

**THE PUNJAB PUBLIC SERVICE COMMISSION
ORDINANCE, 1978**

(II of 1978)

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SCHEDULE

TEXT

¹THE PUNJAB PUBLIC SERVICE COMMISSION ORDINANCE, 1978
(II of 1978)

[18th January, 1978]

An
Ordinance

to repeal and, with certain modifications, re-enact the Punjab Public Service Commission Act, 1974.

Preamble.— WHEREAS it is expedient to repeal and, with certain modifications, re-enact the Punjab Public Service Commission Act, 1974;

AND WHEREAS the Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the proclamation of the fifth day of July, 1977, read with the Laws (Continuance in force) Order, 1977 (CMLA Order No. 1 of 1977), the Governor of the Punjab is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.— (1) This Ordinance may be called the Punjab Public Service Commission Ordinance, 1978.

(2) It shall come into force at once.

2. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context,

(a) "Commission" means the Punjab Public Service Commission;

(b) "Member" means a member of the Commission and includes the Chairman thereof; and

(c) "Service of Pakistan" means the Service of Pakistan as defined in the Constitution of the Islamic Republic of Pakistan.

²**[3. Composition of the Commission etc.—** (1) There shall be a Commission consisting of a Chairman and such number of members as the Governor may determine.

(2) The Governor shall appoint the Chairman and the members of the Commission but no person who is sixty-five years of age or above and no serving Government servant shall be so appointed.

(3) The Government shall determine the terms and conditions of the service of the members but the Government shall not, during the term of office of a member, vary salary, allowances and privileges to the disadvantage of the member.

¹This Ordinance was promulgated by the Governor of the Punjab on 17th January, 1978; and, published in the Punjab Gazette (Extraordinary), dated 18th January, 1978, pages 47-51.

²Section 3 is substituted by the Punjab Public Service Commission (Amendment) Act, 2012 (XXX of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40191-40192, s.2

- (4) The Commission shall have—
 - (a) not less than one-half of the members who have held office in the service of Pakistan in basic scale 21 or above;
 - (b) at least one member each from—
 - (i) retired judges of the superior judiciary;
 - (ii) retired officers not below the rank of Major General or equivalent of the Armed Forces;
 - ³[(iii) women from public or private sector possessing such qualification and experience as the Government may, by rules, prescribe; and]
 - (iv) retired professionals in basic scale 20 or above of the Government with not less than fifteen years experience in the field of engineering, agriculture, education, medicine or dentistry, forensics, environment, information technology, law or any other professional field.

(5) No proceedings or act of the Commission shall be invalid merely on the ground of existence of any vacancy or defect in the constitution of the Commission.]

⁴**4. Term of office.**— ⁵[(1) A member shall be appointed for a term of three years and shall not be eligible for reappointment but a member may be appointed as the Chairman for the residual period of the term; provided that the residual period of the member is not less than six months.]

(2) Notwithstanding anything contained in sub-section (1), a member shall cease to hold office on completion of his term or on attaining the age of sixty-five years, whichever is earlier.

(3) A member may resign his office by writing under his hand addressed to the Governor.]

⁶**4.A. Oath of office.**— Before entering upon the office the Chairman and members shall make oath in the form set out in the Schedule to this Ordinance before the Governor in case of Chairman and before the Chairman in case of a member.]

5. Removal from Office.— (1) A member shall not be removed from office during the term of his office except in the manner hereinafter provided.

- (2) If, the Governor is of the opinion that a member-
 - (a) may have been guilty of misconduct; or

³Substituted by the Punjab Public Service Commission (Amendment) Act, 2013 (XIII of 2013); and published in the Punjab Gazette (Extraordinary), dated 14.1.2013, pages 2037-2038, s.2.

⁴Section 4 is substituted by the Punjab Public Service Commission (Amendment) Act, 2012 (XXX of 2012); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40191-40192, s.3

⁵Substituted by the Punjab Public Service Commission (Amendment) Act, 2013 (XIII of 2013); and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40191-40192, s.3.

