

# COMPETITION COMMISSION OF PAKISTAN

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Islamabad, November 20, 2007

## NOTIFICATION

S.R.O. 1192(I) 2007 – *In exercise of the powers conferred by Sections 56 and 20(3) of the Competition Ordinance, 2007, read with Sections 20 and 23 thereof, the Competition Commission of Pakistan (the Commission) is pleased to make the following Regulations, namely<sup>1</sup>*"

## Competition Commission (Service) Regulations, 2007

### SERVICE MANUAL

#### CHAPTER I

#### GENERAL

**1. Short title and commencement.** - (1) This Manual may be called the Competition Commission of Pakistan (Service) Manual, 2007.

(2) It shall come into force at once.

**2. Definitions.** - (1) In this Manual, unless there is anything repugnant in the subject or context:

- (a) 'appointing authority' means the Commission or Chairman and may include a Member or a committee or an officer authorized by the Commission or the Chairman in this behalf and specified in this Manual;
- (b) 'Chairman' means the Chairman of the Commission;
- (c) 'Commission' means the Competition Commission established under the Competition Ordinance, 2007;
- (d) 'competent authority' in relation to the exercise of any powers means the authority to which the power is vested or any other authority to which the power is delegated by the Commission or the Chairman, subject to such conditions and limitations as it may be deemed fit to impose.
- (e) 'employee' means a person holding a post in the Commission;
- (f) 'initial appointment' means appointment made through direct recruitment or by promotion or transfer;
- (g) 'Member' means a Member of the Commission and shall include the Chairman thereof;
- (h) "Ordinance" means the Competition Ordinance, 2007;
- (i) 'pay' means the amount to be drawn by an employee as pay fixed for him in a pay scale or otherwise, and includes special pay and any other emoluments classed as pay but does not include allowances;
- (j) 'permanent post' means a post carrying definite rate of pay sanctioned without limit of time;
- (k) 'promotion committee' means a committee constituted for the purpose of promoting employees of the Commission to higher posts in the Commission;
- (l) 'regular basis' when used with reference to an appointment, means appointment other than on adhoc basis, or on contract, or on a temporary basis for a specified period;
- (m) 'selection committee' means a committee constituted for the purpose of recommending a person for appointment to posts in the Commission;
- (n) 'temporary post' means a post carrying a definite rate of pay sanctioned for a limited time.

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<sup>1</sup> Amended vide corrigenda dated 21-01-2014

(2) All other terms and expressions used but not defined in this Manual shall have the same meanings as are assigned to them in the Ordinance.

**3. Power of the Commission to relax Regulations.**- Where the Commission is satisfied that it is not practicable to comply with any of these Regulations in a particular case or class of cases, the Commission may, for reasons to be recorded and subject to such conditions as it may deem fit, relax any of these Regulations.

## **CHAPTER 2 APPOINTMENTS, PROBATION AND SENIORITY**

**1. Creation of posts.** - The Commission or the Chairman may create or establish permanent posts from time to time and may also create temporary posts within the budget provision for a period not exceeding twelve months.

**2. Appointments.** - (1) Appointments to all the posts shall be made by the Commission or the Chairman:

Provided that the Commission or the Chairman may designate any of the Members or a committee or an officer authorized to be the appointing authority in respect of a class of employees, in such scale of pay, as may be specified by it.

(2) Appointments to various posts in the Commission shall be made either by direct recruitment or by promotion or on deputation terms or on contract.

**3. Direct appointment.** - (1) Direct appointments shall be made on the basis of the qualifications, experience and subject to age limit as may be determined by the Commission for the respective posts. All vacant posts to be filled up by direct appointment shall be, as far as possible advertised in one or more newspapers having circulation throughout the country. The appointments to the posts to be filled up by direct recruitment shall be made by the Commission or the Chairman or by a competent authority taking into consideration the recommendations of the designated selection committee constituted for the purpose.

(2) The recommendations of the selection committee may be based on interviews with or without written tests on a date to be notified by the appointing authority to the applicants.

(3) Appointments shall be made purely on merit.

(4) A candidate for appointment must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duty. The candidate shall have to obtain a physical fitness certificate from a medical practitioner authorized in this behalf by the Commission. The certificate shall be in such form as may be specified by the Commission for the purpose.

**4. Appointment by promotion.** - (1) Promotion to a higher post shall be made by the Chairman taking into consideration, the recommendations of the designated Promotion Committee.

(2) Only such persons as possess the qualifications and meet the conditions for the purpose of promotion, as determined by the Commission or the Chairman shall be considered by the promotion committee.

**5. Adhoc and temporary appointments.**- When the Commission or the Chairman considers it necessary to fill a post urgently pending nomination of a candidate for appointment on regular basis, it may proceed to fill it on adhoc basis for a period not exceeding six months.

