

PART IX
THE SERVICES OF BANGLADESH
CHAPTER I—Services

133. Subject to the provisions of this Constitution Parliament may by law regulate the appointment and conditions of service of persons in the service of the Republic:

Appointment and conditions of service.

Provided that it shall be competent for the President to make rules regulating the appointment and the conditions of service of such persons until provision in that behalf is made by or under any law, and rules so made shall have effect subject to the provisions of any such law.

134. Except as otherwise provided by this Constitution every person in the service of the Republic shall hold office during the pleasure of the President.

Tenure of office.

135. (1) No person who holds any civil post in the service of the Republic shall be dismissed or removed or reduced in rank by an authority subordinate to that by which he was appointed.

Dismissal, etc., of civilian public officers.

(2) No such person shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause why that action should not be taken:

Provided that this clause shall not apply—

- (i) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction of a criminal offence; or
- (ii) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that, for a reason recorded by that

.. authority in writing, it is not reasonably practicable to give that person an opportunity of showing cause; or

(iii) where the President is satisfied that in the interests of the security of the State it is not expedient to give that person such an opportunity.

(3) If in respect of such a person the question arises whether it is reasonably practicable to give him an opportunity to show cause in accordance with clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

(4) Where a person is employed in the service of the Republic under a written contract and that contract is terminated by due notice in accordance with its terms, he shall not, by reason thereof, be regarded as removed from office for the purposes of this article.

136. Provision may be made by law for the reorganisation of the service of the Republic by the creation, amalgamation or unification of services and such law may vary or revoke any condition of service of a person employed in the service of the Republic.

Reorganisation of service.

CHAPTER II—Public Service Commissions

137. Provision shall be made by law for establishing one or more public service commissions for Bangladesh, each of which shall consist of a chairman and such other members as shall be prescribed by law.

Establishment of commissions.

138. (1) The chairman and other members of each public service commission shall be appointed by the President:

Appointment of members.

Provided that not less than one-half of the members of a commission shall be persons who have held office

for twenty years or more in the service of any government which has at any time functioned within the territory of Bangladesh.

(2) Subject to any law made by Parliament the conditions of service of the chairman and other members of a public service commission shall be such as the President may, by order, determine.

139. (1) The term of office of the chairman and other members of a public service commission shall, subject to the provisions of this article, expire five years after the date on which he entered upon his office, or when he attains the age of sixty-two years, whichever is earlier.

Term of office.

(2) The chairman and other members of such a commission shall not be removed from office except in like manner and on the like grounds as a judge of the Supreme Court.

(3) A chairman or other member of a public service commission may resign his office by writing under his hand addressed to the President.

(4) On ceasing to hold office a member of a public service commission shall not be eligible for further employment in the service of the Republic, but, subject to the provisions of clause (1)—

- (a) a chairman so ceasing shall be eligible for re-appointment for one further term, and
- (b) a member (other than the chairman) so ceasing shall be eligible for re-appointment for one further term or for appointment as chairman of a public service commission.

140. (1) The functions of a public service commission shall be—

Functions of Commissions.

- (a) to conduct tests and examinations for the selection of suitable persons for appointment to the service of the Republic;

(b) to advise the President on any matter on which the commission is consulted under clause (2) or on any matter connected with its functions which is referred to the commission by the President; and

(c) such other functions as may be prescribed by law.

(2) Subject to the provisions of any law made by Parliament, and any regulation (not inconsistent with such law) which may be made by the President after consultation with a commission, the President shall consult a commission with respect to—

(a) matters relating to qualifications for, and methods of recruitment to, the service of the Republic;

(b) the principles to be followed in making appointments to that service and promotions and transfers from one branch of the service to another, and the suitability of candidates for such appointments, promotions and transfers;

(c) matters affecting the terms and conditions (including pension rights) of that service; and

(d) the discipline of the service.

141. (1) Each commission shall, not later than the first day of March each year, prepare and submit to the President a report on the performance of its functions during the period ended on the previous 31st day of December. *Annual report.*

(2) The report shall be accompanied by a memorandum setting out, so far as is known to the commission—

(a) the cases, if any, in which its advice was not accepted and the reasons why it was not accepted;

(b) the cases where the commission ought to have been consulted and was not consulted, and the reasons why it was not consulted.

(3) The President shall cause the report and memorandum to be laid before Parliament at its first meeting held after 31st March in the year in which the report was submitted.

