

**THE SIND GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY**

KARACHI, MONDAY, FEBRUARY 15, 1988

PART I

GOVERNMENT OF SINDH

**HOUSING TOWN PLANNING LOCAL GOVERNMENT
AND RURAL DEVELOPMENT DEPARTMENT**

NOTIFICATION

Karachi, the 24th December, 1987

No.SOHKKA/11-9/84.- In exercise of the powers conferred by section 183 read with section 138 of the Sind Local Government Ordinance, 1979, the Government of Sindh are pleased to make the following rules.

**PART - 1
PRILIMINARY**

1. SHORT TITLE AND COMMENCEMENT:

- (1). These rules may be called the **KARACHI WATER & SWERAGE BOARD EMPLOYEES (GENERAL CONDITIONS OF SERVICE) RULES, 1987:**
- (2). They shall come into force at once.
- (3). These rules shall not apply to casual work-charged staff with less than three year's service and persons employed on contract or on deputation with the Board who will be governed by the terms and conditions of their appointment, or deputation as the case may be.

2. DEFINITIONS:

In these rules, unless there is anything repugnant in the subject or context:-

- (i). **“Appointing authority”** means the authority or officer mentioned in the Karachi Water & Sewerage Board Employees (Appointment, Promotion and Transfer) Rules, 1987;

- (ii). **“Basic pay scale”** means a scale of pay in which a post or group of posts is placed;
- (iii). **“Board”** means the Karachi Water & Sewerage Board;
- (iv). **“Chairman”** means the Chairman of the Board;
- (v). **“Competent authority”** means the authority designated either under the Ordinance or by virtue of delegation or authorization made by the Board to exercise specified powers under these rules;
- (vi). **“Corporation”** means the Karachi Metropolitan Corporation;
- (vii). **“Deputation”** means the temporary transfer on loan of the services of any person from or to the Board to or from any office or Department outside the Board;
- (viii). **“Employee”** means an employee of the Board;
- (ix). **“Foreign service”** means service in which an employee received his pay with the sanction of the Board from any source other than the revenue of the Board;
- (x). **“Head of Department”** means any officer whom the Board declares to be Head of Department for the purpose of these rules;
- (xi). **“Honorarium”** means a recurring or non-recurring payment granted to an employee from general revenues as remuneration for special work of an occasional for intermittent character;
- (xii). **“Lien”** means title of an employee to hold substantively either immediately or on the termination of period or periods of absence, a permanent post including a tenure post to which he has been appointed substantively;
- (xiii). **“Managing Director”** means the Managing Director of the Board;
- (xiv). **“Medical Officer”** means a Medical Officer appointed or authorized by the Board to perform functions under these rules;
- (xv). **“Officiating”** means performing the duties of a post on which another person holds a lien;
- (xvi). **“Ordinance”** means The Sindh Local Government Ordinance, 1979;
- (xvii). **“Pay”** means the amount monthly drawn by an employee as pay and includes technical pay, special pay, personal pay and other emoluments declared by the Board to be pay;
- (xviii). **“Permanent post”** means a post sanctioned without limit of time;
- (xix). **“Personal pay”** means additional pay granted to an employee;

- (a) to save him from a loss substantive pay in respect of a permanent post other than a tenure post due to revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measures; or
 - (b) in exceptional circumstances, on other personal considerations.
- (x) **“Post”** means a post mentioned in the schedule of establishment;
 - (xi) **“Schedule of establishment”** means the schedule of Advisers, Officers and other staff approved by the Corporation under Section 130 of the Ordinance;
 - (xii) **“Special pay”** means an addition of the nature of pay to the emoluments of an employee granted in consideration of;
 - (a) the specially arduous nature of duties;
 - (b) a specific addition to the work or responsibility; or
 - (c) unhealthiness of the locality in which the work is performed.
 - (xiii) **“Technical pay”** means an addition of the nature of pay to the emoluments of an employee granted in consideration of the technical qualifications or technical training abroad, in any recognized University or recognized technical institute in Pakistan, of such employee;
 - (xiv) **“Temporary post”** means a post sanctioned for a limited time;
 - (xv) **“Tenure post”** means a permanent post which may not be held by an employee for more than a limited period;
 - (xvi) **“Time scale”** means the scale of pay in which the pay is, subject to any conditions prescribed in these rules, raised by periodical increment from a minimum to a maximum;

CHAPTER II PAY AND ALLOWANCES AND HONORARIA

Pay and allowances:

- (1). The basic pay scale of various posts shall be as determined by and with the approval of the Government.
- (2) All employees, shall be entitled to such allowances as may, time to time, be allowed by the Board with the approval of the Government.
- (3) An employee shall on first appointment to a post in a time scale draw the minimum of that scale plus admissible allowances unless competent authority for reasons to be recorded fixes his initial pay at a stage in that scale.
- (4) Subject to any exception specially provided in these rules and provisions of sub-rule (5) an employee shall begin to draw the pay & allowances attached to his post with effect from the date when he assumed duties of that post and shall cease to draw them as soon as he ceases charge those duties.

- (5) Persons recruited overseas shall commence to draw pay on first appointment, from such date as may be determined by the competent authority.

Fixation of initial pay:

The initial pay of an employee, who is transferred by promotion or otherwise to another post on a time scale of pay, shall be regarded as follows:-

Where the appointment to the new post:-

- (i) involves the assumption of duties or responsibilities of greater importance than those attached to his previous post, he will draw as initial pay the scale of the time-scale next above his pay in respect of the old post;
- (ii) does not involve the assumption of such duties or responsibilities, he will draw as initial pay, the stage of the time scale which is equal to his pay in respect of the old post, or, if there is no stage next below that pay plus personal pay equal to the difference and in either case will continue to draw the pay until such time as he would have received an increment, in the time-scale of the old post or for the period after which an increment is earned in the time-scale of new post whichever is less but, if the minimum pay of the time scale of the new post is higher than his pay, in respect of the old post he will draw that minimum as initial pay;
- (iii) is made on his own request and the maximum pay in the BPS of the post is less than his pay in respect of the old post he will draw that maximum as initial pay.

5. (1). Charge of pay of a post: The holder of a post the pay of which is charged shall be treated as if he was transferred to a new post on the new pay but he may at his option, retain his old pay until the date on which he earns his next or any subsequent increment in the old scale.

6. Fixation of pay of employee receiving special pay: If an employee in receipt of special pay in a post is transferred to another post, his pay in the new post will be fixed under rule 4 subject to the condition that his pay plus special pay, if any, in the new post is not less than his pay plus special pay in respect of the old-post.

7. Reduction to lower post of penalty: The competent authority may, when ordering the reduction of an employee to a lower post, or time-scale, as a penalty, allow him to draw any pay not exceeding the maximum of the lower post or time scale, which it may think proper.

8. Period and effect of reduction: If an employee is, on account of misconduct or inefficiency, reduced to a lower scale or post or to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and on restoration it shall not operate to postpone future increments.

9. Pay during training: When an employee is treated as on duty during a duty authorized course of training or instruction in Pakistan or abroad, the Board may allow him to draw the pay of his post.

10. Increment:

- (1) An increment shall ordinarily be drawn as a matter of course, unless it is withheld.
- (2) An increment may be withheld from an employee by the competent authority if his conduct has not been good or his work has not been satisfactory.
- (3) In ordering the withholding of an increment, the period for which it is withheld shall be clearly stated; provided that the postponement shall not have the effect of postponing future increment.

11. Service for increment:

- (1) The condition for counting service for increments in a time-scale, shall be as under:-
 - (a) All duty in a post on a time scale and periods of leave other than extraordinary leave shall count for increments in that time scale; provided that the Board shall have power, in any case, in which it is satisfied that the leave was taken on account or for any other cause beyond the employee's control to direct that extraordinary leave shall be counted for increments.
 - (b) Service in another post, whether in a substantive or officiating capacity and service on deputation shall count for increments in the time scale applicable to the post on which the employee holds a lien or would hold a lien had his lien not been suspended.
 - (c) If an employee, while officiating in a post on a time-scale of pay, is appointed to officiate in another post which does not carry less pay than the pay of his original post, his officiating service in that post shall, if he is re-appointed to his original post, count for increment in the time-scale applicable to the original post, the period of such service so counted being restricted to the period during which the employee would have officiated in the original post but for his appointment to the other post. The clause shall also apply to an employee, who was not actually officiating in the original post at the time of his appointment to the other post, but who would have so officiated had he not been appointed to the other post.

12. Subsistence grant: An employee who is placed under suspension shall be entitled to subsistence grant as may from time to time be determined by the Board.

12. Dual charge: If an employee is required on a written order of the competent authority to hold charge of another post in addition to his own duties he shall be allowed special pay at such rates as may be determined by the Board by general or special order subject to the following conditions:-

- (i) The appointment orders are issued prior to the actual date of assuming charge.
- (ii) No special pay will be admissible if the charge of the additional post is held for less than a period of one month.
- (iii) A special pay for such additional charge will not be admissible beyond the period of eight months unless prior approval of the competent authority to relax this period is obtained.

14. Honorarium: The competent authority may grant or permit an employee to have an honorarium as remuneration for work performed which is special in character and is either so laborious or of such special merit as to justify a special reward.

15. Bar on grant of acceptance of honorarium: Except when special reasons, which should be recorded in writing, exist for a departure from this provision sanction to the grant or acceptance of honorarium should not be given unless the work has been done with the prior consent of the competent authority and its amount has been settled in advances.