**6. Appointment by deputation.** - (1) Appointment on deputation to posts in the Commission may be made by the appointing authority in the interest of the Commission.

(2) Civil/Government servants, Federal or Provincial, and employees of the corporations or of other autonomous bodies set up, managed or controlled by the Federal Government or, as the case may be, of any Provincial Government, holding appointment on regular basis, may, with the consent of the Federal Government or, as the case may be, of the Provincial Government or other authority concerned, hereinafter to be called the lending authority, be appointed by the appointing authority on deputation to appropriate posts in the Commission for such period and on such terms and conditions as may be determined by the appointing authority in consultation with and the concurrence of the lending institution or agency. This arrangement shall apply, *mutatis mutandis*, to employees of the Commission allowed to proceed on deputation outside the Commission.

(3) A person serving on deputation in the Commission may be appointed to an equivalent post on regular basis subject to the following conditions:-

- (i) the person serving on deputation applies in writing for or gives his consent to such absorption;
- (ii) his parent office agrees to such absorption;
- (iii) he possesses the qualifications laid down for initial appointment to the post;
- (iv) he, in the opinion of the appointing authority, is suitable for such absorption and is recommended by the designated selection committee;
- (v) for the purpose of absorption, he seeks retirement from his parent office if he has completed the prescribed service for retirement benefits, or, otherwise, resigns from his previous post to join the Commission; and
- (vi) save as may otherwise be provided in this Manual, no benefit of his previous service shall be admissible for any purpose in the Commission.

(4) The appointment made in accordance with sub-paragraph (3) shall be treated as initial appointment and shall be made against the sanctioned post.

(5) Nothing contained in this paragraph shall be construed to confer any right on such a person on deputation to the Commission to claim absorption in the Commission in accordance with this paragraph.

**7. Appointments on contract.** - The Commission or the Chairman may appoint experts having professional qualifications, and experience in the relevant field on contract basis for an initial period not exceeding two years subject to such conditions as may be approved by the competent authority in each case.

**8. Probation.**- (1) An initial appointment and also an appointment by promotion to a post not being an appointment on contract or on deputation, shall be made on probation for a period of three months extendible for a further period not exceeding three months.

(2) On successful completion of probation period, the appointing authority may, by issue of a specific order, terminate the probation.

(3) If no orders are issued under sub-paragraph (2) on the expiry of the first three months probation, the probation shall be deemed to have been extended for further three months.

(4) In the absence of an order under sub-paragraph (2), the period of probation shall, on the expiry of extended period, be deemed to have been successfully completed:

Provided that in the case of initial appointment to a post an employee shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory and he is found medically fit.

**9. Seniority.**- (1) For the proper administration of the posts in an equal pay scale, the Commission shall cause a seniority list of the employees for the time being occupying such posts to be prepared separately but nothing contained therein shall be construed to confer vested right to a particular seniority in a post.

(2) The seniority list as per position on the last day of the calendar year shall be circulated within one month.

(3) Regarding seniority on initial appointment –

i) persons initially appointed on the recommendations of the selection committee through an earlier open advertisement shall rank senior to those appointed through a subsequent open advertisement.

ii) If two or more persons are recommended in open advertisement by the selection committee, their inter-se seniority shall be determined in order of merit assigned by the selection committee.

iii) If only one candidate is recommended in open advertisement by the selection committee, he shall count his seniority from the date of joining the post.

(4) Regarding seniority on promotion –

i) seniority in a post to which an employee is promoted shall take effect from the date of regular promotion to that post:

Provided that –

- (a) an employee selected for promotion to a higher post on an earlier date shall be senior to those selected for such promotion on a later date; and
- (b) employees selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain inter-se seniority as in the lower post.

### **CHAPTER 3 PAY, ALLOWANCES, HONORARIA, AND FIXATION OF PAY**

**1. Pay and allowances.** - Employees of the Commission to whom this Manual is applicable, shall be entitled to pay, allowances and other fringe benefits as are prescribed in the Appendix.

**2. Classification of posts.** - Each sanctioned post in the Commission shall be placed in a particular scale.

**3. Authority competent to fix pay.** - The fixation of pay shall be within the competence of the appointing authority.

**4. Fixation of pay on initial appointment.** - Pay of a person on initial appointment shall be fixed at the minimum of the pay scale:

Provided that one or more advance increments may be granted by the appointing authority on the recommendations of the appropriate selection committee for good and sufficient reasons including exceptional qualifications and experience relevant to the job. The reason or reasons, for which advance increment(s) is/are granted shall be recorded by that authority.

**5. Fixation of pay on promotion.** - If an employee is appointed by promotion to a higher post, his pay shall be fixed at the stage next above his pay in respect of the lower post or the pay scale:

Provided that if such a stage gives a pay increase equivalent to or less than a full increment in the higher pay scale, the pay shall be fixed after allowing one premature increment in the pay scale of the higher post.

