

# NCH (STAFF) SERVICE REGULATIONS - 1987

REGISTERED NO.  $\frac{M-302}{L-7546}$

## The Gazette of Pakistan

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, OCTOBER 7, 1987

### PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF HEALTH, SPECIAL EDUCATION AND SOCIAL WELFARE

(Health Division)

### NOTIFICATIONS

*Islamabad, the 24th September, 1987*

S. R. O. 797 (I)/87.—In exercise of the powers conferred by section 47 of the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965 (II of 1965), read with section 16 thereof, the National Council for Homoeopathy, with the previous approval of the Federal Government, is pleased to make the following regulations, namely:—

1. Short title and application.—(1) These regulations may be called the National Council for Homoeopathy (Staff) Service Regulations, 1987.

(2) These regulations shall apply to the staff members of the Council but shall not apply to a person who is employed on contract basis.

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

(a) "Act" means the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965 (II of 1965);

(b) "Authorised Officer" means—

(1567)

- (i) in the case of staff members in BPS 17, the President ;
- (ii) in the case of staff members in BPS 5 to 16, the Secretary ; and
- (iii) in the case of staff members in BPS 1 to 4, the Superintendent ;

(c) " Authority " means—

- (i) in the case of staff members in BPS 17, the Council ;
  - (ii) in the case of staff members in BPS 5 to 16, the President ; and
  - (iii) in the case of staff members in BPS 1 to 4, the Secretary ;
- (d) " Initial appointment " means an appointment made otherwise than by promotion or transfer :
- (e) " Schedule " means the Schedule to these regulations : and
- (f) " Selection Committee " means the Selection Committee constituted by the council from among its members for the purpose of selection and appointment of staff in accordance with the Establishment Division O.M. No. 6/4/96-R-3, dated the 10<sup>th</sup> May, 1997, as amended from time to time.

3. Staff member to be whole time employee.—Any person appointed to a post in the Council shall be deemed to be a whole time employee and may be employed in any manner as may be required by the Council.

4. Appointing authority.—Subject to the provisions of section 16 of the Act and these regulations, all appointments shall be made by the Council.

5. Methods of appointment.—(1) Appointments to posts shall be made by any of the following methods, namely :—

- (a) by initial appointment in accordance with regulation 6 :
- (b) by promotion in accordance with regulation 7 : and
- (c) by transfer in accordance with regulation 8.

(2) The method of appointment and the qualifications and other conditions applicable to a post shall be as specified in the Schedule.

(3) Short term vacancies may be filled in by initial appointment for a maximum period of three months in the first instance.

6. Initial appointment.—(1) Initial appointment shall be made on the recommendations of the Selection Committee on the basis, of merit, and provincial and regional quotas as prescribed by the Federal Government.

(2) All persons who fulfil the required qualifications and conditions prescribed for a post under these regulations shall be eligible to apply for the post to the Council and the persons who are already employed in a Government or a body established or controlled by the Government shall apply through proper channel.

(3) The applications shall be scrutinized by the Selection Committee or any of its member authorised by it in that behalf and those found suitable may be called to appear before the Selection Committee for test.

*Explanation.*—The test may be a written test or *viva voce* or both.

7. Appointment by promotion.—Promotion shall be made on seniority-cum-fitness basis, on the recommendations of the Selection Committee, from among the persons holding the posts on a regular basis and possessing the qualifications and experience as specified in the Schedule.

8. Appointment by transfer.—(1) Appointment by transfer shall be made from among persons holding equivalent post on regular basis in Government or local authority or a corporation or body set up or established by a Government.

(2) Appointment by transfer shall be made on the recommendations of the Selection Committee.

9. Special and technical appointments.—Notwithstanding anything contained in these regulations, the Council shall fill the following vacancies on such terms and conditions as may be determined by the Council with the approval of the Federal Government.

(i) Technical appointments requiring high skill and knowledge of Homoeopathic system of medicine and treatment thereunder.

(ii) Special appointments created in the interest of Homoeopathic system of medicine or the science.

