



GOVERNMENT OF KHYBER PAKHTUNKHWA RIGHT TO PUBLIC SERVICES (RTS) COMMISSION



NOTIFICATION

Peshawar, dated the 13th November, 2020.

No. SEC/RTPSC/Reg/03/2018. In exercise of the powers conferred under¹ section 27 of the Khyber Pakhtunkhwa Right to Public Services² Act, 2014 and in pursuance of the Khyber Pakhtunkhwa Right to Public Services Rules (Amendment),³ 2014 the Khyber Pakhtunkhwa Right to Public Services Commission is pleased to make the following regulations, namely;

THE KHYBER PAKHTUNKHWA RIGHT TO PUBLIC SERVICES (TERMS AND CONDITIONS OF SERVICE) REGULATIONS, 2018.

Part-I **GENERAL**

1. Short title and commencement. --- (1) These regulations may be called the Khyber Pakhtunkhwa Right to Public Services (Terms and Conditions of Service) (Amendment)⁴ Regulations, 2018.

(2) These shall come into force at once.

2. Definitions. ---In these Regulations⁵, unless there is anything repugnant in the subject or context, -

- (a) “Appointment” means appointment of a duly qualified person under these regulations;⁷
- (b) “Appointing Authority” in relation to a post means the person authorized under regulation 3 to make appointment to that post;
- (c) “Act” means the Khyber Pakhtunkhwa Right to Public Services Act, 2014;
- (d) “Rules” means the Khyber Pakhtunkhwa Right to Public Services Rules (Amendment),⁸ 2014;

¹ The words “Section 17 sub section (2) and” deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

² The word “Commission” deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

³ The word “(Amendment)” added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴ The word “(Amendment)” added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵ The Word “Rules” substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶ The word “Contract” deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁷ The words “as such as per term of reference” substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁸ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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- (e) “Pay” means an amount drawn by an employee monthly and includes special pay, personal pay and any other amount declared by the competent authority to be a part of the pay;
- (f) “Appendix” means the Appendix annexed to these regulations;
- (g) “Commission” means the Khyber Pakhtunkhwa Right to Public Services Commission, constituted under section 16 of the Khyber Pakhtunkhwa Right to Public Services Act, 2014;
- (h) “Employee” means an employee of the Commission;
- (i) “Government” means Government of Khyber Pakhtunkhwa;
- (j) “Initial recruitment” means the appointment made under Section 16 (11) of Khyber Pakhtunkhwa Right to Public Services, Act 2014 and not by promotion, transfer or deputation;
- (k) “Deputation” means deputation in pursuance of provisions of section 16(10) of Act and Rule 13 of Rules and as per terms and conditions of policy and rules of the Government;
- (l) “Absorption” means absorption of a deputationist in the same pay scale;⁹
- (m)¹⁰ “Post” means a post specified in the appendix;
- (n)¹¹ “Regulations” means the Khyber Pakhtunkhwa Right to Public Services (terms and conditions of service) (Amendment)¹² Regulations, 2018;
- (o)¹³ “Selection and Promotion Committee” means the Selection and Promotion Committee constituted under regulation 4;
- (p)¹⁴ “Chief Commissioner” means the Chief Commissioner of the Commission as defined under section 16(3) of the Khyber Pakhtunkhwa Right to Public Services Act, 2014;
- (q)¹⁵ “Commissioner” means the Commissioner of the Commission as defined under section 16 (4) of the Act;

⁹ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁰ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹² Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹³ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁴ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁵ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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- (r)¹⁶ “Secretary” means the Secretary appointed under section 16 (10) or section 16 (11) of the Act.
- (s) In matters, not expressly provided in these regulations, the rules as applicable to Civil Servants of government of Khyber Pakhtunkhwa, not inconsistent with the Act, Rules and Regulations of the Commission, shall, mutatis mutandis, be applicable to the employees of the Commission;¹⁷
- (t) “Competent Authority” means Chief Commissioner Right to Public Services Commission, Government of Khyber Pakhtunkhwa;¹⁸

Part II RECRUITMENT

3. Appointing Authority. The authority,¹⁹ competent, to make appointment to various posts shall be as follows:

S. No.	Posts.	Recommending Authority.	Appointing Authority.
1.	All posts	Selection and Promotion Committee headed by a Commissioner, so nominated ²⁰	Chief Commissioner

