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Act No. 13 of the year 2064 (2007)

An Act Made to Provide for the Establishment of the Legislature-Parliament Secretariat and the Constitution and Operation of the Legislature-Parliament Service

Preamble:

Whereas, it is expedient to make provisions on the establishment of the Legislature-Parliament Secretariat and the constitution and operation of the Legislature-Parliament Service for the smooth operation of the activities of the Legislature-Parliament;

Now, therefore, be it enacted by the Legislature-Parliament.

Chapter-1

Preliminary

1. Short title and commencement: (1) This Act may be called as the “Act Relating to Legislature-Parliament Secretariat, 2064 (2007)”.

(2) This Act shall come into force forthwith.

2. Definitions: Unless the subject or the context otherwise requires, in this Act,-

(b) “Speaker” means the Speaker of the Legislature-Parliament.

(c) “Deputy Speaker” means the Deputy Speaker of the Legislature-Parliament.

(d) “Leader of Opposition Party” means the leader of opposition party recognized pursuant to Article 57A of the Constitution.

(e) “Member” means a member of the Legislature-Parliament.

(f) “Secretariat” means the Legislature-Parliament Secretariat established pursuant to Section 3.

(g) “Committee” means the Secretariat Operation and Management Committee formed pursuant to Section 6.

(h) “Office-bearer” means the Speaker, Deputy Speaker, Leader of Opposition Party, Chairperson of a Committee of Legislature-Parliament, Leader, Deputy Leader, Chip Whip, Main Whip, Secretary, Whip of a parliamentary party of a political party represented in the Legislature-Parliament.


(j) “Secretary General” means the Secretary General of the Legislature-Parliament.

(k) “Secretary” means the Secretary of the Legislature-Parliament.
“Secretariat Secretary” the Secretary of the Secretariat.

“Promotion Committee” means the promotion committee formed pursuant to Section 27.

"Employee" means any person who is appointed to a post of the Legislature-Parliament Service.

“Marshal” means a person appoint to the post of marshal.

"Permanent post" means a post of the Legislature-Parliament Service which is pensionable and of which term is not specified.

"family" means the husband, wife, son, unmarried daughter, adopted son, unmarried adopted daughter, father, mother or step mother living together with an employee and whom he or she himself or herself has to maintain and subsist, and this term also includes his or her grandfather, grandmother in the case of a male and unmarried female employee, and her mother-in-law, father-in-law, in the case of a female employee.

"Prescribed" or "as prescribed" means prescribed or as prescribed in the rules framed under this Act.

Chapter-2

Establishment of Secretariat and Other Provisions

3. Establishment of Secretariat: (1) The Legislature-Parliament secretariat is hereby established for the smooth operation of the functions of the Legislature-Parliament and also for the operation and management of the Legislature-Parliament Service.
(2) The Secretariat shall consist of the Secretary General, Secretary and a required number of employees.

4. **To be independent and autonomous body:** The Secretariat shall be an independent and autonomous body.

5. **Functions, duties and powers of Secretariat:** (1) The functions, duties and powers of the Secretariat shall, in addition to those mentioned in the laws in force, be as follows:

   (a) To provide necessary services and facilities to the Legislature-Parliament, Committees of the Legislature-Parliament, Office-bearers and Members,

   (b) To manage and make effective the administrative, financial and physical management related acts for the smooth operation of the activities of the Legislature-Parliament,

   (c) To make effective the information system of the Legislature-Parliament, and arrange for security system in the premises of the Legislature-Parliament,

   (d) To provide necessary services and facilities to the offices of parties of the Legislature-Parliament.

(2) The other functions, duties and powers of the Secretariat shall be as prescribed.

6. **Formation of Committee:** (1) There shall be a Secretariat Operation and Management Committee to carry out functions including the formulation of required policies and looking after and making control and supervision in relation to the smooth operation and management of the Legislature-Parliament and the Secretariat.
(2) The Committee as referred to in sub-section (1) shall be formed as follows:

(a) Speaker - Chairperson
(b) Deputy Speaker - Member
(c) Secretary General - Member
(d) Secretary - Member
(e) Secretariat Secretary - Member-secretary

7. **Functions, duties and powers of Committee:** (1) The functions, duties and powers of the Committee shall be as follows:

(a) To carry out functions relating to the operation and management of the Secretariat,

(b) To fix the annual budget of the Legislature-Parliament and the Secretariat,

(c) To fix the number of positions of Employees remaining in the Legislature-Parliament Service,

(d) To perform functions relating to the career development and fixation of facilities of the Employees of the Secretariat,

(e) To make policies relating to the physical construction and reforms of the Legislature-Parliament,

(f) To maintain, or cause to be maintained, coordination and harmonization between the Committees of Legislature-Parliament,
(g) To perform such functions as required to enhance the efficiency and capacity of Members,

(h) In coordination with the Government of Nepal, to prepare yearly calendar of business of the Legislature-Parliament and Committees of Legislature-Parliament and formulate and implement, or cause to be implemented, short-term and long-term plans of the Legislature-Parliament and the Secretariat.

(2) The other functions, duties and powers of the Committee shall be as prescribed.

(3) The procedures relating to the meeting of the Committee shall be as determined by the Committee itself.

8. **Functions, duties and powers of Speaker:** The functions, duties and powers of the Speaker shall, in addition to those mentioned in the laws in force, be as follows:

(a) To perform act relating to internal and foreign delegation of the Legislature-Parliament,

(b) To approve internal and foreign visits and visit expenditures of the Office-bearers, Members and Secretary General of the Legislature-Parliament,

(c) To make contact and relation with Legislatures of friendly countries, international and regional parliamentary unions and friendly groups,

(d) To give direction, as required, to the Government of Nepal and other relevant bodies in relation to the implementation of the decisions of the Committee.
9. **Functions, duties and powers of Secretary General:** (1) The functions, duties and powers of the Secretary General shall, in addition to those mentioned in the laws in force, be as follows:

(a) To act as the administrative chief of the Secretariat,

(b) To perform act relating to the appointment, retirement of and punishment to the Employees of the Legislature-Parliament Service pursuant to this Act,

(c) To perform functions relating to the operation and management of the Secretariat as directed by the Committee,

(d) To prepare annual budget, program and plan of the Legislature-Parliament and the Secretariat and submit the same to the Committee,

(e) To perform, or cause to be performed, act relating to expenditure of budget appropriated for the Legislature-Parliament and the Secretariat and relating to financial administration,

(f) To perform, or cause to be performed, act relating to physical construction, restructuring of the Secretariat,

(g) To maintain relation and exchange support with friendly countries, foreign diplomatic missions and international bodies, national and international organizations,

(h) To maintain coordination between the Secretariat and other bodies,
(i) To look after, maintain the movable and immovable properties of the Legislature-Parliament and the Secretariat,

(j) To make necessary arrangements for the smooth running of the activities of the Legislature-Parliament and the Legislature-Parliament Secretariat.

(2) The other functions, duties and powers of the Secretary General shall be as prescribed.

10. Functions, duties and powers of Secretary: (1) The functions, duties and powers of the Secretary shall, in addition to those mentioned in the laws in force, be as follows:

(a) To act as the chief of the Employees of the Committees of the Legislature-Parliament and Divisions,

(b) To prepare annual budget required for the Committees of the Legislature-Parliament and submit the same to the Secretary General,

(c) To look after and manage the activities relating to the Legislature-Parliament and Committees,

(d) To perform other functions as directed by the Speaker, Deputy Speaker and Secretary General.

(2) The other functions, duties and powers of the Secretary General shall be as prescribed.

11. Functions, duties and powers of Secretariat Secretary: (1) The functions, duties and powers of the Secretariat Secretary shall be as follows:
(a) To assist the Secretary General in administrative business,

(b) To prepare annual budget, program and plan of the Secretariat and submit the same to the Secretary General,

(c) To look after, protect and maintain the movable and immovable properties of the Secretariat,

(d) To supervise, monitor and evaluate the functions of the Employees under the Divisions subordinate to him or her,

(e) To perform other functions as directed by the Secretary General.

(2) The other functions, duties and powers of the Secretariat Secretary shall be as prescribed.

Chapter-3

Provisions Relating to Budget and Fund

12. To fix budget: (1) The Committee shall, in consultation with the Minister for Finance, fix the annual budget for the Legislature-Parliament and the Secretariat.

(2) The Government of Nepal shall include in the Appropriation Bill the budget fixed pursuant to sub-section (1).

(3) Procedures relating to the financial administration of the Legislature-Parliament Secretariat shall be as prescribed.
13. **Legislature-Parliament Development Fund:** (1) There shall be a separate fund entitled the Legislature-Parliament Development Fund for activities relating to the physical construction and restructuring, development of information technology, standardization of library, capacity building of the Office-bearers, Members and Members of the Legislature-Parliament, and the following amounts shall be credited to that Fund:

(a) Amounts received from the Government of Nepal,

(b) Amounts received in form of grant and aid from any foreign government, foreign diplomatic mission, national and international organization or body,

(c) Amounts received from other sources.

(2) The Committee may obtain grant and aid from any foreign government, foreign diplomatic mission, national and international organization or body. Information of the grant and aid so obtained shall be given to the Ministry of Finance.

(3) The provisions relating to the operation of the Fund as referred to in sub-section (1) shall be as prescribed.

