



KHYBER PAKHTUNKHWA

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

NOTIFICATION

Dated Peshawar the 25-01-2022.

No. SEC/RTPSC/Reg/04/2022. In exercise of the powers conferred under section 27 of the Right to Public Services Act, 2014 and in pursuance of Finance Department letter No: SO (SR-III) FD/2-2/412 /2021, dated 21/6/2021, the Khyber Pakhtunkhwa Right to Public Services Commission is pleased to make the following Regulations for the establishment of Contributory Provident Fund and Gratuity.

SHORT TITLE, APPLICATION AND COMMENCEMENT:

1. These Regulations may be called "The Khyber Pakhtunkhwa Right to Public Services Commission's employees (Contributory Provident Fund and Gratuity) Regulations, 2022".
2. Except as otherwise provided by the Act, Rules and Regulations it shall apply to all regular employees in the service of the Commission.
3. It shall come into force at once.

1. Definitions

In these Regulations, unless there is anything repugnant to the subject or context:

- a) "Account" means a bank account to be operated and maintained in a scheduled bank for the maintenance of the Contributory Provident (CP) Fund in the name of Chief Commissioner, RTPS Commission.

- b) “Act” means the Khyber Pakhtunkhwa Right to Public Services Act, 2014 (Khyber Pakhtunkhwa *Act No. IV of 2014*).
- c) “Competent Authority” means the Chief Commissioner, Right to Public Services Commission, Khyber Pakhtunkhwa.
- d) “Employees” means the employees of the Commission contributing to the Contributory Provident Fund.
- e) “Commission” means the Khyber Pakhtunkhwa Right to Public Services Commission, constituted under section 16 of the Khyber Pakhtunkhwa Right to Public Services Act, 2014.
- f) “Family” means the Member’s spouse, legitimate children, stepchildren, parents, sisters, and brothers who reside with and are wholly dependent on the member.
- g) “Fund” means the Contributory Provident (CP) Fund of the Commission to be established under these regulations.
- h) “Loan” means payments to the members on their request as per these regulations.
- i) “Member” means employee of the Commission who is admitted to the membership of the funds through these Regulations.
- j) “Trust Deed” means a deed entered between the member and the Commission as per form annexed as “A” to these regulations.
- k) “Board of Trustees” means the Board of Trustees of the Fund to be established in accordance with the provisions of these Regulations.
- l) Words and expressions used but not defined in these Regulations shall have the same meanings as assigned to them in the Act or the Rules or Regulations made there under or ordinary dictionary meanings.

2. FINAL PAYMENT.

1. Final payment of the accumulated Funds shall be made to a member at the time of his/her retirement, resignation or termination, under these Regulations.
2. The final payment of the Funds in respect of a member, in case of his/her death before retirement, shall be paid to the nominee of the member, nominated as per Annexure “B”.

3. Where no such nomination has been made by the member, the amount of the Funds shall be paid to his/her legal heirs according to the law of inheritance of his/her religion.

4. The Competent Authority shall have the authority to make all payments out of the CP funds in accordance with these regulations.

3. THE FUND.

There shall be a Fund which shall consist of the following:

- a. Contributions from members and the Commission which are to be credited to the Fund in accordance with these Regulations.
- b. Income of the Fund as mark up, interest or profit on deposits or investments; and
- c. Any grant from the government or donations.

4. Board of Trustees.

1. There shall be a Board of Trustees which shall consist of:

- | | |
|----------------------------------|----------------------|
| a. Chief Commissioner | Chairman |
| b. Secretary to the Commission | Member |
| c. Representative of the members | Member |
| d. Budget and Accounts Officer | Member cum Secretary |

2. The Board of Trustees shall be responsible for the efficient management of Funds, Properties and investments of the Funds and others forming part thereof.

3. The Board of Trustees shall administer the Funds in accordance with the provisions of these Regulations.

4. The Board of Trustees may constitute an Investment Committee with representation of the Finance Department not below the rank of Additional Secretary.

5. Unless called earlier by the Chairman, the Board of Trustees shall meet on quarterly basis.

5. NOMINATION.

1. A member shall, at the time of submission of Trust Deed, specify names of one or more persons having the right to receive the amount, to his/her credit in the Funds.

2. If at the time of undertaking the nomination, the subscriber has a family, the nomination shall not be in favor of any person other than the member or members of his family.
3. If a member nominates more than one person or persons under sub-paragraph (1), he shall specify in the nomination, the amount or share payable to each of such nominees in such a manner as to cover the whole of the amount that may be to his / her credit in the Funds at the time of his / her death.
4. A member may at any time cancel a nomination by sending a notice in writing to the Board of Trustees. The member shall, along with such notice, send a fresh nomination made in accordance with the provisions of these Regulations.
5. The member is authorized to make, cancel or replace his nomination any time without assigning any reason.
6. Every nomination made and every notice of the cancellation given by a member shall, to the extent that is valid, take effect on the date on which the Board of Trustees approve the same.