4. Selection and Promotion Committee. ---A Selection and Promotion Committee constituted by the Chief Commissioner, shall comprise of the following: -

a ²¹	Chief Commissioner or Commissioner, to be nominated by the Chief Commissioner;	Chairman
b ²²	Secretary of the Commission;	Member
c ²³	Budget & Accounts Officer of the Commission;	Member
d ²⁴	Representative of Provincial Government Departments, Institutions and other such bodies, on need basis ²⁵	Coopted Members
e ²⁶	Estt. & Admin. Officer of the Commission.	Member cum Secretary

Quorum, Terms of Reference of Selection Committee shall be notified, read with regulations 11 and 23, by the Chief Commissioner from time to time.

¹⁶ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁷ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁸ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁹ Word “authorities” substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

²⁰ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

²¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

²² Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

²³ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

²⁴ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

²⁵ The Words “Representative of Administration Department; and others” substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2018 (Amendment) dated 11th Jun, 2020

²⁶ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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5. Method of Appointment. Appointment to posts shall be made by any of the following methods, namely:

- (a) By *initial recruitment* in accordance with the provisions contained in Section 16 (11) of Khyber Pakhtunkhwa Right to Public Services Act, 2014 and qualifications as prescribed in the Appendix and every vacant post shall be advertised through the press and selection will be made on the basis of method provided in Establishment Code Khyber Pakhtunkhwa (ESTA CODE), 2011;
- (b) by *promotion*;
- (c) by *deputation*
- (d) by *transfer*

6. Appointment by deputation: (i)²⁷ means Appointment by deputation as prescribed under Section 16 (10) of the Act and Rule 13 of the Rules.

(ii) Absorption: Commission may absorb any deputationist against a vacant post in the same pay and scale.²⁸

7. Appointment by promotion or transfer: (i)²⁹ Except, as otherwise provided in these regulations, appointment by initial recruitment, promotion and transfer shall be made on the recommendations of Selection and Promotion Committee as per provisions of regulation 3 and 4 of these Regulations.

(ii)³⁰ Persons possessing qualifications and criteria as laid down in the Appendix for the purpose of promotion or transfer or appointment to a post shall be considered by the Selection and Promotion Committee.

(iii)³¹ In case criteria is not explained in the appendix for a post, qualifications prescribed as per policy of the Government and other Government institutions for similar job and grade shall be followed.

(iv)³² A person appointed against a post by promotion or transfer shall retain his/her lien during the period of probation on the post vacated by him/her.

(v)³³ Every employee possessing the prescribed minimum qualifications, length of service and other conditions, shall be eligible for promotion to a higher post for the time being reserved for promotion on the basis of seniority and performance evaluation report.

²⁷ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

²⁸ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

²⁹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

³⁰ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

³¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

³² Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

³³ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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(vi)³⁴The Selection and Promotion Committee shall consider the cases of eligible employees in order of their seniority, performance and shall recommend:

- (a) Suitable employees for selection and promotion to higher post; or
- (b) Supersession of employee(s) on ground being unfit for promotion; or
- (c) Deferment of consideration of employee(s) promotion, if-
 - (i) Performance evaluation report is incomplete or any other document or information required by the Committee for determining employee's fitness for promotion is not available; or
 - (ii) Disciplinary or departmental 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 *sub judice*.

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.

- (vi) Selection and promotion Committee may, subject to budgetary approval, recommend upgradation of post, to the Commission.

(vii)³⁵ The employee superseded by the Selection and Promotion Committee for promotion shall not be considered for promotion unless he/she has earned one satisfactory performance evaluation report for a full year.

³⁴ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

³⁵ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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(viii)³⁶ Deferred promotion case of the employee shall be considered when the reason for his deferment ceases to exist.

(ix)³⁷ The Appointing Authority may approve the promotion of an officer or official from the date on which the recommendation of the appointment or promotion was made.

(x)³⁸ An officer or official who expires or superannuates after the recommendations of the Selection and Promotion Committee and before the issuing of the notification, shall stand exempted from assumption of the charge of the higher post. The Chief Commissioner shall give a certificate to the effect that the officer or official has expired or superannuated.