\*10. Method of Appointment of Registrar.— The post of the Registrar shall be filled in by initial appointment:

Provided that if no candidate is found suitable for such appointment, the post may be filled in by promotion or on deputation or by transfer.

11. Eligibility for appointment.—(1) A candidate for appointment must be a citizen of Pakistan or Azad Kashmir.

(2) A candidate who has married with a person who is not a citizen of Pakistan or Azad Kashmir shall not be eligible for appointment to any post :

Provided that this condition shall not apply in the case of a person who marries or has married an Indian National after obtaining permission of the Federal Government.

(3) A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties. A candidate who after medical examination by an authorised medical attendant is found not to satisfy these requirements shall not be appointed.

(4) A candidate must possess the educational qualifications and experience,

and in case the vacancy is filled in through initial recruitment must be within the age limits prescribed for the post in the Schedule :

Provided that (i) the maximum age limit may be relaxed by the 3 years in the case of candidates belonging to scheduled castes, Bhudhist community, recognised tribes of the Tribal Areas, Azad Kashmir and Northern Areas including the Districts of Gilgit, Ghizar, Skardu, Diamir and Ghanche ;

(ii) for Government servants who have completed at least 2 years of continuous service, maximum age limit may be relaxed by not more than 10 years up to the age of 55 years ;

(iii) the maximum age limit may be relaxed in the case of released or retired personnel of the Armed Forces of Pakistan up to a maximum of 10 years or by the number of years a person actually served in the Armed Forces, whichever is less ; and

(iv) no person shall be appointed to a post who is less than 18 years of age.

Reasonable notice shall be given to a staff member before his services are dispensed with on the abolition of his office. If, in any case, notice of at least three months is not given, and the employee has not been provided with other employment on the date on which his services are dispensed with, then, with the sanction of the authority competent to dispense with the staff member's services, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, may be paid to him.

12. Probation.—Persons appointed by initial appointment, promotion or transfer, or short term basis, shall be on probation for a period of one year, but such period may be curtailed for good and sufficient reasons, to be recorded, or, if considered necessary, it may be extended for a period not exceeding one year as may be specified at the time of appointment.

13. Termination.—(1) The service of a staff member may be terminated without notice—

(i) during the initial or extended period of his probation :

Provided that, where such staff member is appointed by promotion on probation or, as the case may be, is transferred from one cadre or post to another cadre or post, his service shall not be so terminated so long as he holds a lien against his former post ;

(ii) on the expiry of the initial or extended period of his employment ; or

(iii) if the appointment is made *ad hoc* terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre, the services of a staff member are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior

14. **Confirmation.**—(1) On satisfactory completion of the probationary period the Council may confirm a person on the recommendations of the Selection Committee if a clear permanent vacancy exists or, if no action is taken by the Council under this regulation, the appointment shall be treated as temporary engagement until further orders.

(2) Two or more person shall not be appointed at a time to the same post and no person shall be appointed substantively to a post on which another person holds a lien. However, any such lien may be suspended for a certain period or terminated by the orders of the Council.

15. **Retirement.**—(1) A staff member shall retire from service :—

- (i) on such date after he has completed 25 years of service as the appointing authority may, in the public interest, direct ;
- (ii) where no direction is given under clause (i), on the completion of the sixtieth year of his age.

(2) No order under clause (i) of sub-regulation (1) shall be made in respect of a staff member unless the appointing authority has informed him in writing of the grounds on which it is proposed to make the order and has given him an opportunity of showing cause against it.

16. **Increment.**—(1) Every member of the staff to whose post a time scale is attached shall draw the increment of the scale on the 1st December each year if he has put in continuous six months service at the relevant stage in that scale unless it is withheld.

(2) In calculating the increment the time scale shall include the whole period of service of the staff member whether working in his substantive post or officiating in another post or period spent on leave except extraordinary leave :

Provided that as a special case the Council may order the inclusion of the period of extraordinary leave granted in case of illness or in any case beyond the control of the staff member.