## **6<sup>2</sup>. Annual increments.**

- (i) There shall be steps in each pay scale within its minimum and maximum as determined by the Commission. One increment shall be equal to one step in the relevant pay scale. The employees shall be entitled to one or more annual increments depending upon their performance and ranking. However, the employees ranked 'unsatisfactory' shall not be entitled to any increment.
- (ii) Annual increment in the salary of officers shall be performance-based. The support staff may, however, draw the annual increment as a matter of course unless it is with-held as a penalty.
- (iii) The annual increment in the pay scale for the preceding year ending 30<sup>th</sup> June shall accrue on the first day of the month of July. Employees with less than six months service during the preceding year at the relevant stage of pay scale shall not be eligible for annual increment.
- (iv) The Commission may take necessary decisions from time to time regarding all matters related or incidental to the procedural aspects of employee performance and award of increment in salary, including format of the performance report, basis of performance assessment, employee ranking, and grant of annual increment.

**7. Grant of merit increments.**- In addition to the annual increment, the competent authority may grant one or more 'merit increments' to an employee who has shown outstanding work performance consistently throughout the year preceding the first day of the month of January.

**8. Additional pay:** - (1) Where the additional charge of a vacant post is entrusted in its entirety, with the approval of the appointing authority, to another employee holding an equivalent post, the employee may be granted a special allowance of twenty per cent of his pay for the actual period of additional charge.

(2) The special allowance for additional charge under sub-paragraph (1) shall not be allowed for a period less than thirty days.

**9. Grant of honorarium and Cash Award:** (1) The Commission or the Chairman may grant honorarium to employees as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward.

(2) The Commission or the Chairman may grant cash awards to employees based on exceptional performance, including the research works, publications and to encourage them to improve their qualification in the area of their working.

**10. Allowances and perquisites.** - The allowances and perquisites shall be admissible to employees according to the rates and subject to the conditions as specified in the Appendix.

**11. Other Allowances:** - The overtime allowance, special allowance, and any other allowance will be admissible to the employees of the Commission at the rates as may be prescribed by the Commission from time to time.

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<sup>2</sup> Amended vide SRO NO 1129(I)/2008 dated 30-10-2008

## **CHAPTER 4 RECORD OF SERVICE**

**1. Record of service of each employee to be maintained.** - A record of service of each employee shall be kept in such form as the Commission may determine from time to time. Every step in an employee's official life should be recorded in his record of service and attested by an officer authorized by the Commission or the Chairman in this behalf. The entries shall contain no erasures or over-writings.

**2. Personal file to be maintained.**- (1) A personal file for each employee shall be maintained in which all papers relating to his service including an antecedents form duly verified and authenticated, pay, leave record, orders and notifications etc. shall be kept.

(2) The officer authorized in this behalf shall be responsible for the maintenance of personal files of the employees.

**3. Date of birth.**- (1) Every person newly appointed to a post in the Commission should at the time of his appointment declare the date of his birth by the Gregorian calendar with, as far as possible, confirmatory documentary evidence such as matriculation certificate or/and municipal birth certificate.

(2) The actual date should be recorded in his service record and be properly attested. Once entered, the date of birth cannot be altered except for clerical error and that too with the prior approval of the Commission.

**4. Performance Reports.** - (1) Performance Reports of an employee shall be written in such form and subject to such conditions as may be prescribed by the Commission from time to time.

## **CHAPTER 5 TRAINING AND CAREER PLANNING**

**1. Training.** - (1) The Commission or the Chairman may, at any time, require an employee to undergo such training courses within or outside Pakistan, at the expense of the Commission or any other agency, as may be deemed appropriate in the interest of the Commission.

(2) An employee who is selected for training exceeding 90 days at the expense of the Commission or any other agency shall be required to execute a bond with two sureties to serve in the Commission for such period as the Commission may prescribe.

(3) An employee who is sent for second training during the validity of the existing surety bond, he shall be required to execute fresh surety bond for the second training:

Provided that this requirement may be waived, if the un-expired duration of the existing surety bond exceeds the stipulated period of the second surety bond.

(4) In case, an employee who has furnished surety bond, leaves the service of the Commission for any reason before the expiry of the prescribed period of the bond, he shall be required to pay to the Commission all the expenses incurred on his training and this may be recovered from his provident fund balance on the basis of his consent given in the surety bond and other dues admissible to him on leaving the service of the Commission.

**2. Career Planning.** - The Commission may, from time to time, make such provision for career planning of employees as it may deem fit having regard to the requirements of the Commission in all spheres of its activities and may prescribe minimum qualifications or any other conditions as may be deemed appropriate.

## CHAPTER 6 LOANS AND ADVANCES

**1. Loans and advances.** - Subject to availability of funds for this purpose, and subject to such conditions as the Commission may consider appropriate, employees or Members including the Chairman may be granted a loan or both the loan and advance as prescribed below on written application for the grant of such loan/advance.