(xi)³⁹ Only such person, who possess the required qualifications and meet the conditions laid down for the purpose of promotion to a post, shall be considered by the Selection and Promotion Committee.

(xii)⁴⁰ No promotion on regular basis shall be made to posts in pay scales 17 and above or equivalent unless the officer concerned has completed such conditions mandatory for promotion (including required qualification, length of service and training) prescribed for the post in the Appendix.

(xiii)⁴¹ Length of service for promotion shall be counted as the length of service in a post or scale in addition to the other qualification required for promotion to the higher post or scale.⁴² Provided that officiating or acting charge base shall not be considered towards regular length of service.

(xiv)⁴³ Appointment by transfer shall be made from amongst the employees⁴⁴ in the same pay scale and having same job descriptions in which the post to be filled, exists.

(xv) Timescale promotion for similar scale, posts and nomenclature. In case of non-availability of post in the next higher scale an employee may be placed in the next higher scale after seven (07) years of service with same designation. For other posts specific to the Commission and as notified from time to time, as per appendix.⁴⁵

8. Contract appointment. ---When the Appointing Authority considers it to be in the public interest to fill in a post urgently, it may, proceed to fill in such post on contract basis for a period not exceeding one year by advertising the same. His services will be subject to

³⁶ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

³⁷ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

³⁸ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

³⁹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴⁰ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴² Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴³ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴⁴ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴⁵ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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terms and conditions contained in the offer letter. Provided the services of such contract may also be terminated by the competent authority without assigning any reason.⁴⁶

9. Zonal Quota: - (i)⁴⁷ Initial recruitment shall be made in accordance with quota reserved for various Zones as per policy of government.⁴⁸

(2) & (3) Deleted⁴⁹

(ii) Quota for Female, disabled Persons and Minorities: - As per Government policy.⁵⁰

10. Domicile Certificate: - Only those candidates will be held eligible who are citizens of Pakistan and possesses domicile of Khyber Pakhtunkhwa.

11. Qualification and other conditions. (i)⁵¹ The method of appointment, qualifications and other conditions applicable to a post, shall be such as laid down in the Appendix.

(ii)⁵² No person shall be appointed to a post by initial recruitment unless he is within the age limit prescribed for each post in the column 5 of the Appendix.

(iii)⁵³ For the purpose of these regulations, age shall be reckoned:

(a) ⁵⁴Age is to be determined on the basis of last date for receipt of applications for the posts.

(b) ⁵⁵Criteria for test, interview and written examination for various categories of posts shall be observed as per Government policy and specific requirements of the Commission, to be notified by the Chief Commissioner, from time to time.

(c) ⁵⁶Relevancy of experience shall be determined by the Commission as per requirements of the post.

(d) ⁵⁷The Government of Khyber Pakhtunkhwa policy and rules of recruitment, upgradation of posts, age limit, age relaxation, gender, minorities, disabled quota, experience and other matters, ancillary and incidental thereto shall be applicable, mutatis mutandis, to the employees of the Khyber Pakhtunkhwa Right to Public Services Commission.⁵⁸

⁴⁶ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴⁷ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴⁸ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁴⁹ Sub Regulations 2 & 3 deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵⁰ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵² Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵³ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵⁴ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵⁵ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵⁶ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵⁷ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁵⁸ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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(iv)⁵⁹ (a) No person 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 certificate from two other responsible persons, not being his / her relatives, who are well acquainted with his/her character and antecedent.

(b) Selection shall also⁶⁰ be subject to verification from: -

(c)⁶¹Police of the District of domicile.

(d)⁶²Academic qualifications⁶³ from the respective Boards, Universities and other institutions⁶⁴ as claimed by the candidate.

