

CHAPTER 44
ENUGU STATE CIVIL SERVICE COMMISSION LAW

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CHAPTER 44
ENUGU STATE CIVIL SERVICE COMMISSION LAW

ENSL1998/No,4

Beginning Text Missing

“Commission” means Civil Service Commission established by section 3;

Interpretation

“Constitution” means Constitution of the Federal Republic of Nigeria 1999;

"*ex officio* member" means a person who is a member by virtue of his holding or performing the functions of an office in the public service of the State;

“Governor” means Governor of the State;

“member” means member of the Commission;

“office” means office in the public service of the State;

“President” means President of the Federal Republic of Nigeria;

“public service of a State" has the meaning assigned to the expression by the Constitution.

“State” means Enugu State of Nigeria.

PART II -GENERAL PROVISIONS

Tenure of
office of
members

3. The Enugu State Civil Service Commission is hereby established.

4. The Commission shall comprise a Chau man and not less than two or more than four other persons who shall be appointed by the Governor.

5.(1) The Commission shall have power —

(a) to appoint persons to offices in the State Civil Service; and

(b) to dismiss and exercise disciplinary control over persons holding such office.

(2) The Commission shall not exercise any of its powers in respect of such offices of heads of divisions of Ministries or of departments of the Government of the State as may ----MISSInG----- be designated by an order made by the Governor except ----MiSSInG----- --- with the Head of the Civil Service of the State.

Establishment of
Commission

Composition of
the Commission

Functions of the
Commission

No 6 (1&2) & 7(1) Not Clear

Qualifications
for membership

(2) Any person employed in the public service of the State shall not be disqualified for appointment as Chairman or other member of the Commission

Provided that where such a person, not being an *ex officio* member; or a member of the State Council of Chiefs, has been duly appointed, he shall in his appointment be deemed to have resume his former office as from the date of the appointment.

(3) No person shall be qualified for appointment to the Commission if, having previously---missing-----as a member-he has been re-appointed for a further term as -----missing-----Commission

Removal of
members

8 A member of the Commission, may be removed from that office by the Governor for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

Quorum

9 The quorum for a meeting of the Commission shall not be less than one third of the total number of members of that body at the date of the meeting.

Decisions at Meetings

10. (1) A member of the Commission shall be entitled to one vote and a decision of the meeting may be taken and any act or thing may be done in the name of that body by a majority of the members present at a meeting,

(2). Where the members of the Commission are assembled for a meeting, the Chairman or other person presiding shall, in all matters in which a decision is taken by vote (by whatever name such vote may be called) have a casting as well as deliberate vote.

(3). Subject to its rules of -----Missing-----Commission may act or take any decision notwithstanding any vacancy---Missing-----memberships the absence of a” -----missing-----

No 11 text Missing

Powers and procedure

12. Subject to the provisions of the constitution the Commission may, with the approval of the Governor and subject to such conditions as it may deem fit delegate any of the powers conferred upon it by the constitution or this Law to any of its members or to any officers in the Civil Service of the State.

Delegation of powers

PART III — DISCIPLINARY PROCEEDINGS

13.(1) In this Part —

Interpretation

“Criminal proceedings” means proceedings instituted in any court of law relating to a criminal charge brought -----Missing-----where such person is alleged to have committed an offence -----missing-----any law and includes proceedings upon appeal to any higher court.

“disciplinary proceedings” means any disciplinary proceedings brought against any public officer pursuant to the power conferred on the Commission and includes any punishment imposed as a result of such proceedings.

“public officer” means any person in the public service of Enugu State of Nigeria

(2). References in this Part to the Commission shall be construed where appropriate as including references to any person to whom the Commission may have delegated its powers.

Criminal proceeding against Officers not to affect disciplinary action by the

Acquittal not a bar to disciplinary action

No action for contempt of court

No 14 (a & b) text missing

15. A public officer acquitted on a criminal charge for an offence or given a discharge, whether amounting to an acquittal or not by any court of law may be dismissed or otherwise penalized by the Commission in accordance with any disciplinary provisions for his conduct in the matter in respect of which the charge was made.

16. It is hereby declared that where disciplinary proceedings are instituted or continued as permitted by this Part no court of law convict any person for any act relating to or pertaining to the proceedings which would, but for this section, have amounted to contempt of any such court and, according to the provisions of this Part shall have effect notwithstanding any missing-----relating to contempt of court to the contrary

17. As from the commencementt of this Part, the provisions contained in any regulations or rules relating to discipline of public officers or contained in any contract or arrangement or in any other instrument whatsoever shall be construed with such modification, omissions or alterations as may be necessary lo give effect to this Part.

Provisions in regulations or rules to be construed with modifications

SUBSIDIARY LEGISLATION
STATE CIVIL SERVICE COMMISSION DELEGATION OF STATUTORY POWERS) ORDER

- S/N ORDER
- 1 Short title
 - 2 Interpretation
 - 3. Delegation of statutory powers
 - 4 _____MISSING_____--
 - 5 Returns
 - 6. Transmission of appeal papers.
 - 7 Withdrawal of delegated powers
 - 8. Commission may exercise delegated powers.
1. This order may be cited as the State Civil Service Commission Delegation of Statutory Powers) Order.
2. In this order —,
- “Commission means Enugu State Civil Service Commission;
- “public service" means public service of Enugu State.

Short title

3.(1) The powers of the Commission set out in sub-paragraph (2) of this paragraph are hereby delegated to every Permanent Secretary and every Head of Non-Ministerial Department in relation to his Ministry or Department as the case may be, in the public service.

Interpretation

(2) The powers to which sub-paragraph (1) refers are —

(a) powers to appoint persons to posts in the public service being posts (whether established or unestablished) which carry an initial basic salary not exceeding grade level 06;

(b) power to exercise disciplinary control including power to suspend, surcharge, interdict, terminate, retire and dismiss person on posts

No 2 (c to e) as well as No 3 not readable

(4). A permanent Secretary or Head of Non-Ministerial Department to whom power is delegated under this order shall send to the Commission-

Delegation
of statutory
powers

(a) in every quarter, returns of all appointments, confirmations of appointment transfers, advancements, and promotions made by him during the quarter;

(b) in every month, returns of all disciplinary actions taken by him or of voluntary retirements or of acceptance or rejection of appointments made by him during the month.

5 A public servant aggrieved by the decision of a Permanent Secretary or a Head of Non-Ministerial Department in exercise of any of the powers hereby delegated may appeal to the Commission through his Permanent Secretary or Head of Non-ministerial Department so however that the appeal shall be received by such Permanent Secretary- or Head of Non-Ministerial Department not later than three months from the date the decision forming the subject-matter of the appeal was communicated to the aggrieved public servant.

No 6, 7 & 8 Unreadable

Returns

Commission
may exercise
delegated