

**UPDATED VERSION OF THE KHYBER PAKHTUNKHWA CIVIL SERVANTS  
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989  
[UPTO 20.02.2023]**

**PART-I**

**GENERAL**

1. **Short title and commencement:** - (1) These rules may be called the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:-**(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

<sup>1</sup> (d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

<sup>2</sup> (dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and

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<sup>1</sup> Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

<sup>2</sup> Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

<sup>3</sup>(g) "Provincial Selection Board" means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Civil Servants Act,1973(Khyber Pakhtunkhwa act XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. **Method of Appointment:-** (1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Services and General Administration Department and the Finance Department.

4. **Appointing Authority:-** The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

<b>S.No. !</b>	<b>Posts !</b>	<b>Appointing Authority</b>
41.	(a) Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services;  (i) Former Provincial Civil Service (Executive Branch);  (ii) Former Provincial Civil Service (Judicial Branch); and  (iii) Provincial Civil Secretariat Service.	Chief Minister
	(b) Posts in Basic Pay Scale 17 other than those covered by(a) above.	Chief Secretary

3 Clause (g) substituted by Notification No. SOR-I(S&GAD) 4-1/80/II, dated 14-01-1992.

4 Substituted by Notification No. SOR-I(S&GAD)4-1/75/Vol-I, dated 22-08-1991.

2. Posts in Basic Pay Scale 16. (a) In the case of Secretariat of the Government of Khyber Pakhtunkhwa, the Chief Secretary.
- (b) In case of High Court, the Chief Justice; and
- (c) In the case of Attached Department:
- (i) the Head of Attached Department concerned; and
- (ii) In any other case the Secretary of the Department concerned.
3. Posts in Basic Pay Scales <sup>5</sup>[6 to 15].
- (a) In the case of civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief Justice; and
- (b) In other cases
- (i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or
- (ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department/ Office, as the case may be.
4. Posts in Basic Pay Scale <sup>6</sup>[3 and 5]. Deputy Secretary incharge of Administration or office, as the case may be.
5. **<sup>7</sup>Departmental Promotion & Selection Committee/Board** - (1) In each Department or office of Government there shall be one or more Departmental Promotion

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<sup>5</sup> The Figures and word "3 to 15" substituted with figures and word "6-15 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016.

<sup>6</sup> The Figures and word "1 and 2" substituted with figures and word "3 and 5 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016

Note:- For the purpose or appointment to a post bound on the Ministerial Establishment of a Civil Secretariat in basic pay scale 06-15 "Secretary to Government" means the Secretary to Government, Establishment & Administration Department and in other cases the Secretary of the department concerned..

<sup>7</sup> The heading of rule 5 substituted by Notification No. SOR-I(S&GAD)2-7/86, dated 8-12-1994.

Committee and Departmental Selection Committee <sup>8</sup>(or, as the case may be, Departmental Selection Board), the composition of which shall be determined by the Services and General Administration Department or the Department in consultation with the Services and General Administration Department.

(2) Each such Committee (or the Board, as the case may be), shall consist of at least three members, one of whom shall be appointed as Chairman.

<sup>9</sup>6. **Procedure when recommendation is not accepted:-** When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority.

## PART-II

### APPOINTMENT BY PROMOTION OR TRANSFER

7. **Appointment by Promotion or Transfer.** <sup>10</sup>(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee".

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exist.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time.

<sup>11</sup>(5) (Deleted)

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<sup>8</sup> The words inserted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

<sup>9</sup> Rule-6 substituted by Notification No. SOR-III(S&GAD)2-7/86, dated 8-12-1994

<sup>10</sup> Sub rule (1) substituted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 14-01-1992.

<sup>11</sup> Sub rule(5) added vide Notification No. SO(Policy)E&AD/1-3/2020 dated 06-08.2020

8. **Inter-Provincial Transfer:-**(1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer;
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis;
- (iv) the person concerned is a bona fide resident of the Khyber Pakhtunkhwa.
- (v) a vacancy exists to accommodate the request for such a transfer; and
- (vi) Provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purpose of determining his seniority vis-à-vis other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request for transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. **Appointment on Acting Charge or current Charge Basis.** (1) Where the appointing authority considered it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

<sup>12</sup>Provided that no such appointment shall be made, if the prescribed length of service is short by more than <sup>13</sup>[three years].

