

Subject: CONTRACT APPOINTMENT POLICY

In the past, contract appointments were made against a few selected posts whereas, the bulk of appointments in the Government sector were made on regular basis. However, during the last few years, it has been increasingly realized that the regular mode of appointment is not suitable for most of the Government sector assignments due to administrative and financial factors.

2. The Government has now generally shifted from regular mode of appointment to the contract mode, in view of the changing management practices and to achieve the goals of good governance in public sector departments/organizations. Despite this major shift in policy, no legal/policy framework, governing various aspects of contract appointment, is available except the general guidelines issued by Finance Department regarding terms and conditions of contract appointment. As a result, a number of confusions keep arising, especially with respect to the contract appointments of persons who are already working on regular basis in the Government sector.

3. To clarify the legal position of contract appointments and to provide policy guidelines for the same, a comprehensive Contract Appointment Policy, has been framed which is hereby issued as under:

D) BACKGROUND OF CONTRACT APPOINTMENTS IN PUNJAB

- (i) Historically, contract appointments were made against very few posts in case of:
 - (a) Re-employment.
 - (b) Development Projects.
 - (c) Tenure posts, for example Member PPSC, Ombudsman, etc.
- (ii) Contract appointments were started in bulk in Health Department from the year 1996-97 onwards.
- (iii) Education Department also shifted to the contract mode of appointment from the year 2000-2001 onwards.
- (iv) In June 2003, Finance Department issued a circular letter No.E&A(FD)12-7/2003(P) dated 02.06.2003 stating that all appointments be made on contract, unless otherwise allowed.
- (v) Consequently, almost all appointments in Government Departments were made in the contract mode, under the Recruitment Policy- Phase-I.
- (vi) Under Recruitment Policy Phase-II issued vide No.SOR-IV(S&GAD)10-1/2003 dated 17.09.2004, it has again been clearly specified that all appointments should be made in the contract mode unless specifically allowed otherwise by the Chief Minister, on the recommendations of the Contract Appointments Regulations Committee (CARC).

II) RATIONALE BEHIND SHIFT TO THE CONTRACT MODE

Financial/economic reasons

- (a) Due to financial constraints the Government had imposed ban on recruitments since long, under the Economy Measures.
- (b) The Government could not even foot the bill of salaries let alone the pension bill.
- (c) The financial burden of the annual pension bill has accumulated to the tune of Rs. 10 billion (approx). The budget estimates of annual pension liability have risen from 1739.230 million in 1990-91 to Rs. 9734.935 million in 2000-05. Such steep increase in the rate of pension liability cannot be sustained by the Province.

Administrative reasons

- (a) Large-scale practice of absenteeism of regular Government servants, especially in the case of Health and Education sectors.
- (b) The performance of regular employees had become abysmal leading to poor service delivery.
- (c) Regular employees became too secure in their service, leading to poor performance.
- (d) Cumbersome accountability mechanisms under E&D Rules as well as PRSO, with the result that no meaningful action could be taken against poor performers.
- (e) Huge administrative costs on transfers/promotions, etc., of regular employees as administrative machinery remained totally engrossed in these functions instead of focusing on supervisory and policy-making functions.
- (f) Regular mode of appointments did not distinguish between better and poor performers, resultantly all and sundry would be promoted to the next higher scale, undeservingly.
- (g) No concept of performance based indicators for retention in service resultantly, inefficient and corrupt elements continued in service without any hindrance.
- (h) Contract mode of appointments is a preferred mode in all private enterprises providing the employers all the flexibility to tap in the best human resources available in the market. Hence performance in private sector is generally considered much better as compared to the performance in the Government sector.
- (i) Latest management practices in the developed world also recommend contract mode of appointments with better pay packages, for improved performance and service delivery, resulting in good governance.

III) NEED FOR POLICY FRAMEWORK FOR CONTRACT APPOINTMENTS

- (i) Though Government has made a paradigm shift from regular to contract mode of appointments, no policy framework exists to cover contract appointments.
- (ii) No uniform policy of contract appointments exists, therefore, departments have adopted various policies leading to disparities at inter and intra departmental level.

- (iii) There is no institutional arrangement for deciding as to whether a certain category of posts is to be filled on contract or regular basis. Resultantly, same category of posts in one department is being filled on regular basis whereas, in other departments it is being filled on contract basis.
- (iv) No institutional arrangement for fixing pay packages. Huge disparities in pay packages have, therefore, emerged for same or similar categories of posts.
- (v) Contract appointments are being made in various departments without any services rules or without getting the criteria of qualification, etc., approved.
- (vi) Numerous problems regarding contract appointments of regular Government servants have emerged e.g., issue of retention of lien, treatment of period spent on contract, pension, etc.

IV) APPOINTMENTS — LEGAL POSITION

- (i) Section 4 of the Punjab Civil Servants Act, 1974 provides that appointments to a civil service of the province or to a civil post in connection with the affairs of the province shall be made in the prescribed manner.
- (ii) Rule 3(1) of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 provides that appointment to posts shall be made by promotion, transfer or initial recruitment, as may be prescribed.
- (iii) Rule 17 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that initial recruitment (either on regular or contract) against all posts in BS-1 and above shall be made on merit after advertisement of vacancies in newspapers.
- (iv) The above provisions of the Act and the rules do not specify that initial recruitment/appointments should be made on regular or contract basis. Therefore, appointments to posts reserved for initial recruitment can be made either on contract or regular basis, as per discretion and requirement of the Government.

V) APPOINTMENT ON REGULAR BASIS

Appointment on regular basis is made under the provisions of the Punjab Civil Servants Act, 1974, Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and relevant Service Rules of the posts in the following manner:

- (i) Initial appointment on regular basis to all posts in BS-16 and above is made on the recommendations of the Punjab Public Service Commission.
- (ii) (a) As per notification No.SOR-III(S&GAD)1-14/75 dated 24.07.04, initial appointment on regular basis to all posts in BS-11 to 15 of the following departments/attached departments shall be made on

the recommendations of the Punjab Public Service Commission:

- (i) Services & General Administration.
- (ii) Revenue.
- (iii) Finance.
- (iv) Police.

(b) Initial appointment on regular basis to the following posts in the departments/attached departments mentioned against each shall also be made on the recommendations of the Punjab Public Service Commission:

- | | |
|------------------------------------|---------|
| (a) Assistant Superintendent Jail. | Prison |
| (b) Assistant Food Controller. | Food |
| (c) Excise and Taxation Inspector. | E&T |
| (d) Sub Engineer. | I&P |
| (e) Sub Engineer. | C&W |
| (f) Sub Engineer. | HUD&PHE |

(iii) Initial appointment on regular basis in BS-1 to 10 in all departments and against posts in BS-11 to 15, other than those listed at Serial No. (ii) above, shall be made on merit by the relevant committees/boards as notified by the Government.

(iv) Persons appointed on regular basis are governed by the rules framed under the Punjab Civil Servants Act, 1974 such as the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, Service Rules of the post, Leave Rules, Pension Rules etc., or other rules framed under any other law, specific to any category of employees.