17. **Salary and allowances.**—Every member of the staff shall receive such salary and allowances as may be determined by the Council with the approval of Federal Government from time to time.

18. **Leave.**—(1) Every member of the staff shall be entitled to such leave as is allowed to the Federal Government employees under the Federal Government's Revised Leave Rules, 1980, as amended from time to time :

Provided that any government servant who may be lent to Council shall continue to be governed by the rules applicable to him while in parent government department.

(2) Leave is a privilege and cannot be claimed as a matter of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

(3) No member of the staff shall absent himself from duty without the previous permission of the Secretary, and in the case of the Secretary, without the previous permission of the President :

Provided that in case of sudden illness or accident such permission shall be obtained at the earliest opportunity from the respective authorities.

19. Reimbursement of medical charges.—All members of the staff shall be entitled to reimbursement of medical charges incurred by them on medical attendance and treatment as out-door patients which shall not exceed the following limits :—

- (i) Married staff (all categories). ten per cent of the pay subject to a maximum of one hundred fifty rupees per month.
- (ii) Unmarried staff (all categories). five per cent of the pay subject to a maximum of seventy five rupees per month.

20. Advances.—(1) A member of the staff subject to the availability of funds and fulfilment of such other condition as may be prescribed by the Council, be granted advance for construction of house or for purchase of motor car, motor-cycle or bicycle once in the whole service.

(2) The terms and conditions for the grant of advance shall be the same as are applicable to civil servants.

#### DUTIES OF THE STAFF

21. Secretary.—In addition to the powers and duties specified in section 30 of the Act, the Secretary, being incharge of the office of the Council, shall supervise the whole staff and *inter alia* shall :—

- (a) be responsible for the maintenance of efficiency and discipline in the office ;
- (b) be answerable to the Federal Government ;
- (c) be the drawing and disbursing officer and shall keep an eye on the income and expenditure of the Council ;
- (d) perform all such duties and exercise all such powers as laid down in the Act and the rules made thereunder ;
- (e) carry out the decision of the Council and submit report to the President and to other concerned ;
- (f) work as liaison officer between the Council and the Government or the practitioners of Homoeopathic system of medicine ;
- (g) sign all the correspondence put up before him regarding the Health Division and practitioners of Homoeopathic system of medicine ;

- (h) sign registration certificates and diplomas after proper checking of the record and initialling on the respective registers ;
- (i) attend other day to day work and the visitors visiting the office ;
- (j) attend meetings of the Council and other sub-committees and maintain proper record of the proceedings ; and
- (k) attend courts in pursuance of cases for or against the Council.

22. **Controller of Examination.**—The Controller of Examination shall be the incharge of the Examination Section and *inter alia* shall :—

- (a) be responsible for the maintenance of secrecy and safe conduct of examination ;
- (b) get the papers set from the examiners appointed by the examining body and keep them duly sealed until they are cyclostyled or printed and despatched to the Superintendents of Examination of different centres ;
- (c) keep the question papers strictly under his personal safe custody till the examinations are over ;
- (d) prepare result chart and put it before the examining body for approval before the result is noted on the result registers ; and
- (e) perform all such duties regarding examinations which are assigned to him from time to time by the examining body.

*Note.*—For administrative purposes the Controller of Examination will be under the Registrar/Secretary.

23. **Superintendent.**—The Superintendent shall be the ministerial head and shall have the same powers as that of a Superintendent in the Government office, and *inter alia* shall :—

- (a) be responsible to the Secretary for the maintenance of discipline in the office ;
- (b) be responsible for the correspondence and for putting up the papers with notes thereon to the Secretary for final disposal according to the provisions of the Act and the rules and regulations made thereunder ;
- (c) perform such other duties as may be delegated and assigned to him by the Secretary for carrying out the purposes of the Act ; and
- (d) for all purposes be under the Secretary.

