

NATIONAL HIGHWAY AUTHORITY

SERVICE RULES - 1995

The Gazette  of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

KARACHI, THURSDAY, MARCH 30, 1995

PART II

Statutory Notifications containing Rules and Orders issued by all Ministries and Divisions of the Government of Pakistan and their Attached and Subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

MINISTRY OF COMMUNICATIONS

National Highway Authority's Service Rules, 1995

NOTIFICATIONS

Islamabad, the 9th March, 1995

S.R.O. 70 (KE)/95 :

In exercise of powers conferred by section 14 and 31 of the National Highway Authority Act, 1991, the Federal Government hereby make following rules namely "National Highway Authority's Service Rules, 1995".

CHAPTER-I

SHORT TITLE, EXTENT AND APPLICATION.

1. (1) These rules shall be called as the "National Highway Authority Employees Services Rule 1995" and shall come into force with immediate effect.

(93)

Price : Rs. 3.00

(2) These Rules shall apply to all employees of the National Highway Authority, herein after referred to as the Authority other than those:

- (a) appointed on contract basis;
- (b) on deputation to the authority;
- (c) paid from contingency.

DEFINITIONS

2. (1) Unless there is any thing repugnant in the subject or context, the terms used in these rules are defined hereunder:-

- (a) "Authority" Means National Highway Authority established under National Highway Authority Act 1991.
- (b) "Competent Authority" Means the Executive Board of National Highway Authority or any officer to whom powers under these rules are delegated.
- (c) "Employee" Means a person regularly appointed by the competent authority for service of the Authority.
- (d) "Duty" Means besides normal work performed in any post or specially assigned by the competent authority also includes service as a probationer, apprentice followed by confirmation of a trainee, joining time, tour, attendance of authorised course, seminars, meeting including time required for the journey to and from the place of such assignment.
- (e) "Council" Means National Highway Council established under section-5 of National Highway Authority Act, 1991.

- (f) "Fee" Means a recurring or non-recurring payment to a Government Servant/employee of NHA from sources of NHA in the case of Government Servants and in the case of an employee of NHA, other than the sources of the Authority whether made directly to the Government Servants/an employee of NHA or indirectly through the intermediary of Government/NHA.
- (g) "Contract" Means mutual agreement executed between the National Highway Authority and person to remain in the employment of the Authority.
- (h) "Probation" Means the period for which employee is placed on trial, in a vacancy on initial appointment or otherwise.
- (i) "Apprentice" Means a person engaged for training in trade with a view to utilize his service in connection with the affairs of the Authority who may draw pay/allowances during such training as determined by the competent authority.
- (j) "Selection Committee" Means a committee constituted by the competent authority for the purpose of making selection for appointments and promotions to the posts in B-1 to B-16, under the Authority.
- (k) "Appointing Authority" Means an Officer/authority competent to appoint a person in the National Highway Authority.

- (l) "Service" Means continuous engagement with the duty of the Authority from the date of assuming the charge of the post against which a person has been appointed, to the date of relieving against one or more posts paid monthly from the NHA's Funds excluding all periods of uncondoned suspension and unauthorised absence and subject to the Federal Govt. Rules in this regard. For the purpose of benefits of retirement, extra ordinary leave shall be excluded from the qualifying service for retirement.
- (m) "Lien" Means the title of an employee to hold his post substantively either immediately or on the termination of period(s) of absence on secondment to another organization hold post with the Authority.
- (n) "Officiate" An employee officiates in a post when he performs the duties of a post on which another person holds a lien, or when the Authority appoints him to officiate in vacant post, on which no other employee holds a lien.
- (o) "Permanent Post" Means a post carrying definite rate of pay sanctioned without limit of time.
- (p) "Temporary Post" Means a post carrying a definite rate of pay sanctioned for a limited time, likely to continue.
- (q) "Workcharge" Means an employee appointed for a short period paid out of contingencies.
- (r) "Rules" Means Rules made under Sections 14 and 31 of the National Highway Authority Act, 1991 and notified in official gazette.

- (s) "Regulations" Means regulations made under Section 32 of the National Highway Authority Act, 1991.
- (2) All other words and expressions used but not defined shall have the same meaning and import as given in the rules applicable to the employees of the Federal Government. However financial benefits will accrue with the prior concurrence of the Finance Division.
- (3) In all matters not specifically provided in these Rules, the Rules applicable to the employees of the Federal Government shall apply.

CHAPTER-II

CREATION OF POSTS AND THEIR DESIGNATIONS:

3. The competent authority may create such permanent and or temporary posts and designate and or abolish the same as it may deem expedient for the efficient performance of functions of the Authority within the orbit of powers originally held or delegated, subject to observance of instructions issued by the Federal Government from time to time.