**Chapter-4**

**Provisions Relating to Constitution of the Legislature-Parliament Service and Fulfillment of Posts**

14. **Constitution of the Legislature-Parliament Service:** (1) One service entitled the Legislature-Parliament Service is hereby constituted.
(2) There shall be the following classes in the Legislature-Parliament Service:

<table>
<thead>
<tr>
<th>Gazetted</th>
<th>Non-gazetted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special</td>
<td>First</td>
</tr>
<tr>
<td>First</td>
<td>Second</td>
</tr>
<tr>
<td>Second</td>
<td>Third</td>
</tr>
<tr>
<td>Third</td>
<td>Fourth</td>
</tr>
<tr>
<td></td>
<td>Fifth</td>
</tr>
</tbody>
</table>

(3) If the Employees serving in the classless posts at the time of commencement of this Section intend to be incorporated in the class, the class of such Employees shall be set in the fifth class as prescribed.

(4) There shall be posts of various levels as prescribed in the classes as referred in sub-section (2).

15. Job description: (1) Based on the job description of the organization approved by the Committee, the Secretary General shall prepare and enforce the job description of each post of the Service.

(2) The job description as referred to in sub-section (1) shall clearly specify, *inter alia*, the functions, duties, responsibilities and powers of the concerned post and qualifications required for the same.
(3) In posting the Employee to any post, the job description and the indicators for the evaluation of functions as specified in the job description shall also be provided, along with the posting letter.

(4) Other provisions relating to the job description shall be as prescribed.

16. Groups and sub-groups: (1) There may also be different groups and sub-groups as prescribed in the Legislature-Parliament Service.

(2) The minimum qualifications required for different posts in the groups and sub-groups of the Legislature-Parliament Service shall be as prescribed.

17. Fulfillment of vacancy in the Legislature-Parliament Service:
(1) The following posts of the Legislature-Parliament Service shall be fulfilled follows:

<table>
<thead>
<tr>
<th>Post</th>
<th>By open competition</th>
<th>By promotion</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>By evaluation of competency</td>
</tr>
</tbody>
</table>

www.lawcommission.gov.np
<table>
<thead>
<tr>
<th>Class/Grade</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Classless/ Non-gazetted fifth class</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>(b) Non-gazetted fourth class</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>(c) Non-gazetted third class</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>(d) Non-gazetted second class</td>
<td>60%</td>
<td>20%</td>
<td>20%</td>
<td>-</td>
</tr>
<tr>
<td>(e) Non-gazetted first class</td>
<td>60%</td>
<td>20%</td>
<td>-</td>
<td>20%</td>
</tr>
<tr>
<td>(f) Gazetted third class</td>
<td>70%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
<tr>
<td>(g) Gazetted second class</td>
<td>10%</td>
<td>60%</td>
<td>20%</td>
<td>10%</td>
</tr>
<tr>
<td>(h) Gazetted first class</td>
<td>10%</td>
<td>60%</td>
<td>20%</td>
<td>10%</td>
</tr>
</tbody>
</table>

(2) Notwithstanding anything contained in clauses (a) and (b) of sub-section (1), if any post of non-gazetted third class is not held by any Employee, that post shall *ipso facto* lapse. If any Employees holding the posts of gazetted third class have completed
such service period and possess such minimum educational qualifications as required for the post as prescribed that is one class lower than that to which they are to be promoted, they shall *ipso facto* be promoted to the one class higher post. The higher class post shall *ipso facto* be created for making such promotion; and the lower post held by any such Employee prior to his or her promotion to the higher post shall *ipso facto* lapse after such promotion to the higher post.

(3) The classless/non-gazetted fifth class posts carrying out the main functions and subsidiary functions shall be as per the prevailing Civil Service Act or as prescribed under that Act.

(4) The classless/non-gazetted fifth class posts carrying out subsidiary functions as prescribed pursuant to sub-section (3), which are falling vacant at the time of commencement of this Section and which fall vacant after the commencement of this Section shall *ipso facto* lapse. The Secretariat shall give information of the cessation of such posts to the Civil Employees Records Office. The jobs to be performed by such posts shall be got performed through service contract, by making a contract with a person or organization, with specification of minimum remuneration.

(5) The posts to be fulfilled through internal competitive examination as referred to in clause (d) of sub-section (1) shall be fulfilled by having competition from the Employees serving in the non-gazetted third class post or any post lower than that (including classless posts), who have possessed the minimum educational qualification and minimum service period required for the non-gazetted second class post.
(6) Notwithstanding anything contained in sub-section (1), in order to make inclusive the Legislature-Parliament Service, forty-five percent posts of the posts to be fulfilled by open competition shall be set aside and be filled up by having separate competition between the following candidates only, by considering the percentage into cent percent:

(a) Women  - Thirty three percent
(b) Indigenous/nationalities  - Twenty seven percent
(c) Madhesi  - Twenty two percent
(d) Dalit  - Nine percent
(e) Persons with disability  - Five percent
(f) Backward Area  - Four percent

Explanation:

(1) For the purposes of this sub-section "backward area" means Achham, Kalikot, Jajarkot, Jumla, Dolpa, Bajhang, Bajura, Mugu and Humla districts.

(2) For the purposes of clauses (a), (b), (c) and (d) of this sub-section, "women, Adiwasi/Janajati, Madhesi, and Dalit" means women, indigenous/nationalities, Madhesi, and Dalit who are backward economically and socially.

(7) Notwithstanding anything contained elsewhere in this Section, the posts of the percentage determined pursuant to clause (e) of sub-section (6) shall be filled up through competitive examination.
between only such persons with disability as may be specified for any specific nature of work.

(8) While determining the percent pursuant to sub-section (6), if there is a fraction that is less than one percent, the fraction shall continue to pass on to the immediately next group of the group in respect of which such fraction has resulted.

(9) If no appropriate candidate is available from the advertisement for a post set aside pursuant to sub-section (6) in the year of advertisement, such post shall be included in the advertisement of next year, and if any appropriate candidate is not available even upon such advertisement, such post shall be included in the posts to be filled up through the open competition in that year.

(10) The provisions for the fulfillment of posts through the percent determined pursuant to sub-section (6) shall be reviewed in every ten years.

(11) If there arises any dispute on the determination of posts as per the percent as referred to in sub-section (6), the decision made by the Public Service Commission shall be final.

(12) The posts to be filled by adjustment of promotion through promotion by evaluation of work performance and experience pursuant to sub-section (1) shall be adjusted on the basis of seniority from amongst the Employees to be promoted pursuant to Section 35.

(13) Notwithstanding anything contained elsewhere in this Section, the minimum qualification required for the post of gazetted second and first class to be filled up through open competition pursuant to clauses (g) and (h) of sub-section (1) shall be Master’s Degree obtained on the concerned subject and experience of five years in the case
of gazetted second class and that of seven years in the case of gazetted first class, in an officer level post of any government service or a body corporate registered as per the prevailing law or an international association or institution.

Provided that, the term of work experience shall be less by Two years in the case of a candidate who has done Ph.D.

(14) Other provisions relating to the fulfillment of vacancies in the Legislature-Parliament Service and relating to that of expert posts shall be as prescribed.

18. **Provisions on requisition for vacancy fulfillment:** (1) If any post of the Legislature-Parliament Service falls vacant in any manner, the secretariat shall give information thereof to the Public Service Commission within one month after such vacancy.

(2) In making requisition for the fulfillment of vacancies in the Legislature-Parliament Service, requisition may be made, specifying the posts fallen vacant by that period and the posts that are to fall vacant by way of retirement and promotion within the running fiscal year.

(3) Other provisions relating to the requisition for vacancy fulfillment shall be as prescribed.

19. **Appointment to the Legislature-Parliament Service:** (1) Appointment to the post in the Legislature-Parliament Service as required to be fulfilled by open and internal competition shall be made only on recommendation of the Public Service Commission.

(2) The Secretary General shall, as per the decision of the Committee, make appointment to the gazetted post of the
Legislature-Parliament Service, and the Secretariat Secretary shall, as per the decision of the Secretary General, make appointment to the non-gazetted post.

(3) A notification of the appointment of gazette Employee shall be published in the Nepal Gazette.

20. **Disqualifications for being candidate:** The following persons shall not be qualified to be candidate for the post of the Legislature-Parliament Service:

(a) A person who is not a citizen of Nepal,

(b) In the case of non-gazetted and classless post, one who has not completed the age of 18 years,

(c) In the case of gazetted post, one who has not completed the age of 21 years,

(d) In the case of male and female candidates, those who have already completed the age of thirty five years and that of forty years, respectively,

Provided, however, that:

(1) Any person who has not crossed the age of forty years may be a candidate for such post of the Legislature-Parliament Service as may be specified for appointment of an ex-army or police thereto.

(2) Any person who has not crossed the age of forty five years made be a candidate in the
open competition for the non-gazetted and first class.

(3) The age bar shall not be applicable in the case of permanent incumbent Employees of the Legislature-Parliament Service and employees other governmental service of the same nature.

Explanation: For the purposes of this Section, the words “permanent incumbent employees of other governmental service of the same nature” means the employees of the civil service and Nepal health service.

(e) Those who have been dismissed from the service, with being disqualified for the Legislature-Parliament Service and other government service in the future.

(f) Those who have been convicted by the court of a criminal offence involving moral turpitude.

21. Retention of lien: The Employee of the Legislature-Parliament Service shall continue to have lien over his post in the following circumstances:

(a) As long as he or she continues to function in that post;

(b) While he or she is on leave;

(c) While he or she is under suspension;

(d) While he or she is deputed by the Secretariat on other business.
22. **Oath:** Each Employee shall, before assuming his or her office after being appointed for the first time to the permanent post of the Legislature-Parliament Service, swear an oath as prescribed.

23. **Probation period:** (1) While making fresh appointment to any permanent post of the Legislature-Parliament Service, such appointment shall be made on probation for a period of six months in the case of a female Employee, and one year, in the case of a male Employee.

   (2) If his or her performance is not satisfactory during the probation period, his or her appointment may be canceled.

   (3) The appointment of an Employee whose appointment has not been cancelled pursuant to sub-section (1) shall be deemed to have *ipso facto* been confirmed on the expiration of the probation period.