16. Reemployment of Government pensioners and fixation of their pay:

- (1) A Government or Military pensioner who is in receipt of a retiring pension shall normally not be re-employed in the Board except on public grounds with prior approval of Government.
- (2) In the case of re-employment of Government or Military pensioner in the Board his pay shall be determined in accordance with the orders issued by Government.

PART – III RETIREMENT

17. (1) An employee shall retire from service:-
- (i) on such date after he has completed twenty five years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest, direct; provided that no employee shall be retired unless he has been given opportunity of showing cause or;
 - (ii) where no direction is given under clause (I) on the completion of the sixty years of age.
- (3) An employee on leave prepratory to retirement shall be deemed to be in the service of the Board and be liable to retire on completion of sixty years of his age irrespective of the fact whether such leave has or has not expired.

Explanation: In this rule, “competent authority” means the appointing authority or a person duly authorized by the appointing authority in that behalf, not being a person lower in rank than the employee concerned.

**PART – IV
RE-EMPLOYMENT AND PRIVATE EMPLOYMENT**

- 18. Re-employment:** A retired employee shall not ordinarily be re-employed unless such re-employment is necessary in the public interest and is made with the prior approval of Government.
- 19. Private employment:** An employee may, during leave preparatory to retirement, or after retirement from service, seek any private employment.

Provided that, where employment is sought by an employee while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain prior approval of the appointing authority.

**PART – V
OTHER TERMS AND CONDITIONS OF SERVICE**

- 20. Whole time of employee at the disposal of the Board and observance of rules:**
- (1) Unless in any case it be otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Board and he may be employed in any manner required by the Board without claim for additional remuneration.
 - (2) No employee shall absent himself from his duty nor leave his station without first having obtained the permission of the competent authority.
 - (3) Every employee shall conform to and abide by the rules and regulations of the Board and shall observe, comply with and abide by all orders and directions which may, from time to time, be given by any person under whose jurisdiction, superintendence or control he may be.
- 21. Liability of the employee to serve anywhere:** Every employee shall be liable to serve anywhere in connection with the affairs of the Board.

Provided that, where an employee is recruited to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favorable than those to which he would have been entitled if he had not been so required to serve.

- 22. Lien:**
- (1) Unless his lien is suspended, an employee holding substantively a permanent post retains a lien on that post:-
 - (a) while performing the duties of that post:
 - (b) while on deputation, or holding a temporary post, or officiating in another post;
 - (c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred

- to the new post from the date on which he is relieved of his duties in the old post;
- (d) while on leave; and
 - (e) while under suspension;
- (2) The competent authority shall suspend the lien of an employee on a permanent post, which he holds substantively if he is appointed in a substantive capacity.
- (i) to a tenure post; or
 - (ii) to a permanent post outside the cadre on which he is borne; or
 - (iii) provisionally, to a post on which another employee would hold lien had his lien not been suspended.
- (3) The competent authority may, at its option, suspend the lien of an employee on a permanent post which he holds substantively and where he is deputed out of the Board, or transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if there is reason to believe that he will remain absent from the post on which he holds a lien, for a period of not less than three years.
- (4) Notwithstanding any thing contained in sub-rules (2) and (3) an employee's lien on a tenure post may, in no circumstances, be suspended, but if he is appointed substantively to another permanent post, his lien on the tenure post shall be terminated.
- (5) If any employee's lien on a post is suspended under sub-rule (2) or sub-rule (3) the post may be filled substantively and the employee appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be revised as soon as the suspended lien of the previous employee revives.
- (6) An employee's lien which has been suspended under sub-rule (2) shall revive as soon as he ceases to hold a lien on a post of the nature specified on that sub-rule.
- (7) An employee's lien which has been suspended under sub-rule (3) shall revive as soon as he ceases to be on deputation or to hold a post in another cadre; provided that a suspended lien shall not revive if the employee takes leave and if there is reason to believe that he will on return from leave, continue to be on deputation or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-rule (2).
- (8) Subject to the provisions of rule 23, the competent authority may transfer the lien of an employee who is not performing the duties of the post to which the lien relates to another post in the same cadre even if that lien has been suspended.
- (9) An employee's lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

- (10) In the case of an employee whose lien on a permanent post has been suspended on his appointment in a substantive capacity to a post outside the cadre on which he is borne, the suspended lien may not, except on the written request of the employee concerned, be terminated while the employee remains in the service of the Board.
- (11) Two or more employees shall not be appointed substantively to the same permanent post at the same time.
- (12) An employee shall not be appointed substantively, except as a temporary measure, to two or more permanent posts at the same lien.

23. Transfer:

- (1) An employee may be transferred on post to another equivalent post;
Provided that:-
 - (a) except on account of in efficiency or misbehavior or on his written request, an employees shall not be transferred substantively to, or, appointed, to efficient in, a post carrying less pay than to the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended made sub-rule (2) of rule 22;
 - (b) nothing contained in clause (a) or any other provision of these rules shall operate to prevent the re-transfer of an employee to the position which he would hold a lien, had it not been suspended in accordance with the provision of sub-rule (2) or sub-rule (3) of rule 22.

24. Record of service and confidential report:

- (1) a record of service and a confidential annual report about the work of each employee shall be maintained or as the case may be, recorded in the form and manner specified by the Board.
- (2) An employee shall not have access to his confidential reports; provided that such employee shall be informed of adverse remarks, if any, relating to remedial effect in order to give him an opportunity to explain his position or to correct himself.
- (3) A service book on record containing events relating to the service in the Authority shall be maintained in respect of all employees in such form as may be prescribed by the Board.
- (4) The identification marks of the employee shall be given in the service book/record and a passport size photograph and finger prints of both hands of the employee shall be affixed to the service book/record.
- (5) All entries in the service book/record shall be initialed by the Head of the office concerned.

25. Appointment of convicted person:

No person convicted for an offence involving moral turpitude shall be appointed as an employee.

26. Suspension:

- (1) An employee against whom an investigation for a cognizable offence is pending or who is challenged in a Court of Law on a criminal charge or is in police custody may be placed under suspension if the appointing authority considers it necessary.
- (2) Where an employee is placed under suspension, the appointing authority shall, on the expiry of three months from the date of suspension, place the matter before the next higher authority regarding the advisability of continuing the person under suspension, and the authority may, if it so deems fit, such further period of suspension as it may think necessary and review the case on the expiry of the period so fixed.
- (3) In the case of conviction of an employee he shall be placed under suspension till the question of his further retention in service is finally decided in accordance with these rules.
- (4) If an employee under suspension is acquitted honorably, he shall be reinstated and the period of suspension shall be treated as on duty, and he may in the discretion of the appointing authority be given promotion retrospectively in a higher post from the date he would otherwise have been promoted to such post but for his suspension but he shall not be entitled to the pay of the higher post retrospectively in which he has not actually worked.

Explanation:- When a charge against the accused is dismissed without any suggestion by the Court that the conduct of the accused has been suspicious or any indication that it is merely giving the accused benefit of doubt, the acquittal will be treated as honourable acquittal.

- (5) If an employee is exonerated in a departmental inquiry or acquitted or discharged in a trial in a Court of law either on purely technical ground or on being given benefit of doubt, or otherwise then honorably acquitted on any other ground, his absence on account of suspension, will not be treated as period spent on duty unless the appointing authority, for reasons to be recorded in writing otherwise directs.

27. Reversion to a lower grade:

An employee appointed to a higher post on ad-hoc or on temporary or officiating basis shall be liable to reversion to his lower post or basic pay scale without notice.

28. Termination of service:

- (1) The services of an employee may be terminated without notice:-

- (i) during the initial or extended period of his probation; provided that where the employee is appointed by promotion or, as the case may be, is transferred from one cadre or post to another post or cadre, his service shall not be so terminated so long as he holds lien against his former post in such cadre, but he shall be reverted to his former cadre or post, as the case may be;
 - (ii) on the expiry of the initial or extended period of his probation/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 the cadre, the services of an employee are required to be terminated, the person whose service are terminated shall ordinarily be the one who is the most junior in such cadre or post.
 - (3) Notwithstanding the provisions of sub-rule (1) but subject to the provisions of sub-rule (2) the service of an employee in temporary employment or appointed ad hoc shall be liable to termination on fourteen days notice or pay in lieu thereof.

28. Resignation:

- (1) A permanent employee shall not resign from his post without giving the appointing authority one month's previous notice in writing failing which he shall be liable to pay to the Board a sum equal to his substantive pay for three months.
- (2) The right to recover pay in lieu of notice may be reviewed by the appointing authority.

29. Absence from duty:

Unless the competent authority, in view of any special circumstances of the case, otherwise determines, an employee shall cease to be in the employment after five years absence from duty, elsewhere than on deputation.

30. Employee being unfit for service.

- (1) The competent authority may require an employee to appear before the Medical Officer for medical examination if, in its opinion the employee is suffering from a disease which renders him unfit for the proper and efficient discharge of his duties or from a disease which is communicable and is likely to endanger the health of other employees.
- (2) If the Medical Officer certifies, after examining the employee, that the employee requires a period of absence from duty for the purpose of rest and treatment and that there is reasonable prospect of his recovery, the competent authority may

grant him leave, including extra-ordinary leave, for such period as the Medical Officer recommends under the relevant rules as if the employee had himself applied for the leave.