24. **Accountant.**—The Accountant shall discharge such duties as may be assigned to him from time to time, and *inter alia* shall :—

- (a) be responsible for all moneys received in cash as P.I.S. postal orders, bank drafts, money orders, pay orders and amount drawn from the bank and its proper disposal and up-keep of proper record ;
- (b) maintain properly the accounts record and registers, vouchers, bills, cash books, ledgers, etc., according to the Government rules and instructions ;
- (c) be duty bound to have the signature of the Secretary on the cash book daily at the close of the day or on the next working day ;
- (d) prepare the accounts strictly according to the Government rules and shall get the accounts audited by the auditor at the end of every financial year and comply or reply the observation made by the auditors, if any ;
- (e) maintain a petty cash book which may show the transaction of petty contingent expenses incurred on odd things daily ;
- (f) submit daily a summary of income and expenditure account to the Secretary ;
- (g) confirm the money received in the office from Homoeopaths on account of registration fee, etc. and shall also assist the Secretary in correspondence relating to the accounts ; and
- (h) keep up-to-date record of sale of publications including text books.

25. **Ministerial staff.**—The ministerial staff shall be responsible to the Secretary through the Superintendent for such duties as may be assigned to them.

26. **Charge of office.**—The charge of a particular post shall be relinquished and assumed by the relieved and relieving staff member respectively, both being present.

27. **Resignation.**—(1) Any member of the staff may resign from the service after giving notice to the appointing authority.

(2) The notice shall be—

- (a) in the case of officers and Superintendent, of a period of three months ; and
- (b) in the case of others, of a period of one month.

28. **Suspension.**—(1) A member of the staff may be suspended pending inquiry into alleged misconduct.

(2) A member of the staff under suspension is entitled to subsistence grant at such rates as the suspending authority may direct but not exceeding one half of the pay of the suspended staff member concerned.



(3) When the suspension of a staff member is held to have been unjustifiable or not wholly justified, or when a staff member who has been dismissed, removed or suspended is reinstated, the revising or appellate authority may, for the period of his absence from duty, grant him—

- (a) if he is honourably acquitted, the full pay and allowances to which he would have been entitled if he had not been dismissed removed or suspended ; or
- (b) if otherwise, such proportion of pay and allowances as the revising or appellate authority may determine.

(4) In a case falling under clause (a) of sub-regulation (3), the period of absence from duty will be treated as a period spent on duty.

(5) In a case falling under clause (b) of sub-regulation (3) the period of absence from duty will not be treated as a period spent on duty unless the revising or appellate authority so directs.

29. Grounds for penalty.—Where a staff member, in the opinion of the authority—

- (i) is inefficient or has ceased to be efficient ;
- (ii) is guilty of misconduct ;
- (iii) is corrupt or may reasonably be considered as corrupt ; or
- (iv) is engaged, or is reasonably suspected of being engaged, in subversive activities.

The authority may impose on him one or more penalties.

*Explanation.*—“Misconduct” means conduct prejudicial to good order or service discipline or unbecoming of an Officer and a gentleman.

30. Penalties.—The following are the minor and major penalties, namely :—

(a) Minor penalties :

- (i) censure ;
- (ii) withholding, for a specific period, promotion or increment ;
- (iii) stoppage, for a specific period, at an efficiency bar in the time-scale otherwise than for unfitness to cross such bar ; and
- (iv) recovery from pay of the whole or any part of any pecuniary loss caused to the Council by negligence or breach of order.

(b) Major penalties :

- (i) reduction to a lower post or time-scale, or to a lower stage in a time-scale ;
- (ii) removal from service ; and
- (iii) dismissal from service.

31. **Inquiry procedure.**—The following procedure shall be observed when a staff member is proceeded against under these regulations :—

- (a) In case where a staff member is accused of subversion, corruption or misconduct, the authorised officer may require him to proceed on leave or, with the approval of the authority, suspend him provided that any continuation of such leave or suspension shall require approval of the authority after every three months.
- (b) The authorised officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an inquiry officer or inquiry committee. If he so decides, the procedure laid down in regulation 33 shall apply.
- (c) If the authorised officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or an Inquiry Committee, he shall—
  - (i) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of such action; and
  - (ii) give him a reasonable opportunity of showing cause against that action :

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

- (d) On receipt of the report of the Inquiry Officer or Inquiry Committee or where no such officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorised officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If he has proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge and statement of allegations served on the accused, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. The authority shall pass such orders as it may deem proper.

