

REGISTERED No. $\frac{M - 302}{L.-7646}$

The Gazette  **of Pakistan**

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, THURSDAY, JUNE 9, 2022

PART II

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN
**MINISTRY OF OVERSEAS PAKISTANIS AND
HUMAN RESOURCE DEVELOPMENT**

NOTIFICATION

Islamabad, the 1st June, 2022

S. R. O. 766 (I)/2022.—In exercise of the powers conferred by sub-section (1) of section 86 of the Industrial Relations Act, 2012 (X of 2012), the Federal Government is pleased to make the following rules, namely:—

1. **Short title and commencement.**—(1) These rules shall be called the Appointment of Chairman and Members (Qualifications) Rules, 2022.

(2) They shall come into force at once.

2. **Definitions.**—Unless there is anything repugnant in the subject or context,-

(1449)

Price: Rs. 10.00

[8032(2022)/Ex. Gaz.]

- (a) “Act” means the Industrial Relations Act, 2012 (X of 2012);
- (b) “Chairman” means the Chairman of the Commission; and
- (c) “Member” means Member of the Commission.

3. **Qualification for appointment as Chairman.**—(1) No person shall be appointed as Chairman, unless he-

- (a) is or has been judge of the Supreme Court of Pakistan or a High Court;
- (b) is a citizen of Pakistan;
- (c) does not suffer from any disease or infirmity physically or mentally which renders him unsuitable to perform his functions as Chairman;
- (d) has, by a competent court of law, not been convicted for an offence of moral turpitude;
- (e) has, by a competent court of law, not been declared as undischarged insolvent or his application for the same is not pending adjudication;
- (f) has, by a competent court of law, not been declared insane or of unsound mind;
- (g) has not been removed as judge of the Supreme Court of Pakistan or a High Court, as the case may be; and
- (h) has not been guilty of and for that purpose a penalty has not been imposed upon him for indiscipline, misconduct or corruption while in service of Pakistan and in case such penalty is imposed during his appointment as Chairman it shall be a valid ground for his removal from office of the Chairman.

(2) The Chairman shall be appointed by the Federal Government on non-extendable contract for a period not exceeding three years on such terms and conditions as specified in Schedule-I to these rules.

4. **Method of appointment as Member.**—(1) The post of Member shall be filled in by initial appointment on non-extendable contract for a period not exceeding three years on such terms and conditions as specified in Schedule-II to these rules.

- (2) No person shall be appointed as Member, unless he-

- (a) is a citizen of Pakistan;
- (b) does not suffer from any disease or infirmity physically or mentally which renders him unsuitable to perform his functions as Member;
- (c) has, by a competent court of law, not been convicted for an offence of moral turpitude;
- (d) has, by a competent court of law, not been declared as undischarged insolvent or his application for the same is not pending adjudication;
- (e) has, by a competent court of law, not been declared insane or of unsound mind;
- (f) has not been dismissed from service;
- (g) has not been entered into plea bargain under the National Accountability Ordinance, 1999 (XVIII of 1999) or has not been beneficiary of the National Reconciliation Ordinance, 2007 (LX of 2007); or
- (h) has not been guilty of and for that purpose a penalty has not been imposed upon him for indiscipline, misconduct or corruption while in service of Pakistan and in case such penalty is imposed during his appointment as Member it shall be a valid ground for his removal from office of the Member.

5. **Qualifications for appointment as Member.**—No person shall be appointed as Member, unless he-

- (a) is or has been an officer of the Federal Government in Basic Pay Scale 20, 21 or 22 who possesses a degree in law and has experience of labour administration for a period of not less than two years;
- (b) is retired District and Sessions Judge; or
- (c) is an advocate who is qualified to be appointed as Judge of a High Court and is an active practitioner for at least ten years.

6. **Procedure for appointment.**—For appointment of Member, the administrative Division while making recommendations to the Federal Government shall-

- (a) in case of clause (b) and (c) of rule 5, request the Law and Justice Division for providing panel of respective nominations; and
- (b) in case of clause (a) of rule 5, request the Establishment Division for providing a panel of nominations.

7. **Repeal and saving.**—(1) The Notifications No. S.R.O. 1062 (1)/2016, dated the 9th November, 2016 and No. S.R.O. 662(I)/2002, dated the 16th September, 2002 and such other instruments issued in respect of qualifications for appointments of Chairman and Members are hereby repealed.

(2) Notwithstanding the repeal under sub-rule (1), any appointment as Chairman or Member made under the Notification or other instruments so repealed shall be deemed to have been duly made under these rules and existing incumbents Chairman and Members shall continue to hold their respective offices in accordance with their existing contracts.