⁶Inserted by the Punjab Public Service Commission (First Amendment) Ordinance, 2002 (LXXXI of 2002); and published in the Punjab Gazette (Extraordinary), dated 22.11.2002, pages 3243-3245, s.4. Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

- (b) may be incapable of properly performing the duties of his office by reason for physical or mental incapacity;

the Governor shall appoint a Judge of the High Court to inquire into the matter.

(3) If, after inquiring into the matter the Judge reports to the Governor that he is of the opinion that the member has been guilty of misconduct or is incapable of performing the duties of his office, the Governor may remove the member from office.

⁷[6. *Ineligibility for further employment.*— * * * * *]

⁸[7. **Functions of Commission.**— The functions of the Commission shall be:—

- (a) to conduct tests and examinations for recruitment to—
- (i) such Provincial Services and posts connected with the affairs of the Province, as may be prescribed; and
 - (ii) such posts in or under a Corporation or other body or organization set up by Government under any law, as may be prescribed;
- (b) to advise the Government on such matters as may be prescribed, relating to the terms and conditions of service of persons who are members of a Provincial Service or hold posts in connection with the affairs of the Province; and
- (c) such other functions as may be prescribed.]

8. Commission to be informed when its advice is not accepted.— Where the Governor does not accept the advice of the Commission he shall inform the Commission accordingly.

9. Report of Commission.— (1) The Commission shall, not later than 15th day of February in each year, prepare report as to the work done by it during the preceding year ending on the 31st day of December and submit the report to the Governor.

(2) The report shall be accompanied by a statement setting out, so far as known to the Commission—

- (a) the cases, if any, in which the advice of the Commission was not accepted and the reasons therefore; and
- (b) the matters, if any, on which the Commission ought to have been consulted but was not consulted and the reasons therefore.

(3) the Governor shall cause a copy of the report to be laid before the Provincial Assembly.

10. Rules ⁹[and Regulations].— (1) The Government may, by notification in the official gazette, make rules for carrying out the purpose of this Ordinance.

⁷Section 6 is omitted by the Punjab Public Service Commission (Amendment) Act, 2012 (XXX of 2012) ; and published in the Punjab Gazette (Extraordinary), dated 11.2.2012, pages 40191-40192, s.4

⁸Substituted by the Punjab Public Service Commission (Amendment) Ordinance, 1978 (XVIII of 1978); and published in the Punjab Gazette (Extraordinary), dated 22.8.1978, pages 1157-A to 1157-B, s.3

¹⁰[(2) Subject to the provisions of this Ordinance and the rules the Commission may make regulations for carrying out the purposes of this Ordinance and the rules.]

11. Repeal.— The Public Service Commission Act, 1974 (1 of 1974) is hereby repealed.

⁹Inserted by the Punjab Public Service Commission (Amendment) Ordinance, 1985 (XXXII of 1985), dated 27.2.1985, pages 753-G to 753-H, s.2.

¹⁰Inserted *ibid.*

¹¹[**SCHEDULE**

(See section 4-A)

I, _____ do
solemnly swear that I will bear true faith and allegiance to Pakistan.

That, as a Chairman (or Member) of the Punjab Public Service Commission I will discharge my duties, and perform any functions, honestly, to the best of my ability and faithfully in accordance with the Constitution of the Islamic Republic of Pakistan and the law, and always in the interest of the solidarity, integrity, well being and prosperity of Pakistan.

That, I will not allow my personal interest to influence my official conduct or my official decisions and that in the performance of my functions, whether in the selection of persons for recruitment or appointment or in any other way, I will act without fear or favour, affection of ill will.

May Allah Almighty help and guide me (A'meen).]

¹¹Inserted by the Punjab Public Service Commission (First Amendment) Ordinance, 2002 (LXXXI of 2002); and published in the Punjab Gazette (Extraordinary), dated 22.11.2002, pages 3243-3245, s.4. Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.