   Provided that if an employee who has once completed the probation period in any permanent post of the Legislature-Parliament Service or other governmental service is appointed to the permanent post of the Legislature-Parliament Service and appears with the letter of dispatch, such an employee shall not be required to again undergo the probation period.

   Explanation: For the purposes of this Section, the words “other government service” means the civil service and the Nepal health service.

24. **Not to hold without entrusting responsibility:** (1) Except in the following circumstance, no Employee may be held without entrusting the responsibility of post to him or her for a period exceeding two months:
(a) Where the Employee is on a long leave,

(b) Where the Employee is suspended,

(c) Where the Employee has to be retained in the lien post due to his or her deputation elsewhere.

(2) If any Employee is held without entrusting the responsibility of post to him or her in contravention of sub-section (1), the office-bearer with obligation to entrust the responsibility to and get such Employee to serve shall be subjected to departmental action.

25. Leadership evaluation: Provisions relating to the evaluation of leadership of the Employees of gazetted first class or above shall be as prescribed.

Chapter-5

Promotion

26. Promotion: (1) While making promotion through the evaluation of work efficiency, to the gazetted post of the Legislature-Parliament Service, it shall be made on the recommendation of the promotion committee.

(2) Notwithstanding anything contained elsewhere in this Act, promotion to the post of gazetted special class of the Legislature-Parliament Service shall be made as follows:
(a) The promotion committee shall, to the extent of availability, recommend those candidates who have secured the highest marks on the work performance evaluation, from amongst the potential candidates, in a number that is three times higher than the number of vacant posts, for promotion to the vacant posts of gazetted special class; and the Committee shall promote such candidate, from amongst the candidates so recommended, as it may hold appropriate on the basis of seniority and work efficiency.

(b) In order for any gazetted first class employee to be a potential candidate for the post of special class as referred to in clause (a), such employee shall also have passed such a high level management training as prescribed by the Government of Nepal.

Provided, however, that this provision shall not be applicable to any promotion to be made within one year after the commencement of this Section.

(c) While calculating marks of work performance evaluation for the promotion to the special class as referred to in clause (a), the work performance evaluation form of such last year as the service for which is required to become a potential candidate for promotion.

(3) There shall be a promotion as prescribed to make recommendation for promotion through the evaluation of work efficiency to the non-gazetted post of the Legislature-Parliament Service.
27. **Promotion committee**: (1) There shall be a promotion committee as follows to make recommendation for promotion to the gazetted post of the Legislature-Parliament Service:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Chairman of the Public Service Commission or Member of the Public Service Commission designated by him or her - Chairperson</td>
</tr>
<tr>
<td>(b)</td>
<td>Secretary General -Member</td>
</tr>
<tr>
<td>(c)</td>
<td>Secretary at the Legislature-Parliament -Member</td>
</tr>
<tr>
<td>(d)</td>
<td>Secretary at the Ministry of Law, Justice and Parliamentary Affairs -Member</td>
</tr>
<tr>
<td>(e)</td>
<td>Expert in the concerned subject nominated by the Chairperson of the Public Service Commission -Member</td>
</tr>
<tr>
<td>(f)</td>
<td>Secretariat Secretary -Member-secretary</td>
</tr>
</tbody>
</table>

(2) The secretariat of the promotion committee shall be situated at the Legislature-Parliament Secretariat.

(3) The promotion committee shall publish the results of promotion within four months after the deadline for the submission of application forms.
(4) The other procedures to be followed by the promotion committee to make recommendation for promotion of Employees shall be as prescribed.

28. **Minimum service period and educational qualifications required to be candidate for promotion:**

(1) In order to be a candidate for promotion, one has to possess the educational qualifications as prescribed for the post that is one class below the class of the post to which promotion is made and have completed the minimum service period as follows:

(a) Three years for a non-gazetted post.

(b) Five years for a gazetted post.

(2) Notwithstanding anything contained in sub-section (1), even though an Employee who is women, indigenous/nationality, Madhesi, Dalit, person with disability or a permanent resident of the backward region has a service period that is the above-mentioned service period less one year, such an Employee shall be a potential candidate for promotion.

29. **Ineligibility for being potential candidate for promotion:**

Notwithstanding anything contained in Section 28, an Employee shall not be eligible to be a potential candidate for promotion in the following circumstances and during the following period:

(a) In the event of suspension, during the period of suspension,

(b) In the event of withholding of promotion, during the period of withholding,
(c) In the event of withholding of increment in salary, during the period of withholding,

(d) In the case of an Employee who has changed the group pursuant to Section 103, until the Employee completes a service period of three years after the date of such change of group.

30. **Withholding and sanction of promotional appointment:** If any Employee is suspended or his or her appointment or salary increment is withheld after he or she has been recommended for promotion but before he or she gets promotional appointment, his or her promotional appointment shall then be withheld during the said period; and in the event of his or her acquittal of the suspension or after the expiration of the period of withholding, he or she shall be granted appointment and only seniority shall be maintained as if he or she were not suspended or his or her promotion or salary increment were not withheld.

31. **Criteria for promotion:** (1) In making recommendation an Employee for promotion, the promotion committee shall make such recommendation based on his or her work efficiency.

(2) In evaluating the work efficiency of the Employee, a maximum of 100 marks shall be granted as follows:

<table>
<thead>
<tr>
<th></th>
<th>For work performance evaluation</th>
<th>-fifty marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>For seniority</td>
<td>-thirty marks</td>
</tr>
<tr>
<td>(b)</td>
<td>For educational qualifications</td>
<td>-fifteen marks</td>
</tr>
</tbody>
</table>
(d) For training -five marks

32. **Evaluation of work performance**: (1) The work performance evaluation form as prescribed shall be used to evaluate the work performance of the Employee.

(2) The distribution of the total marks for the work performance evaluation of the Employee shall be as follows:

<table>
<thead>
<tr>
<th></th>
<th>Maximum marks that may be granted by the supervisor</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Maximum marks that may be granted by the reviewer</td>
<td>-ten marks</td>
</tr>
<tr>
<td>(b)</td>
<td>Maximum marks that may be granted by the review committee</td>
<td>-ten marks</td>
</tr>
</tbody>
</table>

(3) The work performance evaluation of the gazetted Employee shall be carried out on a semi-annual and annual basis and that of the non-gazetted Employee on an annual basis.

(4) In carrying out the work performance evaluation on a semi-annual basis pursuant to sub-section (3), the concerned gazetted employee shall fill up the form in duplicate in the prescribed format, indicating the specified functions, discharged functions, functions which could not be completed and reasons for the same and submit it to the supervisor within seven days after the
expiry of that period. The supervisor shall evaluate the form so submitted, mention feedbacks to be provided in the specified space of the form and return a copy to the concerned Employee within another seven days. The annual work performance evaluation form must be evaluated based on every work performance evaluation form filled up on a semi-annual basis. The Authority may take departmental action against the Employee who fails to fill up the semi-annual work performance evaluation for in the specified time and the supervisor who fails to examine it and provide feedbacks.

(5) The work performance evaluation to be carried out on an annual basis has to be carried out within the specified period, and the evaluation has to be prepared in duplicate, and one copy thereof has to be retained in the promotion committee and the other copy on the Secretariat.

(6) Each Employee shall fill up his or her work performance evaluation form and register it with the Secretariat within the prescribed period of time. If the concerned Employee fails to register it within such period of time and makes an application, accompanied by reasonable reasons therefor, for the extension of time limit, the supervisor may, if he or she thinks the reasons mentioned in the application to be reasonable, extend the time limit for a period not exceeding fifteen days after the date of expiration of the prescribed period of time. The review committee shall subtract one mark from the total marks for the work performance evaluation form registered after that time limit but within the same financial year.

Provided that if any Employee has to go on deputation for any foreign training, symposium or study tour during the period within which the work performance evaluation form has to be filled
in, the Employee shall, prior to so going, fill the work performance evaluation form and register it with the Secretariat. The work performance evaluation form so registered has to be evaluated as if it were registered within the specified time.

(7) Departmental action shall be taken against the office-bearer who does not evaluate, within the prescribed period of time, the work performance evaluation form filled and registered by the Employee in time.

(8) If, after the review committee has evaluated the annual work performance evaluation to be carried out each year, the concerned Employee makes an application for information of the total marks of work performance evaluation that he or she has secured in that year, the review committee secretariat shall give such information.

Provided that information of the marks granted by the review committee shall not be given.

(9) If, upon receipt of the information pursuant to sub-section (8), any Employee is not satisfied with the evaluation made by the supervisor and the reviewer, the Employee may make a petition, accompanied with concrete grounds and reasons for the same, to the authority as prescribed within seven days. If a petition is so made, such authority shall, in consultation with the concerned supervisor and reviewer, make necessary examination, and may, if it appears necessary, amend, as prescribed, the secured marks as mentioned such an evaluation form.

(10) If the supervisor or the reviewer grants more than 95 per cent or less than 75 per cent marks for the work performance
evaluation to be carried out annually, he or she shall set out clear reasons therefor; and where he or she grants less than 75 per cent marks, he or she shall inform the concerned Employee thereof and submit it to the review committee, along with the reactions, if any, made by such Employee. The review committee may, if it is not satisfied with the evaluation of the work performance carried out by the supervisor or the reviewer or by both, return it, also setting out the clear reasons therefor. In cases where it is so returned, the concerned evaluator shall reevaluate it or set out justifiable reasons why it is not necessary to amend the evaluation carried out previously and forward it accordingly.

(11) While calculating marks for purposes of work performance evaluation, the marks shall be calculated on the basis of the average figure of the work performance evaluation form of such last year as the service for which is required to become a potential candidate for promotion.