(e) Verification of experience from the respective Institution.⁶⁵

(v)⁶⁶ **Medical Fitness.** No person shall be appointed to a post by initial recruitment unless he / she produces a medical certificate from:⁶⁷

(a) Service Hospital Peshawar.⁶⁸

(b) Medical Superintendent DHQ of respective district.⁶⁹

PART-III CONDITIONS OF SERVICE

12. Probation. (1) A person appointed to a post on regular basis shall remain on probation for a period of one year, if appointed by initial recruitment or by promotion, provided that his/her work or conduct during the period of probation has, in the opinion of the Appointing Authority, not been found satisfactory, the Appointing Authority may, notwithstanding that the period of probation has not been expired, -

- (a) Dispense with his/her services, if he/she has been appointed by initial recruitment; or
- (b) revert him/her to his former post, if he has been appointed by promotion, or if there is no such post, dispense with his/her services; or
- (c) extend the period of probation for a period not exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it would have during or on the expiry of the initial probationary period.

Provided if no specific order regarding termination of the probation period of an officer or official concerned is issued within two months, the period of probation shall be deemed to have been extended.

⁵⁹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶⁰ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶² Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶³ The words "Experience and" deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶⁴ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶⁵ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶⁶ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶⁷ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶⁸ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁶⁹ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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(d)⁷⁰ If no orders have been made by the day on which maximum period of probation expires, the probationer shall, be deemed to have been confirmed in his appointment.

13. Confirmation. (i)⁷¹ 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, employee shall be eligible for confirmation: provided that he holds a substantive post.

(ii)⁷² An employee, who during the period of his/her 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 there from.

(iii)⁷³ There shall be no confirmation against a temporary post or in case of an employee under inquiry till the inquiry is completed and he is exonerated from the allegations or charges, leveled against him.

14. Seniority. (i)⁷⁴ 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 Committee or where no order of merit can be assigned between persons due to their belonging to different posts with reference to the date of appointment to such posts; provided that-
 - (i) if the two dates are the same, the older in age shall rank senior to the younger; and
 - (ii) a person selected in an earlier selection shall rank senior to a person selected in a later selection; and
- (b) in the case of persons appointed by promotion, with reference to the dates of their continuous regular appointment; provided that persons selected for promotion in one batch shall, on their promotion, retain their inter-se- seniority as in the lower pay scale.

EXPLANATION:

- (i) if a junior employee in a lower pay scale is promoted to a higher pay scale temporarily, even though continuing later permanently in the

⁷⁰ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁷¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁷² Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁷³ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁷⁴ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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- higher pay scale, it shall not adversely affect the interest of his seniors in the fixation of his seniority in the higher pay scales;
- (ii) if a junior employee in a lower pay scale is promoted to a higher pay scale by superseding a senior employee and subsequently that employee is also promoted to the same pay scale, the employee promoted first shall rank senior to the employee promoted subsequently; and
 - (iii) A junior employee appointed to a higher pay scale shall be deemed to have superseded the senior employee only if both the junior and senior employees were considered for the higher pay scale and the junior employee was appointed in preference to the senior employee.

(ii)⁷⁵ 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 initial⁷⁶ 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.

PART -IV **RETIREMENT, RESIGNATION** **AND TERMINATION**

15. Retirement. Subject to government policy, as revised from time to time.⁷⁷ An employee shall retire from service-

- (a) on such date after he /she has completed twenty-five years of service, the Appointing Authority may, after review and recommendation of the employee's specific request by the *Selection and Promotion Committee* approve the case;
- (b) Where no direction is given under clause (a) on completion of the sixtieth year of his/her age; and
- (c) An employee can be offered retirement with all benefits covered under the prevailing rules and regulations if he ceases physical or mental capability upon the recommendation of the Medical Board constituted by the order of the Commission.

16. Resignation. (i)⁷⁸ An employee may resign from service of the Commission by giving one month's notice in writing. The resignation shall become effective on the expiry of the said period of notice.

(ii)⁷⁹ No resignation shall become effective during the pendency of any disciplinary proceedings against an employee.

⁷⁵ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁷⁶ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁷⁷ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁷⁸ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁷⁹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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(iii)⁸⁰ An employee shall have an option to surrender to the Commission 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 such case the resignation shall become effective on the date of such payment:

(a) 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; and

(b) 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.

(iv)⁸¹ Unless the resignation becomes effective in one of the way mentioned herein, the employee shall not absent himself from the duty without prior approval of competent authority. The leave shall be taken in writing and approved by the competent authority if the employee has leave balance in his account. On willful contravention of this provision the employee shall forfeit to an amount equal to his basic pay including personal pay for the unexpired period of notice and may also be liable to dismissal.