### **2. General Purpose Loan:**

Loan up to a maximum of six months basic pay may be granted on written request.

This loan shall be recovered in 24 equal monthly installments starting one from the month in which loan has been paid. Second application for general purpose loan may only be made after the first such loan is completely paid off.

### **3. House Rent Advance:**

The Commission may grant an advance payment equal to 12 months house rent allowance according to the entitlement of the individual on receiving a written request for such advance payment.

An employee including the Members and the Chairman applying for the above loan/advance shall be required to give an undertaking that in case he has outstanding amounts to his credit and leaves the service of the Commission for any reason, he will forthwith pay to the Commission the balance of the outstanding amount in lump sum. The undertaking shall authorize the Commission to deduct the outstanding amount from terminal benefits and other payable dues in case of failure to pay such amount.

**4. <sup>3</sup>House Building Advance:** The Chairman may grant house building advance to employees of the Commission other than the contract employees, subject to the following conditions, namely: -

- (a). An employee who shall be a person holding a post in the Commission in terms of paragraph 2(e) of Chapter I of the Service Manual would be eligible to avail of this facility;
- (b). total entitlement shall be 36 months basic pay, with a maximum limit of Rs 4.5<sup>4</sup> million, whichever is less;
- (c). the advance shall be repayable in 120 equally monthly installments. If the remaining service is less than 10 years (i.e. 120 months), the number of installments equal to the number of months of the remaining service;
- (d). no mark-up shall be charged on House Building Advance;
- (e). before sanctioning the advance, it shall be made sure that deductions under all advance facilities granted to certain employee shall not exceed 50% of the gross pay of that employee;
- (f). an employee applying for the advance shall be required to give an undertaking that in case, he/she has outstanding loans/advances against him and leaves the service of the Commission or any reason, he /she shall forthwith pay to the Commission, all the balance of the outstanding amount in lump sum. The undertaking so made shall

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<sup>3</sup> Inserted vide SRO No. 666(I)/2010 dated 19-07-2010

<sup>4</sup> Inserted vide SRO No. 1197(I)/2016 dated 02-05-2016

- authorize the Commission to deduct the outstanding amount from terminal benefits and other payable dues in case of failure to pay such amount; and
- (g). necessary procedure for documentation or mortgage of property etc. in favour of the Commission would be the same as has been laid down in the ESTACOD (Civil Establishment Code)/Financial Rules on the subject of House Building Advance therein.

**CHAPTER 7**  
**TERMINAL BENEFITS**

<sup>5</sup>**1. Nature of terminal benefits.** - (1) The employees and Members of the Commission including the Chairman, shall be entitled to gratuity upon separation.

(2). The gratuity shall be fully funded and its accounts shall be kept by the Commission under the 'Gratuity Fund'.

(3). The employees of the Commission shall be governed by this Manual and the procedure to be prescribed by the Commission from time to time.

(4). The amount of gratuity admissible to any employee, shall be the sum equal to his one month's gross salary drawn immediately preceding the date of his ceasing to be in the service of the Commission or on his death, for each completed year of service in the Commission. Any part of service in excess of six months will be considered as one completed year for purposes of gratuity.

(5). The Commission may consider Contributory Provident Fund as part of terminal benefits in due course after its financial position so permits.

**CHAPTER 8**  
**GROUP INSURANCE**

**1. Eligibility.** - The Chairman, Members and employees after the completion of necessary formalities in this respect shall be entitled to Group Insurance.

**2. Contribution.** - (1) Contribution shall be paid and borne by the Commission in respect of the Chairman, Members and all the employees covered by the Group Insurance Scheme.

(2) Group Insurance benefits would be allowed to the Chairman, Members and the employees in accordance with the policy obtained by the Commission from an Insurance Company so selected for such purpose or from any other institution or Government agency which caters for such service.

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<sup>5</sup> Substituted vide SRO No. 164(I)/2012 dated 21-02-2012

## CHAPTER 9 OFFICIAL TRAVEL ENTITLEMENTS

### **1. Definitions.** - For the purpose of this chapter:-

- (a) "controlling authority" means any authority designated as such by the Commission for approval of tours and countersigning of traveling allowance bills;
- (b) "employee" includes Chairman and a Member.
- (c) "family" means an employee's spouse, legitimate children, and step-children residing with and wholly dependent upon him. If the employee has no legitimate child of his own or step-child, one adopted child; provided that under the personal law of the employee concerned, the adoption is legally recognized as conferring the status of a natural child and prior approval of the Commission is obtained.
- (d) "headquarter" means the office of the Commission in which the person is employed.
- (e) "personal effects" includes household articles, such as furniture and other luggage;
- (f) "travelling expenses" means the fare as admissible to an employee together with incidental expenses, cost of transportation of personal effects and daily allowance.

