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MEMORANDUM

ACCOMPANYING THE

ANNUAL REPORT

ON THE

WORKING OF THE WEST PAKISTAN PUBLIC SERVICE COMMISSION

FOR THE YEAR

1965

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C O R R I G E N D A .

In the Memorandum accompanying the Annual Report on the working of the West Pakistan Public Service Commission for the year, 1965, the following corrections should be made:-

Page 2. The word "Department" misprinted in the last but one line under col.2 against Sr.No.2 to be corrected as "Departments".

Page 3. The word "dated" in line 5, under col.2, against Sr.No.2 to be corrected as "date".

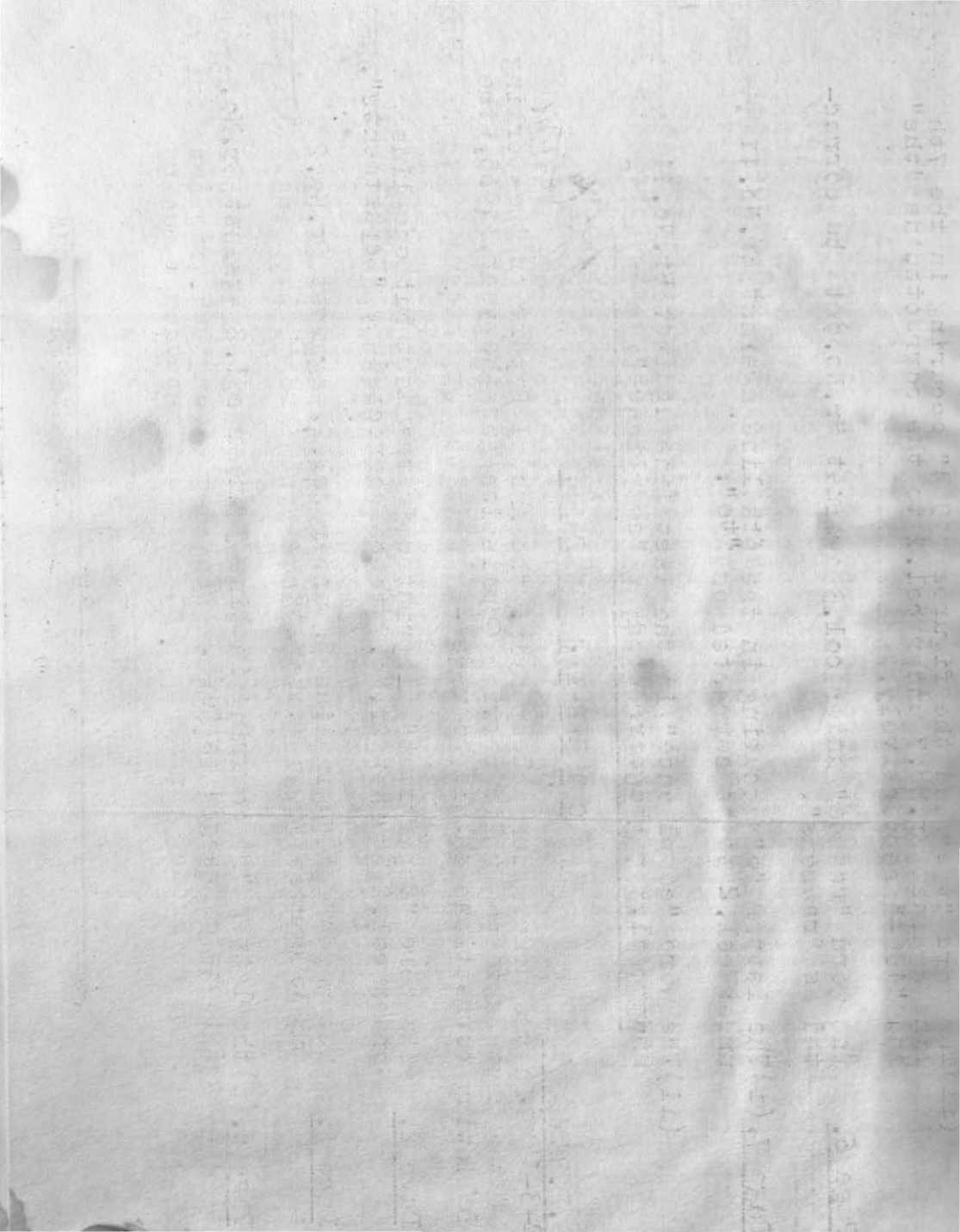
Page 5.(i) The letter "f" occurring in line 3 under col.2 against Sr.No. 6 to be corrected as "of".