VI) APPOINTMENT ON CONTRACT BASIS

- (i) Appointment on contract basis is to be made through the appropriate selection committees as notified by the Government.
- (ii) Under the provisions of Rule 4 of the Punjab Public Service Commission (Functions) Rules, 1978, contract appointments are excluded from the purview of the PPSC. However the Departments should preferably adopt the channel of PPSC even for contractual appointment against posts, which otherwise fall within the purview of PPSC under Sub Head V above, by seeking relaxation of Rule 4 ibid from the Chief Minister.
- (iii) The Service Rules applicable to various posts shall be applicable also in case of appointment on contract basis. If, however, the Service Rules for a post have not been framed, the departments are advised to get them framed in consultation with the Regulations Wing of S&GAD and with approval of the Chief Minister.

- (iv) Where Service Rules for posts to be filled on contract basis are not available or where the department intends to adopt qualifications etc., different from those provided in the Service Rules, comprehensive criteria regarding proposed qualification, experience, age, appointing authority etc., may be got approved from the Chief Minister after consultation with the Regulations Wing, as per provisions of sub head VII-2 below.
- (v) As a result of shift towards contract appointment, the feeding cadres for posts required to be filled by promotion under the relevant service rules, are expected to diminish. This means that after sometime, regular Government servants may not be available for appointment to posts reserved for promotion under the rules. In order to ensure that the posts do not remain vacant simply on the grounds that regular employees are not available in the feeding cadre for promotion, the Departments should review the existing service rules and propose appropriate amendments so as to add a provision that, "if none is available by promotion then by initial recruitment." Moreover, the qualification, age and experience for initial appointment against such posts shall also be got incorporated in the service rules, if it does not exist already, by placing the case before the Service Rules Committee.
- (vi) To provide better prospects for selection (on contract) against higher posts to the contract employees, the departments should carry out an exercise to rationalize the existing service rules. With the depletion of regular employees in the feeding cadre, the percentage of posts reserved for promotion should be reviewed.
- (vii) Persons appointed on contract basis are not civil servants, therefore; their service matters shall not be governed by the rules framed under the Civil Servants Act, 1974. Their appointment shall be strictly regulated by the terms and conditions of their contract.
- (viii) Appointment on contract basis shall be non-pensionable.

VII) DETERMINATION OF POSTS TO BE FILLED ON REGULAR OR CONTRACT BASIS

As mentioned above, the Government has generally shifted from regular mode of appointment to the contract mode. However, regular appointments can be allowed under special circumstances in individual cases. Therefore, in order to determine as to whether various categories of posts should be filled on regular or contract basis, a Contract Appointment Regulations Committee (CARC) has been constituted vide Notification No.SOR.IV(S&GAD) 12-2/2004 dated 16.04.2004.

1. Constitution of the Committee (CARC)

(i)	Secretary Regulations, S&GAD.	Chairperson
(ii)	Secretary, Punjab Public Service Commission.	Member
(iii)	Additional Secretary (Regulations), Finance Department.	Member
(iv)	Additional Secretary (Management) S&GAD.	Member/ Secretary
(v)	Additional Secretary (Regulations) S&GAD.	Member
(vi)	A representative of A.D. concerned (not below the rank of Additional Secretary. Where the department does not have an Additional Secretary then Deputy Secretary shall represent the Department).	Member
(vii)	Any other Member to be co-opted by the Committee.	

2. Submission of Proposals to the Committee

- (i) The departments shall send comprehensive proposals regarding all categories of posts falling under their control to the Regulations Wing with clear recommendations alongwith justification as to whether a specific post/category of posts should be filled on regular or contract basis, as per proforma (Annexure-A) for consideration by CARC.
- (ii) Where the department intends to fill the post(s) on contract on the basis of qualification, experience and age limit etc., other than that prescribed in the relevant Service Rules of the said post(s) or where Service Rules for the post do not exist, the department shall propose detail of qualification, experience, age limit etc., required to fill the post(s) with justification and place the case before CARC.
- (iii) Where the department intends to make appointment on a pay package different from the Basic Pay Scale of the post, the Department shall provide the detail of pay package and terms and conditions of appointment with full justification for consideration by the CARC.

3. Guidelines/Criteria for Consideration by the Committee

The CARC shall examine the proposals submitted by the Departments for filling in the posts on regular or contract basis on the basis of the following general criteria:

(i) Financial Responsibility

The posts, which have no financial responsibility, may be considered to be filled on contract basis in the pay scale of the post while the posts having high levels of financial responsibility be considered for appointment on regular basis or on contract basis with higher pay package.

(ii) **Job Description**

Where the job assigned to a post is of important nature, it may be filled on regular basis or with higher pay package on contract basis while the posts carrying lesser responsibility be considered for appointment on contract basis in the pay scale prescribed for the post.

(iii) **Long Term Experience**

Where the posts in the higher scales of a cadre require long term experience of specific nature in the junior scales then regular appointments may be made in the lower posts so that feeding cadre would remain available for promotions. In the alternative, senior scale posts may be allowed to be filled on contract with higher pay package. However, if the senior post does not require long-term experience in the cadre then contract appointments in pay scale of the post may be considered on junior as well as senior posts.

(iv) **Period of Availability of Post**

In case a post has been created for a specific period then the appointment shall be made on contract basis. Thus project posts shall always be filled on contract basis. The posts created for an indefinite period or permanent basis could only be considered for appointment on regular basis.

4. Recommendations of the Committee/final approval

- (i) On the basis of the recommendations of the Committee, the O&M Wing, S&GAD, shall submit a summary to the Chief Minister.
- (ii) On receipt of approval of the Chief Minister, the O&M Wing shall convey to the departments the categories of posts which should be filled on regular or contract basis.

VIII) APPOINTMENTS TO BE MADE ON MERIT

- (i) Under the Chapter titled “Fundamental Rights” of the Constitution of Pakistan, equality of citizens and safeguard against discrimination in services has been guaranteed. Article 25 of the Constitution provides that all citizens are equal before law and are entitled to equal protection of law while article 27 provides that no citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against.
- (ii) Supreme Court of Pakistan in its judgment dated 19.01.1993 in Human Rights Case No. 104 of 1992 stated that recruitments, both ad hoc and regular, without publicly and properly advertising the vacancies, is violative of fundamental rights. As such no post could be filled in without proper advertisement, even on ad hoc or contract basis.
- (iii) Under the provisions of Rule 17 of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 no post can be filled in without proper advertisement.
- (iv) Recruitment Policy, 2004 does not allow appointment of any person without advertisement and in violation of any procedural formalities laid down in the policy.