(2) <sup>14</sup>[ ]

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no

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<sup>12</sup> Full stop at the end of Rule 9 (1) replaced with colon and proviso added by Notification No. SOR-I (S&GAD)4-1/80/Vol-II, dated 20-10-1993.

<sup>13</sup> The words one year substituted by Notification No. SOR-I(S&GAD)4-1/80/III, dated 14.3.96.

<sup>14</sup> ~~Sub-Rule-(2) of Rule-9~~ vide Notification No. SOR-VI(E&AD)I-3/2009/Vol-VIII dated 22.10.2011

suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

### PART-III

#### INITIAL APPOINTMENT

10. **Appointment by Initial Recruitment** :- (1) Initial appointment to posts <sup>15</sup>[in various basic pay scales] shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

<sup>16</sup>(2) Initial recruitment to posts which do not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers.

<sup>17</sup>Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister House Peshawar, Frontier House Islamabad, Frontier Rest Houses Bannu, Swat and Abbottabad, Frontier House Nathia Galli and Shahi Mehman Khana, Peshawar and any other House to be established by the Government:

<sup>18</sup>Provided further that the appointment in Basic Pay Scale <sup>19</sup>[03 to 05] shall be made on the recommendations of the Departmental Selection Committee through

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<sup>15</sup> The words in basic pay scale-16 to 21 substituted by Notification No. SOR-I(S&GAD)1-117/91 (C), dated 12-10-1993.

<sup>16</sup> Sub rule (2) of Rule-10 substituted by Notification No. SOR-I(S&GAD) 1-117/91 (C), dated 12-10-1993.

<sup>17</sup> Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 03-07-2003.

<sup>18</sup> Proviso added vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 16-03-2004

the District Employment Exchange concerned, <sup>20</sup>[or, where in a District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers] <sup>21</sup>[ ]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

- (i) <sup>22</sup>where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held;
- (ii) in other cases as on the last date fixed for submission of applications for appointment.

<sup>23</sup>(4) Where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board notwithstanding the procedure provided for in sub-rule(2), the appointing authority may appoint one of the children such civil servant or if the child has not attained the age prescribed for appointment in Government service, the widow or wife as the case may be, of such civil servant, to a post in any of the Basic Pay Scales 3 to 11 in provincial cadre post and Basic Pay Scales 3 to 12 in District cadre posts:

Provided that the child, widow or wife, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows/wives of the deceased/incapacitated/invalidated civil servant, as the case may be, preference shall be given to the elder widow/wife:

Provided also that the appointment under this sub-rule is subject to availability of a vacancy and if more than one vacancies, in different pay scales, are available at a time and the child or the widow or wife, as the case may be, possesses the qualifications eligible for appointment in more than one post, such child or the widow or wife, as the case may be, shall ordinarily be appointed to the post carrying higher pay scale:

Provided also that the provision of this sub-rule shall not be applicable to posts falling within the purview of the commission.

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<sup>19</sup> The Figures and word “1 to 2” substituted with figures and word “3 to 5 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016

<sup>20</sup> Sentence added in the Proviso vide Notification No. SOR-VI(E&AD)1-3/2003 (VI) dated 23-01-2006.

<sup>21</sup> 2<sup>nd</sup> Proviso in sub- rule (2) of Rule 10 was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 dated 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-1-2008.

<sup>22</sup> Clause (i) substituted vide Notification No. SOR-I(S&GAD)4-1/80, dated 17-5-1989.

<sup>23</sup> Sub rule (4) substituted vide Notification No. SOR-VI/E&AD/1-3/2015 dated 19.04.2016.

<sup>24</sup>(5) Notwithstanding anything contained in these rules or any other rules for the time being in force;

(a) ten percent of all the posts, to be filled in by initial recruitment, shall be reserved for female candidates, except the posts of Driver, Mali and Chowkidar.