(v)⁸² An employee who is on probation or has been employed on temporary basis may resign his service in the Commission at seven (7) days prior notice. The resignation shall not become effective unless accepted by the Appointing Authority. On such acceptance the service of such employee shall stand discontinued, however, the acceptance in any case other than disciplinary proceedings, should be within thirty (30) days of receipt of the resignation by the competent authority.

17. Termination. (i)⁸³ The Appointing Authority may terminate services of an employee of Commission by way of punishment as per provisions contained in Regulation 18(ii).⁸⁴

(ii) & (iii) Deleted⁸⁵

(iv)⁸⁶ The Appointing Authority may terminate the service of any employee, on probation or on a temporary or contract basis at one-month notice or pay thereof without assigning any reason.

⁸⁰ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁸¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁸² Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁸³ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁸⁴ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁸⁵ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁸⁶ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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PART-V GENERAL⁸⁷

18. Efficiency & Discipline.

(i) Competent authority means the appointing authority as specified in regulation 3 of these regulations.⁸⁸

(ii) The provisions and procedures⁸⁹ contained in the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 shall be applicable, mutatis mutandis⁹⁰, to the employees of the Khyber Pakhtunkhwa Right to Public Services Commission.

19. Salary and allowances.

(i)⁹¹ The employees of the Commission shall be entitled to such pay and allowances, as per Government rules/policy and other emoluments⁹² prescribed by the Commission, from time to time.

(ii) The Khyber Pakhtunkhwa Medical Attendance Rules, 2016 notified, vide Health Department Notification No. E&A/Health/3-60/2016 dated 12th August, 2016 or as amended from time to time, shall apply to the employees of the Khyber Pakhtunkhwa Right to Public Services Commission.⁹³

(iii) The Commission will frame regulations for creation and management of CP Fund and Gratuity for the employees of the Commission under section 27 of the Act, 2014.⁹⁴

20. Leave Rules. The provisions contained in Khyber Pakhtunkhwa Civil Servants Revised Leave rules, 1981 shall be applicable to the employees of the Khyber Pakhtunkhwa Right to Public Services Commission.

21. Existing Employees. --- Except change of designation or nomenclature as per provisions of regulations 24, all persons employed by the Commission subject to fulfillment of requirements for the post⁹⁵ since its inception, and all the posts already advertised, shall continue to be governed “under these Regulations with the status of public servants as defined under section 18 of Right to Public Services Act, 2014”.⁹⁶

22. Overriding effect: - In case of inconsistency of Regulations with Khyber Pakhtunkhwa Right to Public Services Act, 2014 or with Khyber Pakhtunkhwa Right to Public Services Rules (Amendment), 2014⁹⁷ such Act and Rules shall have overriding effect.

⁸⁷ The word “Rules” deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁸⁸ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁸⁹ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁹⁰ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁹¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁹² Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁹³ Added vide Notification No. SEC/RTPSC/Reg/03/2018(Amendment) dated 11th June, 2020

⁹⁴ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁹⁵ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁹⁶ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁹⁷ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020



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23. Issuance of Standing Orders: - The Chief Commissioner, and the Commissioners under delegated powers, for the conduct of business related to these regulations, may issue standing orders, and procedural instructions, regarding administrative, operational, financial and service matters.⁹⁸

24. Creation, abolition, re-designation and readjustments of posts: - (i)⁹⁹ The Commission may propose creation of posts. The Commission may abolish, re-designate and readjust of posts as austerity measures and requirements of Commission.¹⁰⁰

(ii)¹⁰¹ Notwithstanding nomenclature, or designation of initial recruitment the Commission may re-designate any post with change of nomenclature as per requirements of Commission. Such re-designation, change of nomenclature and readjustment shall not adversely affect pay, benefits and other emoluments of an employe

⁹⁸ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

⁹⁹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁰⁰ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁰¹ Renumbered vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

APPENDIX

S. No	Nomenclature of the post	BPS	Minimum Qualification and Experience for Initial Recruitment	Age Limit	Method of Recruitment
1	Secretary to the Commission / Coordinator	18	At least 2 nd class Master Degree in Business, Public or Development Management or similar degree from HEC Recognized University with five (05) years' post-graduation relevant experience. Knowledge/Qualification of law would be given due weightage.	As per policy of Government	By promotion, on the basis of seniority-cum fitness, from amongst the Officers (BPS.17) with five years' service and experience in Administration, financial, coordination and Monitoring. ¹⁰² Provided that if no Suitable officer is available for promotion then by initial recruitment or deputation or transfer. ¹⁰³ (...Deleted) ¹⁰⁴
2	Budget & Accounts Officer	17	At least 2 nd class Master's degree in Commerce or Business Administration with Major in Finance from HEC Recognized University with 03 years relevant experience.	As above	By promotion, on the basis of seniority-cum fitness, from amongst the Accounts Assistants (BPS.16) with three years' service as such: Provided that if no Suitable official is available for promotion then by Initial Recruitment/ Deputation

¹⁰² Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁰³ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁰⁴ The Words "Deputation shall be governed....." deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

3	Estt. & Admin. Officer	17	At least 2 nd Class Master's Degree in Business Administration from HEC Recognized University With 02 years' relevant Experience.	As above	By promotion, on the basis of seniority-cum fitness, from amongst the Office Assistants (BPS-16), Assistant to Chief Commissioner (BPS-16), Assistant to Commissioners (BPS-16) and Assistant to Secretary (BPS-16) ¹⁰⁵ with three years' service as such: Provided that if no Suitable official is available for promotion then by initial recruitment/ Deputation.
4	Database Administrator (Abolished) ¹⁰⁶				
5	Monitoring and Coordination Officer ¹⁰⁷	17	Master (or equivalent) in Law, Sociology, Development studies and MBA/MPA ¹⁰⁸ from HEC Recognized University with 03 years' relevant experience of program related to rule of law.	As above	By promotion, on the basis of seniority-cum fitness, from amongst the Assistants and DMOs (BPS-16) with five years' service as such: Provided that if no Suitable official is available for promotion then ¹⁰⁹ by Initial Recruitment/ Deputation

¹⁰⁵ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁰⁶ Post abolished vide office order No. RTS-5452-57 dated 28-02-2019 and letter No.RTS-5458-62 dated 28-02-2019

¹⁰⁷ Nomenclature "Assistant Registrar" change to "Monitoring and Evaluation Officer" vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁰⁸ The words "At least 2nd Class LLB Degree" substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹⁰⁹ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

6	Data Analyst	17	At least 2 nd Class degree M. Sc. in Computer Science, IT and ¹¹⁰ Social Sciences with 03 years' relevant experience. He / She shall be well versed in all computer related and data processing techniques.	As above	By Promotion, on the basis of seniority-cum fitness, from IT Assistant (BPS-16) with three years' service as such: Provided that if no suitable official is available for promotion then by initial recruitment/deputation. ¹¹¹
7	Assistant to Chief Commissioner & Commissioners	16	At least 2 nd Class Bachelor's Degree from HEC Recognized University with: (i) 30 w.p.m. in typing (ii) Knowledge of Computer in using Microsoft Office. (iii) 03 years' relevant experience.	As above	By promotion, on the basis of seniority-cum fitness, from amongst the Senior Clerks ¹¹² with three years' service as such: Provided that if no Suitable official is available for promotion then by Initial recruitment/ Deputation.
8	Public Relation Officer	16	At least 2 nd Class Master Degree in journalism/ Mass Communication/Media Studies/Sociology/Anthropology from a HEC recognized university with three (03) years' practical experience of communication, promotional coordination with government / Non-government organization with experience of IT and Electronic Media ¹¹³ .	As above	By Initial Recruitment ¹¹⁴
9	Accounts Assistant	16	At least 2 nd class Bachelor's Degree in Commerce or Business Administration with Major in Finance from HEC Recognized University with 02 years' experience in the relevant field.	As above	By Initial Recruitment ¹¹⁵

¹¹⁰ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹¹¹ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹¹² Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹¹³ Added vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹¹⁴ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹¹⁵ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