- (v) All posts to be filled on contract shall be advertised properly in at least two leading newspapers, as per rules.
- (vi) No relaxation of qualification, experience, physical criteria etc., as provided in the relevant service rules or as determined by the Government shall be allowed, except as prescribed under the rules.
- (vii) The relevant Selection Committees shall ensure that contract appointments are made strictly on merit and in accordance with the rules, selection criteria and other provisions of this policy as well as the prevailing Recruitment Policy.
- ** (viii) The relevant Selection Committee shall prepare a merit list and shall provide it to the Appointing Authority along with its recommendations.
- (ix) The merit list shall remain valid for a period of 190 days from the date of recommendations of the relevant Selection Committees and the appointing authority shall complete the process of appointment within the said period.
- (x) No request for extension in the joining time as specified in the offer of appointment shall be entertained.
- (xi) If a person, to whom offer of appointment has been issued, fails to join the post within the period specified in the said offer of appointment or where a written refusal is received from a selectee, his/her selection shall stand cancelled and next person on the merit list may be offered the job.
- (xii) In case a person joins the job and leaves the same within the period of 190 days, then the appointing authority may offer the job to the next person on the merit list.

IX) ELIGIBILITY FOR APPOINTMENT

- (i) Article 27 of the Constitution of Islamic Republic of Pakistan provides that no citizen, otherwise qualified for appointment in the Service of Pakistan (which includes Federal as well as Provincial Service) shall be discriminated against in respect of any such appointment on the ground of race, religion, caste, sex, residence or place of birth.
- (ii) Article 27 (2) of the Constitution provides that the Provincial Government may prescribe the condition of residence in the province prior to appointment against any post under the provincial Government or authority.
- (iii) Rule 20 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 requires that posts in connection with the affairs of the province shall be filled from persons domiciled in the province of Punjab, in accordance with merit.
- (iv) From the above provisions of Constitution/law, it is clear that all persons who are domiciled in Punjab are eligible for appointment on merit either on regular or on contract basis, against any post in any department, attached department, autonomous body, district Government, etc., provided they are otherwise eligible i.e., they meet the criteria/requirements of qualification, experience, age

**New clauses (viii) to (xii) inserted vide Notification No. DS(O&M)5-3/2004/Contract (MF) dated 14.03.2009.

limit, etc., as provided in the service rules for the post or as prescribed by the competent authority/Government.

- (v) The existing regular/confirmed Government servants are eligible for appointment on contract basis and the issues regarding their lien etc., to their permanent substantive posts shall be dealt with under the provisions of this Policy.
- (vi) Under Section 13(1) of the Punjab Civil Servants Act, 1974, a retired Government servant is not eligible for appointment either on regular or on contract basis. Thus all categories of retired Government servants are not eligible for initial appointment against Government posts except under the provisions of Re-employment Policy. The various kinds of retirement are explained as under:
 - (a) Retirement on attaining the age of superannuation i.e., 60 years under Section 12(1)(ii) of the Punjab Civil Servants Act, 1974.
 - (b) Compulsory retirement under Section 12(1) of the Act *ibid* after completion of 20 years service.
 - (c) Compulsory retirement under the provisions of Punjab Civil Servants (E&D) Rules or Punjab Removal from Service (Special Powers) Ordinance, 2000.
 - (d) Retirement on grounds of invalidation under rule 3.3 of Punjab Civil Service Pension Rules.
 - (e) Optional retirement after completion of prescribed qualifying service for pension, under rule 3.5 of the Punjab Civil Service Pension Rules.
- (vii) Retired armed forces personnel are eligible for appointment on contract basis on merit only at the time of making general recruitment through advertisement against civil posts, provided they are otherwise eligible for appointment, under the rules.

X) RELAXATION IN UPPER AGE LIMIT FOR CONTRACT APPOINTMENT

- (i) 05 years relaxation in upper age limit shall be allowed, across the board, for contract appointment against all categories of posts in BS-1-17 (except Police) upto 30.06.2005, as provided in the Recruitment Policy, 2004.
- (ii) Any general relaxation in age limit allowed by the Government from time to time, shall be applicable in the case of contract appointments also.
- ‡(iii) The age relaxation allowed under Punjab Civil Servants Recruitment (Relaxation of Upper Age Limit) Rules, 1976, and the Punjab Delegation of Powers (Relaxation of Age) Rules, 1961 shall be applicable in the case of contract appointments.
- (iv) In all cases, age relaxation shall be given across the board as per above provisions and shall appear as a part of the advertisement and shall not be allowed in individual cases. This will obviate the

‡Para-3(X)(iii) substituted vide Notification No. DS(O&M)5-3/Contract(MF) dated 19.01.2012.

necessity of individuals approaching various authorities for getting age relaxation.

- (v) Where a person has rendered service on contract basis or on regular basis under the Punjab Government, the period spent by him in such service shall, for the purpose of upper age limit prescribed under any rule for appointment to any service/post, be excluded from his age. However, the upper age limit shall not exceed 35 years for recruitment to any post to be filled on the recommendations of the Punjab Public Service Commission, on the basis of the Combined Competitive Examination, as laid down under the relevant rules.
- (vi) Where contract appointments are made against posts where the upper age limit for a post to be filled on contract basis has already been enhanced by the department (e.g., in the case of Educators, etc., of Education Department) as against the age limit prescribed in the service rules, no relaxation in the upper age limit shall be allowed.

•XI) MAINTENANCE OF PRESCRIBED QUOTAS

- (i) The following quotas already provided under various notifications shall continue to be observed for appointments on contract basis:
 - (a) 2% quota for disabled persons, as prescribed vide Notification No. SOR-III-2-86/97 dated 28.02.1999.
 - (b) 5% quota for women as prescribed vide Notification No. SOR-III-1-35/93 dated 17.04.2002.
 - (c) 20% quota of posts in BS-1 to 5 for the children of serving/retired Government employees in BS-1 to 5, as prescribed vide Notification No. SOR-III-1-22/90 dated 01.09.1993.
 - @(d) 5% quota for minorities.

Explanation: The posts reserved for quotas mentioned above are to be filled only at the time of making general recruitment through advertisement, under the Recruitment Policy. If general recruitment against any category of posts is being made on contract basis, appointments against above-mentioned quotas shall also be made on contract basis.

- (ii) The provision of rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and the relevant instructions/guidelines issued in this behalf from time to time shall be applicable mutatis mutandis for employment of one of the unemployed children, wife/widow of a civil servant who dies while in service or is declared invalidated/incapacitated, under this policy.

•Sub-para XI of para 3 substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 05.08.2006.

@Related instructions about 'quota for minorities' are available at page 28 and 29.

Explanation: The nature of employment so provided shall be dependent on the mode of recruitment viz. contract or regular, as may be decided by the Government in respect of a particular post. The instructions issued vide S&GAD letter No. SOR-III-2-42/92(P-III), dated 15.11.2003 shall stand withdrawn with immediate effect.

