

THE REPUBLIC OF THE UNION OF MYANMAR

THE CIVIL SERVICES PERSONNEL LAW

8th March, 2013

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(The Pyidaungsu Hluttaw Law No. 5/ 2013)
The 11th Waning of Tabodwe, 1374 M.E.
8th March, 2013)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

- 1 This Law shall be called the Civil Services Personnel Law.
- 2 The following expressions contained in this Law shall have the meaning given hereunder:
 - (a) Constitution means the Constitution of the Republic of the Union of Myanmar.
 - (b) Formation of the Services Personnel means the formation of the Services Personnel Organization approved by the Union Government in accord with the Constitution and the provisions of this Law and the formation of the Services Personnel Organization formed by the Region or State Government by coordinating with the Union Government in advance.

- (c) Services Personnel Organization means the Civil Services Personnel Organization which is formed with the formation.
- (d) Head of the Services Personnel Organization means a person who is appointed and assigned duty as the Head of the Services Personnel Organization in any Services Personnel Organization by the President.
- (e) Services Personnel means a Civil Services Personnel appointed to any post contained in the formation of any services personnel organization. In this expression, Defense Services Personnel and members of Police Force are not included for the matter of this Law.
- (f) Ministry and Organization means each and every Ministry of the Union Government, each and every Ministry of the Region or State Government and the Self-Administered Areas. In this expression, the Office of the President of the Union, the Office of the Union Government, the Office of the Hluttaw, the Office of the Supreme Court of the Union, the Constitutional Tribunal of the Union, the Office of the Union Election Commission, the

Union Attorney General's Office, the Union Auditor General's Office, the Office of the Union Civil Service Board, the Office of the Nay Pyi Taw Council and the Offices of the Development Committees shall also be included.

- (g) Title to hold lien means the title to hold the substantive appointment at the vacant permanent post contained in the formation.
- (h) Initial Appointed Post means the rank of a post which shall be started according to the classes of Services Personnel in each and every Services Organization.
- (i) Civil Services Board means the Union Civil Service Board.

Chapter II

The Services Personnel Organizations

3 The Union Government may form Services Personnel Organizations as may be necessary. In so forming, functions, duties and powers shall be stipulated. Necessary Services Personnel may also be appointed.

4 The Region or State Government may, as may be necessary, form Region or State Services Personnel Organization in accord with the Constitution and the

provisions of this Law and by coordinating with the Union Government in advance in order to perform the functions which have to be taken responsibility and implemented by the Region or State Government. Necessary Services Personnel may be appointed.

5 In respect of forming Services Personnel Organizations, the Union Government may lay down necessary policies, confirm the formation, prescribe the rank of the post of services personnel and time-scale pay with recommendation of the Civil Service Board, form the classes of services personnel in accord with the skill, technical know-how and nature of the work and review, scrutinize and amend such functions from time to time.

Chapter III

Selection and Appointment

6 The President may appoint, confirm, transfer, cause retire, remove and dismiss of the Heads of the Services Personnel Organizations.

7 In the respect of the matter of selection and appointment of services personnel in accord with the stipulations of the Union Government from time to time:

- (a) the respective Ministry and the Head of Organization shall appoint the Services Personnel selected by the Civil Services Board for the rank of initial substantive post which is stipulated according to the class of services personnel in each and every Services Personnel Organization.
 - (b) the Head of Services Personnel Organization shall select and appoint the Services Personnel for the rank of other initial substantive post except the rank of the post appointed under sub-section (a).
- 8.
 - (a) If it is desirable to transfer any gazetted officer from any Ministry and Services Personnel Organization to other Ministry and Services Personnel Organization and if he is complete with stipulated qualifications, the relevant Services Personnel Organization shall coordinate the Civil Services Board.
 - (b) The Civil Services Board shall scrutinize upon the coordination under sub-section (a) and submit to the Union Government.

9. The Services Personnel Organizations may, as may be necessary, stipulate the term of probation and conditions according to the classes of services personnel with the approval of the Union Government.