**Explanation:** Ten percent quota, reserved under clause (a) of this sub-rule, shall be in addition to the posts exclusively reserved for female candidates;

(b) five percent of all the posts, in each basic pay scale, to be filled in by initial recruitment, shall be reserved for candidates, belonging to minorities, in addition to their participation in the open merit:

“Provided that in case of non-availability of minorities candidates in the district concerned, such posts shall be filled from amongst the minorities candidates of the adjoining districts of the Division concerned; and

(c) two percent of all the posts, in each basic pay scale, to be filled in by initial recruitment, shall be reserved for disabled candidates.

Explanation: For the purpose of reservation under clause (c) of this sub-rule, “disability” does not include such disability which hampers smooth performance of the duties associated with such posts.

(6) <sup>25</sup>[ ]

(7) <sup>26</sup>[Deleted]

11. **Eligibility.** (1) A candidate for appointment shall be a citizen of Pakistan and bona fide resident of the Khyber Pakhtunkhwa.

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

(2) <sup>27</sup>[ ]

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal, academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

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<sup>24</sup> Sub rule (5) substituted vide Notification No. SO(Policy)E&AD/1-3/2022 dated 20-02-2023.

<sup>25</sup> The 5% quota reserved for earth quack affectees stand deleted vide circular letter No. SOR-VI(E&AD)1-3/2005 dated 17.06.2015

<sup>26</sup> Sub rule (7) stand deleted vide Notification No. SO(Policy)E&AD/1-3/2022 dated 20-02-2023.

<sup>27</sup> Sub rule (2) of rule-11 deleted vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-06-2008

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

**12. Zonal and Divisional representation:** - (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time:

<sup>28</sup>Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bona fide residents of the division or district concerned, as the case may be;

<sup>29</sup>Provided that in case of non-availability of candidates from the district concerned to posts BPS-03 to 15, such posts shall be filled from amongst bona fide residents of the adjoining districts of the Division concerned.

(3) Initial recruitment to posts in Basic Pay Scales <sup>30</sup>[3 and 5] or equivalent shall ordinarily be made on local basis.

#### PART-IV

#### AD HOC APPOINTMENT

**13. Requisition to Commission:-**When under any rule for the time being in force, a post is required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on ad hoc basis as provided in rule 14, within two months of the filling of the post.

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<sup>28</sup> Proviso to rule-12 added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008

<sup>29</sup> Proviso to sub-rule (2) in rule-12 added vide Notification No. SO(Policy)E&AD/1-3/2022 dated 20-02-2023.

<sup>30</sup> The Figures and word "1 and 2" substituted with figures and word "3 and 5 by Notification No. SOR VI/E&AD/1-3/2015 dated 19.04.2016

14. **Ad hoc Appointment:-**(1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on ad hoc basis for a period not exceeding <sup>31</sup>[one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding <sup>32</sup>[one year], may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

## PART-V

### PROBATION AND CONFIRMATION

**15. Probation.** ----- (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) On the successful completion of probation period, prescribed in sub-rule (1), the appointing authority may extend the probation for another year by specific order within two months of the expiry of first year of probation period.

(3) In case no specific order of extension of probation period under sub-rule (2), is issued on the expiry of one year within two months, the probation shall stand automatically terminated

(4) In case of extension of probation period, through specific order for another year, under sub-rule (2), the probation shall stand automatically terminated on the completion of extended period.”

16. **Confirmation:-**After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section (3) of Section 6 of the Khyber Pakhtunkhwa Civil Servants Act, 1973.

## PART-VI

### S E N I O R I T Y

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31 The words six months replaced with the words one year vide Notification No. SOR-VI(E&AD)1- 3/08, dated 17-01-2009.

32 The words six months replaced with the words one year vide Notification No.SOR-VI(E&AD)1- 3 /08,dated 17-01-2009.

33 Rule 15 substituted by Notification No.SO(Policies)E&AD/1-3/2017 dated 07.12.2017

17. **Seniority :-**( 1) the seniority inter se of civil servants <sup>34</sup>(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission <sup>35</sup>[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

**Explanation-I:-** If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

**Explanation-II:-** If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

**Explanation-III:-** A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

<sup>36</sup>(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

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<sup>34</sup> Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD) 4-1/80, dated 17-05-1989.

<sup>35</sup> The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

<sup>36</sup> Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

<sup>37</sup>(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior.

**18. General Rules:** - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

**19. Repeal:-** The Khyber Pakhtunkhwa Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.