- (3) If the Medical Officer after examining the employee, certifies that the employee is permanently incapacitated for service, the finding of the Medical Officer shall be communicated to the employee immediately.
- (4) The employee may, within seven days of the receipt by him of the official intimation of the findings of the Medical Officer, apply to the competent authority for a review of his case by a Medical Board and the application shall be accompanied by a fee determined by the Board.
- (5) The competent authority shall then arrange for the convening of a reviewing Medical Board, the personnel of which shall not include the Medical Officer who issued the certificate in the first instance and if the reviewing Medical Board certifies that the employee is permanently incapacitated for further service or the employee fails to apply for review the competent authority may require him to retire from service and may grant him such an amount as may be admissible to him under rules.
- (6) In case the reviewing Medical Board holds that the employee is fit for service he shall be reinstated forthwith and the period of his absence will be treated as duty and the fees deposited by him for getting his case reviewed by Medical Board will be refunded to him.
- (7) If, the reviewing Medical Board certifies that the employee is not fit but there is a reasonable prospect of his recovery the case shall be regulated under the provisions of sub-rule (2) ___ the fees deposited by him for getting his case reviewed shall be refunded.

31. Termination of service:

Service of an employee may cease:-

- (i) by discharge at any stage of a probationary period due to unsatisfactory performance;
- (ii) by termination of service on account of his failure in the prescribed departmental examination for the post, unless exempted therefrom;
- (iii) by resignation to the following:-
 - (a) the resignation will be effected on its acceptance by the competent authority; and in the case of a temporary employee on expiry of fourteen days notice or forfeiture of fourteen days pay in lieu thereof from either side;
 - (b) if a permanent employee leaves service before acceptance of his resignation and without handing over proper charge of his office, he shall be liable to dismissal from service;

- (c) resignation once accepted shall not be withdrawn unless permitted by the competent authority in exceptional circumstances for reasons to be recorded;
- (iv) by retirement on reaching the age of superannuation;
- (v) by compulsory retirement due to permanent disability which in the opinion of the Medical Officer renders him unfit for service;
- (vi) by termination of service or abolition of post;
- (vii) by retrenchment, the junior most employee in a cadre being retrenched first;
- (viii) by removal, dismissal or compulsory retirement from service as a penalty;

33. Appeal:

- (1) Where a right to prefer an appeals or review in respect of any order relating to the terms and conditions of his service is provided to an employee under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.
- (2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, any employee aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order:

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

34. Appointment on contract basis:

The Board may engage any person as adviser, technical expert whole time, part time, on contract basis or otherwise for special job on payment of such remuneration or fees as deemed fit looking to the nature and quantum of work.

35. Application of Government Rules:

All rules relating to pension, commutation of pension, travelling allowances, advances for construction or purchase of house and purchase of conveyance applicable to the civil servants, as amended from time to time, shall mutatis mutandis apply to the employees:

36. Provision for matters not provided:

In all matters not provided for in these rules, or any other rules, the rules applicable to the civil servants shall mutatis mutandis apply to the employees:

Provided that no financial benefits under such rules shall be admissible to an employee unless specifically sanctioned by the Board.

37. Relaxation of Rules:

The Board may with the prior approval of Government for reasons to be recorded in writing relax any provision of these rules in an individual case in such manner as may appear to it to be just and equitable, and where it is satisfied that the strict application of the rules would cause made hardship to the individual concerned.

Provided that no such relaxation shall be made so as to deal with the case of an employee in any manner less favourable to him than that provided in these rules.

Secretary to Government of Sind
Housing, Town Planning &
Local Government Department

**KARACHI WATER & SEWERAGE BOARD
EMPLOYEES (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1987**

GOVERNMENT OF SINDH

**HOUSING, TOWN PLANNING, LOCAL GOVERNMENT
AND RURAL DEVELOPMENT DEPARTMENT**

NOTIFICATION

Karachi dated, the 13th October, 1987

[Sindh Government Gazette, 1987, Part-I, Page 1375]

No.SOI(KDA)11-9/84.- In exercise of the powers conferred by section 103 read with section 138 of the Sindh Local Government Ordinance, 1979, the Government of Sindh are pleased to make the following rules, namely:-

**CHAPTER – I
PART-1 GENERAL**

1. Short title and commencement:

- (1) There rules may be called the **Karachi Water and Sewerage Board Employees (Appointment, Promotion and Transfer) Rules, 1987.**
- (2) They shall come into force at once.
- (3) These rules shall not apply to casual work-charged staff with less than three years service and persons employed on contract or on deputation with the Board, who will be governed by the terms and conditions of their appointment, or deputation, as the case may be.

2. Definition:

In these rules, unless there is anything repugnant in the subject or context:-

- (i) **“ad-hoc appointment”** means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
- (ii) **“Appendix”** means the Appendix to these rules;

- (iii) **“Appointing authority”** in relation to a post means the authority mentioned in rule 6;
 - (iv) **“Basic pay scale”** means a scale of pay in which a post or group of posts is placed;
 - (v) **“Board”** means the Karachi Water and Sewerage Board;
 - (vi) **“Department”** means the Department of the Board;
 - (vii) **“Deputation”** means the temporary transfer on loan of the services of any person from or to the Board or from any office or Department outside the Board;
 - (viii) **“Employees”** means an employee of the Board;
 - (ix) **“Head of Department”** means any officer whom the Board declares to be Head of Department for the purpose of these rules;
 - (x) **“Initial appointment”** means appointment made otherwise than by promotion or transfer;
 - (xi) **“Managing Director”** means the Managing Director of the Board;
 - (xii) **“Promotion Committee”** means a Committee constituted for the purpose of selection for appointment by promotion a transfer to a post;
 - (xiii) **“Selection Committee”** means a Committee for the purpose of making selection for initial appointment to a post;
 - (xiv) **“Service”** means service of the Board.
- (2) The words and expressions used but not defined in these rules shall have the meanings assigned to them in the Karachi Water and Sewerage Board Employees (General Conditions of Service) Rules, 1987.

**PART – II
CADRES**

- 3. Cadre:** There shall be as many cadres in the service and each such cadre shall consist of such posts as may be determined by Government.

**CHAPTER – II
PART-I
METHODS OF APPOINTMENT**

- 4. Appointment to be made under these rules:**

No appointment to a post shall be made except accordance with these rules.

5. Method of appointment:

- (1) Appointment to a post or class of posts shall be made by any of the following methods namely:-
 - (a) by promotion or transfer;
 - (b) by initial appointment.
- (2) The method of appointment and the qualifications and other conditions applicable to a post shall as laid down by the Government.

6. Appointing authority:

- (1) The Board shall be the appointing authority in respect of the posts in basic pay scale 17 and above; provided that appointments to posts in basic pay scales 18 and above shall be made with the approval of Government.
- (2) The Managing Director shall be the appointing authority in respect of the posts in basic pay scales 1 to 16.

7. Delegation of powers:

The Managing Director may, with the approval of the Board, authorize the Head of Department to exercise his powers under rule 6.

8. Selection Committee, Promotion Committee etc.

There shall be one or more Promotion Committees and Selection Committees as may be determined by the Board.

9. Acceptance of the recommendation of the Selection Committee to Promotion Committee:

The appointing authority shall not be bound to accept the recommendations of the Selection Committee or Promotion Committee but the appointing authority shall give reasons for non-acceptance of the recommendations and obtain orders of Government in case the appointing authority is the Board, and in other cases the Board.

**PART – II
INITIAL APPOINTMENT**

10. Initial appointment:

- (1) For initial appointment to a post, the Selection Committee shall make its recommendations on the basis of interview or test held by it in the manner as may be determined by the Board after the vacancies are advertised in newspapers.
- (2) While making recommendations under sub-rule (1), the Selection Committee may also assign position of merit to the candidates so recommended for each vacancy and the vacancy shall be filled in accordance with merit.

11. Qualifications, age limits etc.

- (1) A candidate for initial appointment to a post must possess the educational qualifications and experience and must be within the age limit as laid down for the post.
- (2) Age for the purpose of initial appointment shall be reckoned as on the last date fixed for submission of applications for appointment.
- (3) Every person appointed by initial appointment shall, at the time of appointment, declare the date of his birth with documentary evidence, such as a Matriculation Certificate, or a municipal birth certificate.
- (4) In the absence of any such document, the age of the appointee shall be determined by the appointing authority in consultation with the Chief Medical Officer of the Board.

12. Relaxation of age:

The age limit laid down for appointment to a post may be relaxed by the authorities and up to the extent mentioned in Appendix "A".

13. Nationality and domicile:

- (1) No person shall be appointed to a post unless he is a citizen of Pakistan and domiciled in the province of Sindh provided that this requirement may be relaxed in exceptional cases with the approval of the Government.
- (2) If the domicile declared by an employee and accepted by the appointing authority at the time of entry into service is changed without the approval of the Board he shall be liable to removal from service.

14. Character and Medical Certificate:

No person, not already in the service of Government or statutory body shall be appointed to a post unless:-

- (i) he produces a certificate of character from two responsible persons (non being his relatives) who are well acquainted with such person;
- (ii) after such medical examination as the Board may prescribed he is found to be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties.