XII) GUIDELINES FOR FIXING TERMS AND CONDITIONS OF CONTRACT APPOINTMENTS

- (i) The terms and conditions of contract shall be settled by the Administrative Department in accordance with the provisions of this Policy and the terms and conditions specified thereunder, where appointment is made in prescribed pay scale of the post.
- (ii) Where appointment is made on a pay package other than the basic pay scales, the terms and conditions of appointment shall be settled by the Administrative Department in consultation with the Finance Department as per approval of the Chief Minister, obtained on the recommendations of the Contract Appointment Regulations Committee.
- (iii) In all contracts, it shall be clearly provided that the services of the contract employee are liable to be terminated on one month's notice or on payment of one month's pay in lieu thereof, on either side, without assigning any reason.
- (iv) Comprehensive guidelines for fixing terms & conditions of contract appointments are given at Annexure B. The Departments/organizations must strictly abide by these guidelines.
- (v) Appointment/service on contract basis shall be non-pensionable.
- (vi) A contract employee shall, under no circumstances, claim conversion of his contract appointment into regular appointment.

XIII) PAY PACKAGE

To attract the best human resource available in the province, the policy envisages better pay packages for contract appointments. Two broad categories of pay packages that may be offered are described as under:

- (i) Where appointment is made in the prescribed pay scale of the post:
 - (a) package of pay and allowances as per pay scale of the post.
 - (b) 30% of the minimum of pay scale as social security benefit in lieu of pension.

Provided that persons who are already retired and getting pension shall not be eligible for this benefit when re-employed on contract.

- (c) Any ad hoc/special relief etc., given to the regular Government servants shall also be admissible to the contract employees.
- (d) Annual increment as per pay scale of the post.

- ◆(e) A confirmed civil servant when appointed on contract under the Government of the Punjab or its subordinate offices/organizations/institutions, shall draw pay and allowances as per terms and conditions of the contract. However, he shall be entitled to claim any protection of the basic pay scale, increments and allowances last drawn by him against his substantive posts; and
Where an existing contract appointee of the Federal or Provincial Government is appointed on contract against another post under the Government of the Punjab or its subordinate offices/organizations/institutions and there is no gap between his previous contract appointment and fresh contract appointment, he shall be entitled to get his pay and allowances fixed after adding the increments which he may have earned during the preceding contract appointment.

- †(ii) Where appointment is made on pay package other than the pay and allowances prescribed under the National Pay Scales:
 - (a) A package of pay & allowances as approved by the Chief Minister on the recommendations of the Contract Appointment Regulations Committee, keeping in view the specific requirements, including qualification, etc., of the job.
 - (b) Any ad hoc/special relief, etc., given to the regular Government servants, shall not be admissible.
 - (c) Annual increment shall not be allowed unless specifically provided in the pay package.

@XIII-A) FINANCIAL ASSISTANCE TO THE FAMILY OF A CONTRACT EMPLOYEE WHO DIES WHILE IN SERVICE

Financial assistance shall be provided to the family of a contract employee who dies while in service according to the following terms and conditions:

- (i) Financial assistance in accordance with Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004 in the case of death of a contract employee during his service. In case of a contract employee serving in a district, the sanction order shall be issued by the District Coordination Officer while in case of a contract employee serving at the provincial level, the

◆ Clause (e) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

† For further clarification, vide letter No. DS(O&M)5-3/2004/Contract/MF dated 22.8.2005.

@Sub-para XIII-A inserted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 13.02.2009.

Administrative Secretary shall issue the sanction order in respect of the employee.

- (ii) No Financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004 shall be allowed to a contract employee whose appointment has been made on pay package other than the pay and allowances prescribed under the National Pay Scales.
- (iii) Notwithstanding anything contained in clause (ii) above, a contract employee recruited against fixed pay package which is equal to or slightly higher or lower than the National Pay Scale shall be entitled to financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004. In case of any ambiguity or doubt, the Administrative Secretary/ District Coordination Officer may refer the matter to Finance Department for necessary advice.

XIV) PERIOD OF CONTRACT APPOINTMENT AND EXTENSION IN CONTRACT

- (i) The period of initial contract appointment shall be between 3 to 5 years.
- (ii) Where the post has been created for a specific period (e.g. projects posts) the period of initial contract appointment shall be 3 years or the period for which the post has been created, whichever is less.
- (iii) Contract employee shall not claim extension in his contract appointment as a matter of right.
- †(iv) Extension in contract appointments may be granted by the relevant appointing authorities. Prior approval of the Chief Minister shall be obtained in all cases for extension in the period of contract appointment.
- (v) Extension in contract appointments shall not be granted as a matter of routine. The appointing authorities shall take into consideration the performance of the contract employee and extension in contract shall only be recommended if his performance remained good/very good.
- (vi) Extension in contract appointment shall generally be granted for a period of 3-5 years and shall not be granted for an indefinite period.
- (vii) Ban on recruitment shall not be applicable in case of extension in contract period of existing contract employees.
- (viii) Decision regarding extension in contract appointment must be made by the relevant authorities well before the expiry of the contract period of an employee, after seeking approval of the Chief Minister.

†For further clarification, vide letter No.DS(O&M)5-3/2004/Contrrct/MF dated 22.08.2005.

- (ix) On expiry of the contract appointment, if no extension is granted, it must be ensured that the contract employee is not allowed to continue in service. Appointing Authorities concerned and the office of the Accountant General, Punjab/District Accounts Officers must remain vigilant in this respect and ensure that salaries are not released to a contract employee whose period of contract appointment has expired or whose contract appointment has been terminated.

@XV) CONTRACT APPOINTMENTS TO BE NON-TRANSFERABLE

- (i) A contract appointment shall be post specific and non-transferable and a contract appointee shall in no circumstances, claim as of right his transfer from one post to another.
- (ii) The Departments shall ensure that a disabled person appointed on contract is adjusted against the post in the cadre as near to his home station as possible irrespective of his position on merit.
- (iii) Nothing contained in clause (i) above, shall preclude the competent authority, for reasons to be recorded in writing, to allow one-time transfer during the tenure of 3 to 5 years as a special dispensation. Further, a woman employee may be allowed an additional chance of transfer to the place of residence of her husband. However, local candidates may be adjusted locally so that the demand for further transfer may not arise.

XVI) MONITORING AND EVALUATION OF PERFORMANCE OF CONTRACT EMPLOYEES

- (i) Appointing/Supervisory authorities must remain vigilant regarding performance of contract employees. They must monitor their working on regular basis to ensure that inefficient and corrupt elements are not allowed to continue in service.
- (ii) The performance of contract employees shall be assessed on annual basis, by the immediate superior authorities as per a simplified proforma at Annexure-C.
- (iii) The Departments should, however, develop their own performance evaluation proformae, keeping in view the specific measurable performance indicators of various posts, in order to make a meaningful assessment of performance.
- (iv) The decision regarding extension in contract appointment shall be made by the appointing authorities on the basis of the Performance Evaluation Reports of the contract employee.

@Para (XV) substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 21.05.2012.