### **2. Circumstances in which travel expenses would be admissible.** - Travel expenses would be admissible to an employee travelling on official duty on tour or transfer:

Provided that no such expenses would be admissible for transfer made at the employee's own request, unless the authority sanctioning the transfer, for special reasons, so directs.

### **3. Daily allowance.** - (1) A daily allowance is a uniform allowance for each day of absence from headquarters on official business, which is intended to cover the ordinary daily charges incurred by an employee in consequence of such absence.

(2) Unless otherwise expressly provided in these regulations, an employee is entitled to draw a daily allowance while on official tour or whose duty requires that he should travel.

(3) Daily allowance shall be admissible to different categories of employees at the rates to be fixed by the Commission from time to time.

(4) One daily allowance shall be admissible for each night or 12 hours stay at the halting station. Where night stay is not involved and if absence from headquarters exceeds six hours, half of the daily allowance shall be admissible.

(5) Daily allowance may not be drawn for local travel.

(6) Daily allowance may be drawn during a halt on tour including Saturday/ Sunday or holiday occurring during the tour.

(7) An employee on tour shall not be entitled to daily allowance for the days on which he is on any type of leave.

### **4. Journey to join first appointment.** - (1) Travelling allowance is not admissible to any person for a journey to join his first appointment in the Commission.

**5. Journey to places outside Pakistan.** - Where an employee is required to proceed to places outside Pakistan on official duty the following entitlements shall be applicable:-

- (1) Air Travel entitlement as determined by the Commission.
- (2) TA/DA in case of hotel stays to cover all expenses (meals, laundry, tips, transport etc). All officers are entitled to stay in a four star hotel whereas Chairman, Members, and such class of senior officers allowed to do so by the Chairman may stay in a five star hotel as determined by the Commission.
- (3) TA/DA per day in case staying under own arrangement (The amount includes hotel room charges, meals, laundry, tips, transport etc) as determined by the Commission:

Provided, that the Chairman may, if the circumstances of the case so justify, permit reimbursement extra-ordinary incidental charges or other expenses. Such power shall vest with the Commission, if the case relates to the Chairman himself.

**6. Local travel.** - (1) A journey within the radius of 16 Kilometers of the headquarters shall be treated a local travel and no daily allowance during such travel shall be admissible.

(2) In the case of local travel, a distance allowance would be paid to different categories of employees for different modes of travel, at the rates to be fixed by the Commission from time to time.

**7. Other journeys.** - An employee who is summoned in his official capacity by a court of law or any other authority in Pakistan, shall be entitled to traveling allowance as on tour, but in every such case in which an employee draws an allowance from the Commission under this Chapter, any payment made by the authority summoning him to meet his traveling expenses shall be refunded to the Commission.

**8. Mode of travel.** - Every tour program shall be approved by the controlling authority clearly specifying the mode of travel (i.e. by air, rail or road) and entitlement of the class of travel by air or rail as the case may be.

## **CHAPTER 10**

### **LEAVE**

**1. Application and commencement.** - The provisions in this chapter shall apply to the Chairman, Members and all the employees of the Commission and shall come into force with immediate effect.

**2. Leave entitlement.** - The Chairman, Members and employees shall be entitled to different types of leave in accordance with and subject to the conditions and limits as provided in this Chapter.

**3. Earned leave.** - (1) Leave on full pay shall be earned at the rate of two working days for every calendar month of the period of duty. The duty period for more than fifteen days in a month shall be treated as a full calendar month for this purpose.

(2) The maximum limit of accumulation of earned leave shall be 60 working days as on 31 December of the year, i.e. any leave balance over and above 60 working days as on 31<sup>st</sup> December shall stand lapsed.

(3) No employee shall proceed on earned leave without prior approval of the competent authority, in writing.

**4. Overstay after sanctioned leave.** - (1) Unless the leave of an employee is extended by the competent authority, an employee who remains absent after the end of his leave shall not be entitled to any remuneration for the period of such absence, and without prejudice to any disciplinary action that may be taken against him, double the period of such absence shall be debited against his leave account.

(2) Such debit shall, if there is insufficient credit in the leave account, be adjusted against future earning.

**5. Leave Preparatory to Retirement.**- (1) An employee may, at his option avail leave preparatory to retirement on full pay upto 60 working days subject to availability.

(2) The Commission or the Chairman or the competent authority may at its discretion send an employee on leave preparatory to retirement on full pay upto 60 working days subject to availability.

**6. Encashment of earned leave.** - Encashment of accumulated earned leave up to 60 working days subject to availability shall be allowed on cessation of employment, other than dismissal or removal from service on disciplinary grounds.

**7. Sick leave.** - (1) An employee may be granted sick leave up to ten days in a calendar year. If, the sick leave exceeds ten days, such excess period may be debited to the earned leave account of the employee.