PART – III
APPOINTMENT BY PROMOTION OR
TRANSFER

15. Appoint and transfer:

- (1) Appointments by promotion or transfer to posts in basic pay scales 4 and above shall be made on the recommendations of the Promotion Committee.
- (2) Appointment by promotion shall ordinarily be made in basis of seniority-cum-fitness that is the senior most employee in a cadre will be promoted subject to his being fit; provided that in the case of a selection post the promotion will be made on the basis of merit, seniority playing its part only when all other things are equal.
- (3) Persons as possess such qualifications and fulfil the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Promotion Committee:

Provided that no promotion on regular basis shall be made unless the employee has completed such minimum length of service as may be prescribed by Government.
- (4) The post referred to in sub-rule (3) may be filled by the appointing authority in public interest by a suitable person belong to the cadre who is otherwise eligible for promotion on acting charge basis.
- (5) An employee declining to avail of benefit of order of his promotion shall not be considered for promotion for such period as may be specified by the Board.

16. Conditions of transfer:

- (1) Appointments by transfer shall be made from amongst the persons holding appointment on a regular basis in the same basic pay scale in which the posts to be filled exist.
- (2) Appointment by transfer shall be made on a tenure basis for the period specified by the appointing authority which may, from time to time, if necessary, be extended.
- (3) The appointing authority may revert the officer appointed by transfer to his parent Department or original post even before the expiry of the period of his tenure.
- (4) Employees serving in one Department may be transferred to another Department either on their own request or in the exigency of service; provided that in the case of transfer to a Department in which a separate seniority list is maintained if the employee is transferred at his own request, his seniority in new Department will count from the date of his joining that Department and in any other case his seniority in the original Department would not be affected by such transfer.

**PART – IV
AD-HOC APPOINTMENT**

17. Ad-hoc appointment:

When the appointing authority considers it to be in the public interest to fill a post falling within the purview of the Selection Committee urgently, it may pending selection of a candidate by the Selection Committee proceed to fill such post on ad-hoc basis for a period not exceeding six months.

**APPENDIX “A”
(See rule 12)**

S.NO.	Post in basic pay scale	Up to two years	Up to five years	More than five years
1	2	3	4	5
1.	1 to 16	Managing Director	Chairman	Board
2.	17 and above	Chairman	Board	Government

**KARACHI WATER & SEWERAGE BOARD
EMPLOYEES (EFFICIENCY AND DISCIPLINE)
RULES, 1987**

GOVERNMENT OF SINDH

**HOUSING, TOWN PLANNING, LOCAL GOVERNMENT
AND RURAL DEVELOPMENT DEPARTMENT**

NOTIFICATION

Karachi dated, the 13th October, 1987

[Sindh Government Gazette, 1987, Part-I, Page 1375]

No.SOI(KDA)11-9/84.- In exercise of the powers conferred by section 103 read with section 103 of the Sindh Local Government Ordinance, 1979, the Government of Sindh are pleased to make the following rules, namely:

1. Short title, commencement and application:

(1) There rules may be called the **Karachi Water and Sewerage Board Employees (Efficiency and Discipline) Rules, 1987.**

(4) They shall come into force at once and shall apply to all employees wherever they may be:

Provided that the Board may exclude employees of any category or basic pay scale from the operation of these rules.

2. Definitions:

In these rules, unless the context otherwise requires:-

- (i) **“accused”** means an employee against whom action is taken under these rules;
- (ii) **“authority”** means the appointing authority of an employee or authority designed by him to exercise the powers of the authority under these rules;
- (iii) **“authorized officer”** means any person or authority authorized by the authority to perform functions of an authorized officer under these rules;
- (iv) **“Board”** means the Karachi Water and Sewerage Board established under the Ordinance;
- (v) **“Chairman”** means the Chairman of the Board;

- (vi) **“employee”** means an employee of the Board;
- (vii) **“misconduct”** means conduct prejudicial to good order of service discipline or contrary to conduct rules for the time being applicable to an employee or unbecoming of an officer and a gentleman and includes any act on the part of an employee to bring or attempt to bring political or other external influence directly or indirectly to bear on the Government of Board or any of its functionaries in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of an employee; and
- (viii) **“Ordinance”** means the Sindh Local Government Ordinance, 1979;
- (ix) **“Penalty”** means penalty, which may be imposed under these rules.

3. Grounds of penalty:

Where an employee in the opinion of the authority:-

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because-
 - (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - (iii) he has a persistent reputation of being corrupt;
- (d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is therefore prejudicial to national security:-

the authority may impose on him one or more penalties.

4. Penalties:

- (1) The following are the minor and major penalties namely:-

(a) Minor penalties-

- (i) censure;
- (ii) withholding for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;

- (iii) recovery from pay of the whole or any part of pecuniary loss caused to Government or the Board by negligence or breach of orders.

(b) Major penalties-

- (i) reduction for a specific period to a lower post or time scale, or to a lower stage in a time scale;
 - (ii) compulsory retirement;
 - (iii) removal from service; and
 - (iv) dismissal from service.
- (2) Removal from service does not, but dismissal from service does, disqualify for future employment.
- (3) in this rule, removal or dismissal from service does not include the discharge of a person-
- (a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him;
 - (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
 - (c) engaged under a contract, in accordance with the terms of the contract.

5. Powers of authorized officer and authority:

- (1) If in the opinion of the authorized officer, there are sufficient grounds for proceeding against an employee under these rules, he shall take action in accordance with rule 6.
- (2) Notwithstanding anything contained in these rules, the authority may, in any case, exercise all powers of an authorized officer or give any direction to the authorized officer as it may deem fit.

6. Inquiry Procedure:

The following procedure shall be observed when an employee is proceeded against under these rules:-

- (1) In case where an employee is accused of subversion, corruption or misconduct, the authorized officer 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.
- (2) The authorized 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, the procedure in rule 7 shall apply.

- (3) If the authorized officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall-
- (a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and
 - (b) 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.

- (4) 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 authorized officer shall determine whether the charge has been proved and-
- (a) if it is proposed to impose a minor penalty, he shall pass orders accordingly;
 - (b) if it is proposed to impose a major penalty, he shall forward the case to the authority along with the charge sheet, 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, and the authority shall pass such orders as it may deem proper:

Provided that the authorized officer shall, subject to proviso to sub-rule (3), before imposing minor penalty or recommending imposition of major penalty, as the case may be, by notice accompanied by a copy of the inquiry report if any, intimate the accused of the aforesaid penalty and grounds therefor and call upon him to show cause within a fortnight of the notice why the proposed penalty should not be imposed or, as the case may be, recommendation and the reply, if any, to the said notice shall be taken into consideration before imposing or recommending a penalty.

- (5) The orders passed by the authority or the authorized officer shall, along with a copy of the enquiry report, if any, be communicated to the accused within fifteen days of such orders.
- (6) If two or more employees are proceeded against jointly, the authority or authorized officer in respect of the senior most employee amongst them shall be the authority or authorized officer, as the case may be, in respect of all such employees.

7. Procedure to be observed by the Inquiry Officer and Inquiry Committee:

- (1) Where an Inquiry Officer or Inquiry Committee is appointed, the authorized officer shall-

- (a) frame a charge and communicate it to the accused together with a statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.
 - (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) The Inquiry Officer or the Inquiry committee, as the case may be, shall enquire 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 witnesses against him.
- (3) The Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given-
 - (a) it shall not be for more than a week; and
 - (b) the reasons therefor shall be reported forthwith to the authorized officer.
- (4) Where the Inquiry Officer or the 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 enquiry in such manner as he or it thinks best to do substantial justice.
- (5) The Inquiry Officer or the Inquiry Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submits his or its findings and the grounds thereof to the authorized officer.

8. Power of Inquiry Officer and Inquiry Committee:

- (1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters namely:-
 - (a) summoning and enforcing the attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits;
 - (d) issuing commissions for the examination of witnesses or documents.

- (2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Pakistan Penal Code.

9. Rule 6 not to apply in certain cases:

Nothing in rule 6 shall apply to a case-

- (a) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by the authority, it is not reasonably practicable to give the accused an opportunity of showing cause;
- (b) where the accused has been convicted by a court and sentenced to imprisonment or fine on charge(s) involving moral turpitude, in which case the authority referred to in clause (a) shall on receipt of intimation of the conviction, make an order dismissing or removing the accused from service, or reducing him in rank, as it deems fit; provided that in case of conviction on charge(s) of corruption the accused shall be dismissed from service.

10. Treating leave or suspension as duty on reinstatement:

If an employee who proceeds on leave or is suspended under these rules is exonerated of the charge of charges or no action has been taken against him, he shall be reinstated in service and the period of leave or, as the case may be, suspension shall be treated as duty.

11. Procedure of inquiry against officers lent other Government of Authority:

- (1) Where the services of an employee to whom these rules apply are lent to Government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of intimating proceedings against him under these rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent his service, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be:

Provided further that the borrowing authority shall obtain prior approval of the Board before taking any action under these rules against a holder of a post in basic pay scale 18 or above.

- (3) If, in the light of the findings in the proceedings taken against the employee in terms of sub-rule (1), the borrowing authority is of opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

12. Appeal:

- (1) Subject to sub-rule (2) an employee aggrieved by an order of the authorized officer of authority may, within thirty days from the date of the order appeal to the officer or the authority next above under whom the officer making the order is working.
- (2) Where the penalty is imposed by order of Government there shall be no appeal but the employee may apply for review of the orders.

EXPLANATION:-

For the purpose of this sub-rule the period of thirty days shall be reckoned with effect from the day following the day on which the order appealed against is communicated to the employee.

