



THE REPUBLIC OF THE UNION OF MYANMAR

**THE LAW AMENDING THE CIVIL SERVICE
PERSONNEL LAW**

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9th December, 2016

The Republic of the Union of Myanmar
The Law Amending the Civil Service Personnel Law
(The Pyidaungsu Hluttaw Law No. 42, 2016)
The 10th Waxing of Nadaw, 1378 M.E.
(9th December, 2016)

The Pyidaungsu Hluttaw hereby enacts this Law.

1. This Law shall be called **the Law Amending the Civil Service Personnel Law**.
2. In Section 2 of the Civil Service Personnel Law,
 - (a) Sub-section (d) shall be substituted as follows:
 - “(d) (i) **Head of the Ministry and Organization** means Heads of the Hluttaw Organizations selected and assigned by the respective Hluttaw and Heads of the Ministries and Organizations appointed by the President;
 - (ii) **Head of the Service Personnel Organization** means a person who is appointed and assigned duty by the President as the Head of the Service Personnel Organization in any Service Personnel Organization;”

- (b) Sub-section (e) shall be substituted as follows:
- “(e) **Service Personnel** means a Civil Service Personnel appointed to any post in the formation of any service personnel organization. Although the Defence Service Personnel and members of the Myanmar Police Force are the Civil Service Personnel, they shall not apply to the matters of this Law according to the nature of their work and duties;”
- (c) Sub-section (f) shall be substituted as follows:
- “(f) **Ministry and Organization** means the respective Ministry of the Union Government, the respective Ministry of the Region or State Government and the Self-Administered Areas. In this expression, for the purpose of this Law, the Office of the President of the Union, the Office of the Union Government, the Offices 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 Office of the Auditor General of the Union, the Office of the Union Civil Service Board, the Office of the Nay Pyi Taw Council, the Office of the Central Bank of Myanmar, the Office of the Anti-Corruption Commission, the Office of the Myanmar National Human Rights Commission and Offices of Union Level Organizations formed under the law.”

3. Sub-section (a) of Section 7 of the Civil Service Personnel Law shall be substituted as follows:

“(a) the Head of the respective Ministry and Organization shall appoint the Service Personnel selected by the Civil Service Board for the initial substantive post of gazetted officer which is stipulated according to the class of service personnel in the respective Service Personnel Organization.”

4. The expression “the Union Government” in sub-section (b) of Section 8 of the Civil Service Personnel Law shall be substituted by the expression “the Office of the Union Government”.

5. Sub-section (1) of Section 10 of the Civil Service Personnel Law shall be substituted as follows:

“(1) providing service to the public respectfully.”

6. The expression “may enjoy leave with the permission of the person conferred power by the Ministry” in Section 15 of the Civil Service Personnel Law shall be substituted by the expression “may enjoy leave with the permission of the person conferred power by the Ministry and Organization.”

7. Section 17 of the Civil Service Personnel Law shall be substituted as follows:

“17. A service personnel has the right to request leave in accordance with the stipulations according to the kinds of leave.”

8. Section 22 of the Civil Service Personnel Law shall be substituted as follows:

“22. A service personnel may enjoy the preparatory leave to retire with average salary before attaining retirement age. In claiming the preparatory leave to retire in time, if the authorized person to grant leave refuses the term of leave requested partially or

wholly for the purpose of public interest, such refused period of leave may be enjoyed from the date of retirement.”

9. After Section 24 of the Civil Service Personnel Law, Section 24 A shall be inserted as follows:

“24 A. A service personnel has the right to enjoy the promotion as dignifying him according to the recommendation of the respective Qualification Inspection Board, based on his qualification and high capacity.”

10. The expression “Head of the Service Personnel Organization” in Section 39, Section 40, sub-section (a) of Section 43 and Section 46 of the Civil Service Personnel Law shall be substituted by the expression “Head of the Ministry and Organization or Head of the Service Personnel Organization” and the expression “Head of the Service Personnel Organization” in sub-section (d) of Section 48 shall be substituted by the expression “Head of the respective Ministry and Organization or Head of the Service Personnel Organization” respectively.

11. Section 41 of the Civil Service Personnel Law shall be substituted as follows:

“41. If the case is distinct that the service personnel are guilty according to the sufficient evidence, it may pass suitable disciplinary penalty without holding departmental inquiry.”

12. Section 49 of the Civil Service Personnel Law shall be substituted as follows:

“49. The Head of the respective Ministry and Organization or Head of Service Personnel Organization shall pass order and issue the written order in respect of departmental inquiry and send it to the respective service personnel. It shall be mentioned in the written order that an application of appeal may be filed to the Head of the respective Ministry and Organization within six months from the date of receipt of the written order if not satisfied with such order.”

13. Section 50 of the Civil Service Personnel Law shall be substituted as follows:

“50. The order passed in respect of departmental inquiry upon service personnel appointed in the Service

Personnel Organizations of the Region or State under Section 4 shall be issued the written order and sent it to the respective Ministry and Organization and service personnel by the Head of the respective Ministry and Organization or the Head of Service Personnel Organization. It shall be mentioned in the written order that an application of appeal may be filed to the Head of the respective Ministry and Organization within six months from the date of receipt of the written order if not satisfied with such order.

14. The expression “when he has attained the age of superannuation” in Section 58 of the Civil Service Personnel Law shall be substituted with the expression “when he has attained 30 years’ service”.

15. Section 62 of the Civil Service Personnel Law shall be substituted as follows:

“62. When a service personnel claims retirement pension under Section 58, he shall not be refused without reasonable grounds.”

16. The expression “shall be entitled gratuity and pension if any occurrence of enjoying compensation pension and death” in Section

64 of Civil Service Personnel Law shall be substituted by the expression “shall be entitled gratuity and pension if any occurrence of enjoying compensation pension, reduction pension and death.”

17. The expression “the relevant Ministry” in Section 74 of the Civil Service Personnel Law shall be substituted by the expression “the respective Ministry and Organization”.

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

Sd/

Htin Kyaw

President

The Republic of the Union of Myanmar