

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, ডিসেম্বর ২০, ২০২৩

[বেসরকারি ব্যক্তি এবং কর্পোরেশন কর্তৃক অর্থের বিনিময়ে জারীকৃত বিজ্ঞাপন ও নোটিশসমূহ]

পল্লী দারিদ্র্য বিমোচন ফাউন্ডেশন (পিডিবিএফ)
প্রধান কার্যালয়, ঢাকা

প্রজ্ঞাপন

নং ৪৭.৬৬.০০০০.০০৫.০৬.০৬৩.২১-৫৮৯৯ তারিখ: ২৮ অগ্রহায়ণ ১৪৩০ বঙ্গাব্দ/১৩-১২-২০২৩ খ্রি:

Service Regulation for the Position of Managing Director, 2023

A regulation adopted at the 94th Meeting of the PDBF Board of Governors on 17.10.2023 to provide for the selection procedure and terms and conditions of contractual service of the Managing Director of Palli Daridro Bimochon Foundation, a financial institution under the Rural Development & Cooperative Division, Ministry of Local Government, Rural Development & Cooperatives

Whereas, according to Article 111 of the Constitution of the People's Republic of Bangladesh, all judgements pronounced by the Appellate Division of the Hon'ble Supreme Court are binding upon the High Court Division and all judgements pronounced by either Division of the Supreme Court are binding upon all Courts and authorities under their jurisdiction;

Whereas, the Hon'ble Appellate Division of the Bangladesh Supreme Court in their Judgement and Order dated 17.12. 2020 passed in CPLA No. 2963 upheld the Hon'ble High Court Division's Judgement and Order dated 16.05.2018 passed in Writ Petition No. 525 of 2017;

Whereas, the certified copy of the aforesaid Judgement and Order of the Hon'ble Appellate Division of the Bangladesh Supreme Court dated 17.12.2020 was issued on 07.03.2021;

(২৮২১৩)

মূল্য : টাকা ১২.০০

Whereas, Hon'ble High Court Division's said Judgement and Order dated 16.05.2018 declared that the First Service Regulation (mistakenly called "Service Rules") for the position of the Managing Director of the Palli Daridro Bimochon Foundation (PDBF), which was framed pursuant to sub-section (6) of section 11 of the Act 23 of 1999 (Palli Daridro Bimochon Foundation Act, 1999) and was adopted on 23.05.2000 at the 2nd Meeting of the PDBF Board of Governors of the Foundation, still remains in force, and in effect repeals the Sevice Regulation for the Managing Director of the PDBF, 2020.

Whereas, Hon'ble High Court Division in their Order dated 24.08.2023 discharged rule issued in Writ Petition 14236 of 2022, which upholds that the age limit for a candidate for the

position of Managing Director of the PDBF should be 62 at the time of entry and in no way this age limit would mean the time of exit during a 3 year tenure, which can even be extended further by the Board of Governors.

Whereas, PDBF's Managing Director's 62 years' age limit at the time of entry has also been endorsed and adopted through a sequence of deliberations at the earlier meetings of PDBF Board of Governors, finally at the 80th meeting of the Board;

*Therefore, the PDBF Board of Governors, in pursuance of sub-section (6) of section 11 and section 29 of the Palli Daridro Bimochon Foundation Act, 1999 (Act 23 of 1999), introduces certain changes in the pertinent clauses of the Service Regulation for the Managing Director of the PDBF, 2000 and promulgates **The Service Regulation for the Managing Director of the PDBF, 2023**, as adopted on 17.10.2023 at the 94th Meeting of the PDBF Board of Governors:*

Pre-Conditions

1. The Managing Director must be a Bangladeshi National.
2. The Managing Director shall be conversant with the socio-economic conditions of the poor, the disadvantaged and have experience in rural development, finance and management, as set out in Section 11 sub-section 4 of the Act.
3. The Managing Director may not be older than 62 at the time of application unless otherwise prescribed in the Foundation's personnel policy.
4. The Managing Director must be in good health and fully capable of carrying out the duties of the position at the time of application.

5. No person who has been convicted of any criminal offence or who has been charged with a criminal offence and is awaiting trial may be considered for the position of Managing Director.
6. The Managing Director and his or her spouse cannot be in default of any loan taken from any bank or financial institutions. The organization where he/she or his/her spouse is a board member cannot be in default.