- (3) Government or the appellate authority shall, on receipt of the appeal or review petition call for the record of the case from the authorized officer or the authority, as the case may be, and after perusal of such record and if considered necessary hearing the appellant and the representative of the authorized officer or the authority, as the case may be, make such order as it may deem fit:

Provided that if the appellate authority or Government proposes to enhance the penalty, it shall give the appellant or petitioner reasonable opportunity to show-cause against the proposed enhancement.

13. Correctness or propriety of a finding:

- (1) Government in the case of employees in respect of whom it is appointing authority and the Chairman in other cases may call for and examine the record of any proceedings under these rules for the purpose of satisfying itself or himself as to the correctness, or propriety of any finding, penalty or order in, irregularity of, such proceedings.
- (2) After examining the record under sub-rule (1) Government or the Chairman, as the case may be, direct further inquiry into the charges from which the employee has been exonerated, or may exercise any power of appellate authority:

Provided that an order made under this rule, if prejudicial to the employee shall not be passed unless he has been given reasonable opportunity of showing cause:

Provided further that an order-imposing penalty shall not be revised after the period of three months from the date of its communication to the employee if no appeal is preferred.

- (3) No proceedings under this rule shall be entertained at the instance of the employee who has not filed the appeal.

14. Appearance of lawyers:

No party shall be represented by a lawyer in any proceedings under these rules.

**KARACHI WATER & SEWERAGE BOARD
EMPLOYEES (PROMOTION, CONFIRMATION
AND SENIORITY), RULES, 1987**

GOVERNMENT OF SINDH

**HOUSING, TOWN PLANNING, LOCAL GOVERNMENT
AND RURAL DEVELOPMENT DEPARTMENT**

NOTIFICATION

Karachi dated, the 13th October, 1987

[Sindh Government Gazette, 1987, Part-I, Page 1391]

No.SOI(KDA)11-9/84.- In exercise of the powers conferred by section 103 read with section 138 of the Sindh Local Government Ordinance, 1979, the Government of Sindh are pleased to make the following rules, namely:

**PART – I
GENERAL**

1. Short title and commencement:

- (1) There rules may be called the **Karachi Water and Sewerage Board Employees (Probation, Confirmation and Seniority) Rules, 1987.**
- (2) They shall come into force at once.

2. Definitions:

In these rules, unless there is anything repugnant in the subject or context:-

- (x) **“Board”** means Karachi Water and Sewerage Board;
- (xi) **“Confirmation”** means the declaration of an employee as permanent on a permanent post;
- (xii) **“employee”** means any employee of the Board;
- (xiii) **“Lien”** means title of an employee to hold substantively permanent post including the tenure post on which he has been appointed substantively;

- (3) Words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Karachi Water and Sewerage Board Employees (General Conditions of Service) Rules, 1987.

**PART – II
PROBATION**

3. Probation:

- (1) A person appointed to a post by initial appointment shall be on probation for two years and a person appointed otherwise may, if the appointing authority so directs, be on probation for one year.

EXPLANATION:-

Service on deputation to an equivalent or higher post shall count towards the period of probation.

- (2) The appointing authority may, for reasons to be recorded in writing, curtail the period of probation.

4. Work and conduct:

If the work and conduct of an employee during the period of probation has been found unsatisfactory, the appointing authority may, notwithstanding that the period of probation has not expired-

- (a) if the employee has been appointed by initial appointment, dispense with his services without notice; or
- (b) if he has been appointed otherwise, revert him to his former post, or, if there be no such post, dispense with his services.

5. If the work or conduct of an employee, on completion of the period of probation, is found unsatisfactory, the appointing authority may:-

- (a) in case the employee has been appointed by initial appointment dispense with his services without notice; or
- (b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post dispense with his service; or
- (c) extend the period of probation by an additional period of not more than one year at a time and not more than two years in all.

6. (1) Subject to the provisions of sub-rule (2)-

- (a) on completion of the period of probation by an employee, if his work or conduct has not been found unsatisfactory, the appointing authority may pass orders declaring that he has completed his probationary period satisfactorily;

- (b) if no such orders have been made by the appointing authority by the day following the completion by the employee of the initial period of probation, the said period shall be deemed to have been extended by two years, unless specially terminated earlier by the appointing authority on receipt of a satisfactory performance report regarding the employee from the concerned officer;
 - (c) if no order has been made by the date on which the maximum additional period of probation expires, the employee's probationary period shall be deemed to have been terminated with effect from the date on which the period of probation was last extended or deemed to have been so extended.
- (2) (a) No person shall be declared to have completed the probation period satisfactorily, unless he successfully completes such training and passes such departmental examination as may be prescribed by the Board.
- (b) If the holder of a post fails to complete successfully any training or to pass any departmental examination within such period or in such number of attempts as may be prescribed by the Board the appointing authority may:-
- (i) in case he has been appointed by initial appointment dispense with his services; or
 - (ii) in case he has been appointed otherwise revert him to his prior post and/or if there be no such post dispense with his services.

PART – III CONFIRMATION

7. Confirmation:

- (1) A person appointed on probation shall on satisfactory completion of his probation, be eligible for confirmation in a post.
- (2) An employee promoted to a post on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.
- (3) There shall be no confirmation against any temporary post.
- (4) An employee who, during the period of his service, was eligible to be confirmed against any post retires from service before being confirmed shall not, merely by person of such retirement, be refused confirmation in such post or any benefits accruing therefrom.
- (5) Confirmation of an employee in a post shall take effect from the date of occurrence of permanent vacancy in that post or from the date of continuous officiating, in such post, whichever is later.

8. Confirmation in order of seniority:

Confirmation of an employee shall be made in the order of seniority in a permanent post of which no other employee holds any lien.

9. Eligibility of confirmation:

An employee eligible for confirmation in more than one post shall be confirmed first in the lower post and then in the higher post from the dates he is due for confirmation in such posts.

10. Bar on deferment of confirmation:

If an employee becomes due for confirmation, his confirmation shall not be deferred unless a disciplinary action is pending against him or the appointing authority for reasons to be recorded in writing defers his confirmation:

Provided that if during the deferment of the confirmation of an employee his junior becomes due for confirmation, the post in which such senior employee is due for confirmation shall be kept vacant and the junior employee shall be confirmed in the next available post.

11. Termination of lien:

On confirmation of an employee in a post, his lien, if any, on any other post shall stand terminated.

12. Suspension of revival of lien:

No employee who holds a lien on any post in the Board shall be confirmed in any post in any other department or organization unless his consent and the consent of the Board where he holds such lien, has been obtained in writing.

13. Bar on confirmation:

Two or more employees shall not be appointed substantively to the same permanent post at the same time.

**PART – IV
SENIORITY**

14. Seniority:

- (1) For proper administration of a cadre or post the appointing authority shall cause a seniority list of the members for the time being of such cadre or post to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such cadre or post.
- (2) Seniority in the cadre or post to which an employee is promoted shall take effect from the date of regular appointment to a post in that cadre or scale:

Provided that the employees who are selected for promotion to a higher cadre or post in one batch shall, on their promotion to the higher scale, retain their inter se seniority as in the lower post.

- (3) On amalgamation of two or more cadres the seniority of each incumbent of the various posts in the amalgamated cadres will count from the date of his regular continuous appointment to such post.

15. Preparation of Seniority List:

- (1) In each cadre there shall be a separate seniority list of a group of employees doing similar duties and performing similar functions and for whose appointment same qualifications and experience have been laid down.
- (2) The appointing authority shall, in the month of January every year, cause to be prepared, or, as the case may be, revise the seniority list under sub-rule (1).
- (3) The seniority of an employee shall be reckoned from the date of his regular appointment.
- (4) No appointment made on ad-hoc basis shall be regularized retrospectively.

16. Inter se Seniority:

Inter-se seniority of employees appointed in a batch or on the same date shall be determined-

- (a) in the case of persons appointed by initial recruitment, in the order of merit assigned by the selection authority, and if such authority is either not competent to assign such order of merit or has omitted to do so and is unable to overcome the omission for reasons beyond its control, the seniority shall be determined by the appointing authority:

Provided that a person selected in an earlier selection shall rank senior to a person selected in a later selection;

- (b) in the case of persons appointed by promotion on the basis of their inter-se seniority in the lower post;
- (c) in the case of persons appointed by initial recruitment vis-à-vis persons appointed by promotion, on the basis that the persons appointed by promotion shall rank senior to the persons appointed by initial recruitment;
- (d) in the case of persons not covered by clause (a) to (c), on the basis that persons older in age shall rank senior to persons younger to age.

17. Seniority on Transfer:

If an appointment is made by transfer-

- (a) a person appointed otherwise than on his own request shall, for the purpose of determining his seniority, be given the benefit of his regular service in other post or posts held by him before his transfer and appointment to the new post:

Provided that if the regular appointment is made in a batch or on the same day the older in age shall rank senior to the younger in age;

- (b) a person appointed on his own request shall rank junior to all other persons appointed before him on the regular basis;
- (c) the inter-se seniority of persons appointed on their request in the same batch or on the same day shall be determined in accordance with their respective dates of regular appointment in the posts held by them before their transfer and appointment to the new posts; provided that if the dates of the regular appointment in such other posts are same, the older in age shall rank senior to the younger in age.