Chapter IV Duties and Rights

Duties

10. The Services Personnel is responsible for:
- (a) allegiance to the Union;
 - (b) abiding the provisions contained in the Constitution and the existing Laws;
 - (c) performing the interest of the Union and its citizens with regard;
 - (d) maintaining and safeguarding of the state-owned properties and finance not to be lost and misappropriated;
 - (e) carrying out the assigned duties and responsibilities efficiently;
 - (f) abiding the Rules, Regulations, by-laws, orders, directives made by this Law and specific workplace conditions, orders and directives particularly stipulated by the respective Services Personnel Organization;

- g) being free from party politics;
- h) attending the trainings stipulated by the Civil Services Board;
- i) avoiding from depravity and misconduct;
- j) avoiding from misappropriation of vested authority according to the duty;
- k) avoiding from bribery;
- l) respect to the public.

Rights

11. The Services Personnel is entitled to enjoy the following fundamental rights in accord with the stipulations:

- a) right to be stable at work;
- b) right to have workplace security;
- c) right to enjoy suitable pay, stipend, travelling allowance and other allowance for labour, technical know-how, service;
- d) right to have promotion;
- e) right to study;
- f) right to enjoy leave;
- g) right to enjoy award for outstanding performance and outstanding endeavour;

- (h) right to have medical check-up and to take medical treatment;
- (i) right to enjoy retirement;
- (j) right to enjoy special pension for injury, disability and death caused by service;
- (k) besides right to enjoy benefits the same as men in service for the same work, right to enjoy maternity benefits if the services personnel is a woman;
- (l) right to participate in associations which is free from party politics;
- (m) right to enjoy the rights of the services personnel and, right to submit, defend and appeal relating to grievances;
- (n) right to hold the lien;
- (o) right to enjoy joining time;
- (p) right to serve foreign service in conditions;
- (q) right to enjoy gratuity and pension on retirement;
- (r) right to enjoy other rights stipulated occasionally by the Union Government.

Chapter V

Pay, Stipend, Travelling Allowance and Other Allowances

12. A Services Personnel is entitled to enjoy the same pay, stipend, travelling allowance and other allowances for same work in accord with the relevant Rules, Regulations and By-laws.

13. A Services Personnel is entitled to enjoy award or remuneration for any work under specific assignment in accord with the relevant Regulations and By-laws.

Chapter VI

Leave Enjoyment

Kinds of Leave

14. A Services Personnel is entitled to enjoy the following leaves in accord with the existing Rules, Regulations and By-Laws:

- (a) casual leave;
- (b) quarantine leave;
- (c) earned leave;
- (d) medical leave;
- (e) extraordinary leave without pay;
- (f) maternity leave;

- g) special disability leave;
- h) hospital leave;
- Ⓢ) seamen' s sick leave;
- Ⓣ) study leave.

Stipulations in respect of Leave

15. A Services Personnel may enjoy leave with the permission of the person conferred power by the Ministry in accord with Rules, Regulations and By-Laws according to the kinds of leave.

16. A person probated has the right to enjoy leave as a services personnel who has been confirmed his substantive post.

17. A Services personnel cannot claim leave as a right.

18. The authorized person to grant leave may, for the purpose of public interest if it is regained, refuse the leave claimed, revoke the leave granted and recall the services personnel on leave. Such services personnel recalled shall be stipulated as the term of duty from the starting day of travelling to serve the duty and the enjoyment of the travelling to serve the duty and the enjoyment of the travelling allowance returning from the region on leave to the department of headquarter shall be allowed.

19. The Services Personnel on leave shall not serve the work earned income within the term of leave. The Services Personnel on leave preparatory to retirement shall have no right to withdraw the retirement application although he has the right to serve the work earned income.

20. If the services personnel on leave is desirous of returning to the workplace before the expiry of the term of leave granted to him, he may return to the workplace with the permission of the relevant authorized person.

21. The services personnel who remains absent after the expiry of the term of leave is entitled to no leave-pay for the period of such absence. If there is no reliable reason for such absence, such services personnel may be taken action as violation of discipline.

22. The services personnel may enjoy the earned leave as preparatory leave to retire before attaining retirement age. In claiming the preparatory leave to retire in time, the authorized person to grant leave refuses the term of leave claimed partially or wholly for the purpose of public interest, such leave refused may be enjoyed from the date of retirement.

Chapter VII

Promotion

Stipulation of Qualification

23. Minimum necessary academic qualification, skill, term of post and term of service for promotion are according to the stipulation by the confirmation of the Union Government based on the class of the post according to the Services Personnel Organization.

24. If it is satisfied and believed that a services personnel is complete with prescribed academic qualification, skill, term of post and term of service according to the rank of post, and he can serve efficiently he is entitled to enjoy promotion in accord with stipulations.