SCALES OF PAY:

4. The employees shall draw their pay in the pay scales as sanctioned and revised from time to time by the Government in respect of its employees. The contract employees shall, however, draw their pay and allowances according to the terms of their contract.

INCREMENTS:

5. Annual increments to all employees shall be granted on 1st of December, every year till such time that they reach the ceiling of their scale, provided that:
- (1) they are working in a time scale,
 - (2) have completed at least six months service at the relevant stage in that time scale,
 - (3) they are not on probation. In such cases if they complete probationary period successfully, the period of service from the date of joining service shall count towards increment,
 - (4) withholding of their annual increment has not been ordered by way of punishment.

6. The competent Authority, shall have the powers to grant premature increments in a time scale for the purpose of fixation of initial pay in cases of direct recruitment for good and sufficient reasons to be recorded in writing or on the recommendations of the selection committee provided that:-
 - (a) Not more than six premature increments shall be allowed on initial appointments.
 - (b) Premature increment shall be granted only after the appointing Authority certifies that suitable persons of requisite qualifications are not available on the minimum of the sanctioned pay scales of the posts.
7. An employee who reaches the maximum of his pay scale shall become entitled to move over in the next higher scale as per policy of the Federal Government.
8. In case of promotion from a lower post to a higher post (which is in the line of promotion), where the stage in the pay scale of the higher post next above the pay in the pay scale of the lower post gives a pay increase equal to or less than a full increment, the initial pay in the scale pertaining to the higher post will be fixed after allowing a premature increment in the scale of the higher post.

APPOINTMENTS & PROMOTIONS:

9. Appointments and promotions to various posts shall be made by the appointing authority in accordance with the provisions of NHA Employees (Appointment/Promotion), Rules.
10. Financial benefits of a post shall be admissible to an employee with effect from the date he actually assumes charge of that post.
11. Appointment to various posts in the National Highway Authority shall be made on the recommendations of Selection Committee/ Committees to be constituted by the Competent Authority.
12.
 - (1) Initial appointment to posts shall be made from amongst persons possessing the educational qualifications and experience and who are within the age limits as prescribed for the post as per schedule IV of the NHA's (Appointments and Promotions) Rules 1995 provided that the maximum age limit may be relaxed in accordance with rules of Federal Government.
 - (2) All vacancies to be filled in by initial appointment shall be advertised.
 - (3) No person who is not a citizen of Pakistan shall be appointed on any post of the Authority.
 - (4) On the date of appointment the candidate shall be of age not below 18 years.

- (5) No person shall be appointed to a post without having been declared medically fit by such Medical Authority as the Competent Authority may specify.
- (6) Initial appointments shall be made at the minimum of the pay scale provided that in appropriate cases advance increments not exceeding six may be granted on the recommendation of Selection Committee and approval of Competent Authority, for reasons recorded in writing.
- (7) The Competent Authority may acquire the services of employees from Government Departments, Autonomous/ Semi Autonomous or local bodies against direct quota posts or if a person of required qualification and experience is not available for promotion on such terms of deputation as may be agreed to in consultation with the lending department/body, which shall be in consonance with the Federal Government Rules on the subject.
- (8) Re-employment of retired Government Servants may be made on contract basis as per policy of the Federal Government.
- (9) The Competent Authority may acquire the services of a professional adviser or obtain part time service of a Government Officer on payment of such fee as may be agreed to mutually; except that in the case of part time service of a Government Officer the relevant provisions of the Fundamental and Supplementary Rules of the Federal Government shall apply.

SELECTION COMMITTEE(S)/PROMOTION COMMITTEE (S) FOR INITIAL APPOINTMENTS AND PROMOTIONS:

13. Selection Committee(s) shall be constituted for the purposes of making selection for appointment or promotion to various posts in the Authority.

14. **PROBATION:**

- (1) An appointee against a post shall be on probation for a period of one year extendable for a further period of one year. However, the competent authority may extend or curtail the period of probation for reasons to be recorded.
- (2) In the event an employee fails to satisfactorily complete the probationary period, the Competent Authority may dispense with his services.