18. Seniority of employees not promoted on turn:

- (1) An employee, who is not promoted on his turn on the ground that-
 - (i) his seniority is under dispute or is not determined; or
 - (ii) he is on deputation, training or leave; or
 - (iii) disciplinary proceedings are pending against him; or
 - (iv) he is not considered for promotion for any reason other than his unfitness for promotion.

Shall, on subsequent promotion, subject to any order made by the competent authority in this behalf for the purpose of inter-se seniority in the higher grade, be deemed to have been promoted in the same batch as his juniors.

- (2) An employee declining to avail of benefit of order of his promotion shall on his subsequent promotion, rank junior, in the higher grade, to those who may have been promoted earlier as a result of his having declined to avail of the benefit of such promotion.

**THE SIND GOVERNMENT GAZETTE
PUBLISHED BY AUTHORITY**

KARACHI, MONDAY, FEBRUARY 15, 1988

PART I

GOVERNMENT OF SINDH

NOTIFICATION

Karachi, the 23rd April, 1996

No.PAS/Legis-B-6/96-. The Karachi Water and Sewerage Board Bill, 1996 having been passed by the Provincial Assembly of Sindh on 15th April, 1996 and assented to by the Governor of Sindh on 23rd April 1996 is hereby published as an Act of the Legislature of Sindh.

**THE KARACHI WATER AND SEWERAGE BOARD
ACT, 1996**

SINDH ACT NO. X OF 1996

(First published after having received the assent of the Governor of Sindh in the Gazette of Sindh (Extra-Ordinary) dated 24th April, 1996)

**AN
ACT**

To provide for the establishment of a Board for supply of water and Disposal of sewerage in the Karachi Division.

PREAMBLE

WHEREAS it is expedient to provide for the establishment of a Board for supply of water and disposal of sewerage in the Karachi Division;

It is hereby enacted as follows:-

**CHAPTER – I
PRELIMINARY**

1. Short title and commencement:

(1) This Act may be called the **Karachi Water and Sewerage Board Act, 1996**

- (2) It shall come into force at once.

2. Definitions:

In this Act unless there is any thing repugnant in the subject or context,

- (a) **“Authority”** means the Karachi Development Authority established under President’s Order No.V of 1957;
- (b) **“Board”** means the Karachi Water and Sewerage Board established under Section 3;
- (c) **“Chairman”** means the Chairman of the Board;
- (d) **“Corporation”** means the Karachi Metropolitan Corporation;
- (e) **“Government”** means the Government of Sindh;
- (f) **“Managing Director”** means the Managing Director of the Board and includes any persons discharging the duties of the Managing Director for the time being;
- (g) **“Member”** means the member of the Board and includes its Chairman and Vice Chairman; and
- (h) **“Prescribed”** means prescribed by rules or regulations made under this Act.

CHAPTER – II
CONSTITUTION OF THE BOARD

3. Establishment of Board:

- (1) There shall be established a Board called the Karachi Water & Sewerage Board for carrying out the purposes of this Act.
- (2) The Board shall be a body corporate, having perpetual succession and common seal with power subject to the provisions of this Act to acquire and hold property, both movable and immovable, and may be the said name sue and be sued.
- (3) The Jurisdiction of the Board shall extend to the limits of the Corporation and such areas outside the limits as may be notified by the Government.

4. Constitution of the Board:

- (1) The Board shall consist of a Chairman, and a Vice Chairman appointed by Government and the following members:-
1. Additional Chief Secretary (Development)
 2. Secretary, Local Government Department
 3. Secretary, Industries Department.
 4. Secretary, Finance Department.

5. Secretary, Housing, Town Planning Department
 6. Mayors of the Karachi Metropolitan Corporation and District Municipal Corporation.
 7. Chairman, District Council Karachi.
 8. Chairman, Karachi Port Trust
 9. Chairman, Karachi Electric Supply Corporation
 10. President, Karachi Chamber of Commerce and Industries.
 11. Managing Director, KW&SB.
 12. Deputy Director, Military Lands & Cantonment, Karachi.
 13. Chairman, Defence Housing Authority, Karachi.
 14. Divisional Superintendent, Pakistan Railways, Karachi.
 15. Any other person nominated by Government.
- (2) Government may at any time by notification change the Constitution of the Board.
- (3) A non-official member appointed by Government shall hold office at pleasure of Government unless he is removed or has resigned earlier by addressing a letter to Government.
- (4) There shall be a Secretary of the Board, who shall be appointed by Government on such terms and conditions as it may determine.
- (5) Subject to the general control of the Managing Director the Secretary shall exercise such powers and perform such functions as may be prescribed by regulations or assigned by the Board.

CHAPTER – III

APPOINTMENT POWERS AND FUNCTIONS OF THE MANAGING DIRECTOR

5. Managing Director:

- (1) The Managing Director shall be appointed by Government on such terms and conditions as it may determine.
- (2) The Managing Director shall be the Chief Executive of the Board.
- (3) Subject to the general control of the Chairman the Managing Director shall:-
 - (a) exercise the financial powers mentioned in Appendix “A”.
 - (b) prepare and submit, with the approval of the Board, annual budget or revised budget to Government;
 - (c) submit audit reports to Government and take prompt steps to remove any irregularity pointed out by the auditor;

- (d) supervise and control the acts and proceedings of the employees of the Board under this Act;
 - (e) furnish to Government or such other officer as Government may, from time to time, nominate in this behalf, a copy of every resolution passed at a meeting of the Board;
 - (f) supply any return, statement, account or report or a copy of any document in his charge, called by a Committee or sub-committee set up by the Board and shall comply with any orders passed by the Board or committee or sub-committee in accordance with the provisions of this Act.
 - (g) Report to Government, Chairman and the Board all cases of fraud embezzlement, theft, or loss of money or property;
 - (h) Perform such other functions and exercise such other powers as may, from time to time be assigned by the Board.
- (4) Subject to such limitations as may be laid down by the Board, the Managing Director, may delegate any of his powers to any officer or employee of the Board.

CHAPTER – IV

6. Powers and functions of the Chairman of the Board:

- (1) Subject to sub-section (2), the Chairman shall exercise the following powers:
 - (a) unless prevented by reasonable cause, preside at all meetings of the Board;
 - (b) watch over the financial and executive administration of the Board and perform such executive functions as are assigned to him by or under this Act.
 - (c) act on behalf of the Board in any emergency subject to obligation to report such action to the Board at its next meeting and to seek the Board's ratification of the action so taken.
- (3) When the Chairman by reasons of absence from Pakistan or any other cause, is unable to exercise his powers and perform his functions, the Vice Chairman shall unless, Government may by notification entrust the duties of the Chairman to some other person, exercise powers and perform functions of the Chairman.
- (4) The Chairman shall exercise the financial powers mentioned in Appendix "B".

CHAPTER – V

7. Powers and functions of the Board

The Board shall:-

- (i) sanction in the manner and on payment of fees as may be prescribed by regulations:-
 - (a) water connections,
 - (b) water supply to tankers; and
 - (c) sewerage connection.
- (ii) Levy, collect or recover rates, charges of fees for water supply and sewerage service, including arrears thereof;
- (iii) have the power to reduce, suspend or disconnect the water supply in the event of contravention of the provisions of this Act for regulations;
- (iv) have the power to impose surcharge, not exceeding double the amount due, if rates, charges or fees for water supply or sewerage service or the arrears thereof are not paid within the time fixed by the Board;
- (v) have full financial powers within the budget grant;
- (vi) make regulations with the approval of the Government;
- (vii) undertake construction, improvement, maintenance and operation of:-
 - (a) water works including wells and recharge facilities for collecting, purifying, pumping, storing and distributing water to all types of consumers;
 - (b) sewerage works for collecting, pumping, treating and disposing of sewerage and industrial waste;
- (viii) assess the position of water supply from time to time and regulate water supply;
- (ix) review the existing schemes or prepare new schemes relating to water works and sewerage works and undertake execution thereof with the approval of the Government;
- (x) regulate, control or inspect water connections, sewer lines and service lines including internal fittings;
- (xi) maintain accounts and records of the Board;
- (xii) prepare and submit to Government schedule of water and sewerage tariff, rates, charges or fees to be levied by it;
- (xiii) prepare and revise schedule of posts for the Board and submit it to the Government for approval;
- (xiv) produce and supply potable water;

- (xv) place, maintain aqueducts, conduits, sewers etc.

CHAPTER – VI

8. Powers of the Government

- (1) The budget of the Board, annual or revised shall be sanctioned by Government.
- (2) The annual budget shall be submitted to Government, at least sixty days before the commencement of the financial year.
- (3) Government shall, within thirty days of the receipt of the budget, approve it with or without modifications and convey the approval to the Board and if no approval is conveyed as aforesaid, the budget so submitted shall be deemed to have been approved by Government without any modification.
- (4) Government shall, sanction with or without modification schedule of water and sewerage tariff, rates, charges or fees to be levied for the supply of water and maintenance of sewerage service, within ninety days of its submission.
- (5) Government may approve any scheme submitted to it in respect of water supply and sewerage with or without modification or reject it.
- (6) Government may raise long or short term loans including foreign exchange loans for the Board.
- (7) Government may give aid or make grant to the Board.
- (8) Government may approve schedule of advisors, officers and other staff for the Board.

CHAPTER – VII

9. Supply of water and execution of Schemes

- (1) The Board shall be responsible for bulk production of potable water and its distribution in accordance with the provisions of this Act.
- (2) The Board shall ensure that the water supplied by it is duly filtered, treated and tested and is fit for human consumption.
- (3) The Board shall arrange retail distribution of water within its jurisdiction excluding the areas receiving water supply through constituent Bodies.
- (4) The Board may, subject to availability, supply water to any person or authority in the area or areas notified under this Act.