Assessment of Qualification

25. A Services Personnel shall be examined and assessed by the relevant Qualification Inspection Board in accord with the stipulations for promotion.

26. Under the examination and assessment of the Qualification Inspection Board, the Services Personnel contained in the waiting list prepared and approved by the relevant Services Personnel Organization have the right to enjoy promotion if it is conformity with the stipulations.

27. When it is necessary to promote the Services Personnel from the department because of the vacancy of initial appointed post for gazetted officer level, the Services Personnel Organizations shall propose to and coordinate with the Civil Services Board and obtain the approval for the Services Personnel in waiting list prepared and approved in accord with stipulations.

28. The Services Personnel in the strength of the Services Personnel formation is to be considered in assessing qualification for promotion though he is in foreign service on duty.

29. The services personnel who has been attended the training stipulated by the Civil Services Board is to be considered in priority for promotion.

No Enjoyment for Promotion

30. Although a Services Personnel is complete with stipulated qualifications for promotion:

- (a) if he is imposed penalty of caution by letter, he shall be withheld promotion within six months from the date of censure.
- (b) if he is imposed penalty of increment stoppage, he shall be withheld the promotion within such increment stoppage term.

- (c) in the matter of recovery for fully or partially lost value because of his negligence in service or lack of skill in performing duty, he shall be withheld the promotion till one year from the date of order passed to recover the lost price or the date of full recovery, prior date of such penalties.
- (d) although he is convicted of an offence included in misconduct, if he is still present in post, he shall be withheld promotion within one year from the date of conviction.
- (e) if he is punished with reduction of pay scale in a time-scale pay, he shall be withheld promotion unless and until it attains to original pay scale.
- (f) he shall be withheld promotion within the term of being departmentally enquired.
- (g) if he is punished with reduction to a lower post, he shall be withheld the promotion within stipulated term contained in such reduction order.
- (h) he shall be withheld promotion within the term of probation in a post.
- (i) he shall be withheld promotion within the term of being suspended.

Chapter VIII

Awarding

31. The relevant Services Personnel Organization may promote, grant prior pay in increment, confer certificate of honour, reward, and award by other means in accord with the prescribed procedures to a service personnel who serves outstandingly and with best ability and endeavor in performing duty.

32. The relevant Services Personnel Organization may recommend and submit the State in order to award honorary title and honorary award to a services personnel on the grounds contained in section 31.

33. The relevant Services Personnel Organization may allow one or more than one rate of prior increment before the time is due as award to a civil services personnel who is performing duty in a post of time-scale pay, with the approval of the Civil Services Board.

34. With respect to the matter of allowing prior increment the relevant Services Personnel Organization shall propose and submit to the Civil Services Board for the gazetted officers and to the relevant Ministry and Head of Services Personnel Organization for the services personnel lower

than gazetted officers; and carry out those by obtaining the approval after scrutinizing case by case based upon the following facts:

- (a) being the matter which is suitable to raise and fix the initial pay when a person acquired extraordinary qualification and experiences exceeding the ordinarily necessary qualification is firstly appointed as a services personnel;
- (b) being the matter which deserves to award to a services personnel for performing duty outstandingly at the present post;
- (c) being the matter which is suitable to grant prior increment to a services personnel due to any other adequate special cause.

Chapter IX

Training and Educating

35. The organizations prescribed and assigned duty by the Civil Services Board and the Central Institutes of Civil Service shall carry out providing basic training courses to services personnel and persons who would-be services personnel, providing refresher courses and holding seminars prescribed by the Civil Services Board for civil service personnel and research of subjects related to training of services personnel under the guidance of the Civil Services Board.

36. In carrying out providing educative training courses for management, job efficiency and enhancement of general education which would support to the development of ability of the services personnel, the services personnel organization shall carry out by laying down programmers under the guidance and supervision of the Union Government.

Chapter X

Maintenance of Disciplines

Complying with the Civil Services Rules of Conduct and Workplace Disciplines

37. A Services personnel shall abide by the rules of conduct and workplace disciplines particularly prescribed according to the work nature of the Services Personnel Organization and class of services personnel besides the rules and regulations issued under this Law.

Departmental Action

38. For Failure of rule of conduct, violation of discipline and failure of duty of services personnel, it shall be taken departmental action in accord with Law, rules, regulations

related to maintenance of disciplines of services personnel. If the act or failure of a services personnel is a matter amounting to an offence, it shall be taken legal action.

