CGPA 4.0 Ranges</b>	<b>CGPA 5.0 Ranges</b>	<b>Equivalent % age Ranges</b>
Greater than or equal to 2.5	Greater than or equal to 3.5	Greater than or equal to 60
Greater than or equal to 1.8 and less than 2.5	Greater than or equal to 2.8 and less than 3.5	Greater than or equal to 50 and less than 60
Less than 1.80	Less than 2.80	Less than 50

**B. Higher Qualification:**

Maximum of 10 marks will be awarded for having qualification above minimum required qualification as under:

One level advanced qualification:	2 Marks
Two levels advanced qualification:	3 Marks
Three levels advanced qualification:	5 Marks

Provided that extra marks shall be awarded to higher qualification only, if it is in continuation with the minimum required qualification prescribed for a post.

**C. Experience:**

Subject to scoring matrix given in the table above, the maximum of 10 or 15 marks, whichever is applicable as per relevant scoring matrix, will be awarded for experience over and above minimum required experience at the rate of 1 mark per year.

Only relevant and verifiable experience will be counted. The relevant experience gained prior to or during the period of minimum qualification shall not be counted, however, experience gained during higher qualification shall be counted.

Experience will not include an internship done in partial fulfillment of a degree. Internships completed under National or Provincial Internship Programs/Policies shall be counted towards experience.

**Note:** No marks will be awarded for experience under scoring matrix (c) as tabulated in the first table above.

**D. Training Course:**

Subject to scoring matrix given in the table above, the maximum of 2 or 4 marks, whichever is applicable as per relevant scoring matrix, will be awarded for minimum three-month training in the relevant field from a university/institution recognized by the HEC or any Board of Technical Education or any training institute established by the Federal Government or any Provincial Government or from an internationally recognized organization.

**E. Test:**

Marks obtained in test conducted by ETEA or other testing agency will be counted under scoring matrices (c) and (d), based on its weightage in relevant matrix.

If scoring matrix (a) or (b) is selected for recruitment of a post in BS-11 to BS-17, having no weightage for test, test may be conducted and test score shall be used for screening purpose only.

**F. Interview:**

A candidate securing less than 40% in an interview under the relevant scoring matrix shall be considered as failed.

-Sd-  
**SECRETARY TO  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT**