



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT**

NOTIFICATION

Peshawar, dated the 10th January, 2018.

No SO Imp (AD)2-25/2018 Dated 10th January 2018 : In exercise of powers, conferred under section 26, of the Khyber Pakhtunkhwa Right to Public Services Act, 2014 (Khyber Pakhtunkhwa Act IV of 2014) the Government of the Khyber Pakhtunkhwa is pleased to amend the Right to Public Services Rules, 2014.

**THE KHYBER PAKHTUNKHWA RIGHT TO PUBLIC SERVICES RULES
(Amendment), 2014.**

CHAPTER-I

PRELIMINARY

1. **Short title and commencement.**---(1) These rule may be called The Khyber Pakhtunkhwa Right to Public Services (Amendment) Rules, 2018.

(2) These shall come into force at once.

CHAPTER-II

**PROCEDURE FOR SELECTION OF CHIEF COMMISSIONER AND
COMMISSIONERS**

2. **Constitution of Search and Scrutiny Committee.**---(1) Government shall constitute a Search and Scrutiny Committee in order to scrutinize persons suitable for appointment as Chief Commissioner and Commissioners and to make recommendations to the Chief Minister for such appointments.

(2) The search and Scrutiny Committee shall consist of the following:

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| (i) | Chief Secretary, Khyber Pakhtunkhwa; | Chairman |
| (ii) | Additional Chief Secretary, P&D; | Member |
| (iii) | Chairman, Khyber Pakhtunkhwa Public Service Commission; | Member |

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| (iv) | Vice Chancellor, Peshawar University; | Member |
| (v) | One Member of the Provincial Assembly
nominated by the Chief Minister,
for duration of his/her incumbency; and | Member |
| (vi) | Secretary, Administration Department; | Member/
Secretary |

CHAPTER III

- 3. ¹Terms and conditions of services of the Chief Commissioner and Commissioner.---**
- i. Their services will be governed under Khyber Pakhtunkhwa Right to Public Services Act, 2014 and made rules there under;
 - ii. Tenure of their service will be 03 years or 65 years of age whichever is earlier;
 - iii. No extension in service is permissible;
 - iv. They can resign from service with one month prior notice or surrendering one month pay;
 - v. Salary package for Chief Commissioner will be MP-I and for other Commissioners MP-II.(deleted)²

CHAPTER-III

PROCEDURE FOR MAKING APPLICATION, REJECTION OF APPLICATION AND DISPOSAL OF APPEALS

- 4. **Procedure for making an application.---****(1) An application for availing a public service may be made in the following manner:
- (a) Where for availing a public service under a relevant law, the requirement is filling of a proforma/form, then said proforma/form shall be considered as an application under these rules; and
 - (b) Where no form is provided for availing any public service, then making a simple application would be considered enough for availing a public service:

¹ Renumbered vide Notification No: SO Imp(AD)2-25/2018, dated 10th January, 2019 and Gazette Notification dated 17th January, 2019.

²The words "or as may be determined by the Government from time to time" deleted vide Notification No: SO Imp(AD)2-25/2018, dated 10th January, 2019 and Gazette Notification dated 17th January, 2019.

Provided that the Authority concerned shall check list of the documents required to be enclosed therewith.

5. Power of Designated Officer to authorize Subordinate Officials for receiving the applications. ---For the purposes of section 5 of the Act, the Designated Officer may either himself receive the application or may authorized any person subordinate to him to receive application; provided that in case of non-availability of any of the officers, the other officer/official shall receive application on his behalf.

6. Public holidays shall not be included in the stipulated time limit.--- Public holidays shall not be included in the stipulated time limit for providing the services to be notified by the Government under section 4. That is, the time limit will be days specified plus the number of public holidays.

7. Receipt and acknowledgement of application.---(1) An eligible person shall make an application for delivery of service to the Designated Officer either personally or through e-mail or through registered post.

(2) If such application is found complete in all respects, the Designated Officer shall acknowledge the receipt thereof.

Provided that if any document required for the delivery of service has not been enclosed with the application by the applicant, the same shall be clearly mentioned in the acknowledgement by the Designated Officer, to enable the applicant to make his application complete in all respects:

Provided further that the Designated Officer shall not raise piecemeal objections on such applications.

8. Rejection of Application.---In the event a public service is denied or delayed, the Designated Officer shall communicate to the eligible person applying for the public service:

(a) The reason for such denial or delay;

(b) The period within which an appeal against such denial or delay be preferred;
and

(c) The particulars, including all available information of the relevant appellate Authority under the general provisions of this Act.