39. If a services personnel is convicted by the Court, the relevant head of Services Personnel Organization may, considering the offence he has committed and the penalty convicted, take departmental action to impose any penalty related to services personnel for administrative requirement.

40. In respect of a case filed against a services personnel, the relevant Head of Services Personnel Organization may take departmental action upon such services personnel if such case filed is a matter accounted as failure of rule of conduct or violation of discipline, or failure of duty, or misconduct although the Court passed any order of discharge or acquittal.

41. If the case is distinct that the services personnel is guilty, it may pass suitable penalty relating to services personnel without holding departmental inquiry.

Temporary Suspension from duty

42. In taking departmental action upon a civil services personnel, such services personnel may be suspended from

duty service during holding preliminary inquiry or hearing of departmental inquiry. The services personnel suspended from duty shall be entitled to enjoy the maintenance for living and other allowances in accord with the stipulations.

Holding Preliminary Inquiry

43. In holding preliminary inquiry, due to necessity, upon the services personnel:

- (a) the Head of Services Personnel Organization shall issue the order of forming the Preliminary Inquiry Board based on the rank of services personnel who is held preliminary inquiry and prescribe the duties, powers and term of the Preliminary Inquiry Board in such order.
- (b) the Preliminary Inquiry Board shall open the preliminary inquiry proceeding systematically and record the documents, statements of witnesses and other documents related to the action.
- (c) the Preliminary Inquiry Board shall submit the report including finding on inquiry, remark and recommendation to the relevant head who formed such board.

44. The services personnel who is inquired shall be given the right to defend and the witnesses shall be examined in his presence and the right of cross-examination shall also be given.

Holding Departmental Inquiry

45. If it is necessary to hold departmental inquiry according to the findings of the preliminary inquiry, it shall be recommended and submitted to the responsible person for enabling to inquire soon.

46. In holding inquiry upon services personnel, the Head of Services Personnel Organization shall issue the order of forming the Departmental Inquiry Board based on the rank of the services personnel who is held departmental inquiry and prescribe the duty, function and term of the Departmental Inquiry Board.

47. The civil services personnel may object the chairman and any member of the Departmental Inquiry Board.

48. The Departmental Inquiry Board shall:

- Ⓐ open the departmental inquiry proceeding systematically and record the documents, statements of witnesses, other documents and findings of inquiry related to action.

- (b) charge first to the services personnel who is held departmental inquiry and send a statement of allegations to the services personnel and give sufficient period and right to submit the written statement of defence;
- (c) examine the witnesses systematically and record the statements of witnesses when receiving the written statement of defence. If the services personnel who is held departmental inquiry desires to defend in person, it shall be allowed. When the services personnel defends in person as such, a lawyer or any person may be allowed to assist him if the services personnel requests;
- (d) submit the report of findings of the inquiry to the Head of Services Personnel Organization;
- (e) mention the summary of the case, charge, findings, remark and recommendation of the Departmental Inquiry Board in the report of the Departmental Inquiry Board.

49. The relevant Head of Services Organization shall pass order and issue the written order in respect of departmental inquiry and send to the relevant services personnel. It shall be

mentioned in the written order that an application of appeal may be filed to the Head of relevant Ministry within six months from receiving the date of the written order if not satisfied with such order .

50. The order passed in respect of departmental inquiry upon services personnel appointed in the Services Personnel Organizations of Region or State under section 4 shall be issued the written order and sent to the relevant Ministry and services personnel by the relevant Head of Services Organization. It shall be mentioned in the written order that an application of appeal may be filed to the Head of the relevant Ministry within six months from the receiving date of the written order if not satisfied with such order .

51. In order to cause effective and speedy of maintenance of discipline and not to cause in deficiency of duty , departmental inquiries shall be completed without delay .

52. After the departmental inquiry is completed, measures shall be carried out not to lose the rights related to services personnel of such services personnel due to being inquired. If it is found that a services personnel is not guilty .

Chapter XI

Imposing Penalty Related to Disciplines of Services
Personnel and Appeal

Penalties

53. In holding departmental inquiries, one of the following penalties or more than one penalty may be imposed in accord with the rules, regulations and by-laws:

- (a) caution by letter;
- (b) withholding of increment;
- (c) withholding of promotion;
- (d) reduction of pay within pay scale;
- (e) reduction to a lower post;
- (f) recovery of wholly or partially lost value caused by negligence or breach of orders and directives;
- (g) not permitting to enjoy full pay or not determining such term as the term of duty for the term of suspension from duty;
- (h) removal from the post;
- (i) dismissal from the being services personnel.