6. MEMBERSHIP.

1. All regular employees of the commission shall become members of the Funds after successful completion of probation or extended period of probation.
2. Every eligible employee of the commission shall sign a Trust Deed to become member of the Fund.
3. A member shall not cancel his membership during his service in the Commission.
4. A member, ceasing for any reason to be in the service of the Commission, shall cease to be member and final payment of his /her dues shall be disbursed to him / her as soon as possible after his departure.

7. CONTRIBUTION.

1. 10% of the running basic pay of the member shall be deducted from his monthly salary as his own contribution to the Funds.

2. The Commission shall also contribute equal amount to the Funds as employer's contribution every month. The amount so contributed to the Funds by the members and the Commission shall be transferred to the C.P Fund accounts up to the 10th of the next month.

8. ACCOUNTS.

1. The Funds accounts shall be maintained, under the overall supervision of Board of Trustees, by the Chief Commissioner and Budget & Accounts Officer.

2. Necessary books of accounts for the contributions received, investments made, and other expenditures incurred on behalf of the Funds shall be maintained by the Accounts Branch of the Commission.

3. Soon after the closure of each financial year, the Accounts section shall prepare the financial statements of the Funds i.e. Balance sheet, Income, and Expenditure Accounts for placing before the Board of Trustees.

4. The amount contributed by each member as well as contribution by the Commission and the amount withdrawn shall be credited/debited in the name of the respective member.

9. INVESTMENT OF FUND.

A minimum of 75% of the funds shall be invested in profitable ventures while 25% funds may be retained in the Funds accounts for the purpose of loans and Final Payment to the retiring employees or other valid expenditures.

10. BOOKS OF ACCOUNTS AND INTERNAL AND EXTERNAL AUDIT

1. The books of accounts shall be maintained separately by the accounts section of the Commission. The Budget & Accounts Officer and Internal Auditors shall be entitled to honoraria as to be determined by the Board of Trustees.

2. The Board of Trustees shall request the Auditor General for annual audit of the funds or as may be directed by the Board of Trustees.

11. PROFIT

1. On the closure of each financial year the amount available in the balance sheet of the CP Fund shall be worked out and individual shares of the members be determined after taking

into account all revenues and incomes as well as Loans, Advances and Final Payments to the members and other valid expenditures.

2. Each member contributing to CP Fund will be provided with a statement containing his/her accumulated amount in the month of August for the previous financial year.

12. PAYMENT OF ACCUMULATED BALANCE.

1. If a member is terminated from service or he/she leaves the service with his /her own discretion, the mode and rate of payment shall be made as per the following table:

Status	Payment to be made
Less than one year Service	Only his/her own contribution.
More than one but less than two years continuous service	Member's own contribution plus 25% Commission's contribution.
More than two but less than three years continuous service	Member's own contribution plus 50% of the Commission's contribution.
Three to Four years continuous service	Member's own contribution and 75% Commission's contribution.
Five years or more continuous service	Member's own contribution and Commission's contribution along with profit thereon.
In case of death during service or superannuation	Member's own contribution and Commission's contribution along with profit thereon

2. Where a member has no family and has made no nomination, the payment shall be made on production of Succession Certificate from a Court of law by the legal heirs of the employee, in accordance with his/her religion.

3. The Commission shall recover any sum due from any member on account of any loss to the government/Commission's property etc. and the recovery shall be effected after a comprehensive inquiry and rejection of appeal by the Competent Forum.

13. LOAN / ADVANCES

1. Subject to these regulations, members may get loans/advances up to 80% of the accumulated amount at his/her credit but not before the initial three years of the establishment of the fund or three years continuous service by the member.

2. Loan / Advances shall be sanctioned /approved by the Board of Trustees in the following circumstances:

- i. Illness of a member or his family; or
- ii. To pay the overseas travel expenses by reason of health or education of the member or his family; or
- iii. To pay expenses in connection with the performance of Hajj by the member; or
- iv. To meet the expenditure on building or purchasing a house or a land for house; or
- v. To pay expenses in connection with marriage, funerals or ceremonies, which, by the religion of the member, it is incumbent upon him to perform and in connection with which it is obligatory that expenditure should be incurred; or
- vi. To meet the expenditure on repairs, renovation or extension of residential house registered in the name of the member; or
- vii. In case if a member attains the age of 50 years on the date on which the withdrawal is permitted, he/she may have the option of recovery at his/her discretion.

3. No second withdrawal from the C.P Fund shall be permitted unless the sum of first withdrawal has been fully recovered.