(2) The competent authority may direct the employee to obtain medical certificate from the authorized medical practitioner and produce it in support of his request for grant of sick leave.

**8. Extra-Sick Leave.**- In case of continued sickness of an employee beyond the period in the balance of his sick leave account the competent authority may grant extra-sick leave, subject to the limits and conditions as provided hereinafter:-

(i) Scale of payment.-		
(a) On full pay	Not more than one year	
(b) On half pay	Not more than three years	
(c) On without pay	Not more than six years	

(ii) The pay, for the purposes of clause (i), shall not include conveyance allowance.

(iii) No extra-sick leave shall be allowed to an employee unless the case is referred by the competent authority to a medical officer or medical specialist or a duly constituted medical board and this has been recommended in favour of the employee. The recommendation by the Medical Specialist or the Medical Board, as the case may be, shall be considered by the competent authority and the authority may, in its discretion, seek a second opinion, if deemed necessary.

(iv) Grant of extra-sick leave shall be at the discretion of the competent authority.

(v) The extra-sick leave may be granted for such period as recommended by the Medical Officer/Medical Specialist/Medical Board or for such shorter period as the competent authority may deem appropriate.

**9. Leave ex-Pakistan.**- (1) Leave ex-Pakistan may be granted on full pay subject to the availability in the leave account maintained for each employee for the purposes of earned leave.

(2) The leave pay shall not be payable in foreign exchange.

**10. Study leave.** - (1) An employee may be granted study leave with full pay by the competent authority for a maximum period of one year during the entire service of the employee; provided that the employee has been in the service of the Commission for a continuous period of three years.

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<sup>6</sup> Substituted vide SRO No. 1001/2010 dated 27-10-2010

(2) Such leave may be granted for study within or outside Pakistan:

Provided that such a study may increase the efficiency of the employee and may be in the benefit of the Commission.

(3) The study leave may be allowed for Competition Law and Policy courses only.

(4) Study leave may be granted to a limited number of employees every year, as may be decided by the Commission.

(5) The employee shall have to provide sufficient evidence of his admission in a recognized institution, at the time of applying for leave.

(6) The employee shall also have to furnish a bond in prescribed form, for an amount of double the amount of salary paid during the leave, to the effect to the Commission if the employee violates any terms and conditions of the bond.

(7) The competent authority shall have the right to pend, approve or reject study leave to an employee.

**11. Casual leave.** - (1) Casual leave for a maximum period of ten days in a calendar year shall be admissible to an employee which may be availed of on the basis of application to the competent authority.

(2) Un-availed casual leave shall lapse at the end of each calendar year.

(3) Casual leave may be prefixed or suffixed to Saturday/Sunday or any other gazetted holiday.

**12. Maternity leave.** - (1) Maternity leave may be granted on full pay on the authority of certificate issued by the medical practitioner, outside the earned leave account, to a female employee to the extent of twelve weeks in all from the date of its commencement.

(2) Half of the maternity leave may be granted before the delivery of the child and the remaining half, after confinement. The entire period of maternity leave may also be granted after birth of the child, at the option of the female employee.

(3) Such leave may not be granted for more than three times in the entire service of a female employee.

(4) For confinements beyond the third one, the female employee shall have to take leave from her leave account maintained for earned leave and in the case of non-availability of earned leave, the leave availed of by her shall be treated as leave without pay.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave as may be due and admissible to a female employee.

**13. R&R Leave along-with Leave Fare Assistance.** – (1) Leave shall be admissible to Chairman, Member and the employees for a period of 15 days, once in each calendar year with one Basic Pay (For first year of employment and on separation, the leave and Leave Fare Assistance shall be allowed on prorata basis).

(2) This leave shall not be carried forward and shall lapse if not availed of within 15 months. The concerned Member may, however, relax this condition in case an employee is not allowed to proceed on leave, as may be deemed expedient in the interest of the Commission.

**14. Special leave.** – The Members including the Chairman and the employees may be granted special leave, for the performance of Hajj, or for discharging similar religious obligations under special circumstances with the approval of the Chairman. If it is a case of Chairman, approval of the Commission would be required.

**15. Leave without Pay.** - Leave without pay may be granted under special circumstances when no other leave is by regulations admissible and the employee concerned applies in writing for the grant of extra-ordinary leave. Leave without pay may be allowed to a maximum of 90 days subject to approval by the Chairman.

**16. Recall from leave.** - (1) If an employee is recalled to duty compulsorily with the approval of the competent authority from leave of any kind and he is away from his headquarters, he may be granted a single return fare from the station where he is spending his leave to the place where he is required to report for duty.

(2) In case the employee is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only.

(3) Every order of recall from leave shall mention whether recall is optional or compulsory.

(4) If the return from leave is optional, the employee shall not be entitled to any concession.