(ii) The word "t e" and the figures "19 4" occurring in the 7th line against Sr.No.7 under col.2 to be corrected as "the" and "1964" respectively.

Page 6. The word "reason" under col.3 against Sr.No.8 to be corrected as "reasons".

Page 7.(i) The letter "o" occurring in the 6th line against Sr.No.11 under col.2 to be corrected as "to".

(ii) The word "compl ance" in the last line against Sr.No.11 under col.3 to be corrected as "compliance".



Memorandum required under Article 189 (2) of the Constitution of the Islamic Republic of Pakistan, accompanying the Annual Report on the working of the West Pakistan Public Service Commission for the year 1965.

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- (a) The cases, if any, in which the Commission's advice was not accepted and the reasons, so far as known to the Commission, why the advice was not accepted.

During the year under report, there were only two cases in which the advice of the Commission was not accepted, as against thirteen such cases during the preceding year. Details of both these cases, indicating the advice tendered by the Commission and the reasons for its non-acceptance, as conveyed to the Commission, are given in Appendix "A".

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- (b) The cases where the Commission ought to have been consulted but was not consulted, and the reasons, so far as known, why it was not consulted.

The number of irregular cases which came to the notice of the Commission during the year was 11. Details of the irregularities committed by the departments/appointing authorities, along with the reasons why the Commission was not consulted wherever furnished to the Commission, are given in Appendix "B".

The Commission regret to note that even when the irregularities are pointed out, the departments concerned seldom try to clarify their position, with the result that some irregularities which could have been explained away, have to be reported by the Commission here.

APPENDIX "A"

CASES IN WHICH THE COMMISSION'S ADVICE WAS NOT ACCEPTED AND THE REASONS, SO FAR AS KNOWN TO THE COMMISSION, WHY THE ADVICE WAS NOT ACCEPTED.

Serial No.	Nature of cases and the Commission's advice	Reasons, so far as known, why advice not accepted.
1	2	3
1	<p>Committee No. 5 recommended that a Mukhtiarkar who had completed 25 years service should be retired. The Commission did not agree with the Committee as, in their opinion, the record of the officer for the year 1961, 1962 and 1963 was quite good and there was no justification for retiring him. The Commission's advice was not accepted and was over-ruled by the Governor.</p>	<p>The Government intimated that the officer had been earning extremely damaging reports.</p>
2	<p>Appropriate Committee No. 1 recommended retirement of a Chief Engineer, Public Health Engineering Department, West Pakistan, under the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, on attaining the age of 55 years. The Commission did not agree with the recommendations of the Committee and advised that the officer should be allowed to continue as, in their opinion, the record of the officer did not justify his retirement. The advice of the Commission was over-ruled without following the usual procedure given in Rule 19 (2) of the West Pakistan Government Rules of Business, 1962, and Instruction No. 6.1 of the Instructions to be observed by the Administrative Department and Attached Departments of the Government of West Pakistan in their dealings with the West Pakistan Public Service Commission.</p>	<p>It was stated that the officer did not possess good or unblemished record of service which, according to the West Pakistan Government Servants (Further Usefulness in Public Service) Rules, 1963, was a criterion for allowing a Government servant to continue in service beyond the age of 55 years.</p>

APPENDIX 'B'

CASES WHERE THE COMMISSION OUGHT TO HAVE BEEN CONSULTED BUT WAS NOT CONSULTED AND THE REASONS, SO FAR AS KNOWN TO THE COMMISSION, WHY IT WAS NOT CONSULTED.

Serial No.	Particulars of cases/irregularity	Reasons, so far as known, why the Commission was not consulted.
1	2	3
AGRICULTURE DEPARTMENT		
1	<p>Approval for the continuance of two officers at the posts of Planning and Progress Officers in the West Pakistan Agriculture Department expired on 31st August 1964. They were allowed by the Department to continue beyond that date upto 31st December 1964 without obtaining further approval of the Commission. This is irregular and contrary to the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957, and the irregularity was pointed out to the Department.</p>	No reasons given by the Department.
2	<p>The West Pakistan Agriculture Department promoted certain Agricultural Assistants to the posts of Assistant Plant Protection Officers and Extra Assistant Directors of Agriculture in the Hyderabad Region with effect from 26th September 1963, subject to the approval of the Commission. In spite of repeated reminders, regular proposals on the prescribed <i>pro forma</i> along with the up-to-dated seniority list of the Agricultural Assistants of the Region and their Character Rolls, were not forwarded to the Commission nor the Commission were approached by the Department for approval of the <i>ad hoc</i> appointments of those officials. In January, 1965, the Department took a new stand that, as these promotions were made before the promulgation of the West Pakistan Agriculture Service, Class II, Rules, 1964, the rules were not applicable to them. The Department was informed that as these cases were neither considered nor approved by the Commission before the promulgation of the Service Rules, they had to be examined and considered strictly in accordance with the provisions of the Service Rules. The Department was again requested in March, 1965 to forward a proper proposal in accordance with the Service Rules, but their reply is still awaited. The continuance of these Agricultural Assistants in W.P.A.S. Class II without the prior approval of the Commission for over a year and a half is contrary to Regulation 4 of the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957, and the irregularity was pointed out to the Department.</p>	No reasons given by the Department.