XVII) TERMINATION OF CONTRACT APPOINTMENT

- (i) Contract appointment is liable to be terminated on one month's notice or one month's pay, in lieu thereof, on either side without assigning any reason.
- (ii) Since the Government has shifted from regular mode of appointment to the contract mode in general, there is a need to ensure that sufficient safeguards are provided against arbitrary termination of contract employees and such employees are given a reasonable security with respect to the terms and conditions of their contract service. Appointing Authorities should, therefore, ensure that contract appointments are generally not terminated before the expiry of the term of contract, unless it is clearly determined that performance of a contract employee is unsatisfactory or he is guilty of inefficiency, misconduct or corruption.
- ♦(iii) Where a contract employee applies through proper channel for another post under the Federal or Provincial Government or its subordinate offices/organizations/institutions, in the event of his selection, he shall not be required to deposit one month pay in lieu of one month notice to quit the job.

XVIII) POLICY FRAMEWORK FOR REGULAR GOVERNMENT SERVANTS WHO ARE APPOINTED ON CONTRACT BASIS IN GOVERNMENT SECTOR

1. Eligibility

- (i) A confirmed civil servant is eligible to apply for appointment on contract basis against a post in connection with the affairs of the Province, in an administrative department, attached department/office/institution, autonomous body, corporate body etc., set up by the Government of the Punjab or in any District Government in the Punjab.
- (ii) Before applying for such an appointment, a civil servant must obtain prior approval of his appointing authority as required under the provisions of the Punjab Civil Services (Application for Posts) Rules 1987.
- (iii) A civil servant, retired on superannuation or earlier on any grounds, shall not be eligible for appointment on contract basis.

2. Pay and Allowances

A confirmed civil servant when appointed on contract shall draw pay and allowances as per terms and conditions of contract. During his contract appointment he shall not be entitled to claim any protection of the pay, last drawn by him against his substantive post.

3. Terms and Conditions of Contract

- (i) Contract appointment of a civil servant shall be governed by the terms and conditions as provided in the contract, including issues of leave, T.A./D.A., medical facilities, etc.

♦ Clause (iii) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

- ** (ii) A confirmed civil servant when appointed on contract shall draw pay and allowances as per terms and conditions of contract.

4. Retention of Lien

A confirmed civil servant when appointed on contract basis against any Government post in connection with the affairs of the Province, shall retain his lien against his original substantive post.

5. Pension for the Period Spent on Contract

Period spent on contract basis shall not be counted towards pension.

6. Pay Fixation on Repatriation to Original Substantive Post

On return from contract appointment to his original substantive post, the pay of a civil servant shall be fixed by adding the annual increments for the period spent on contract; provided that no arrear on account of re-fixation of pay or increment shall be admissible.

7. Seniority & Promotion in the Original Cadre

- (i) Where contract appointment is upto 5 years:
- a. Where a civil servant, during the period of contract appointment, becomes due for promotion in his own cadre or service, he shall be deferred for promotion and shall only be eligible for consideration for promotion on his return from the contract appointment.
 - b. Where a civil servant is promoted on his return from contract appointment, he shall not be eligible for grant of proforma promotion. However he shall be allowed to retain his original seniority in his cadre.
- (ii) Where contract appointment continues beyond five years:
- a. The name of such civil servant shall be removed from the seniority list of his cadre and he shall be placed on a separate static list. He shall have no claim to promotion or to seniority over any junior who may have been promoted during the period spent on contract beyond 5 years.
 - b. His name shall be brought back on the seniority list only after he resumes duty.
 - c. On return, his seniority shall be determined after deducting the period he remained on contract beyond five years.
 - d. On his promotion, he will not regain his original seniority.
- (iii) The period spent on contract basis, against an equivalent or a higher post in the cadre, shall count towards experience for the purposes of promotion in the cadre, on repatriation from contract appointment.

** Clause (ii) amended vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 10.09.2007.

8. Disciplinary Proceedings

If a civil servant is found to be inefficient or guilty of misconduct or corruption during the period of his contract appointment, he shall be liable to be proceeded against under the prevailing disciplinary law/rules of the Punjab Government, in addition to the termination of his contract appointment.

9. Termination of Contract

Contract appointment of a civil servant may be terminated as per terms & conditions of his contract, without assigning any reason. On termination of contract, such civil servant shall immediately report to his parent department/organization.

10. Contribution towards General Provident Fund

A civil servant, when appointed on contract basis, shall not contribute towards G.P. Fund.

11. Contribution towards Benevolent Fund & Group Insurance

A civil servant when appointed on contract basis shall contribute towards Benevolent Fund and Group Insurance as per prevailing rules. The rate of contribution of Benevolent Fund/Group Insurance will be the same as was applicable to him against his substantive post just before appointment on contract basis. He will also be entitled to the benefits admissible under the Benevolent Fund and Group Insurance rules, applicable to him.

4. This issues with the approval of the Chief Minister Punjab. All the Administrative Departments/Authorities are requested to ensure strict compliance of this policy, at all levels.

**PROFORMA RECOMMENDING CATEGORIZATION OF THE POSTS
TO BE FILLED ON REGULAR OR ON CONTRACT BASIS**

Sr. No.	Name of the Dept.	Functional Unit	Nomenclature & Basic Pay Scale of the Post	Job Description in brief	Financial Responsibility of the post, if any	Method of recruitment as prescribed in service rules	Qualification as prescribed in service rules	*Suggested mode of appointment /proposed pay package (if any)	Justification for the proposal in column 10
1	2	3	4	5	6	7	8	9	10

* (i) On regular basis; or

(ii) On contract basis;

- a. as per prescribed pay scale of the post, or
- b. with pay package other than prescribed pay scale of the post,
- c. with qualification/experience/age limit other than prescribed under the service rules.

**GUIDELINES FOR FIXING TERMS AND CONDITIONS OF
CONTRACT APPOINTMENTS**

1. Pay Package

- i) Where appointment is made in the prescribed pay scale of the post.
 - (a) package of pay and allowances as per pay scale of the post.
 - (b) 30% of the minimum of pay scale as social security benefit in lieu of pension.

Provided that persons who are already retired and getting pension shall not be eligible for this benefit.

- (c) Any ad hoc/special relief, etc., given to the regular Government servants shall also be admissible to the contract employees.

- (d) Annual increment as per pay scale of the post.

- ◆(e) A confirmed civil servant when appointed on contract under the Government of the Punjab or its subordinate offices/organizations/institutions, shall draw pay and allowances as per terms and conditions of the contract. However, he shall be entitled to claim any protection of the basic pay scale, increments and allowances last drawn by him against his substantive posts; and

Where an existing contract appointee of the Federal or Provincial Government is appointed on contract against another post under the Government of the Punjab or its subordinate offices/organizations/institutions and there is no gap between his previous contract appointment and fresh contract appointment, he shall be entitled to get his pay and allowances fixed after adding the increments which he may have earned during the preceding contract appointment.

- (ii) Where appointment is made on pay package other than the pay and allowances prescribed under the National Pay Scales.

- (a) A package of pay & allowances as approved by the Chief Minister, keeping in view the specific requirements including qualification, etc., of the job.

- (b) Any ad hoc/special relief, etc., given to the regular Government servants, shall not be admissible.