**17. Leave to be applied, etc., in terms of days.** - Leave shall be applied for, expressed, and sanctioned, in terms of working days for earned leave and calendar days for all other leaves.

**18. Reasons may not be specified.**- (1) It shall not be necessary to specify the reasons for which leave has been applied so long as that leave is due and admissible to an employee.

(2) Leave applied for on medical certificate other than the extra-sick leave may not be refused:

Provided that the authority competent to sanction leave may, at its discretion, secure a second medical opinion.

**19. Combination of different types of leave, etc.** - One type of leave may be combined with any other type of leave subject to approval of the Chairman.

**<sup>7</sup>20. Leave account.** - *Leave account in respect of each employee shall be maintained as part of his service.*

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<sup>7</sup> Substituted vide SRO No. 920(I)/2014 dated 02-10-2014

(1) *All the employees shall submit leave applications, duly approved by the Competent Authority, to Administration Department at least three working days before proceeding on leave.*

(2) *In case of leave where prior approval is not mandatory, the employee shall submit the approval of leave to Administration Department on the day he is back in office before closing of office hours. A leave application submitted after the said time period shall not be entertained and the leave shall be treated as leave without pay.*

(3) *All employees are expected to register their arrival/departure at the office premises through the Biometric Attendance System installed at entrance and strictly follow the office timings i.e. 0900-1715 hours. An employee arriving 30 minutes after the starting time will be considered late. To ensure office discipline, late arrivals shall be dealt as follows:*

(a) *Arrival of any employee after 11 a.m. will be considered as half day leave and arrival of any employee after 1 p.m. will be recorded as one casual leave.*

(b) *Three late arrivals shall be treated as one day casual leave.*

(c) *If authorized casual leave balance of an official has been exhausted, the three late arrivals shall be counted as one day's balance and be treated as leave without pay.*

## **CHAPTER 11 MEDICAL**

**1. Medical allowance.-** All employees shall be paid medical allowance at the rate of 10% of basic pay per month to meet usual expenses on account of medical treatment for themselves and their families.

**2. Reimbursement of medical charges to Chairman and Members.-** The Chairman and Members would be entitled to reimbursement of all actual expenditures including consultancy fees paid to medical practitioners subject to a ceiling of 10% of basic pay.

**3. Hospitalization.-** In addition to the medical allowance and reimbursement as described in Para 1 and 2 above, the Chairman, Members and the employees shall be entitled to reimbursement of hospitalization charges, for themselves and their families as defined in Para 9 below. All such expenditure on hospitalization shall be authorized by the Commission.

**4. Hospitals to be specified.-** The Commission may specify the hospitals where an employee can get medical treatment.

**5. Entitlement of accommodation during hospitalization.-** The Chairman, Members and also certain officers as authorized by the Commission shall be entitled to private accommodation during hospitalization.

**6. Treatment after discharge from hospitalization. -** The cost of medication, tests and consultation fee in connection with the same illness, if it is part of the hospitalization of an employee or any member of his/her family discharged from the hospital but requiring treatment as an outdoor patient, shall be reimbursable on the authorization of a committee consisting of two Members and the officer incharge of the Department concerned. The Committee while considering such cases shall also consult the Medical Consultant appointed/nominated by the Commission. If the claim pertains to any member of the Committee, the Commission shall nominate another member in his/her place.

**7. Treatment for prolonged illness. -** The cost of medication, tests and consultation fee in connection with a prolonged illness of an employee, shall be reimbursable as an outdoor patient on the recommendation of a committee constituted by the Commission, as indicated in Para 6 above.

**8. Medical insurance.** - The Commission may obtain a medical insurance cover in due course and in that case the entitlement of medical allowance and hospitalization shall be reviewed and suitably amended. The details of such cover shall be notified by the Commission from time to time.

**9. Family.** - For the purpose of this chapter the term “family” includes, spouse, legitimate children, step-children, parents residing with and wholly dependent upon the Chairman, a Member or an employee. In addition, family includes one adopted child; provided that under the personal law of the employee concerned, adoption is legally recognized as conferring the status of a natural child and prior approval of the Commission is obtained.

## **CHAPTER 12 RETIREMENTS, DISMISSAL, RESIGNATION, TERMINATION AND CLEARANCE**

**1. Retirement.** - (1) An employee shall retire from service on the completion of the sixtieth year of his age.

(2) An employee, other than an employee against whom a disciplinary action is pending, may seek retirement after he has completed twenty five years of service qualifying for retirement benefits. Such an employee shall, at least three months before the date he intends to retire, submit a written intimation to the Commission indicating the date on which he intends to retire. Such an intimation once submitted shall be final and shall not be allowed to be modified or withdrawn after it has been accepted by the competent authority.

(3) The Commission shall have power to retire any of its employees on such date after he has completed twenty five years of service qualifying for retirement benefits as the Commission may, in the public interest, direct.