32. **Procedure to be observed by the Inquiry Officer and Inquiry Committee to be appointed by the Council.**—(1) Where an Inquiry Officer or an Inquiry Committee is appointed, the authorised officer shall—

- (a) frame a charge and communicate it to the accused together with statement of the allegation explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration; and
- (b) require the accused, within a reasonable time which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person;

(2) An Inquiry Officer or an Inquiry Committee, as the case may be, shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witness against him.

(3) An Inquiry Officer or an Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given for more than a week for reasons to be recorded in writing which shall be reported forthwith to the authorised officer.

(4) Where an Inquiry Officer or an Inquiry Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the inquiry, he or it shall administer a warning, and if thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) An Inquiry Officer or an Inquiry Committee, as the case may be, shall within ten days of the declaration of the proceeding or such longer period as may be allowed by authorised officer, submit his or its findings and the grounds thereof to the authorised officer.

33. Appeal.—(1) A staff member on whom a penalty has been imposed under these regulations may file an appeal before the officer/authority specified against the officer/authority imposing the penalty as given below—

Officer/Authority imposing the penalty	Officer/Authority to whom the appeal shall lie
Superintendent	Secretary.
Secretary	President.
President	Council.
Council	Federal Government.

(2) Every appeal shall be submitted within a period of 23 days of the communication of the order appealed against.

34. Interpretation.—Nothing in these regulations shall be construed to alter or interpret to his disadvantage the rules regulating the service of any person in the service of the Council immediately before the commencement of these regulations.

Approved by the Federal Government.

H/DR. ABDUL QADEER,  
Assistant Director (Home).

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S. No	Designation and Scale of Post	Method of Recruitment/ Appointment	Minimum qualifications and experiences For initial appointment	For promotion	Maximum age limit for initial recruitment
			4		5
1.	Registrar BPS-17	* By initial appointment, failing which by promotion or on deputation or by Transfer.	(a) Master's degree in Arts or Science from a recognised University, and two years experience of an administrative work; OR (b) Bachelor's degree in Arts or science from a recognised University; and five years experience of administrative work. (*Amended vide S.R.O. 73(I)/2003 dated 25-01-2003)	6 years service as Controller of examination or 8 years service as Superintendent.	34 years.
2.	Controller of Examination BPS-16.	By initial appointment.	(a) Bachelor's degree in Arts or science from a recognised University; and (b) Registered Homoeopath.	---	34 years
3.	Superintendent BPS-14	By promotion.	---	5 years service as Assistant.	---
4.	Stenotypist BPS-12	By initial appointment.	(a) Matriculation from a recognised Board; and (b) Speed of 80 words per minute in English Short-hand and 35 words per minute in typing.	---	25 years
5.	Accountant BPS-11	By initial appointment.	1 Com/D Com with 3 years experience; or B Com Graduate.	---	25 years
6.	Assistant BPS-11	50% by initial appointment 50% by promotion.	Intermediate.	3 years service as UDC.	25 years
7.	Upper Division Clerk BPS-7.	50% by initial appointment 50% by promotion.	Matriculation with typing speed of 30 words per minute.	3 years service as LDC.	25 years
8.	Lower Division Clerk-cum-Typist BPS-5.	By initial appointment.	Qualified driver, holding valid heavy transport vehicle driving licence.	---	25 years
9.	Driver BPS-4	By initial appointment.	Middle. Preference will be given to Matriculate, other thing being equal.	---	30 years
10.	Record Sorter BPS-2	By initial appointment.	Literate.	---	25 years
11.	Naib Qasid BPS-1	By initial appointment.	---	---	25 years

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD  
 PUBLISHED BY THE MANAGER OF PUBLICATIONS, KARACHI