9. Display of information on Notice Board.---The Authority shall, for the convenience of common public, cause to display all relevant information related to public services, specified time limit thereof and designated officers on the notice board that has been put up in the office for easy view. All the necessary documents that are required to be

enclosed with the application for receiving the notified services shall be displayed on the Notice Board. In addition to the details in the prescribed format, the Notice Board shall also include the details of how an appeal can be made, as also all the necessary documents that should be attached to an appeal. In the event of non-display of such information in the public domain, the Authority may initiate appropriate action against the delinquent officer.

10. Procedure for disposal of appeal by Appellate Authority.---(1) An appeal against decision of the Designated Officer shall lie to the Appellate Authority within a period of 30 days from the date of such decision.

(2) The appeal shall enclose attested copy of the order of the Designated Officer against which appeal has been filed.

(3) After receiving the appeal under sub-rule (1), the Appellate Authority shall send notice of the same to the party concerned either, -

- (a) By hand i.e. through the party filling the appeal; or
- (b) By registered post with acknowledgement due; or
- (c) Through e-mail.

(4) While deciding any appeal, in order to ascertain the facts, the Appellate Authority may examine the relevant record of the case and affording an opportunity of hearing to the Designated Officer appealed against.

11. Individual presence of Appellant/Designated Officer.---(1) In all situations, the hearing date shall be communicated to appellant/Designated Officer by the Appellate Authority at least 07 days in advance.

(2) An Appellant/Designated Officer shall make himself present during the hearing of appeal.

(3) Where it is clear that such circumstances exist due to which an Appellant/Designated Officer, as the case may be, is/are not able to be present in hearing, in those cases before taking a final decision one more chance shall be given to the Appellant/Designated Officer or such necessary action shall be taken as may deem fit.

(4) If any party remains absent on the date of hearing even after the information of hearing being duly executed to him/her, then, the appeal shall be decided in absentia.

- 12. Order in Appeal by the Appellate Authority.**---(1) Order shall be read during the open hearing and shall be brought in writing from Appellate Authority.
- (2) Copy of the appeal order shall be given to applicant and Designated Officer.
- (3) In the case of imposition of fine, Appellate Authority shall mark copy of such order to the concerned authority with instructions to deduct the amount from the salary/honorarium/remuneration of the Designated Officer.
- 13. Recovery of Penalty.**---(1) The concerned authority shall cause to recover the penalty from the next salary/honorarium/remuneration of the Designated Officer or officers and staff as decided by the Appellate Authority upon receipt of copy of order for imposing penalty under sub-rule (3) of rule 10 and shall deposit it under the relevant head of Accounts and send a copy of challan to concerned Appellate Authority.
- 14. Maintenance of records of all disposed cases under the Act.**---The Designated Officer and Appellate Authority shall maintain records of all cases disposed of.
- 15. Salary, allowances and conditions of service of the officers and other employees.**---(1) The employees appointed on deputation from any department of the Government, Board, Corporation or other statutory body of the Government, shall be paid such salaries and allowances as admissible to them under the rules applicable to their service and they shall be governed under the said rules and relevant instructions issued by the Government from time to time.
- (2) The Commission may also employ persons in consultation with the Government.
- 16. Monitoring of Implementation.**---The Government may devise and introduce a system for de-centralized monitoring “ public services through Commissioners and Deputy Commissioners of the divisions and districts respectively”³
- 17. Dissemination and Training.**---Commission⁴ may, to the extent of availability of financial and other resources:
- (i) Develop and organize campaigns and programmes to advance the understanding of the public, in particular of the disadvantaged

³ Subs vide Notification No: SO Imp(AD)2-25/2018, dated 10th January, 2019 and Gazette Notification dated 17th January, 2019.

⁴ The word Government substituted with Commission vide Notification ibid

communities and remote areas, as to how exercise the rights contemplated in the Act; and⁵

- (ii) train the designated officers, Appellate Authorities, staff of the Commission and other stakeholders; and⁶
- (iii) Deleted.⁷

⁵ Added vide Notification No: SO Imp(AD)2-25/2018, dated 10th January, 2019 and Gazette Notification dated 17th January, 2019.

⁶ Substituted vide Notification No: SO Imp(AD)2-25/2018, dated 10th January, 2019 and Gazette Notification dated 17th January, 2019.

⁷ Deleted vide Notification No: SO Imp(AD)2-25/2018, dated 10th January, 2019 and Gazette Notification dated 17th January, 2019.