CHAPTER-IIISENIORITY

15. An employee shall take seniority in his cadre from the date of his regular initial appointment.
16. The seniority of an employee promoted to higher post shall be reckoned from the date of his promotion.
17. In case where two or more persons are promoted or appointed by direct recruitment in the same batch, the seniority shall be determined as under:-
 - (1) Inter-se seniority as in the lower cadre or post shall be retained.
 - (2) Person promoted shall rank senior to the persons recruited in the same calendar year.
 - (3) Seniority of the persons recruited directly shall be decided by the competent authority on the basis of merit in accordance with the recommendations of the selection committee.
Provided that if the merit of 2 or more persons is the same, the person older in age shall be given seniority over the younger.
18. Cadrewise seniority list in respect of all employees of the Authority shall be maintained separately by the Administration Wing of the Authority and circulated annually.
19. Deputationists, Contract Employees, and Workcharge/ Casual Employees shall not be shown on seniority lists of various cadres.
20.
 - (1) The seniority of all those employees who opt for transfer from National Highway Board's permanent establishment to the Authority shall be reckoned from the date of their initial appointment/ promotion in National Highway Board in that post.
 - (2) The erstwhile Workcharge Employees of the Authority serving in the projects shall be inducted in the Authority as a "One Time" exercise after they are cleared by the selection committees duly appointed by the competent Authority. They shall be inducted from the date of Notification of these rules. However their service as Workcharge Employee will count towards qualifying service for consideration for promotions and for pay and pension.
21. An employee who is once deferred for promotion by the respective selection committee shall take his seniority with his original batch when he is subsequently considered and approved for promotion.

22. An employee on deputation to any other organization / department and allowed lien on his substantive post shall retain his original seniority and be considered for promotion in accordance with the instructions issued by the Federal Government.

CHAPTER -IV

TERMINATION OF SERVICE:

23. Except for the employees on contract, any employee of the Authority may resign from his post by giving 60 days notice in writing or payment of 60 days pay in lieu thereof.
24. Termination of service of employee on contract shall be governed by the terms and conditions of the contract.
25. Notwithstanding the provisions of Rule 23, an employee shall continue to perform his duty till such time his resignation is duly accepted by the Competent Authority and he is finally relieved of his duty.
26. Except for the employee on contract, the services of an employee of the Authority are liable to termination without prior notice during the initial or extended period of probation on the grounds of unsatisfactory performance including misconduct.
27. On the abolition/ reduction of posts in a cadre, the employee(s) whose service(s) are to be terminated shall be those who are junior most in the cadre.
28. Notwithstanding anything contained in these rules, the Authority may at any time terminate the services of any person employed by or serving in the Authority, in accordance with the procedure prescribed in Section 13(2) of the NHA Act 1991.

RETIREMENT FROM SERVICE:

29. An employee of National Highway Authority shall retire from service of the Authority on completion of the sixtieth year of age.
Provided that he can opt for retirement after completion of 25 years of qualifying service.

CHAPTER - V

POSTING AND TRANSFERS:

30. The Competent Authority may post or transfer an employee of the Authority to the Head Office or to any of the subordinate offices in Pakistan under its administrative control or management:

CHAPTER - VI

PERFORMANCE EVALUATION REPORTS

31. Performance Evaluation Reports (PERs) on prescribed forms in duplicate will be written on performance and conduct of all employee in BPS-5 and above in the month of January for the preceding calendar year.
32. The list of initiating and countersigning officers for various posts shall be issued by the Competent Authority from time to time.
33. Performance Evaluation Reports will be written in a just, objective and unbiased manner by reporting officers in accordance with the existing instructions, given in the book titled "A Guide to Performance Evaluation" issued by Management Services Division, Government of Pakistan, as amended from time to time.
34. An employee must have worked at least for three months under the Reporting Officer to entitle him to initiate his Performance Evaluation Report.
35. The PERs of all the employees will be maintained at the Head Office of the Authority in the Administration Directorate.
36. It will be the responsibility of Head of the Administration Directorate to ensure that the PERs of all employees are complete in all respects within the specified time, and that timely action is taken regarding communication of adverse remarks contained in PER's and disposal of representation against the adverse remarks.

CHAPTER-VII

CONDITION OF SERVICES OF DEPUTATIONIST, CONTRACT EMPLOYEES
TRAINEES/ APPRENTICES:

37. Conditions of Services of Deputationists, Contract Employees, Workcharge Employees, Trainees and Apprentices will be governed as follows:
 - (1) Terms and Conditions of services of all deputationists from Government/Autonomous/Semi Autonomous Organizations, will be determined by mutual agreement of the Authority and of the lending Organization.

- (2) Contract employees with whom specific contracts of employments have been executed will be bound by these Rules to the extent of the terms of their contracts.
- (3) A trainee/apprentice will be paid stipend or a fixed pay during the period of training. He will not be considered an employee of the Authority on successful completion of his training.
38. All corresponding Rules which have been in force till the enforcement of these rules are hereby repealed. However, any order passed or appointment made or anything done or any action taken or any proceeding commenced under the provisions of the repealed Rules will continue in force and be deemed to have been passed, made, done, taken or commenced, as the case may be, under the corresponding provisions of these rules as if these rules were in force when such order was passed, or such proceedings commenced, unless an order, in writing, to the contrary is passed by the Authority.
39. The Authority with the approval of the Council reserves the right to interpret, clarify the existing rules, new rules or regulations, add to these rules, or to make supplementary rules in connection with these rules as and when it is considered necessary or desirable to do so.