- (c) Annual increment shall not be allowed unless specifically provided in the pay package.

◆ Clause (e) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

- **1-A.** (i) Financial assistance in accordance with Finance Department's circular letter No.FD.SR.1/3-10/2004 dated 10.11.2004 in the case of death of a contract employee during his service. In case of a contract employee serving in a district, the sanction order shall be issued by the District Coordination Officer while in case of a contract employee serving at the provincial level, the Administrative Secretary shall issue the sanction order in respect of the employee.
- (ii) No Financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004 shall be allowed to a contract employee whose appointment has been made on pay package other than the pay and allowances prescribed under the National Pay Scales.
- (iii) Notwithstanding anything contained in clause (ii) above, a contract employee recruited against fixed pay package which is equal to or slightly higher or lower than the National Pay Scale shall be entitled to financial assistance in terms of Finance Department's circular letter No.FD.SR.1/3-10/2004, dated 10.11.2004. In case of any ambiguity or doubt, the Administrative Secretary/District Coordination Officer may refer the matter to Finance Department for necessary advice.

2. Medical Fitness Certificate

The selected candidate will appear before the competent medical authority/board, as per directions of the appointing authority for medical examination and on having been declared medically fit he will be able to join service.

3. Tenure

The contract shall be generally for a period of 3 to 5 years from the date of joining. However, the period of contract appointment may be curtailed in the following cases;

- (a) Where the post exists for a lesser period e.g. 'Project Post'.
- (b) Where the tenure of post is fixed as per provisions of law.
- (c) Where a person is re-employed as per provisions of Re-employment Policy.

4. Pension

Appointment/service on contract basis shall be non- pensionable.

5. Contributory/G.P. Fund

- (a) The employer shall not pay any pension or Contributory Provident Fund.
- (b) The employee shall also not contribute General Provident Fund.

6. Contribution towards Group Insurance/Benevolent Fund

- (a) The contract employee shall not contribute towards Group Insurance and Benevolent Fund.
- (b) A civil servant employed on contract shall contribute towards Group Insurance and Benevolent Fund as per rules.

******Inserted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 13.02.2009.

7. **Leave**

- ♣(a) Casual Leave not exceeding 24 days per year shall be admissible. The competent authority may grant 10 days Casual Leave at a time or, in special circumstances 15 days Casual Leave at one time;
- (b) 90 days maternity leave with pay (in case of female employees only), once in the tenure of five years, shall be admissible.
- (c) Leave on medical grounds without pay shall be admissible on production of medical certificate by the competent authority as per Punjab Medical Attendance Rules, 1959. However, if medical leave continues beyond 3 months, his contract shall be liable to be terminated.
- (d) The person appointed against non-vocational post shall earn 10 days leave per year to be availed by him during the tenure.
- ♥(e) The persons appointed against vacational posts shall be entitled to avail the vacation as admissible to the regular employees working against such posts in accordance with the rules/policies of the concerned Administrative Departments/Institutions.
- ♦(f) Hajj leave for 45 days with full pay may be allowed to contract appointee once during the tenure of 5 years. Further Hajj Leave during the extended period of contract appointment shall generally not be granted. However, the competent authority may allow 30 days Hajj Leave under special circumstances for the 2nd time, but such leave shall be without pay.
- *(g) Leave for Umra up to 15 days without pay may be allowed to the contract appointee once during his tenure.
- @@(h) Special leave (1) A female contract employee, on the death of her husband, may be granted special leave on full pay, when applied for, for a period not exceeding one hundred and thirty days.
(2) Such leave shall not be debited to her leave account.
(3) Such leave shall commence from the date of death of her husband and for this purpose she will have to produce death certificate issued by the competent authority either along with her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

8. **Medical Facilities**

Medical facilities as admissible to the regular employee of his scale under the rules.

9. **Traveling Allowance/Daily Allowance**

- (a) TA/DA as applicable to the regular employee of his scale under the rules.

♣ Clause (a) substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

♥ Sub-para (e) added vide Notification No. DS(O&M)5-3/2004/Contract Policy (P-I) dated 13.09.2006.

♦ Clause (f) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 02.08.2007.

* Clause (g) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 10.01.2008.

@@ Clause (h) added vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 20.01.2011.

- (b) Where a person is appointed on a package other than normal pay scale, TA/DA will be admissible as provided in the pay package.

@10. Transfer/Posting

- (a) A contract appointment shall be post specific and non-transferable and a contract appointee shall in no circumstances, claim as of right his transfer from one post to another.
- (b) Nothing contained in clause (a) above, shall preclude the competent authority, for reasons to be recorded in writing, to allow one-time transfer during the tenure of 3 to 5 years as a special dispensation. Further, a woman employee may be allowed an additional chance of transfer to the place of residence of her husband. However, local candidates may be adjusted locally so that the demand for further transfer may not arise.

11. No right of Regular Appointment

Contract appointments shall not confer any right of regular appointment nor shall such appointment be regularized under any circumstances.

@@12. Training

The contract appointee shall have to undergo essential training programme, as may be prescribed. The nomination and duration of training shall be regulated as under:

- (i) The contract employees of the Departments may be nominated to training facilities, becoming available, irrespective of the fact whether the facility is available within the country or abroad.
- (ii) In case a training facility, relevant and beneficial to the Department becomes available, preference will be given to the contract employee of the Department who has a lien as a regular employee.
- (iii) In case, a regular employee is not available, a contract employee may be nominated, who is otherwise eligible for the said facility, and has put in at least one year of service.
- (iv) In case of nomination of a contract employee, the appointing authority may grant him EOL without pay for the period of study.
- (v) The period of study shall not exceed one year. If, however, the contents of the course of study cannot be completed in one year, the same may be extended for a further period of one year with the approval of the Chief Minister, Punjab.
- (vi) The Secretary of the concerned department should obtain a surety bond from the contract employee to the effect that after receiving training, he will join back and serve the department at least for a period of two years.

@Sr.No. 10 substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 21.05.2012.

@@Sr. No.12 substituted vide Notification No. DS(O&M)5-3/2004/Contract(MF) dated 18.06.2010.

13. **Performance Evaluation**
The performance of the appointee shall be assessed/evaluated on regular basis keeping in view his efficiency and conduct as per provisions of Contract Appointment Policy.
14. **Appointment on the basis of forged/bogus documents**
If, at any stage, it is discovered that the person appointed on contract had obtained the appointment on the basis of forged/bogus documents or through deceit by any means, the appointment shall be considered to be void ab initio and he shall be liable to refund all amounts received from the Government as a consequence of appointment in addition to such other action as may be taken against him under the law.
15. **Recovery of loss caused to the Government**
Recovery of any pecuniary loss caused to the employer shall be effected from the contract employee.
16. **Performance of duties**
The employee shall be liable to perform duties, in public interest, as may be entrusted to him by competent authority from time to time.
17. **Interpretation of the Terms & Conditions**
The interpretation of the terms and conditions and the decision of the competent authority in this behalf shall be final.
18. **Termination of Contract**
Contract appointment shall be liable to termination on one-month's notice or on payment of one-month pay in lieu thereof, on either side, without assigning any reason.
- ◆ 19. **Application for Employment in other Departments**
A contract employee shall not apply for employment in other Government Departments, Autonomous Bodies or private organizations without prior permission, in writing, of his appointing authority.