Provided, however, that:

(1) Marks due for the work performance evaluation for the period of training and study undergone or of the period of suspension where the suspension of an Employee has been released shall be granted in proportion of the marks secured in the year immediately preceding the departure for such study or training or preceding such suspension, and, failing such work performance evaluation, the marks shall be calculated in proportion of the marks secured in the work performance evaluation filled after having attended the office.
(2) The potential candidacy shall be calculated only by deducting the period of extra-ordinary leave undergone; and the work performance evaluation form shall not be filled up for the period of such leave. The work performance evaluation of the subsequent period shall be calculated after deducting the period of extra-ordinary leave undergone, for the service period of such years as required to be a potential candidate for promotion.

(12) Other provisions relating to the work performance evaluation shall be as prescribed.

33. **Evaluation of seniority:** While granting to the Employee marks for seniority, a maximum of thirty marks shall be granted at the following rate for having served in the following class that he or she is holding at present.

   (a) At the rate of 3.75 marks for each year for having served in the non-gazetted third and second class posts,

   (b) At the rate of 3 marks for each year for having served in the non-gazetted first class post,

   (c) At the rate of 2.5 marks for each year for having served in the gazetted third and second class posts.

Provided, however, that-

(1) While calculating marks for seniority, marks shall be calculated on a proportional basis for a period of more than one year by a few months or days.
(2) For purposes of this Section, no marks shall be granted for the period of absence or extra-ordinary leave undergone.

34. **Evaluation of educational qualifications and training:** (1) While granting marks to the Employees for educational qualifications, marks shall be granted as follows, not exceeding fifteen marks for the minimum educational qualifications required to join any post of the service and for one additional educational degree which is higher than the minimum educational qualifications and in a subject related with the service, group or sub-group. Even in cases where there is only the educational degree higher than the minimum educational qualifications required to enter the service, both marks equal thereto shall be granted:

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<tr>
<th>Educational qualifications (Degree)</th>
<th>Marks</th>
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<td>First division</td>
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<td>(a) For the minimum educational qualification specified for entry into the service</td>
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<tr>
<td>(b) For any one additional educational degree in the concerned subject, higher than the minimum educational qualification specified for entry into the service</td>
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(2) In the case of an educational degree of which division is not set out, the division determined by the Tribhuvan University on the basis of marks secured shall be set.

(3) Except for the minimum educational qualifications specified for the gazette second and first class posts to be filled through open competition pursuant to clauses (g) and (h) of sub-section (1) of Section 17, the minimum educational qualifications specified for entry into the service of gazette third class shall be considered as the minimum educational qualifications also for promotion to the post higher than the gazette second class.

(4) For the in-service training, 5 marks, 4.75 marks and 4.50 marks shall be granted for the first, second and third division, respectively.

(5) While granting marks to the Employee for training, marks shall be granted for an in-service training of a period of one month or more, in a subject related with the service. In calculating marks for the training, the marks shall be calculated only for that class while in which class he or she has been nominated for the training.

**Explanation:** The words “training of a period of one month” shall mean a training of a period of thirty working days or more, which is related with the service.

(6) The Employee shall submit certified copies of the certificates of the educational qualifications and the in-service training. No marks shall be granted therefor if he or she fails to submit them.
(7) It shall be as decided by the relatedness determination committee, as prescribed, as to whether the educational qualification submitted by an Employee along with the application for promotion is related with that service, group, sub-group. If the relatedness of the educational qualification submitted with the application for the purpose of promotion is determined by a date before the holding of the meeting of the promotion committee, the marks of such educational qualification shall be counted for promotion.

(8) Provisions relating to institutions providing training to the Employees and training standards shall be as prescribed by the Committee, subject to this Section.

35. **Special provision of promotion by evaluation of work performance and experience**: (1) Notwithstanding anything contained elsewhere in this Act, any Employee, who has completed at least the following service period in the post of the following class, and obtained the educational qualification that is higher than the required minimum educational qualification specified for the post of the concerned group or sub-group at the time of entering into the service or being grouped, after or later the entry into or being grouped, shall be promoted to the one level higher post:

(a) Non-gazetted Second Class - Ten years

(b) Non-gazetted First Class - Twelve years

(c) Gazetted Third Class - Fifteen years

(d) Gazetted Second Class - Eighteen years
(2) Notwithstanding anything contained in sub-section (1), if an Employee has completed the service period of eighteen, fifteen and thirteen years or more in the permanent post of the same class of gazetted third class, non-gazetted first class and non-gazetted second class, respectively, and obtained the educational qualification that is higher than the required minimum educational qualification on the subject specified at the time of entering into the service or being grouped in the post of the concerned service, group or sub-group, the Employee shall be promoted to the one level higher post.

(3) The following conditions shall have to be fulfilled for the promotion pursuant to sub-sections (1) and (2):

(a) Not being subject to action pursuant to Section 28;

(b) Having obtained the marks average of ninety percent or more in the evaluation of work performance last three years.

(4) There shall be a promotion committee as follows to make recommendation for promotion pursuant to sub-section (1) or (2):

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<tr>
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<th>Member of the Public Service Commission designated by the chairperson of the Public Service Commission</th>
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<tr>
<td>(a)</td>
<td>- Chairperson</td>
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<td>(b)</td>
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(5) The secretariat of the promotion committee as referred to in sub-section (4) shall be situated at the Legislature-Parliament Secretariat, and in making recommendation for promotion pursuant to this Section, the promotion committee shall make such recommendation two times a year once in the month of Poush and once in the month of Ashad in each year.

(6) The one level higher special post of the concerned service, group or sub-group shall ipso facto be created at office where such Employee is serving for making promotion pursuant to sub-section (1) or (2), and after the concerned body has made promotion to such a post, the Civil Employee Record Office shall register such post promoted to, with effect from the date of the commencement of promotion.

(7) Such a post shall ipso facto lapse if the Employee who has been promoted pursuant to sub-section (6) gets retirement by any reason or is promoted to higher post or adjusted to the registered post, and the post shall ipso facto be settled as the earlier post before the post of his or her promotion, and the Civil Employee Record Office shall maintain the records of such post accordingly.

(8) The Employee promoted to a special post pursuant to sub-section (6) shall have to perform the same functions as were being performed by him or her while serving in the post prior to such promotion, except in the case of adjustment made pursuant to Section 17.

Provided, however, that while counting the seniority, it shall be counted of the post promoted to, and the Employee promoted as per this Section shall be eligible to compete for all kinds of promotion for a post of the class that is higher than that.
(9) Notwithstanding anything contained elsewhere in this Section, the promotion provision as referred to in this Section shall not apply to the post subject to up-gradation in level.

(10) Notwithstanding anything contained elsewhere in this Section, promotion made pursuant to this Section shall not be prejudicial to the provision of fulfillment of posts through open competition.

(11) The procedures for inviting applications for promotion by evaluation of work performance and experience, result publication and period, complaint against promotion and adjustment of promoted Employees and other provisions relating to procedures shall be as prescribed.

36. **Provisions relating to upgradation of classless Employees**: (1) The levels of the classless posts shall be as follows:

   (a) First level,

   (b) Second level,

   (c) Third level,

   (d) Fourth level,

   (e) Fifth level.

(2) The employee who is first appointed to the classless post shall be maintained into the first level.

(3) The competent authority shall upgrade as follows the classless Employees who have not been punished and recorded pursuant to Section 104:
(a) Second level in the case of one who has the service period of five years or more but less than ten years,

(b) Third level in the case of one who has the service period of ten years or more but less than fifteen years,

(c) Fourth level in the case of one who has the service period of fifteen years or more but less than twenty years,

(d) Fifth level in the case of one who has the service period of twenty years or more.

(4) Notwithstanding anything contained elsewhere in this Section, in the case of an Employee who has completed the service period of twenty five years or more in the classless post, the Employee shall be maintained at the sixth level at the time of retirement for any reason whatsoever, and provided with the other facilities including pension on the basis of the salary scale as per that level.

(5) The salary scale of the Employees of the levels as referred to in sub-sections (3) and (4) shall be as prescribed.

(6) Other provisions relating to upgradation of level shall be as prescribed.

37. **Sheet roll/personal details to be maintained accurately:** The sheet roll/personal details of the Employees shall be accurately.

38. **Complaint on promotion:** (1) The concerned Employee, who is not satisfied with the promotion recommendation made by the promotion committee, may file a complaint with the Committee within thirty-five days from the date of such recommendation. The Employee who so makes a complaint has clearly mention, *inter alia*, clear reasons why he or she should be promoted. The
complaint so filed shall be settled within sixty days after the date of expiry of the time limit for filing complaint.

(2) If, following the settlement of a complaint filed pursuant to sub-section (1), the promotion name-list previously published is to be amended, the Committee shall give a notice thereof to the promotion committee.

(3) If a complaint filed pursuant to sub-section (1) is held to be false, two marks and three marks of such a complainant shall be deducted on the promotion to be made following the complaint, for the complaint made for the first and second time, respectively.

(4) The other provisions on complaint on promotion shall be as prescribed.

39. **Special provision relating to promotion:** (1) Notwithstanding anything contained elsewhere in this Act, if any Employee of the gazette first class or below than that holding the same post for at least fifteen years has one month left to get retirement pursuant to Section 45, such Employee shall be promoted to one class higher post.

(2) Notwithstanding anything contained elsewhere in this Act, if any Employee of the gazetted first class or below than that holding the same post for at least fifteen years intends to have voluntary retirement pursuant to Section 35 and makes an application therefor, such Employee shall be granted retirement by promoting him or her to one class higher post.