Serial No.	Particulars of cases irregularity	Reasons, so far as known, why the Commission was not consulted.
1	2	3

AGRICULTURE DEPARTMENT

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| 3 | <p>Approval for the continuance of an officer in the post of Assistant Plant Protection Officer (Crash) Mirpurkhas, in the West Pakistan Agriculture Service, Class II, expired on 31st July 1964. He was allowed by the Department to continue beyond that date upto 28th February 1965 without obtaining further approval of the Commission. This is irregular and contrary to the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957, and the irregularity was pointed out to the Department.</p> | <p>No explanation furnished by the Department.</p> |
| 4 | <p>(i) The Director, Ayub Agricultural Research Institute, Lyallpur, appointed four officials to the post of Assistant Plant Physiologist, Assistant Botanist (Tobacco), Assistant Statistical Officer (Rapid Soil Fertility Survey Scheme) and Assistant Botanist (Maize Research), in the West Pakistan Agriculture Service, Class II, purely as a stop-gap measure for a period of six months with effect from 5th March 1964, 8th April 1964, 1st January 1963 and 19th November 1962, respectively, but their cases for continuance beyond the initial period of six months were referred to the West Pakistan Public Service Commission on 20th November 1964. According to Regulation 3 (4) (b) of the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957, their cases for continuance beyond the period of six months should have been referred to the Commission at least two months before the extension. This was not done and the irregularity was pointed out to the Department.</p> <p>(ii) The requisitions for the posts of Assistant Oil Technologist and Assistant Agricultural Chemist in the West Pakistan Agriculture Service Class II, advertised by the Commission, were withdrawn by the department on 14th April 1964 on the ground that these posts were to be filled by promotion and the two officials, who were working against these posts as stop gap arrangement, were allowed to continue without prior consultation with the Commission purporting to reply on the Government orders contained in S&GAD letter No. S.O. VII-10-5/61, dated 15th August 1963. But, under the said orders, departments are allowed to continue the stop-gap arrangements made by them till selectees of the Public Service Commission are available, only in the cases where regular requisitions have been sent to the Commission. In this case, the requisition had been withdrawn, hence the provisions of the said orders could not be invoked and consultation with the Public Service Commission for continuing stop-gap arrangements became mandatory</p> | <p>No explanation received from the Department so far.</p> |

under Regulation 4 of the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957. Instead, the cases of the two officials were referred to the Commission after a lapse of more than 7 months. Thus, the Department failed to understand the distinction between stop-gap appointments made against posts filled by direct recruitment and those filled by promotion. The irregularity was pointed out and the position explained to the Department.

- 5 The Agriculture Department promoted an Agricultural Assistant to the post of Assistant Plant Pathologist in W.P.A.S. Class II on 17th July 1964. The Officer was allowed to continue after the expiry of his initial appointment of six months without the prior approval of the Commission. Approval to his continuance beyond 17th January 1965 should have been obtained, if not earlier, soon after 17th January 1965, but this was not done. The actual reference in the matter was made to the Commission on 24th June 1965, i.e., more than five months later. As it was known to the Department at the very outset that the vacancy was to last for more than 6 months, they should not have promoted the officer without prior consultation with the Commission. The manner in which the Department proceeded is contrary to the provisions of Regulation 4 of the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957, and this irregularity was pointed out to them.
- 6 The Agriculture Department promoted an official to the post of Assistant Professor of Zoology in W.P.A.S. Class II, Agriculture College, Tandojam, on 26th October 1964 for a period of six months and he was continued beyond this period without the prior approval of the Commission. Approval of the Commission should have been obtained, if not earlier, soon after he completed the initial period of six months, as required by Regulation 4 of the West Pakistan Public Service Commission (Limitation of Functions) Regulations 1957, but this was not done. Reference to the Commission was made on 11th June 1965, i.e., one and a half months later. As it was known to the department at the very outset that the vacancy was to last for more than six months, they should not have promoted the officer initially without prior consultation with the Commission. This irregularity was pointed out to the Department.
- 7 The Agriculture Department promoted a Statistical Investigator to the post of Assistant Statistical Officer in W.P.A.S. Class II, on 9th May 1964. The Officer was allowed to continue after the expiry of his initial period of six months without prior approval of the Commission. Approval to his continuance beyond 9th November 1964 should have been obtained, if not earlier, soon after 9th November 1964, as required by Regulation 4 of the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957, but this was not done. The actual reference in the matter was made to the Commission on 23rd November 1964, i.e., a fortnight after the expiry of initial period of six months. The Commission should have been consulted before he was appointed as it was known to the Department at the very outset that the vacancy was to last for more than six months. This irregularity was pointed out to them.