For all Categories
of contract employees

CONFIDENTIAL

GOVERNMENT OF THE PUNJAB
DEPARTMENT
PERFORMANCE EVALUATION REPORT
For the period _____ to _____

PART-I

1. 2. 3. 4. 5. 6. 7. 8.	Name (in block letters) with Father's name Date of Birth Domicile B.S. with present pay Post held during the period Academic/professional qualifications Period served: (a) in present post (b) under reporting officer Signature of the official reported upon with date
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I. INTEGRITY

Honest	Reported to be corrupt	Believed to be corrupt
<input style="width: 80%; height: 20px;" type="text"/>	<input style="width: 80%; height: 20px;" type="text"/>	<input style="width: 80%; height: 20px;" type="text"/>

II. OVERALL GRADING

Comparing him with other employees of the same level and keeping in view the evaluation on account of personal qualities, attitudes, proficiency in job, integrity, efficiency, punctuality, etc., give your general assessment of the employee by initialing the appropriate box below:

(i)	Very Good	
(ii)	Good	
(iii)	Average	
(iv)	Below Average	
(v)	Poor	

III. USEFULNESS FOR RETENTION/EXTENSION IN SERVICE

Useful	Not Useful

Name of the Reporting Officer _____
(Capital letters)
Designation _____

Signature _____
Date _____

Subject: AMENDMENTS IN THE CONTRACT APPOINTMENT POLICY

In pursuance of this department's circular No.DS (O&M)5-3/2004/Contract/(MF) dated 29.12.2004 the Government of Punjab generally shifted from regular mode of appointment to the contract mode wherein a comprehensive Contract Appointment Policy was issued with the approval of the Chief Minister, Punjab to cover various aspects of contract appointment. Since notification of the said Policy, some issues have emerged as its natural corollary. To resolve these issues, the following amendments have been made with the approval of the Chief Minister, Punjab:

- i) The Contract Appointment Policy dated 29.12.2004 shall prevail across the board in supersession of all policies of contract appointment, earlier framed by the Administrative Departments separately. However, where the departments find sufficient justification in favour of the terms and conditions under their own policy, they may place the case before the Contract Appointment Regulations Committee, which after deliberation may submit the case to the Chief Minister through Finance Department for final orders.
- ii) Where contract employees were appointed in the prescribed pay scale of the post prior to the issuance of the Policy on 29.12.2004, the terms and conditions prescribed in para 3(XIII)(i) of this Policy shall automatically become applicable, as under these terms, 30% of the minimum of pay scale is allowed as social security benefit in lieu of pension.
- iii) Where contract appointments were made on fixed pay or pay which is less or equal or slightly higher than the pay scale of the post, the departments concerned should bring such appointments within the framework of the Contract Appointment Policy *ibid* and the terms and conditions of such employees may be re-fixed in accordance with para 3(XIII)(i) of the Policy dated 29.12.2004, after getting approval of the Finance Department.
- ◆ iv) Where contract appointees have been offered considerably handsome pay packages, the same may continue and be considered as appointments made under para 3(XIII)(ii) of the Contract Appointment Policy – 2004.
- v) Appointing authorities are allowed in terms of para 3(XIV)(iv) of the Policy *ibid*, to grant extension in contract period at their own level without seeking prior approval of the Chief Minister in each case. However, in cases where the Chief Minister is the appointing authority, his approval would remain mandatory as already required under the Contract Appointment Policy – 2004.

2. The above policy guidelines/clarifications may be read in addition to those circulated earlier on 29.12.2004 under the same policy.

◆Para 1[(iv) & (v)] and para 2 substituted vide 'Corrigendum' No. DS(O&M)5-3/2004/Contract/MF dated 21.10.2005.

Subject: AMENDMENTS IN THE CONTRACT APPOINTMENT POLICY

Kindly refer to the Contract Appointment Policy issued by this Department vide letter No. DS(O&M)5-3/2004/Contract(MF) dated 29th December, 2004.

2. The Contract Appointment Policy has recently been amended vide letter No. DS(O&M)-5-3/2004/Contract(MF), dated 2nd August, 2007 (copy enclosed) to provide, inter-alia, for contract employees. In order ensure timely sanction of Hajj Leave, the Chief Minister has been pleased to allow the District Coordination Officers (DCOs) in the Punjab to exercise the powers of competent authority to sanction Hajj Leave in respect of contract employees working in their respective districts but whose Leave Sanctioning Authority is at provincial level (Head of Administrative Department or Head of Attached Department). The DCOs will, however, be responsible to inform the concerned competent authorities about sanctioning of the leave simultaneously.

3. Further necessary action may kindly be taken accordingly.

NO.SOR-III(S&GAD)2-42/2007

Dated the 7th May 2008

Subject: APPOINTMENT UNDER RULE 17-A OF THE PUNJAB CIVIL SERVANTS (APPOINTMENT AND CONDITIONS OF SERVICE) RULES, 1974–CLARIFICATION REGARDING APPOINTMENT ON CONTRACT BASIS

In order to provide job to a child/widow/wife of a deceased/invalidated Government servant under Rule 17-A of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 against the posts meant for contract appointment an amendment was made in Contract Appointment Policy 2004 vide circular letter No. DS(O&M)5-3/2004/Contract(MF), dated 5th August 2006, wherein it was clarified that nature of such employment was dependent on the mode of recruitment, i.e., contract or regular as may be decided by the Government in respect of particular post.

2. In spite of the clear instructions as stated above, some departments/ authorities approached the Regulations Wing, S&GAD seeking advice to make recruitment under Rule 17-A on regular basis or to convert the contract appointment of such employees into regular appointment quoting an advice of Law & Parliamentary Affairs Department given in an individual case. The issue was, therefore, taken up with the Law & Parliamentary Affairs Department to clear the position. The Law Department vide letter dated 25.04.2008 endorsed the views of Regulations Wing, S&GAD that the Contract Appointment Policy 2004 and the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 have separate and independent scope.

3. Attention is invited to para XII (vi) of the Contract Appointment Policy that clearly provides that under no circumstances the Contract Appointee can request for conversion of his contract appointment into regular appointment. It is once again reiterated that job against posts in BS-1 to 5 and Junior Clerk (BS-7) can be provided to child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service on contract basis under the Contract Appointment Policy 2004.

4. All concerned are, therefore, requested to implement the above instructions in letter and spirit.

No.DS(O&M)5-3/2004/Contract/MF
Dated the 14th October 2009

NOTIFICATION

The Chief Minister of the Punjab has been pleased to direct that all Autonomous/Semi-Autonomous Bodies/Special Institutions in the Punjab shall make appointments on regular basis of the contract appointees in BS-1 to 15 in line with the Services & General Administration Department notification No. DS(O&M)5-3/2004/Contrrract(MF), dated 14.10.2009 (copy enclosed).