(3) A special post shall *ipso facto* be created to make promotion pursuant to sub-section (1) or (2) and that post shall *ipso facto* lapse upon the retirement of such an Employee from service.
(4) Notwithstanding anything contained elsewhere in this Section, an Employee who dies after the completing the period as referred to in this Section in the same post, the pension and other facilities payable to one level higher post shall be provided to the family of such an Employee.

(5) Notwithstanding anything contained elsewhere in this Section, any Employee of gazetted first and second class holding the same post for at least fifteen years wishes to take retirement with promotion, such Employee shall be granted retirement by promoting him or her to one class higher post.

Chapter-5

Salary, Allowance, Dashain Expenses and Other Facilities

40. **Salary, allowance, Dashain expenses and other facilities salary and allowance:** (1) The Employee shall be entitled to the same salary from the day of assumption of his or her post as is receivable by an employee of the similar level of other government service of the Government of Nepal.

(2) Except in the circumstances stipulated in Sections 82 and 83, after the commencement of this Act, each Employee shall be entitled to such an increment in salary as may not be less than the salary of one day of the basic pay scale of the post which he or she is holding, upon completion of one of service. The number of salary increment to be so receivable shall be the same as that of the employee in the civil service. In the event of withholding of increment in salary of any Employee, the concerned official shall mention in writing on which date the increment in salary is to be sanctioned.
Provided that the total amount of annual salary increment to be receivable by the Employee pursuant to this sub-section shall not be more than the amount specified by the Government of Nepal for the concerned class of the civil service.

(3) An amount as determined by the Committee may be provided as an additional facility to the Office-bearers or Employees who are engaged in service while the session or meeting of the Legislature-Parliament or the meeting of Committee is being held and where such Office-bearers or Employees are to be engaged in work overtime such tiffin, food and overtime as well as other allowance as determined by the Committee may be provided to them.

(4) The salary and other facilities of the Employees shall be as determined by the Committee.

(5) Such amount as may be determined by the Committee may, as required, be provided to the Office-bearers or Employees who are engaged in any business of the Legislature-Parliament, in addition to the daily allowance and travelling allowance to which they are entitled pursuant to the laws in force.

(6) The Employee shall receive an amount equivalent to the salary of one month being earned by him or her as the festival expenses each year for the festival which he or she celebrates as per his or her religion, culture and tradition. The Employee may receive payment of such amount once in a financial year on the occasion of the main festival to be celebrated as per his or her religion, culture and tradition.
(7) An Employee who has got retired with entitlement to pension shall be entitled to a sum equivalent to the pension of one month payable to him or her, as the festival expenses.

(8) After budget has been passed by the Legislature-Parliament, the Employee shall each year receive an incentive in an amount equal to the salary of one month being drawn by him or her.

Explanation: For the purposes of this sub-section, the term “Employee” shall include an Employee who is serving on deputation in the Secretariat for the business of the Legislature-Parliament.

(9) The provisions relating to medical expenses, disability pension, facilities payable on grounds of mutilation, extra-ordinary family pension and gratuity, reward, educational allowances, housing allowance, pension to the offspring, child care allowance and other facilities receivable by the Employees shall be as prescribed.

41. **Entitlement to earned salary and allowance:** (1) Each Employee shall receive salary, allowance upon completion of each month.

(2) Each Employee shall receive his or her earned salary and allowance, even if he or she is relieved of the service for any reason whatsoever.

(3) Except as provided in this Act or the rules framed hereunder, no salary of any Employee shall be deducted.

(4) The salary to which any Employee is entitled shall not be withheld during the period he or she is serving or is on leave.
(5) Notwithstanding anything contained elsewhere in this Act, no Employee shall be provided with salary without having a salary report passed by the Civil Employee Records Office each year.

42. **Salary receivable in the event of suspension:** (1) If any Employee is suspended pursuant to Section 87, such Employee shall receive only half of his or her salary during the period of such suspension.

Provided, however, that if the charge against him or her is not proved and he or she is acquitted of the charge, he or she shall receive the salary less the half salary, if any, he or she has received during the period of suspension and the full salary (including increment in salary, if any, to be made) if he or she has not received the half salary, and the festival expenses. If he/she is convicted, he or she shall not be entitled to the salary for the date of such suspension.

(2) If any Employee is suspended for any reason other than that mentioned in sub-section (1), he or she shall not be entitled to any salary, allowance for the period of such suspension.

43. **Deposit of contribution to Employee Provident Fund:** An amount at the rate of ten per cent of the monthly salary of the Employee shall be deducted, and the Secretariat shall, adding the amount of one hundred per cent thereof to such amount, deposit the total amount in the Employee Provident Fund.

44. **Work performance incentive fund:** (1) The Secretariat shall provide for a work performance incentive fund in order to
encourage the Employees based on work performance, work results and achieved results.

(2) The operation, management and other provisions of the fund as referred to in sub-section (1) shall be as prescribed.

Chapter-7

Retirement, Gratuity and Pension

45. Compulsory retirement: (1) Any Employee who has completed the age of sixty years shall *ipso facto* retire from the service.

(2) Notwithstanding anything contained in sub-section (1), the Employee who is holding the post of special class shall *ipso facto* retire from the service after he or she has completed the service period of five years.

(3) For purposes of this Section, the age of an Employee shall be calculated on the basis of the age to be set from the birth day or year inscribed in the certificate of educational institute submitted by him or her at the time of joining the service or the age to be set from the birth day or year inscribed in the citizenship certificate or the age to be set from the birth day or year inscribed in the sheet roll/personal details filled up by him or her at the time of joining the service, at whichever age he or she gets retired earlier.

46. Power to award retirement: The Committee may, in the following circumstances, retire any Employee from the Legislature-Parliament Service:

(a) If any Employee is proved to have provided or attempted to provide secret governmental documents, deeds or information
under his or her custody or obtained by him or her in any manner to any unauthorized person or body,

(b) If any Employee is proved to have committed an irresponsible conduct contrary to the dignity of his or her post, by maintaining undesirable contact with any foreign country, organization or citizen contrary to the national interests.

47. **Special provision in respect of retirement of incapacitated employee:** If it is certified by the medical board constituted by the Government of Nepal that any Employee is unable to serve regularly owing to a physical or mental disease, the Committee may retire the Employee, by adding a service period of seven years in maximum to his or her service period.

48. **Voluntary retirement:** (1) Any Employee who is eligible to receive pension and has completed the age limit of fifty years may voluntarily retire from the service on such terms and within such period as set forth and specified in a notification published by the Committee in the Nepal Gazette. A service period not exceeding seven years shall be added and the total service period shall be fixed for pension in such a manner that the age of the Employee who so retires voluntarily does not cross sixty years.

(2) Notwithstanding anything contained in sub-section (1), if an Employee who is eligible to have pension and has completed the age limit of fifty years intends to have voluntary retirement, the Employee may make an application to the Committee. Voluntary retirement may be awarded to such an Employee who so intends to have voluntary retirement by promoting him or her to one level higher post in the event that he or she is entitled to promotion to
one level higher post pursuant to Section 39, and adding the service of a maximum of seven years in a manner not to exceed the age of sixty years.

49. **Gratuity:** (1) If any Employee, who has served for five years or more but has not completed the period required for pension, retires or leaves the Legislature-Parliament Service by getting resignation accepted or is removed from the post without being disqualified for the Legislature-Parliament Service or other government service in the future, he or she shall receive gratuity at the following rate:

   (a) In the case of an Employee who has served from five years to ten years, half the last month's salary for each year of his or her service,

   (b) In the case of an Employee who has served for more than ten years up to fifteen years, the last one month's salary for each year of his or her service,

   (c) In the case of an Employee who has served for more than fifteen years but less than twenty years, the last one and half month's salary for each year of his or her service.

(2) Notwithstanding anything contained in sub-section (1), no gratuity shall be paid to any Employee who is proved to have lied about citizenship or age or qualification with the intention of holding the Legislature-Parliament Service, and such Employee shall also be liable to punishment pursuant to the laws in force for having lied.
50. **Pension:** (1) An Employee who has served for a period of twenty years or more shall be entitled to a monthly pension at the following rate:

\[
\text{Total year of service} \times \text{amount of the last salary}
\]

Provided, however, that:

(1) No Employee who has been dismissed from the Legislature-Parliament Service with being disqualified for the Legislature-Parliament Service or other government service in the future shall be entitled to the pension pursuant to this Section.

(2) No pension shall be paid to any Employee who is proved to have lied about citizenship or age or qualification with the intention of holding the Legislature-Parliament Service.

(2) Notwithstanding anything contained in sub-section (1), where the Employees who fall in the class and are appoint to the post for which the age limit is specified as forty years for the entry into service do not have the pensionable service period at the time of compulsory retirement because of age, pension may be provided to such Employees by adding the service period of a maximum of two years.

(3) If any Employee, who has been in service in the civil service since 21 Kartik 2049 (6 November 1992) ago and subsequently set in the Legislature-Parliament Service, has already completed the service period of thirty years, he or she may retire
from service voluntarily. The total service period of the Employee who has so retired voluntarily from service shall be set by adding such remaining period as required for him or her to complete sixty years of age.

(4) Notwithstanding anything contained in sub-section (1), the minimum amount of pension shall not be less than half the amount of basic figure of salary of the incumbent Employee of the same post and the maximum amount thereof shall not be more than the basic scale of salary of the incumbent Employee of the same post.

(5) If any Employee who has completed the service period of fifteen years dies, a maximum period of five years shall be added to his or her service period, and his or her family shall be allowed to receive either pension or gratuity, whichever that family chooses.

(6) If any person who is receiving pension on account of his or her earlier service in any government post is appointed to any post of the Legislature-Parliament later, he or she shall be entitled to pension pursuant to this Section, with the addition of the period of his or her earlier service to that of his or her subsequent service.