10	District Monitoring Officer	16	“At least 2 nd Class Master’s Degree (or equivalent) from HEC recognized university”. Preference will be given to the candidate having Computer literacy. ¹¹⁶ Note: ¹¹⁷	As above	By Initial Recruitment ¹¹⁸
11	Media Assistant	16	At least 2 nd Class Bachelor’s Degree in journalism/ Mass Communication/Media Studies/ Sociology/ Anthropology with 03 Years’ experience in relevant field in promotional publicity, community awareness and linkages with print and electronic media will be preferable OR 2 nd Class Master Degree in in journalism/ Mass Communication / Media Studies/ Sociology/ Anthropology from HEC Recognized University with 02 years’ experience in above relevant field.	As above	By Initial Recruitment ¹¹⁹
12	IT Assistant	16	At least 2 nd Class Bachelor’s Degree in Computer Science with 02 years relevant experience	As above	By Initial Recruitment ¹²⁰
13	Office Assistant	16	At least 2 nd Class Bachelor’s Degree or equivalent qualification from HEC recognized University.	As above	By promotion, on the basis of seniority-cum fitness, from amongst the Senior Clerks with three years’ service ¹²¹ as such: Provided that if no Suitable official is available for promotion then by Initial recruitment ¹²²

¹¹⁶ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2018(Amend) dated 12th July, 2020

¹¹⁷ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹¹⁸ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹¹⁹ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹²⁰ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹²¹ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹²² Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

14	Computer Operator / Assistant to Secretary	16	At least 2 nd Class Bachelor's Degree in Computer Science (BCS) / Bachelor degree in Information Technology (BIT) (04 year) or its equivalent qualification from recognized University with (i) 30 w.p.m. in typing (ii) Knowledge of Computer in using Microsoft Office. (iii) 03 years' relevant experience.	As above	By Initial Recruitment ¹²³
15	Junior Clerk/Assistant	11	FA/F.Sc with second division ¹²⁴ Or equivalent qualification from a recognized Board with Typing Speed of 30 w.p.m.	As above	¹²⁵ 40% By promotion, subject to availability of post, on the basis of seniority-cum fitness, from amongst the Naib Qasids with Two years' service as such, who have passed FA/F.Sc Examination or its equivalent qualification from a recognized Board; and 60% by Initial Recruitment; Provided that if no Suitable official is available for promotion then all by initial recruitment ¹²⁶
16	Telephone Operator	8 ¹²⁷	At least 2 nd Class Matriculation with 02 years' relevant experience in reputed organization.	As above	By Initial Recruitment ¹²⁸
17	Driver	6 ¹²⁹	Literate having LTV driving license issued by the competent authority. With at least three years practical experience of driving; Preference will be given to those who have experience in repair and maintenance of vehicles.	As above	By Initial Recruitment ¹³⁰

¹²³ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹²⁴ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹²⁵ Substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹²⁶ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹²⁷ The figure "7" substituted with figure "8" vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹²⁸ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹²⁹ The figure "4" substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2018(Amendment) dated 11th June, 2020

¹³⁰ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

18	Dispatch Rider	4	Literate having LTV driving license (Motorcycle + Motorcar) issued by the competent authority. With at least three years practical experience of driving; Preference will be given to those who have experience in repair and maintenance of vehicles.	As above	By Initial Recruitment ¹³¹
19	Naib Qasid	3 ¹³²	Preferably Literate	As above	By Initial Recruitment ¹³³
20	Chowkidar	3 ¹³⁴	Preferably Literate	As above	By Initial Recruitment ¹³⁵
21	Sweeper/Farash	3 ¹³⁶	Literate	As above	By Initial Recruitment ¹³⁷

KHYBER PAKHTUNKHWA RIGHT TO PUBLIC SERVICES COMMISSION

(SECRETARY)

**KHYBER PAKHTUNKHWA RIGHT TO PUBLIC SERVICES COMMISSION
GOVT OF KHYBER PAKHTUNKHWA.**

¹³¹ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹³² The figure "1" substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2018(Amendment) dated 11th June, 2020

¹³³ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹³⁴ The figure "1" substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2018(Amendment) dated 11th June, 2020

¹³⁵ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020

¹³⁶ The figure "1" substituted vide Gazette Notification No. SEC/RTPSC/Reg/03/2018(Amendment) dated 11th June, 2020

¹³⁷ Deleted vide Gazette Notification No. SEC/RTPSC/Reg/03/2020 (Amendment) dated 13th Nov, 2020