- (5) The Board shall continue to make bulk water supply to the constituent Bodies at such rates and subject to such terms and conditions as may be determined by the Board.
- (6) A Standing Committee consisting of the chairman or his nominee, Commissioner Karachi Division and the Managing Director shall allocate and determine quantity of water to be supplied to each constituent Body;

Provided that until such terms and conditions or quantity of water is determined, the Board shall continue the bulk water supply according to the arrangements existing immediately before the commencement of this Act.

- (7) If the Board does not accept the decision of the Standing Committee, the Managing Director shall report the matter to Government for appropriate orders and the orders issued by the Government shall be complied with by the Board.

Explanation:- The term “**Constituent Bodies**” shall mean and include the Authority, Karachi Port Trust, Cantonment Board of Karachi, Sindh Industrial & Trading Estate, Karachi, Pakistan Steel Mills Corporation, Defence Services or any other body or organization notified by Government.

- (8) Until otherwise notified by Government, the Authority shall continue to execute the Hub Dam Water Supply Stage I and phase IV of the Greater Karachi Bulk Water Supply Stage I and Sewerage Disposal Projects.
- (9) The Board or any person authorized by it shall have right to place and maintain aqueducts, conduits and lines of mains, drains, sewers or pipes, over, under, along or across any immovable property without acquiring such property, and to enter on such property for the purpose of examining, repairing, altering or removing any aqueducts, conduits or lines of mains, sewers or pipes;

Provided that the Board shall not, except as otherwise required under this Act acquire any right other than the right as aforesaid.

- (10) The right conferred by sub-section (1) shall not be exercisable in respect of any property vested in or under the control or management of the Federal Government or any Provincial Government or any Local authority or Railway Administration save with the prior permission of such Government or local authority or Railway Administration;

Provided that such permission shall not be necessary if any repair, replacement, removal or improvement in connection with water and sanitation works is required to be made urgently in order to maintain the service without interruption or for averting danger to human life or property.

- (11) The Board or any person authorized by it shall, while exercising the right under the section, cause as little damage and inconvenience as possible; and if any damage or inconvenience is actually caused, a reasonable compensation as may be determined by the Board or by a person appointed by it in this behalf shall be paid for such damages or inconveniences.

CHAPTER – VIII

10. FINANCES:

- (1) There shall be established, by Government, a separate fund for the Board known as the Karachi Water and Sewerage Fund.
- (2) The Karachi Metropolitan Corporation shall contribute to the fund an amount as Government may fix but such amount shall not be more than ten percent of the total annual revenue income of the Corporation; provided that Government may by notification change the amount payable by the Corporation.
- (3) The fund shall include:-
 - (a) collection of water and sewerage charges, rates or fees payable to the Board;
 - (b) grants made and aids given to the Board;
 - (c) loans raised or obtained for the Board.
 - (d) All other sums that may be received by the Board.
- (4) The fund shall be operated by the Board.
- (5) The sums credited to the fund shall be deposited in such banks as may be approved by Government.
- (6) The fund may be invested by the Board in any security of the Federal Government or the Provincial Government or in any other security approved by Government.
- (7) Accounts and record of the Board shall be maintained in the manner as may be prescribed by regulations.
- (8) Accounts of the Board shall be audited annually within six months of the expiry of financial year by the Auditor General of Pakistan or his nominee.
- (9) The pre-audit of income and expenditure of the Board shall be done by the Auditors of Local Fund Audit Department under Municipal Fund (Audit Rules), 1964.
- (10) A statement the audited accounts, together with audit report shall be submitted to Government by the Managing Director, and if any orders are made in respect thereto, the Board shall comply with such orders.

CHAPTER – IX

11. Employees of the Board:

- (1) Appointment to the posts in the approved schedule may be made in the manner and on the terms and conditions as may be prescribed.
- (2) Employees of the existing Karachi Water and Sewerage Board including the employees of the Development Authority and Karachi Metropolitan Corporation and the Karachi Water Management Board absorbed and working in the Board may be transferred to serve under the newly created Board as Government may direct and on such terms and conditions as may be determined by Government;

Provided that such terms and conditions shall not be less favourable than those admissible to such employees immediately before such transfer;

Provided further that the employees so transferred shall, until the terms and conditions of service are determined under this Act, continue to be governed by the same terms and conditions as were admissible to them immediately before such transfer.
- (3) Pension, gratuity and other service benefits admissible to the employee referred to in sub-section (2) who retired or died before the commencement of this Act shall be the responsibility of the new Board.

CHAPTER – X MISCELLANEOUS

1. Meeting of the Board:

- (1) All decisions of the Board shall be taken in its meetings by the majority.
- (2) Meeting of the Board shall be held in such manner and at such time and place as may be prescribed by regulations, provided that until the regulations are framed, the meetings shall be held as directed by the Chairman.
- (3) No acts or proceedings of the Board shall be invalid merely by reason of any vacancy in or any defect in the constitution of the Board.
- (4) The Board may, by general or special order and subject to such conditions as the Board may impose, delegate to the Chairman, Managing Director or its officers or employees its powers or functions.

2. Appeal:

- (1) An appeal shall lie to:
 - (a) Government from a decision of the Board or Chairman;
 - (b) the Chairman from a decision of the Managing Director or any other officer subordinate to the Chairman.
- (2) The appeal or review petition shall be heard and disposed in such manner as may be prescribed.

3. Penalty:

Where any person:-

- (a) willfully obstructs the setting out of any line or any works, or pulls up or removes any pillar, post or stake fixed in the ground for the purpose of setting out the line of such works or defaces or destroys any works made for that purpose; or
- (b) willfully or negligently breaks, injures or opens any lock, dock, valve, pipe or other water or sewerage work belonging to Government; or
- (c) willfully obstructs the flow of, draws off diverts or takes water from any water works belonging to the Government or any sources of water which feeds such water works; or
- (d) unlawfully breaks or damages any electrical transmission on lines for water and sewerage works maintained by Government; or
- (e) obstructs any officer or servant of the Board in the discharge of his duties under this Act or refuses or willfully neglects to furnish him, upon his request, necessary access for making any entry, inspection, examination or inquiry in relation to any water or sewerage works; or
- (f) bathes in, at or upon any water works or washes, throws or causes enter therein any animals or throws any rubbish or other offensive matter into any water works or washes or cleans therein any cloth, wool, leather or skin or any animal or causes the water of any sink, sewer or drain or any steam engine, boiler or any other dirty water to return or be brought in to any water works or does any other act whereby the water in any water works is fouled or likely to be fouled, he shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.

15. Rules:

Government may make rules of carrying out the purposes of this Act.

16. Regulations:

- (1) Subject to the provisions of this act and the rules the Board may, with the approval of Government, make regulations for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for-
 - (j) the meetings of the Board and conduct of business in such meetings;
 - (ii) procedure for applying for water and sewerage connections including payment of fee for making application in this behalf;

- (iii) regulation, control or inspection of private sewers, water connections, service lines including internal fittings;
- (iv) procedure for levying collecting rates, fees for charges for water supply and sewerage service and imposing surcharge in case of any default made in payment thereof;
- (v) grant of licenses and permissions under this Act.
- (vi) Any other matter required to be prescribed by regulations under this Act.

17. Indemnity:

No suit or legal proceedings shall lie against Government, Board or any member, officer or employee of the Board in respect of any thing done or intended to be done, in good faith, under the Act or rules or regulations framed thereunder;

18. Remove of differences:

Where any difficulty arises within twelve months of the coming into force of this Act, as to the implementation of any of the provisions of this Act, Government may give appropriate directions for removal of such difficulty.

19. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in the Sindh Local Government Ordinance or any other law for the time being in force.

20. Repeal:

- (1) Section 121 to 147 contained in Chapter XVI of the Sindh Local Government Ordinance 1979 are hereby repealed.
- (2) Notwithstanding the aforesaid repealed:-
 - (i) all properties, movable and immovable, including all water works and installations held by the existing Karachi Water and Sewerage Board (hereinafter referred to as the old Board) shall vest in the new Board;
 - (ii) all sums due to the old Board shall be paid to and recoverable by the new Board;
 - (iii) all debts and liabilities incurred by the old Board shall be the liability of the new Board;
 - (iv) all contracts entered into or rights acquired by the old Board shall be deemed to have been entered into, acquired by the new Board;
 - (v) everything done, orders issued, powers delegated, approval accorded, persons appointed, water charges and surcharge levied, actions taken by the old Board shall, if not inconsistent with the provisions of this Act, continue to be in force and be deemed to have been done, issued

delegated, accorded, appointed, levied, taken, conferred or made under this Act;

- (vi) All suits and other legal proceedings instituted by or against the old Board before the coming into force of this Act may be continued by or against the new Board;

APPENDIX “A”
(See Section 5)

Financial powers of the Managing Director of the Board.

S.NO.	NATURE OF POWER	EXTENT OF POWER
1	2	3
1	Technical sanction in respect of works.	Full powers.
2	Sanction and acceptance of tenders for works by contract.	Up to Rs.25.0 lacs.
3	Sanction of amount in excess of the sanctioned estimates.	Up to 5%
4	Purchasing powers.	Up to Rs.2.5 lacs
5	Contingency.	Full powers.
6	Emergency works.	As provided in para 58 of the CPWD Code.