SCHEDULE-I

[See rule 3(2)]

TERMS AND CONDITIONS OF APPOINTMENT OF CHAIRMAN

Appointment of Chairman, National Industrial Relations Commission shall be made on following terms and conditions:—

S. No.	Description of perks	Terms and conditions
(1)	(2)	(3)
1	Post	Chairman
	Terms and conditions	Where a serving or retired judge of the Supreme Court is appointed, he shall be entitled to the terms and conditions as admissible to a judge of the Supreme Court of Pakistan as laid down in "The Supreme Court of Pakistan Judges (Leave, Pension and Privileges) Order, 1997" as amended from time to time and where a serving or retired judge of a High Court is appointed, he shall be entitled to the terms and conditions as admissible to a judge of a High Court as laid down in "The High Court Judges (Leave, Pension and Privileges) Order, 1997" as amended from time to time.
3	Place of posting	At head office, Islamabad or anywhere within Pakistan as the appointing authority may decide.
4	Period of contract	Three years from the date of assumption of charge or attainment of 68 years of age whichever is earlier.
5	Pay and allowances	As admissible to a judge of the Supreme Court of Pakistan or, as the case may be, High Court and enhanced from time to time. He shall also be entitled to receive full pension in addition to pay, allowances and privileges as admissible to a judge of the Supreme Court of Pakistan or High Court.

S. No.	Description of perks	Terms and conditions
(1)	(2)	(3)
6	Traveling Allowance	As admissible to the judge of Supreme Court of Pakistan or, as the case may be, High Court.
7	Leave	As admissible to the judge of Supreme Court of Pakistan or, as the case may be, High Court.
8	Medical facilities	As admissible to the judge of Supreme Court of Pakistan or, as the case may be, High Court.
9	Pension	Service rendered under the contract shall not qualify for a pension or gratuity, However, pension in respect of previous service shall continue to be drawn as provided in the aforementioned Presidential Order as amended from time to time.
10	Residential accommodation	Unfurnished accommodation as admissible to a judge of Supreme Court of Pakistan or, as the case may be, a High Court during the term of his office and thirty days thereafter: Provided that if no Government accommodation is provided, he shall be entitled to the house rent allowance or rental ceiling admissible to a judge of Supreme Court of Pakistan or, as the case may be, a High Court. His accommodation shall be maintained by Pakistan Public Works Department.
11	Conveyance	As admissible to a Judge of Supreme Court or, as the case may be, a High Court.
12	Conduct and discipline	Rules made and instructions issued in respect of civil servants of the Federal Government under the Civil Servants Act, 1973 as amended from time to time shall apply.
13	Termination of contract	The appointment during the period of contract shall be liable to termination on thirty days notice from either side or payment of basic pay in lieu thereof, without assigning any reason.
14	G.P. Fund:	No contribution towards G.P. fund shall be required.
15	Other matters	In respect of other matters not specified herein, the rules and regulations as applicable to a judge of the Supreme Court of Pakistan or, as the case may be, a High Court, shall apply.

SCHEDULE-II

[See rule 4]

TERMS AND CONDITIONS OF APPOINTMENT OF MEMBERS

Appointment of Members in National Industrial Relations Commission shall be made on following terms and conditions:—

S. No.	Description of perks	Terms and conditions
(1)	(2)	(3)
1	Post	Member (BPS-21)
2	Place of posting	Anywhere in different Benches within Pakistan as the Chairman may decide.
3	Period of contract	Three years from the date of assumption of charge or attainment of sixty-five years of age whichever is earlier.

S. No.	Description of perks	Terms and conditions
(1)	(2)	(3)
4	Pay and allowances	He will draw pay, allowances and perquisites sanctioned for the post and his pay may be fixed at the stage of time scale of the post at which he was drawing his pay before retirement.
5	Allowances	As admissible to corresponding civil servants. However, qualification pay and allowance, senior post allowance and orderly allowance shall not be admissible in case these allowances were taken into account while calculating pension after retirement from previous service. In case of appointment of an advocate, he will be entitled to pay and allowances as admissible on initial appointment in BPS-21.
6	Traveling allowance	As admissible to civil servants of the corresponding pay scale under the rules.
7	Leave	As admissible under the Revised Leave Rules, 1980. However, Provision containing in Rules 5 (c),8,11,14,16,17,18,18-A,19,27,33,34,35,36 and 39 of Rules <i>ibid</i> shall not apply. The leave credit will lapse on the termination of contract.
8	Medical facilities	As admissible to corresponding officers of the Federal Government under the rules.
9	Pension	Service rendered under the contract shall not qualify for a pension or gratuity, Pension in respect of previous service, if any, shall continue to be drawn in addition to pay.
10	Conduct and discipline	Rules made and instructions issued in respect of civil servants of the Federal Government under the Civil Servants Act, 1973 as amended from time to time shall apply.
11	Termination of contract	The appointment during the period of contract shall be liable to termination on thirty days notice from either side or payment of basic pay in lieu thereof, without assigning any reason.
12	G.P. Fund:	No contribution towards G.P. fund shall be required.
13	Whol time employment, posting and transfer	His whole time would be at the disposal of the Government. He may be employed in any manner as required by the appointing authority without claim for additional remuneration. He shall at all time obey all applicable rules.
14	Other matters	In respect of other matters not specified herein, the rules and regulations as applicable to corresponding Federal civil servants shall apply.

[No. 1(4)/2016-NIRC.]

HAMMAD NAZAR,
Section Officer.