4. When a member opts not to receive any profit/interest on his accumulated balance, no profit/interest shall be charged on the amount withdrawn by him from the Funds

5. The amount of loan shall be recovered in thirty-six (36) equal monthly installments by deducting from his/her second month salary after withdrawal and shall be deposited in the Funds accounts. In case if a member is on leave without pay, recovery shall be affected from the second monthly salary after resuming his duties.

14. FORFEITURE OF C.P FUND ACCOUNT.

1. If any amount in the Funds at the credit of a member is not paid due to any reason shall be forfeited and shall be deposited in to government treasury.
2. Such forfeiture shall be made after the lapse of 12 months after the last contribution is made.

15. INTERPRETATION.

The Funds shall be governed by these Regulations. Regulations shall be interpreted by the Board of Trustees whose interpretation shall be final and binding upon the parties thereto and all members.

16. POWER TO REMOVE DIFFICULTIES.

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may by order, make such provisions, as appear to it to be necessary or expedient for removal of the difficulty.

17. WINDING UP THE FUNDS

1. The Board of Trustees may, at any time with the consent of the Commission or on dissolution of the Commission, wind up the Funds.
2. The Board of Trustees shall pay out to each member the balance standing to his credit after realizing the assets of the Funds and paying off the expenditure incurred for winding up and finalization of the Fund's Accounts.

18. PAYMENT OF GRATUITY.

1. Gratuity will be paid to every employee of the Commission on leaving the Commission's service at the rate of one and a half month's gross salary for each

completed year of service rendered in the Commission. The aforementioned rate would be calculated on the last drawn salary inclusive of allowances admissible towards gratuity in light of Finance Department instructions.

Provided that an employee's past service rendered continuously in the Commission will be taken into account in determining completed years of service.

Provided further that no gratuity shall accrue on services beyond the age of 60 years in case of re-employment.

No member shall be entitled to a gratuity if he has been dismissed from employment/service of the Commission.

2. A gratuity shall be payable to a member at the above rates only in the following cases:

- i. On retirement or termination of his employment by or with the consent of the Commission, subject to completion of five (05) years continuous service in the Commission,
- ii. On leaving the Commission's service at the employee's own volition, subject to rendering five (05) years continuous service in the Commission.
- iii. For the purpose of calculation of the gratuity the term "Salary" shall mean the gross pay last drawn by the member.
- iv. In the event of death of an employee during the Commission's service, gratuity shall be paid as under:

Status	Payment to be made
Less than 5 years continuous service	½ of a month gross salary for each completed year of service subject to a minimum of one month's salary
After completion of 5 years continuous services	As per paragraph 18(1) above

Sd/-xxx

Secretary

Right to Public Services Commission
Government of Khyber Pakhtunkhwa

Annexure "A"
Regulation 2(j)
Khyber Pakhtunkhwa Right to Public Services Commission.
Form of Trust Deed
For
Contributory Provident Fund and Gratuity.

This deed is made on _____ day of _____ 20____ between Mr./Miss _____ (part one, herein after called the subscriber which expression shall include his heirs, executors, administrators, legal representatives and assign) and the Board of Trustees through Chief Commissioner KP Right to Public Services Commission (Part Two, which expression shall include his successors in Office and assign).

The subscriber request to the Board of Trustees to grant him membership to the Contributory Provident Fund and Gratuity created and maintained under the Khyber Pakhtunkhwa Right to Public Services Commission Employees' Contributory Provident Fund and Gratuity Regulations, 2022. The subscriber agrees to all terms and conditions under these Regulations.

Whereas the subscriber and the Board of Trustees agree that CP Fund and Gratuity at the rates prescribed vide paras 7&18(1) of the Khyber Pakhtunkhwa Right to Public Services Commission Employees' Contributory Provident Fund and Gratuity Regulations, 2022 would be deducted from pay of the subscriber/member as per terms and conditions laid down in the Khyber Pakhtunkhwa Right to Public Services Commission Employees' Contributory Provident Fund and Gratuity Regulations, 2022.

Signature: _____
 Designation: _____
 CNIC No. _____

1. Witness: _____
 Name: _____
 CNIC No. _____
 Signature: _____

2. Witness: _____
 Name: _____
 CNIC No. _____
 Signature: _____

Annexure "B"

Khyber Pakhtunkhwa Right to Public Services Commission.

Nomination Form

For

Contributory Provident Fund and Gratuity.

I, _____
(designation) _____ hereby
nominate the following member(s) of my family to receive the amount of Contributed
Provident Fund and Gratuity available at my credit in the CPF account.

S.No	Name of the nominee	CNIC No.	Age	Relation	%age share
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Date: ____ / ____ /20____

Signature: _____

Designation: _____

CNIC No. _____

1. Witness: _____

Name: _____

CNIC No. _____

Signature: _____

2. Witness: _____

Name: _____

CNIC No. _____

Signature _____