51. **Increment in pension:** Where the salary or salary of the incumbent Employees of the Legislature-Parliament Service is increased, two-third amount of the increment in the basic figure of salary shall also be added to the amount of pension of the retired Employees of the same post.

Provided, however, that this provision shall not be applicable to the Employee entitled to pension pursuant to Section 52.
52. **Special provision relating to pension and gratuity:** (1) The Government of Nepal shall set up a separate gratuity and pension fund for purposes of providing gratuity and pension to those Employees who are appointed after the date specified by the Government of Nepal by a notification in the Nepal Gazette, and an amount at the rate of ten per cent of the monthly salary of such Employees shall be deducted, and the Government of Nepal shall, adding the amount equal to ten per cent of the monthly salary to such amount, deposit the total amount in that fund.

(2) The provisions relating to gratuity and pension as set forth in Sections 48, 49, 50, 51, 53 and 54 shall not be applicable to those Employees who are appointed after the publication of the notice as referred to in sub-section (1).

(3) The Government of Nepal shall provide the amount equal to that deducted from the monthly salary pursuant to sub-section (1) to such an Employee at the time of payment of salary to him or her.

(4) Notwithstanding anything contained in sub-section (3), an Employee who has been dismissed from the service with being disqualified for the government service in the future pursuant to sub-clause (2) of clause (b) of Section 81 shall be entitled to receive a lump sum of the total amount deducted from his or her salary to that fund and interest as well as profit accrued therein and therefrom.

(5) Other provisions relating to the management and operation of the amounts to be deposited in the gratuity and pension fund set up pursuant to sub-section (1), procedures for the deduction of funds, payment of fund deducted amounts for
purposes of gratuity and pension and fund deductions shall be as prescribed by the Government of Nepal.

53. **Family pension and gratuity:** (1) If any Employee dies while in service or prior to completion of seven years after he or she started to receive pension, a gratuity or pension as provided for in Section 49 or 50 shall be provided to his or her family or minor brother or unmarried sister.

Provided, however, that in the case of pension, such pension shall not be available for more than seven years. No pension shall be provided to the family of the Employee, who died prior to completion of seven years after he or she started to receive pension, after completion of seven years.

(2) Notwithstanding anything contained in sub-section (1), if the recipient of such pension is a minor, he or she shall be entitled to such pension until he or she attends majority.

(3) The widower husband or widow wife of an Employee shall be entitled, for life, to half the amount of pension receivable by such Employee from the date of expiration of the period during which such widower husband or widow wife is entitled to family pension pursuant to sub-section (1) by reason of the death of her husband or his wife while in service or prior to completion of seven years after he or she started to receive pension and from the date of death of such employee where such widower husband or widow wife is not entitled to such family pension or where his wife or her husband dies after completion of seven years after he or she started to receive pension.
Provided, however, that if such widower husband or widow wife concludes another marriage, he or she shall not be entitled to this kind of pension facility.

(4) Notwithstanding anything contained in sub-section (3), if the widower husband or widow wife of the Employee, who is receiving pension, dies or concludes another marriage, the minor offspring of such an Employee shall be entitled to the amount of such pension until the offspring attains majority.

(5) Where the salary of the incumbent Employee is increased, the two-thirds of the total amount increased in the figure of basic salary shall also be added to the amount of family pension of the person receiving family pension pursuant to sub-sections (1), (2) and (3).

(6) If any Employee dies prior to receiving any amount to which that Employee is entitled pursuant to this Act, such amount shall be paid to the person from amongst his or her family members who is held to be entitled to the gratuity or pension of that Employee pursuant to this Act.

(7) In providing gratuity or pension, if the deceased Employee has nominated any member of his or her family or his or her minor brother or unmarried sister, gratuity or pension shall be provided to such person, and if, for any reason, gratuity or pension cannot be provided to such person or if nobody has been nominated, it shall be provided to such person from amongst the members of his or her family as may be deemed appropriate by the Committee.
54. **Pension and gratuity of disappeared employee:** (1) If any Employee has disappeared and whose whereabouts are not traced, whether he or she is dead or alive, the amount of gratuity or pension to which such Employee is entitled pursuant to Section 49 or 50 shall be provided to his or her family.

(2) Notwithstanding anything contained in sub-section (1), his or her family shall be provided with the family pension equal to the full amount of pension for up to seven years if a person who is entitled to pension pursuant to Section 50 disappears prior to receiving pension and for up to the period remaining to complete seven years if the person disappears after starting to receive pension, and after that period, his or her wife or husband shall be provided with family pension equal to half the amount of pension for life.

(3) If the Employee disappeared is traced subsequently, the gratuity as referred to in Section 49, if not paid yet, or the amount of pension receivable under Section 50 shall be provided to himself or herself from the date on which he or she claims for the same.

Provided, however, that the person traced subsequently shall not be entitled to claim such amount of gratuity, pension or family pension as has already been paid pursuant to sub-section (1) or (2).

55. **Special provision relating to family pension:** (1)

Notwithstanding anything contained elsewhere in this Act, if any Employee dies due to conflict in the course of discharging the function deputed by the Government of Nepal, and the period of service of such an Employee is less than twenty years, the pension
as referred to in this Act shall be provided for life to his or her husband or wife by adding the remaining period.

(2) The person receiving the pension as referred to in sub-section (1) shall not be entitled to the family pension or gratuity as referred to in Section 53.

(3) If the person receiving the pension pursuant to this Section marries again, he or she shall not be entitled to such pension.

(4) Where the salary of the incumbent Employee is increased, the two-thirds of the total amount increased in the figure of basic salary shall also be added to the amount of family pension of the person pension pursuant to this Section.

(5) If the person who is receiving pension pursuant to this Section or marries again, the minor son, daughter, if any, of the deceased employee shall receive, as prescribed, the amount of such pension until the son, daughter attain majority.

56. **Special economic facility:** If an Employee dies while in service, his or her family shall be provided with a lump sum of one hundred fifty thousand rupees.

57. **Reference of salary:** (1) Wherever a reference of salary is made in various places of this Act, it shall mean the concerned Employee's salary amount (including salary increment) for the time being.

(2) For purposes of Sections 49 and 50, the term "last salary" shall mean the concerned Employee's salary at the time of his or her retirement, and if any Employee has been on extra-
ordinary leave or under suspension at the time of such retirement, the amount of full salary shall be computed even for such period.

58. **Provision relating to insurance:** The provision relating to the insurance facility of the Employee shall be as prescribed.

59. **Leave to which Employee is entitled:** (1) The Employees shall be entitled to the following leaves, as prescribed:

   (a) Casual and Festival Leave;
   
   (b) Home Leave;
   
   (c) Sick Leave;
   
   (d) Maternity Leave;
   
   (e) Maternity Care Leave;
   
   (f) Obsequies Leave;
   
   (g) Substitution Leave;
   
   (h) Study Leave;
   
   (i) Extra-ordinary Leave.

   (2) Notwithstanding anything contained in sub-section (1), if the husband or wife of any Employee is deputed to the Nepalese Embassy or mission situated abroad, such an Employee shall be entitled to the leave without pay as prescribed. The period of leave so undergone shall not be counted in his or her service period.

   (3) The other provisions and procedures relating to leave shall be as prescribed.
60. **Provisions relating to study, training or study tour:** The provisions relating to the study, training or study tour of the Employees shall be as prescribed.

**Chapter-7**

**Conduct**

61. **Punctuality and regularity:** An Employee shall attend his or her office regularly during the time appointed by the Secretariat and shall not remain absent from the duty without having prior sanction of leave as far as possible.

62. **Discipline and obedience:** (1) An Employee shall remain in discipline and perform his or her duties with honesty and promptness.

(2) An Employee shall expeditiously carry out any orders given by his or her superior officer on matters relating to the business of the Legislature-Parliament.

(3) An Employee shall show due respect to all the employees superior to him or her and treat his or her subordinate employees properly.

(4) An Employee who remains absent from his or her office without having a leave sanctioned may be subjected to the marking as non-attendant (*Gayal*) and salary deduction. The period of such non-attendance shall not be computed in the service period.

63. **Restriction on using political or undue influence:** No Employee shall, with intention to satisfy his or her personal interests on matters relating to his or her service, exert or attempt to exert any political or other undue influence upon any other Employee.
64. **Restriction on taking part in politics:** An Employee shall not take part in politics.

65. **Restriction on making criticism:** (1) No Employee shall, on his or her real or pseudo name or anonymity, publish any feature article, provide any news to the press, broadcast a speech through radio or television etc., make any public speech or publish any statement in such a manner as to be contrary to the policies of the Legislature-Parliament and the Government of Nepal or to undermine the mutual relationship between the Government of Nepal or Legislature-Parliament and the people or the relationship with any foreign country.

(2) Notwithstanding anything contained in sub-section (1), it shall not bar the publishing or broadcasting of any feature article in such a manner as not to be contrary to the prevailing law and the policies of the Legislature-Parliament and the Government of Nepal.

66. **Restriction on publishing news relating to business of Legislature-Parliament:** No Employee shall, without being authorized, provide or divulge, directly or indirectly, to any other unauthorized employee or non-governmental person or press any confidential matter which was known to him or her in the course of performing the governmental duty or any matter prohibited by law or any document or news written or collected by him or her. This restriction shall also be applicable to a person who has been relieved of service for any reason whatsoever.

67. **Restriction on receiving gift, present, donation etc. and borrowing:** (1) No Employee shall, without prior approval of the Secretariat, accept a gift, donation, present or gratification of any
kind either by him or herself or through any member of his or her family, or ask for donation or borrow any loan from any person concerned with the business of the Legislature-Parliament or the Government of Nepal, in such a manner as to affect the business of the Legislature-Parliament or the Government of Nepal in any manner.