No.DS(O&M)5-3/2004/CONTRACT(MF)
Dated the 14th October, 2009

NOTIFICATION

In exercise of the powers conferred upon him by rule 23 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, the Chief Minister, Punjab is pleased to order appointments, on regular basis, in relaxation of the relevant service rules, of the employees in BS-1 to 15, recruited on contract basis under the provisions of the Contract Appointment Policy issued by the S&GAD in 2004 against the posts presently held by them in various Government Departments of the Punjab, with immediate effect. However, the contract employees working against posts in various projects/ programmes/PMUs/PMOs and other time-bound (one-time) development activities shall not be covered by this notification.

2. For the purpose of this notification, the Chief Minister, Punjab has further been pleased to withdraw the posts in BS-11 to 15 presently held by the contract employees, as mentioned in rule 16 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 from the purview of the Punjab Public Service Commission in terms of rule 5 of the Punjab Public Service Commission (Functions) Rules, 1978.

3. These appointments will, however, be subject to fulfillment of requirements of rule 18, 19, 20, 21 and 21-A of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

4. The contract appointees on their regular appointment shall remain on probation in terms of Section 5 of Punjab Civil Servants Act, 1974 and Rule 7 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.

5. The service period of contract employees shall not be counted for any purpose (pension, gratuity, leave, etc.) on their appointment under the Punjab Civil Servants Act, 1974 and the rules framed there under. The salary component of such employees shall be in accordance with the pay scales plus the usual allowances prescribed for the posts against which they are being appointed. They will, however, not be entitled to the payment of 30% social security benefit in lieu of pension or any other pay package being drawn by them.

6. However, pay of the contract employees being appointed in the basic pay scales shall be fixed at the initial of the respective pay scales and the increment(s) already earned during the contract appointment period shall be converted into Personal Allowance. The pay of those appointed on the basis of pay package will be fixed in consultation with the Finance Department. The decision of the Finance Department in this behalf shall be final. The Finance Department shall constitute an Anomalies Committee to resolve the issues arising out of appointments of contract employees on regular basis.

7. The contract employees who do not intend to be appointed on regular basis should furnish their option to this effect in writing within 30 days from the date of issuance of their appointment letters by the respective appointing authorities. They may continue with their present employment as per terms and conditions of their contract. However, no extension in their contract period shall be allowed. Those who intend to be appointed on regular basis need not apply. The option once exercised shall be final.

No.SOR-III(S&GAD)1-35/93
Dated the 23rd October 2009

In exercise of the powers conferred on him by section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), the Governor of the Punjab is pleased to direct that notwithstanding anything contained to the contrary in the method of recruitment prescribed in all the services/recruitment rules, 5% of the total number of posts will be reserved for Minorities (Non-Muslims) as defined in the Article 260(3)(b) of the Constitution of Islamic Republic of Pakistan, 1973.

2. The reservations of vacancies referred to above will not apply to:

- (i) vacancies reserved for recruitment on the basis of competitive examination to be conducted by the Punjab Public Service Commission;
- (ii) recruitment made by promotion or transfer in accordance with the relevant rules;
- (iii) short term vacancies likely to last for less than six months;
- (iv) isolated posts in which vacancies occur only occasionally; and
- (v) vacancies reserved for Minorities for which qualified candidates are not available. These vacancies shall be treated as unreserved and filled on merit.

In exercise of the powers conferred under section 23 of the Punjab Civil Servants Act, 1974 (*VIII of 1974*), and in supersession of Notification No.SOR-III(S&GAD)1-35/1993, dated 23.10.2009, the Governor of the Punjab is pleased to direct that notwithstanding anything contained in the method of recruitment prescribed in all the services/recruitment rules, 5% quota shall be reserved for Minorities (Non-Muslims) as defined in the Article 260(3)(b) of the Constitution of Islamic Republic of Pakistan, 1973 against the total number of posts advertised in future, including the posts to be filled on the basis of competitive examination to be conducted by the Punjab Public Service Commission. However, all the conditions prescribed under the respective service rules shall continue to apply.

2. The reservations of vacancies referred to above will not apply to:
- (i) appointments made by promotion or transfer in accordance with the relevant rules;
 - (ii) short term vacancies likely to last for less than six months;
 - (iii) isolated posts in which vacancies occur only occasionally; and
 - (iv) vacancies reserved for Minorities for which qualified candidates are not available. These vacancies shall be treated as unreserved and filled on merit.

No.DS(O&M)5-3/2004/Contract/(MF)

Dated the 10th November 2010

Subject: APPOINTMENT OF CONTRACTEES IN BS-16 AND ABOVE ON
REGULAR BASIS

Kindly refer to the subject noted above.

2. The question regarding appointment of contractees in BS-16 and above on regular basis has been under consideration of the Government of the Punjab. The Chief Minister Punjab has been pleased to approve the following guidelines for appointment of contractees in BS-16 and above on regular basis excluding those contractees in BS-16 and above who are working against posts in various projects/programmes/PMUs/PMOs and other time-bound (one-time) development activities:

- (a) The contract employees appointed as per service rules, on the recommendations of the Punjab Public Service Commission, are to be considered for appointment on regular basis. For this purpose, concerned Administrative Departments shall submit cases of employees for their appointment on regular basis to the Chief Minister, Punjab through the Regulations Wing, S&GAD and Finance Department. While submitting such cases to the Chief Minister it may be ensured that the contract appointments were made in accordance with the provisions of the service rules regarding age limit, qualifications and experience wherever prescribed. The appointments on regular basis may be

recommended on case-to-case basis keeping in view the performance of the individual employee.

- (b) The contract employees, who were appointed as per eligibility criteria, and on the recommendations of Punjab Public Service Commission, are to be considered for appointment on regular basis, subject to the condition that the concerned Administrative Department shall first get the service rules of the posts framed at the earliest and then submit the cases to the Chief Minister of the contract employees who fulfill the conditions of service rules regarding age limit, qualification and experience wherever prescribed. Summaries shall be submitted to the Chief Minister, Punjab through the Regulations Wing, S&GAD and Finance Department. The appointments on regular basis may be recommended keeping in view performance of the contractees falling in this category.
- (c) The cases of contract employees in BS-16 and above, who were appointed on the recommendations of respective selection committees as per provisions of the service rules, may be referred to the Punjab Public Service Commission for determining their suitability for appointment on regular basis against the posts held by the contract employees.
- (d) The contract employees, who were appointed on the recommendations of the Departmental Selection Committee and in accordance with the eligibility criteria, duly approved by the Chief Minister, Punjab, may be referred to the Punjab Public Service Commission for determining their suitability for appointment on regular basis against the posts held by the contract employees, after getting the service rules framed with the approval of the Chief Minister.

3. Further necessary action may be taken accordingly.
