

**THE BALOCHISTAN FAMILY COURT JUDGES
SERVICE RULE, 2009**

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RULES

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NOTIFICATION

[13th August, 2009]

NO. 1-146/2009(BLGB)/AO-IV/. In exercise of the powers conferred by Section 26 read with Section 3 of the West Pakistan Family Courts Act, 1964² (Act XXXV of 1964), the Government of Balochistan is pleased to make the following rules regulating recruitment to the Balochistan Family Court Judges Service and prescribing conditions of service for the persons appointed thereto, namely:—

PART I – GENERAL

1. **Short title and commencement.** — (1) These rules may be called the Balochistan Family Court Judges Service Rule, 2009.
 - (2) They shall come into force at once.
2. **Definitions.** — In these rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them that is to say:—
 - (a) "**Appendix**" means an appendix to these rules;
 - (b) "**Appointing Authority**" means the authority specified in rule 4;
 - (c) "**Family Court**" means a Court constituted under the West Pakistan Family Court Act, 1964²;
 - (d) "**Government**" means the Government of Balochistan;
 - (e) "**High Court**" mean the High Court of Balochistan;
 - (f) "**Initial Recruitment**" means appointment made otherwise than by promotion or transfer from another Service/Department/ Post;
 - (g) "**Commission**" means the Balochistan Public Service Commission;
 - (h) "**Recognized University**" means any University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognized University for the purpose of these rules;
 - (i) "**Service**" means the Balochistan Family Court Judges Service.

PART II – RECRUITMENT

3. **Eligibility and compositions of service.** — (1) No person who is married to

¹ These rules have been issued by the Balochistan Local Government Rural Development and Agrovilles Department, Government of Balochistan, vide its Notification No. 1-146/2009(BLGB)/AO-IV/-, dated 13th August, 2009; and published in the Balochistan Gazette (Extraordinary) No. 120, dated 13th August, 2009.

² W.P. Act XXXV of 1964 was passed by the West Pakistan Assembly on 30th June, 1964; assented to by the Governor of West Pakistan on 14th July, 1964; and, published in the West Pakistan Gazette (Extraordinary), page No. 2427-2434, dated 18th July, 1964.

a foreign national shall be eligible for appointment to the Service.

(2) The Service shall comprise the posts of specified in column 2 of the Appendix and such other posts as may be determined by the Government from time to time.

4. **Appointing Authority.** — Appointment to the Service shall be made by the Government in consultation with the High Court of Balochistan.

5. **Method of recruitment.** — (1) Appointment to the Service shall be made as specified in the Appendix by initial recruitment on the recommendation of the Commission.

6. **Age.** — (1) No person, who is less than 28 years or more than 35 years of age shall be appointed to the Service provided that:—

- (i) the upper age limit for appointment to Service shall be relaxed according to the Government instructions as in force for the time being;
- (ii) in the case of a person whose services under Government have been terminated for want of a vacancy the period of Service already rendered by him shall, for the purpose of upper age limits under this rule, be excluded from his age.

(2) For the purpose of this rule, age shall be reckoned:—

- (i) where recruitment is to be made on the basis of written examination, as on the 1st of January of the year in which the examination is proposed to be held; *and*
- (ii) in other cases as on the last date fixed for submission of application for appointment.

7. **Qualification.** — (1) No person shall be appointed to a post in the Service unless he possesses the qualifications prescribed for the post in column 3 of the Appendix.

(2) No person not already in Government Service shall be appointed to the Service unless he produces a certificate of character from the Principal / Academic Officer of the academic institution last attended and also certificates of character from two other responsible persons not being his relatives, who are well acquainted with his character and antecedents.

(3) No person shall be appointed by initial recruitment to the Service unless he is declared to be physically fit by a Government Medical Officer not below the rank of a District Health Officer or a Medical Board constituted for the purpose.

PART III – CONDITION OF SERVICE

8. **Probation.** — (1) A person appointed to the Service against a substantive vacancy shall remain on probation for a period of two years.

Explanation. Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If the work or conduct of a member of the Service during the period of probation has, in the opinion of the appointing authority, not been satisfactory, the appointing

authority may, notwithstanding that the period of probation has not expired, dispense with his services, or extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the, expiry of the initial probationary period.

(3) On completion of the period of probation by a member of the Service, the appointing authority may confirm him in his appointment, or if his work or conduct has, in the opinion of the appointing authority, not been satisfactory dispense with his services.

Explanation. If no orders have been made by the day following the completion of the initial or extended probationary period, the probation shall be deemed to have been completed, and thereupon the service of the members shall be deemed to have been confirmed.

9. **Seniority.** — (1) The *interse* seniority of the incumbents shall be determined in accordance with the order of merit assigned by the Commission provided that person selected for the Service in an earlier selection shall rank senior to the persons selected in later selection.

10. **Liability to transfer and serve.** — The members of the Service shall be liable to—

- (a) transfer any where in Balochistan; *and*
- (b) serve in any department of Government or any local authority or statutory body setup or established by Government.

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

11. **General rules.** — In all matters not expressly provided for in these rules, members of the Service shall be governed under Balochistan Civil Servant Act, 1974³(IX of 1974) and the Rules made thereunder.

12. **Relaxation.** — Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases if Government is satisfied that a strict application of these rules would cause undue hardship to the individual concerned.

BY ORDER OF
GOVERNOR BALOCHISTAN

CHIEF SECRETARY
GOVERNMENT OF BALOCHISTAN

³ Baln. Act IX of 1974 was passed by the Balochistan Assembly on 19th June, 1974; assented to by the Governor of Balochistan; published in the Balochistan Gazette (Extraordinary) No. 41, dated 20th July, 1974.

(See **Appendix** on next page)

APPENDIX

[See rule 3(2) and 7(1)]

S.NO.	NOMENCLATURE OF THE POST	MINIMUM QUALIFICATION PRESCRIBED FOR APPOINTMENT BY INITIAL RECRUITMENT	METHOD OF RECRUITMENT
1	2	3	4
1.	Family Court Judge (BPS-18)	Bachelor's Degree in Law and five years practice as Advocate.	By initial recruitment.

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