(4) No direction under sub-paragraph (3) shall be made until the employee has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

**2. Dismissal.** - <sup>8</sup>

- i). *Dismissal of an employee shall be made in light of the Government Servants (Efficiency and Discipline) Rules, 1973 (the Rules), which shall, mutatis mutandis, apply to employees of the Commission.*
- ii). *The Chairman of the Commission shall be the ‘authority’ in the context of the said Rules.*
- iii). *The term ‘Government servant’ as used in the Rules shall be read as ‘employee of the Commission.*

**3. Resignation.**- (1) An employee, other than an employee on deputation, or on contract, may resign from the service of the Commission by tendering his resignation in writing, with one month notice or in lieu thereof, shall surrender to the Commission, a sum equal to one month pay. The period of notice of resignation shall commence from the date of submission of notice in writing:

Provided that the appointing authority may relax the condition of one month notice in special circumstances.

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<sup>8</sup> Substituted vide SRO No. 666(I)/2010 dated 19-07-2010

Provided further that no resignation shall become effective during the pendency of any disciplinary proceedings against the employee.

- (2) An employee engaged on contract may leave the service in terms of the contract.
- (3) The employee, who tenders his resignation from the service of the Commission, continues to be in service until the resignation is accepted and cannot absent himself from his duty without proper leave.
- (4) Acceptance of resignation shall be subject to recovery of any dues or money recoverable from the employee.
- (5) The appointing authority may either accept the resignation or, for reasons to be communicated to the employee in writing, refuse to accept the resignation.
- (6) In case an employee withdraws resignation before it is accepted by the appointing authority, the resignation be deemed to have been withdrawn.
- (7) A temporary employee or a probationer may resign from his service without giving any notice. The Commission may also terminate the service of such employee without giving notice.
- (8) Resignation, other than a resignation to take another appointment entail forfeiture of past service.

**94. Ineligibility for re-employment.** - A person dismissed from the service of the Government, autonomous and semi-autonomous bodies shall not be eligible for employment in the Commission. An employee dismissed from the service of the Commission shall not be eligible for re-employment.

**5. Representation.** - (1) An employee aggrieved by a decision adversely affecting his terms and conditions of service shall have a right to appeal against the decision to the appellate authority as notified by the Commission.

(2) A representation under sub-section (1) shall be preferred within one month of the day on which the cause of grievance had arisen. A representation submitted after this period shall not be entertained unless sufficient cause is shown.

(3) Not more than one representation on the same grounds shall be preferred.

**6. Liability to serve anywhere in Pakistan.**- An employee may be required to serve in any office or establishment of the Commission anywhere in Pakistan. In the event of non-compliance, the employee shall be liable to disciplinary action as considered appropriate by the Commission.

**7. Clearance.** - It shall be the responsibility of the employee leaving the Commission to obtain a clearance certificate in the prescribed form. Final settlement of accounts shall not be made unless the clearance certificate is obtained.

## **CHAPTER 13 CONDUCT**

**1. Gift.**- (1) Save as otherwise provided in this Manual, no employee, Chairman or Member shall, except with the previous sanction of the competent authority, accept, or permit any member of his family to accept, from any person, any gift, the receipt of which would place him under any form of official obligation to the donor.

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<sup>9</sup> Previous Para 4 deleted and the remaining Paras re-numbered vide SRO NO 67(I)/2019 dated 18-01-2019

(2) If any gift is offered by the Head or Representative of a Foreign State, the Chairman, Member or the employee concerned shall attempt to avoid acceptance of such a gift, if he can do so without causing offence. If he cannot do so, he shall accept the gift and shall report to the Commission for orders as to its disposal.

**2. Lending and Borrowing moneys.**- (1) No employee shall lend money to, or borrow money from, or place himself under any pecuniary obligation, to any person with whom he has any official dealings., provided that nothing in this behalf shall apply to authorised dealings under letter on behalf of the Commission in the ordinary course of business with a company, bank or a firm of standing.

(2) When an employee has borrowed money or has, otherwise placed himself under pecuniary obligation in violation of sub-paragraph (1), he shall forthwith, declare the circumstances to the Chairman.

**3. Speculation, investment and insider trading.** - (1) All employees shall be required to make disclosure of any investment or disinvestment or purchase of any property other than personal effects.

**4. Employee not to live beyond his means etc.** - No employee shall live beyond his means or indulge in ostentation.

**5. An employee not to express views against ideology of Pakistan.**- No employee shall express views against ideology or integrity of Pakistan.

**6. Declaration of assets.**- All employees shall submit a declaration of assets valuing One Hundred thousand rupees or more with the Commission along with a reconciliation of purchases and sales of such assets. The declaration shall be submitted by 15<sup>th</sup> October of each year and shall show the assets as on 30th June of such year.

(Mohammed Hayat Jesra)  
Secretary