The Department regretted their delay in making a late reference to the Commission. The Commission did not accept this explanation and the irregularity was noted down. No further explanation received from the Department.

No explanation received from the Department so far.

No explanation received from the Department so far.

Serial No.	Particulars of cases/irregularity	Persons, so far as known, why the Commission was not consulted
1	2	3

- 8 The Department promoted a Veterinary Assistant Surgeon to Class II from 1st January 1959 without the prior approval of the Commission. His case for approval was, however, referred to the Commission in 1962, though in the meantime, he had been even promoted to a higher post in Class I on 7th December 1959. As reports for some years were missing from the Character Roll received from the Department, it was returned to them for completion,—*vide* the Commission's letter No. 453-PSC-C4-62/738-C, dated the 4th April, 1962. It was only in June 1965 that the Character Roll was received back but again incomplete, for though the missing reports were furnished, but the reports received earlier and returned to the Department were kept back. This was pointed out to the Department in October 1965, but the reports in question have not been received back from them so far. Thus, this officer continued in Class II for nearly a year and thereafter in Class I for over 4½ years without his suitability having been determined by the Commission. This is a grave violation of Regulation 4 of the West Pakistan Public Service Commission (Limitation of Functions) Regulations.
- No reasons were given by the Department.

EDUCATION DEPARTMENT

- 9 Appointments of 2 officers as Instructors in Mathematics and Wood Work respectively, in the Government Technical Teachers' Training College, Lyallpur, were initially made for a period of six months as a stop-gap arrangement. This period was subsequently extended by the Department without the approval of the Commission required under Regulation 4 of the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957. This was irregular for no requisition for these posts had been sent to the Commission by them. The Department was accordingly asked to intimate why this irregularity should not be noted down in the Annual Administration Report.
- The Department stated that the requisitions were already with the Commission. But in fact the requisitions referred to had already been disposed of by the Commission and the result of the advertisement was also intimated to the Department in November, 1963. The Commission, therefore, did not consider Department's explanation as satisfactory.

INDUSTRIES, COMMERCE AND MINERAL RESOURCES DEPARTMENT

- 10 The Government in the Industries, Commerce and Mineral Resources Department, promoted an officer of the Printing and Stationery Department to the post of Senior Manager (Urdu Gazette Coll) in the West Pakistan Printing and Stationery Service, Class I (Junior Scale), against a clear vacancy without the prior approval of the Commission. The Commission should have been consulted
- Before the irregularity was noted down, the department was asked to intimate the circumstances under which prior consultation with the Commission

before the promotion was made, as required under Regulation 4 of the West Pakistan Public Service Commission (Limitation of Functions) Regulations, 1957. This was an irregularity on the part of the Department which was pointed out to them.

was dispensed with. In reply the Department stated that the appointment of the Officer was necessary for the formation of the Urdu Gazette Cell and further stated that the appointment was made purely as a stop-gap arrangement and the matter was simultaneously brought to the notice of the Commission. This explanation was not considered satisfactory by the Commissioner.

SERVICES AND GENERAL ADMINISTRATION DEPARTMENT

- 11 The Government of West Pakistan in the Services and General Administration Department in their circular letter No. S (R) 1077/2-4/63—SOXIII, dated 3rd July 1965 issued instructions to all Administrative Departments, etc., without consulting the Commission, to the effect that certain number of vacancies in certain specified categories of posts should be reserved for disabled persons. These instructions pertained to the methods of recruitment and the principles on which appointments to the specified categories of posts were to be made. The Services involved were subordinate services—Class III and Class IV—but since the Service Rules relating to Class III Services were also being referred to the Commission for advice, they should have been consulted before a decision on the principles involved was taken and before these instructions were issued by Government, as required under Article 186 (2) of the Constitution.

On the position being pointed out, the Government intimated that the intention was to consult the Commission at the time of incorporating the instructions in the Service/Recruitment Rules and that the Circular letter, as it was, contained only executive instructions which were not mandatory. The clarification furnished was not considered adequate by the Commission as prior consultation with the Commission was necessary before any decision was taken by Government and circularized to the Departments for compliance.