(2) If any Employee happens to receive any present from any foreign government or any representative of such foreign government, he or she shall inform the Committee about it and shall act accordingly as sanctioned.

68. Restriction on establishing and operating company and carrying on trade or profession: (1) No Employee shall, without prior approval of the Secretariat, carry out the following acts:

(a) To participate in the establishment, registration or operation of any bank, consultancy service or company,

(b) To carry on any trade or profession requiring registration according to the prevailing laws,

(c) To accept any kind of employment elsewhere.

(2) Notwithstanding anything contained in sub-section (1), an Employee may carry out any literary, scientific or artistic works in a manner not to be contrary to the policies of the Government of Nepal.

69. Restriction on taking part in election: No Employee shall take part in an election to any political post nor shall solicit vote for anyone nor shall exercise influence of any kind in the election.
Provided, however, that this shall not bar the exercise of his or her right to vote conferred under the prevailing laws, without revealing whom he or she has voted or intends to vote for.

70. **Restriction on agitation and strike:** No Employee shall perform an agitation, participate in a strike or entice anyone to perform such acts in a manner to undermine the sovereignty and integrity of Nepal, the law and order situation of the country, external relations and public decency and make contempt of court, create hatred among the peoples of various castes, tribes, religions, classes, regions and communities or aid and abet any crime.

71. **Restriction on staging strike, detention and Gherao:** No Employee shall stage any strike or pen-down action and exert any pressure inflicting physical or mental suffering or entice other persons to commit such acts in a manner to cause hindrance or obstruction to any officer in the performance of the duties required by law.

72. **Restriction on making representation:** No Employee shall make representation on behalf of any person or group, except for making petition to the concerned body or official either by him or herself or through his or her attorney in respect of any grievance caused to him or her.

Provided, however, that this Section shall not be deemed to bar the making of representation to be made on behalf of the employee union formed pursuant to Section 73 and the performing of any act required to be performed based on the responsibility of the post of employee.
73. **Employee union:** (1) The Employees of gazetted third class or lower than that, except the Marshals, may form an employee trade union for their professional entitlement and welfare.

(2) If the employee union existing at the Legislature-Parliament at the time of commencement of this Act makes an application, accompanied by the statute of the union and the name-list of the office-bearers of the executive committee, the Secretariat shall give recognition to it as an employee union.

(3) The functions, duties and powers of the employee union formed pursuant to this Section shall be as follows:

(a) To render constructive suggestions and assistance to the Secretariat for making the Legislature-Parliament Service effective and dynamic by protecting and promoting the rights and interests of the Employees,

(b) To render suggestions to the Secretariat on matters of laws related with the Legislature-Parliament Service,

(c) To present the demands relating with the professional rights and interests of the Employees with the Secretariat and maintain mutual dialogue and consent.

(4) The other provisions relating to the election, formation and operation of the employee union shall be as prescribed.

74. **Statement of property:** Every Employee shall submit a statement of his or her property to the Secretariat within one month of his or her assumption of office.

75. **Prohibition on torture:** (1) No Employee shall subject any one to torture.
(2) No Employee shall commit, or cause to be committed, sexual abuse and domestic violence.

76. **Other conduct**: (1) In discharging duties in his or her office, an Employee shall treat all in a decent manner.

(2) An Employee shall bear the responsibilities which may arise according to his or her office and post and perform works in an impartial, fair, efficient and prompt manner.

(3) No Employee shall use or utilize any governmental property for his or her domestic work.

(4) No Employee shall engage any employee so appointed as to receive salary, allowance from the government revenue in his or her domestic work.

77. **To keep conduct compatible with own service and post**: (1) Every Employee shall also keep his or her conduct compatible with his or her service or post.

(2) If any Employee is not punctual, does not carry out the order given by the employee superior to him or her on matters relating to any government business or becomes reckless or slow on office works, the concerned supervisor may give a warning to such an employee, with setting out the reason therefor; and records thereof shall be maintained in the sheet roll/personal details file of the concerned Employee.

Chapter-9

Service Security
78. **Security of service of Employee**: No Employee shall, except in any of the following circumstances, be removed or dismissed from the Legislature-Parliament Service without providing him or her with a reasonable opportunity to defend himself or herself:

(a) Having been convicted by a court of a criminal offence involving moral turpitude,

(b) While holding a temporary post,

(c) Having disappeared and whose whereabouts are not known or there are sufficient grounds that it is not possible to establish contact with him or her,

(d) Having been convicted by a court of a corruption charge.

79. **Saving of Employee**: (1) No case may be instituted against any Employee in respect of any business performed by him or her considering it to be the carrying out of the duties of his or her post, without fulfilling the procedures as mentioned in sub-section (2).

(2) In order to institute a case against any Employee pursuant to sub-section (1), an approval of the Secretary General shall be required in respect of a criminal case; and the following matters have to be observed in respect of a civil case:

(a) Two months have elapsed after a written notice stating the reasons for instituting the case and the name and address of the plaintiff and of his or her attorney, if any, has been delivered to the Secretary General or the concerned Employee or sent by post through a registered mail and a copy of such notice has been submitted to the Secretariat.
(b) The case has been filed within eight months from the date of cause of action.

(3) In respect of any act performed by any Employee in the course of discharging the duties of his or her post while he or she was incumbent, no case may be instituted against him or her without obtaining approval pursuant to sub-sections (2) and (3), even after the termination of his or her service.

(4) If approval is given to institute a case pursuant to subsection (3), the Secretariat shall defend on his or her behalf.

80. **Security of conditions of service:** The conditions of service relating to salary, gratuity, pension and other facilities of any Employee prevailing at the time of his or her appointment shall not, without his or her consent, be so altered as to cause adverse effects on him or her. If any subsequent amendment causes adverse effects, in any manner, on such conditions of service of any Employee who is already incumbent prior to such amendment, such amended provisions shall not be applicable to him or her in absence of his or her written consent agreeing to the application of such provisions.

**Chapter-10**

**Punishment and Appeal**

81. **Punishment:** An employee may be subjected to the ordinary or special punishment as follows if there exist appropriate and sufficient reasons:

(a) Ordinary Punishment:
(1) Censure,

(2) Withholding of a maximum of two salary increments or withholding of promotion for up to two years,

(3) Withholding of from two to five salary increments or withholding of promotion for two to five years.

(b) Special punishment:

(1) Removal from service, without being disqualified for the Legislature-Parliament Service and other government service in the future.

(2) Dismissal from service, with being disqualified for the Legislature-Parliament Service and other government service in the future.

82. **Censure or withholding of a maximum of two salary increments or withholding of promotion for up to two years:** Punishment of censure or withholding of a maximum of two salary increments or withholding of promotion for up to two years may be imposed on an Employee, in any of the following circumstances:

(a) If the function performed by him or her is not satisfactory,

(b) If he or she fails to hand over the charges pursuant to the prevailing law,

(c) If he or she is given warning in writing for up to two times a year pursuant to sub-section (2) of Section 77,
(d) If he or she fails to responsibly perform the duties of his or her post as specified by this Act or the prevailing law,

(e) If he or she fails to observe any direction given by the official superior to him or her in respect of his or her frequent disregard of grievances and complaints of the stakeholders,

(f) If the office-bearer obliged to enforce, or cause to be enforced, the job description fails to do so.

83. **Withholding of promotion for two to five years or withholding of two to five salary increments:** Punishment of withholding of promotion for two to five years or withholding of two to five salary increments may be imposed on an Employee, in any of the following circumstances:

(a) If he or she commits breach of discipline,

(b) If he or she violates the matters relating to conduct mentioned in this Act and the rules framed hereunder,

(c) If he or she fails to settle advances pursuant to the prevailing law,

(d) If he or she frequently remains absent from office without obtaining prior approval.

84. **Removal or dismissal from service:** (1) An Employee may be removed from service, without being disqualified for the Legislature-Parliament and other government service in the future, in any of the following circumstances:
(a) If the Employee fails to perform the duties or responsibilities of his or her post due to his or her own incapacity,

(b) If he or she frequently violates the matters relating to conduct,

(c) If he or she frequently consumes alcoholic substances during the office hours,

(d) If he or she frequently commits acts of indiscipline,

(e) If he or she takes part in politics,

(f) If he or she frequently neglects the responsibilities of his or her post,

(g) If he or she absents himself or herself from his or her office continuously for sixty days without having sanction of a leave.

(2) An Employee may be dismissed from service, with being disqualified for the Legislature-Parliament and other government service in the future, in any of the following circumstances:

(a) If he or she is convicted by a court of a criminal offence involving moral turpitude,

(b) If he or she commits corruption.

85. Special provisions relating to departmental action and punishment: (1) Notwithstanding anything contained elsewhere in this Act, an Employee who remains absent from his or her office without obtaining leave in contravention of Section 61 may be
marked as absent and his or her salary may be deducted. The period of such absence without approval shall not be counted in the service period.

(2) Notwithstanding anything contained elsewhere in this Act, an Employee who remains absent from his or her office for a period exceeding consecutive sixty days without getting leave sanctioned shall be marked as absent and he or she shall not be allowed to make attendance. If he or she is allowed to make attendance, the office-bearer allowing him or her to make attendance shall be subjected to departmental action pursuant to Section 82, and the salary and allowance as well received by the Employee who has been so allowed to make attendance shall be recovered from the office-bearer allowing him or her to make attendance as governmental dues.

86. **Departmental punishment awarding official:** (1) The following authority shall have the powers to issue order of punishment to the Employee pursuant to clause (b) of Section 81:

   (a) The Committee, in the case of an Employees serving in the post of gazette first class and thereabove,

   (b) The Secretary General, in the case of the Employees of gazette second and third classes,

   (c) The Secretariat Secretary, in the case of gazette Employees.

