

ORDINANCE NO. V OF 2013

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ORDINANCE

further to amend the Civil Servants Act (LXXI of 1973)

WHEREAS it is expedient further to amend the Civil Servant Act, 1973 (LXXI of 1973), for the purposes hereinafter appearing:

AND WHEREAS the National Assembly is not in session having been dissolved on completion of its term and the Senate is also not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action:

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—This Ordinance may be called the Civil Servants (Amendment) Ordinance, 2013.

(2) It shall come into force at once.

2. **Amendment of section 3, Act LXXI of 1973.**— In the Civil Servants Act, 1973 (LXXI of 1973), in section 3, after sub-section (2) the following new sub-sections shall be added, namely:—

(3) The Federal Government may transfer a civil servant of a devolved Ministry or Division, working in an Attached Department or Subordinate Office situated in a Province, to the Province concerned, in consequence of the devolution of functions pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Province, on the same terms and conditions of service as were applicable to him before such transfer.

(4) The Federal Government may transfer a civil servant working in a Ministry, Division, Attached Department or Subordinate Office located in the Islamabad Capital Territory to any other Ministry, Division, Attached Department or Subordinate Office, in consequence of the abolition of such Ministry, Division, Attached Department or Subordinate Office pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and thereby he shall become the civil servant of the respective Ministry, Division, Department or Office to which he is so transferred, on the same terms and conditions of service as were applicable to him before such transfer.

(5) The seniority of the civil servants transferred by virtue of sub-sections (3) and (4) shall be determined by the concerned Province, Ministry or Division, as the case may be, in accordance with the rules.

(6) The cases of civil servants of a Ministry, Division, Attached Department or Subordinate Office devolved in pursuant to the Constitution (Eighteenth Amendment) Act, 2010 (X of 2010) and working in FATA, Gilgit Baltistan and AJK shall be dealt with in the manner as may be provided by an Order made by the President in this behalf.”

3. Removal of difficulties.— If any difficulty arises in giving effect to any provision of the Civil Servants (Amendment) Ordinance, 2013, the Federal Government may make such Order, not inconsistent with the provisions of the said Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after expiry of one year from the coming into force of the aforesaid Ordinance.

4. Omission of section 12A, Act LXXI of 1973.—In the said Act, section 12A shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to provide legal cover to the process of absorption / adjustment of Civil servants belonging to the devolved Ministries / Divisions / Departments/Offices /Organizations by an Act of Parliament.

SHAIKH AFTAB AHMED
Minister of State for Parliamentary Affairs
Member-in-Charge