54. When imposing penalty upon the services personnel it shall:

- (a) aim at educative reformation and effectiveness of maintenance of disciplines;

- (b) cause the offence and the penalty to be appropriated.

55. A services personnel shall have the right to appeal in respect of penalty imposed in the departmental inquiry .

Chapter XIII

Retirement

Types of Pension

56. A Services personnel is entitled to enjoy any one of the following types of pension:

- (a) superannuation pension;
- (b) retiring pension;
- (c) invalid pension;
- (d) compensation pension;
- (e) extra-ordinary pension;
- (f) family pension;
- (g) reduction pension.

57. A services personnel shall retire when attaining the age of retirement other than a matter particularly specified under the provisions contained in any existing Law. In so retiring, the services personnel shall have the right to enjoy superannuation pension in accord with the stipulations.

58. A services personnel is entitled to enjoy superannuation pension when he has attained the age of superannuation although he has not attained retirement age. In the case of a services personnel who has not attained the prescribed superannuation is required to retire, it shall be permitted to enjoy permission with the approval of the organization conferred duty for this purpose by the Union Government.

59. When a services personnel is unable to continue performing duty due to ill-health, he shall be entitled to enjoy invalid pension with the recommendation of the prescribed Medical Board.

60. When a post is abolished, compensation pension shall be allowed to enjoy if a services personnel who is appointed in such post is unable to be transferred to other post.

61. A services personnel shall be entitled to enjoy special pension when he suffers a disease or injury or disability caused in performing duty.

62. A services personnel who has attained the age of 55 years shall not be refused without reasonable grounds if he claims retiring pension when attaining 30 years service which is entitled to retire.

63. When a services personnel who has attained the age of 55 years exceeds 20 years of service or when a services personnel who has attained the age of 50 years exceeds 25 years of service, he may claim the right to enjoy reduction pension.

64. A services personnel shall be entitled gratuity and pension if any occurrence of retirement due to superannuation, retirement due to attaining prescribed service, invalid pension, enjoying compensation pension, death.

Stipulations Related to Retirement

65. If a person who is re-appointed as a services personnel after enjoying compensation pension or invalid pension refunds gratuity or stop the pension pay at the time of re-appointment, the term of service which the services personnel has served, and if a services personnel is re-appointed due to reviewing penalty or appeal filed by the services personnel after removal from post or dismissal from being service personnel, the term of service which the services personnel has served may be allowed to include and count for the purpose of pension.

66. A services personnel shall not be allowed to retire before the final order is passed in respect of inquiry though such services personnel attains the age of retirement during suspension.

67. Gratuity shall be entitled to enjoy upon service year by percentage which to be allowed to enjoy prescribed accordingly service year .

68. Right to enjoy pension is entitled by percentage which is to be allowed to enjoy prescribed accordingly service year .

69. If a services personnel proposes, lump sum pension is entitled to be exchanged in accord with the rules, regulations or by-laws.

70. The bereaved family shall be entitled to enjoy family pension when a service personnel dies during serving or after retirement.

Chapter XIII

Record of Civil Services Personnel

71. The relevant Services Personnel Organization shall, in accord with the stipulation, keep the service book mentioned the history of a services personnel commencing from the appointment as a services personnel until retirement.

72. If a services personnel transfers to other department, the relevant department shall send his service book to such department to which he transfers.

Chapter XIV
Miscellaneous

73. It shall not be discriminated on the ground of nationality, race, religion, gender if it is complete with prescribed qualifications when appointing as a services personnel, assigning duty, entitling to enjoy rights or promoting to the citizens of the Republic of the Union of Myanmar.

74. The relevant Ministry may prescribe the requirements to be completed for a services personnel as necessity of work.

75. The provisions related to service personnel affairs contained in the existing Law, rules, regulations, by-laws, notifications, orders, directives and procedures may continue to be complied so far as they are not inconsistent with the provisions of this Law.

76. In implementing the provisions contained in this Law:
(a) the Civil Services Board may, with the approval of the Union Government, issue rules, regulations, by-laws as may be necessary.

- (b) the Civil Services Board, the relevant Ministry and organization may issue notifications, orders, directives and procedures as may be necessary.

I sign under the Constitution of the Republic of the Union of Myanmar.

Sd/

Thein Sein

President

The Republic of the Union of Myanmar