APPENDIX “B”
(See Section 6)

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Financial powers of the Chairman of the Board.

S.NO.	NATURE OF POWER	EXTENT OF POWER
1	2	3
1.	Sanction and acceptance of tenders for works by contract.	Up to Rs.5.0 lacs.
2.	Sanction of amount in excess of the sanctioned estimates.	Up to 10%
3.	Purchasing powers.	Up to Rs.5.0 lacs
4.	Contingency.	Full powers.
5.	Emergency works.	Section 6(1)(c)

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

KADIR BAKHSH UMRANI
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

**HOUSING, TOWN PLANNING, LOCAL GOVERNMENT
AND RURAL DEVELOPMENT DEPARTMENT**

NOTIFICATION

Karachi, the 16th April 1980.
(Sind Government Gazette, 1980, Part IV-A, page 11)

No.OSD/Elect/LG/Contractor-50-79.- In exercise of the powers conferred by section 103 of the Sind Local Government Ordinance, 1979 read with section 45 thereof, the Government of Sindh is pleased to make the following rules:-

THE SIND COUNCILS (CONTRACT) RULES, 1980

1. Short title and commencement:

- (1) These rules may be called the Sind Councils (Contract) Rules, 1980.
- (2) They shall come into force at once.

2. Definitions:

In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) “**Authority**” means the Mayor or Chairman and includes any other Officer of the Council specially authorized by it;
- (b) “**Contractor**” means a person entering into a contract with a Council, and shall include a person submitting a tender under rule 7;
- (c) “**Ordinance**” means the Sind Local Government Ordinance, 1979;
- (d) “**Schedule**” means a Schedule annexed to these rules, and
- (e) “**Section**” means a section of the Ordinance.

3. Authority to make contracts:

- (1) Subject to the provisions of the Ordinance, all contracts including any modification thereof shall be made on behalf of a Council by the Authority.
- (2) No contract exceeding the value specified in column 2 of the First Schedule against the Council specified in column 1 thereof shall be made without the prior approval of the Council.

4. Manner of making contract:

- (1) A deed of contract specifying the terms and conditions of every contract shall be drawn under the instructions of the Mayor or Chairman and in consultation with the Legal Adviser of the Council.
- (2) All contracts shall be signed by the authority and shall be attested by two witnesses and shall bear the seal of the Council.
- (3) All contracts shall be written on a stamped paper of the appropriate value and shall, where necessary, be registered under the law for the time being in force for the registration of documents.
- (4) All contracts shall be recorded in a Contract Register to be maintained in form "C" in the Second Schedule.

5. Personal responsibility of the authority:

The authority shall be personally responsible for ensuring that:-

- (j) the contract is made without coercion, undue influence, fraud or misrepresentation of parties;
- (ii) the parties are competent to make the contract;
- (iii) the contract does not involve any favoritism;
- (iv) no official or member of the Council is directly or indirectly interested in the contract except with the sanction of the Government;
- (v) the contract is in the best interest of the Council and in making it full advantage has been taken of the competitive rates prevailing in the market; and

6. Tenders when to be invited:

- (1) Subject to the provisions of sub-rule (3), the authority shall, at least seven days before entering into a contract involving an expenditure exceeding the amount specified against each Council in the Third Schedule, give a public notice in a newspaper inviting tenders for such contract and may, subject to the provisions of the Ordinance, accept any of the tenders so made which appears to be most advantageous.
- (2) Subject to sub-rule (3) a public notice in respect of the tenders other than those referred to in sub-rule (1), shall be pasted or affixed at a conspicuous place at the office of the Council.
- (3) The Council may, in the case where the question of securing competitive prices or rates is not involved, authorize the authority to enter into a contract without inviting tenders.

7. Provisions as to tenders:

- (1) No tender shall be deemed to be valid unless-

- (a) it is sealed;
 - (b) in the case of a tender submitted by a firm, it is signed by each member of the firm or a person holding a power of attorney on their behalf, and
 - (c) it is accompanied by an earnest-money equal to two percentum of the amount of the tender, in cash, or in any other manner specified by the Council; provided that the Council may, in special cases and for reasons to be recorded in writing, waive the condition of the earnest money.
- (2) All tenders shall be opened by the authority at the time and place specified in the public notice issued under rule 6 in the presence of such contractors as may be present and the authority shall affix his initials and date on every tender as opened.

8. Security for performance of contracts:

- (1) When a tender is accepted under the provisions of these rules a contract agreement shall be entered into between the contractor and the Council in accordance with these rules, and the contractor shall be required to deposit in the specified manner and within the time fixed, such sum together with the earnest-money, if any, and will make up a sum equal to one-tenth of the amount of his tender, as security for the due performance of the contract.
- (2) The security shall, on completion of the contract to the satisfaction of the authority and after the maintenance period, if any, prescribed under the agreement, be refunded to the contractor.

9. Appointment of consultants:

- (1) Where the nature of works/scheme so requires, the Mayor or Chairman, as the case may be, may within the approval of the Council appoint consultants, for survey, investigation, design, planning, or advisory supervision, or other ancillary matters after pre-qualification through press advertisement.
- (2) The Council shall for the purpose of sub-rule (1) enter into an agreement with such pre-qualified consultants in the manner to suit the individual requirement of the work.
- (3) The consultant shall be required to deposit ten percent of the contract value within fifteen days of the contract in the form of Pay Order or Bank Draft in favour of the Council or approved Banker's Guarantee Bond valid till the successful completion of the whole project.
- (4) In case the consultant fails to furnish Pay Order or Bank Draft or Guarantee Bond, the deposit will be recovered from consultant's running payment at such rate of each payment as may be fixed by the Council till such time that the deposit is accumulated to ten percent of the contract value.

- (5) The deposit made under sub-rule (3) or the amount recovered under sub-rule (4) shall be released after a period of three months from the date of written certificate of the Ex-Engineer/Engineer Incharge concerned to the effect that the design/survey/investigation/planning/advisory supervision of the consultant has been considered satisfactory and accepted finally.

10. Enforcement of contracts:

- (1) The authority shall take such steps as may be necessary to enforce the performance of contracts in accordance with the terms and conditions thereof and to the best interest of the Council.
- (2) Where a contract is not performed according to its terms and conditions, the authority shall take such action as may be necessary to enforce the penalty clause of the contract and to safeguard the interests of the Council.
- (3) On the completion of the contract, the authority shall record a certificate to that effect, and if the contract was made with the approval of the Council a report regarding its completion shall be submitted to the Council.

Provided that a copy of the report shall also be submitted to Government if approval to the contract was obtained from Government under the provisions to sub-section (4) of section 45.

FIRST SCHEDULE

[(See rule 3 (2)]

VALUE OF AMOUNT OF CONTRACT WHICH CAN BE ENTERED INTO BY THE MAYOR OR CHAIRMAN ON HIS OWN AUTHORITY

S.NO.	CLASS OF COUNCIL	AMOUNT OF THE CONTRACT
1	2	3
I	Contracts for the acquisition, purchase or transfer by grant, gift, mortgage, lease, exchange or otherwise of immovable property or any interest or any right thereto.	
1	Karachi Metropolitan Corporation.	2,00,000
2	[Hyderabad and Sukkur Municipal/ Corporations and Zonal Municipal Committees].	1,50,000
	Other Municipal Committees.	50,000
3	District Councils.	50,000
	Town Committees.	20,000
4		

5	Union Councils.	10,000
6	Taluka Councils.	10,000
7		

S.NO.	CLASS OF COUNCIL	AMOUNT OF THE CONTRACT
1	2	3
II.	OTHER CONTRACTS:	
1	Karachi Metropolitan Corporation.	10,00,000
2	1[Hyderabad and Sukkur Municipal/ Corporations and Zonal Municipal Committees].	2,50,000
	Other Municipal Committees.	25,000
3	District Councils.	50,000
4	Town Committees.	15,000
5	Union Councils.	5,000
6	Taluka Councils.	15,000
7		

SECOND SCHEDULE
FORM C
[(See rule 4 (4))]

CONTRACT REGOSTER

Serial No.	Rate of	Particulars	Name,	Amount of	Date on	Remarks
------------	---------	-------------	-------	-----------	---------	---------

	making the Contract	of the Contract	parent-age, caste and residence of the Contractor	value of the Contract	which reported to the Council and reference to the Resolution of the Council	
1	2	3	4	5	6	7

THIRD SCHEDULE
[(See rule 6 (1))]

TENDERS TO BE INVITED BY NOTICE IN A NEWS PAPER

1	2	3
Karachi Metropolitan Corporation	Contract involving expenditure exceeding	Rs.25,000
2[Municipal Corporation, Hyderabad/Sukkur and Zonal Municipal Committees]	Contracts involving expenditure exceeding	Rs.15,000
Other Municipal Committees and District Councils,	Contracts involving expenditure exceeding	Rs.10,000

1. Subs by H.T.P., L.G. and R.D. Department Notification No.HTPLE &ROD/PEAS/2256/87, dated 30th December, 1987
2. Subs by HTP LG and R.D. Department Notification No.PEAS/LEG/310/88, dated 26th January 1988.

OTHER COUNCILS

(a) Town Committees	Contracts involving expenditure exceeding.	Rs.5,000
(b) Union Councils	Contracts involving expenditure exceeding.	Rs.2,000