(2) The prescribed authority shall have the powers to order the punishment as referred to in clause (a) of Section 81.
87. **Powers to suspend:** (1) If the investigation of any charge mentioned in Section 84 is to be conducted in respect of any Employee, the Committee may suspend such an Employee until the conclusion of the investigation.

    Provided, however, that generally suspension shall not be made unless the following circumstance exists:

    (a) Where there is a possibility that he or she can collect false evidence or conceal any evidence against him or her if he or she is not suspended and is allowed to carry out the duties of his or her post, or

    (b) Where there is a possibility of loss or damage to any act of the Legislature-Parliament Service if he or she is not suspended and is allowed to carry out the duties of his or her post.

    (2) In suspending an Employee pursuant to sub-section (1), he or she shall not be suspended ordinarily for more than two months. The action against the Employee has to be completed within that period. If such action cannot be completed within that period because of the occurrence of any extra-ordinary circumstance and the period of suspension has to be extended, the period of suspension may be extended for up to one month with the prior approval of the Public Service Commission.

    (3) Any Employee arrested and detained for a criminal charge involving moral turpitude shall be deemed to have *ipso facto* been suspended during the period of such detention.

    (4) If any Employee is reinstated in his or her post or the period as referred to in sub-section (2) is completed or he or she is
removed or dismissed from service, his or her suspension shall stand terminated.

88. **Providing opportunity for defense:** (1) The Committee shall, prior to issuing an order of punishment to any Employee, serve on him or her a notice, explaining the reason for taking such action and give an opportunity to defend himself or herself within a reasonable time limit. In giving such opportunity, the charge against him or her shall be clearly indicated and the facts and grounds on which each charge is based must be specified. In such case, the concerned Employee shall also submit his or her defense within the time limit; and the Committee shall seriously consider the defense so submitted.

   (2) The Committee may, if it thinks necessary, conduct an investigation either by itself or through any other officer. The officer conducting the investigation shall follow the prescribed procedures.

89. **To propose punishment prior to issuance of order of special punishment:** If the concerned Employee does not submit defense within the time limit given for the submission of defense pursuant to Section 88 or if the defense submitted by such Employee is not satisfactory, the Committee shall, prior to issuing an order of special punishment, ask such Employee to furnish an explanation why the proposed punishment intended to be imposed on him or her should not be imposed on, within a reasonable time limit in this respect.

90. **Seeking consultation of Public Service Commission:** If it appears that the defense submitted pursuant to Section 88 or the explanation furnished pursuant to Section 89 by the concerned
Employee in the course of action on departmental punishment is not satisfactory and punishment is to be imposed on such Employee, the official empowered to issue order of departmental punishment shall propose the punishment intended to be imposed on that Employee and seek consultation of the Public Service Commission.

91. Appeal: (1) An Employee who is not satisfied with the order of departmental punishment issued by the official empowered to issue order of departmental punishment may make an appeal to the Administrative Court constituted pursuant to sub-section (1) of Section 69 of the Civil Service Act, 2049(……..).

(2) If, on the final settlement of an appeal in relation to the punishment awarded to any Employee, his or her service is to be reinstated by virtue thereof but he or she does not appear within three months from the date of receipt of a notice of that decision, it shall not be mandatory to reinstate him or her in the service.

92. Full salary and allowance to be received on being reinstated in Legislature-Parliament Service: If any Employee is re-instated in the Legislature-Parliament Service upon annulment by the court of the order of his or her removal or dismissal from the Legislature-Parliament Service, such Employee shall be entitled to the salary, allowances, festival expenses as well as increment in salary, if any, receivable, from the date of his or her removal or dismissal to the date of his or her re-instatement in the Legislature-Parliament Service.

Chapter-11
Provisions Relating to Appointment of Marshal and Conditions of Service of Marshal

93. **Marshal:** (1) The Secretariat shall have a required number of Marshals to maintain security in the premises of the Legislature-Parliament and to smoothly operate the meetings of the Legislature-Parliament and Committees of the Legislature-Parliament.

(2) The number of position, class and level of the Marshals as referred to in sub-section (1) shall be as prescribed.

94. **Appointment and conditions of service of Marshals:** Provisions relating to the appointment and conditions of Marshals shall be as prescribed.

95. **Salary, allowance and other facilities:** (1) The Marshal shall be entitled to the salary equivalent to the basic scale of the basic level of the same post of the Nepal Army from the day of his or her assumption of office.

(2) Except where the salary increment is withheld, a person who is appointed to the post of Marshal shall, after the completion of one year after the appointment, be entitled to the salary increment in an amount equal to the salary of one day of the basic scale of the post which he or she is holding.

Provided that that the total amount of the annual salary increment receivable by the Employee pursuant to this sub-section shall not be more than the amount specified by the Government of Nepal for the concerned class of the Nepal Army.
(3) The Marshal shall be entitled to an amount equal to the salary of one month being drawn by him or her as a festival expense each year.

(4) The Marshal shall be entitled to an amount equal to the salary of one month being drawn by him or her as an incentive each year after the budget is passed by the Legislature-Parliament.

(5) The allowance, leave and other facilities to which the Marshal is entitled shall be as prescribed.

96. **Conduct and punishment:** The provision relating to the conduct to be maintained by and punishment imposable on him or her shall be as prescribed.

**Chapter-12**

**Miscellaneous**

97. **Charge to be handed over:** Any Employee and Marshal required to hand over the cash, goods in kind or documents required to be handed over by them shall hand them over to the concerned Employee within the prescribed time-limit, and the person required to take them over shall also take them over within that time-limit.

98. **Delegation of powers:** (1) The Committee may so delegate some of the powers conferred to it by this Act that such powers may be exercised by the Secretary General, Secretary or any other officer.

(2) The Secretary General may so delegate some of the powers conferred to him or her that such powers may be exercised by the Secretary, Secretariat Secretary or any other officer.
99. **Liaison with Government of Nepal:** While liaising with the Government of Nepal, the Secretariat shall do so through the Ministry of Law, Justice and Parliamentary Affairs.

100. **Provision relating to contract:** (1) The Committee may employ any person on contract basis for expert as well as essential services.

   (2) The other provisions relating to employment on contract basis shall be as prescribed.

101. **Exchange of assistance:** (1) For the business of the Legislature-Parliament and its Committees, the Secretariat may obtain required human resources and other assistance from any Ministry, Department, Office of the Government of Nepal, abroad based Nepalese Embassy as well as organization owned by the Government of Nepal and Local Body.

   (2) It shall be the duty of the concerned body or office-bearer to provide the assistance sought pursuant to sub-section (1).

   (3) With the consent of the Secretariat, the Government of Nepal may obtain necessary service from the Employees of the Secretariat by holding them on deputation.

102. **Positions of other service, group:** (1) The Secretariat shall have the positions of the Nepal Judicial Service (Law Group), Nepal Administration Service (Accounts Group) and Nepal Health Service.

   (2) The employees in the positions as referred to in sub-section (1) shall, until they serve in the Secretariat shall be entitled to all such facilities, except insurance, as receivable by the Employees of the Legislature-Parliament Service.
103. **Change in group or sub-group:** If an Employee who is serving in a post of any group or sub-group of the Legislature-Parliament Service so intends and makes an application for changing his or her post to the similar post of the same class of other group or sub-group, and if he or she has the minimum educational qualification required for the post so intended for change and completed the minimum service period required for promotion to the post higher than that post, the Committee may, in consultation with the Public Service Commission, change his or her group or sub-group.

104. **To maintain records of punishment of Employees:** (1) The Secretariat shall maintain records of punishment of Employees.

   (2) While assigning the responsibility of the departmental head, making work performance evaluation, providing the Legislature-Parliament Service reward or medal, nominating for study or training, upgrading level and providing any other kind of opportunity, the records maintained pursuant to sub-section (1) shall be taken as the basis during the following period:

   (a) Where having been admonished, during the period of one year after the date of such punishment,

   (b) Where suspended, during the period of suspension,

   (c) Where promotion withheld, during the period of withholding,

   (d) Where salary increment withheld, during the period of withholding.

105. **Provisions relating to disadvantage, grievance of Employees and handling thereof:** (1) Except in cases where an Employee may
file a complaint or appeal elsewhere pursuant to this Act and the prevailing law, if the Employee thinks that he or she has suffered disadvantage in the service, conditions and facilities provided under this Act and the rules framed hereunder and in any matter concerning the Employee or if no action has been taken even after informing the departmental head about the same, such Employee may present, as prescribed, the disadvantage and grievance which he or she has suffered to the Committee as prescribed.

(2) Other provisions relating to disadvantage, grievance of the Employees and handling thereof shall be as prescribed.

106. Establishment and operation of employee welfare fund: (1) An employee welfare fund may be established as prescribed for the welfare of the incumbent employees, retired persons and their family members of the Legislature-Parliament Service.

(2) The fund established pursuant to sub-section (1) shall be operated and managed as follows.

107. This Act to prevail: The matters set forth herein shall be governed by this Act and other provisions shall be as set by the Government of Nepal for the purposes of the civil service.

108. Power to frame rules: (1) The Committee may, in order to implement the objectives of this Act, frame necessary rules.

(2) The rules as referred to in sub-section (1) shall be published in the Nepal gazette.

(2) The service of the employees serving in the Secretariat pursuant to the Act Relating to Parliament Secretariat and the employees serving in such service shall, after the commencement of this Act, be deemed to have *ipso facto* been converted into the service under this Act and the respective posts of the same class, and the employees serving in the post of special secretary of the gazette special class shall be deemed to have *ipso facto* been converted into the post of that class.

(3) All the acts done and actions taken pursuant to the Act Relating to Parliament Secretariat, 2058 (…) shall be deemed to have been done and taken under this Act.