Contract Term

7. The MD will be hired on contract for a term of three years subject to satisfactory annual performance review by the Board. This contract may be extended by the Board subject to the satisfaction of all other terms and conditions of employment.
8. The Chairman of the Board will sign the contract on behalf of the Board.

Contract Termination

9. Either party can terminate the contract on three months' written notice. The Foundation can make payment of three months basic pay in lieu of notice. This option is not applicable to the Managing Director. The written notice will be addressed to the Chairperson of the BoG or alternatively to the Managing Director at his residential address. The contract of service will automatically terminate at the end of the notice or contract period.
10. The BOG with a majority vote can terminate the contract without notice if:
 - The Managing Director is found by the Board, guilty of action in manner that exposes the Foundation to a loss of capital, loss of income or loss of reputation. The Managing Director is convicted of any criminal offence.
 - Any competent court established by or under any law for the time being in force declares the Managing Director insolvent.
 - The Managing Director is found in breach of any of the terms and conditions of employment as set out in the contract.
 - The Managing Director becomes incapable of carrying out his/her duties for reasons of physical or mental health where the period of absence required for treatment and convalescence will exceed 90 days.

Pay and Benefits

11. The basic pay and benefits for the Managing Director will be established/revised by the Board of Governors from time to time in keeping with market requirements for similar positions.
12. The Managing Director shall be entitled to 20 days leave in each fiscal year or such other period as may be prescribed in the personnel policy from time to time.
13. The Managing Director shall be entitled to full time use of a car and driver.

Restrictions

14. The MD will be a whole time officer of the Foundation and will not be permitted to hold any other positions, or do any other work whether paid or unpaid while in the employment of the Foundation.
15. The MD will not be allowed to accept gifts of any kind or nature from any firm, organization or individual that has any direct or indirect interest in the business of the Foundation.
16. The MD may not sit on the Board or Governing Body of any other organization or business without the prior approval of the Chairperson of the Board of Governors.
17. The MD may not directly hire or exert his/her influence in the hiring of any family member in the Foundation.
18. The MD cannot participate in or work on behalf of any political party including election campaigns, nor will he/she be permitted to run for or hold any political office during his/her tenure with PDBF.

Disclosure

19. The Managing Director will be expected to disclose in writing to the Board of Governors any ownership, interest, or employment held by the Managing Director or members of his/her immediate family in any business or organization.
20. The Managing Director will be expected to disclose in writing to the Board any chronic health conditions or limitations which could affect his/her ability to carry out his/her duties.
21. The Managing Director will be expected to provide such other disclosures as and when required by the Board to ensure he/she is fully qualified to hold the position.

Selection Process for Managing Director**Selection Committee:**

As stipulated in the Act, section 11 sub sections 1 and 3, the Managing Director will be selected "through competition" and will be "selected by a selection committee to be appointed by the Board." This committee will be comprised of 3 to 5 Board Members including one private sector and one client member. The members of this committee will be appointed by the Board each time a Managing Director is to be hired and their tenure will end as soon as the Board appoints the new Managing Director.

The selection committee may use external technical assistance consultants to provide technical advice and assist the committee with the selection process. The Board must approve the technical assistance consultants to be used for this purpose. The selection process to be followed by the committee is described as follows:

Newspaper Advertisement:

An advertisement will be placed in at least 1 major English and 1 major Bengali newspaper. This advertisement should set out the specific knowledge, skills and experience that candidates must have to be considered for the job together with any other information that is considered necessary and relevant. Section 11 sub-section 4 of the Act establishes the minimum criteria that have to be included in the advertisement and considered in the hiring process.

The advertisement should run for 1-2 days and should provide a minimum period of 10 working days for applicants to respond. A box number should be designated for the respondents as opposed to using the Foundation's address.

The selection committee will designate two individuals to collect all of the applications immediately following the closure date contained in the advertisement. These individuals will count and initial the scaled flap of each envelope and deliver the entire package to the selection committee. Applications received after that date would not be considered.

Review Criteria for Applications:

The job advertisement for the position will establish the specific skills, knowledge and experience and other attributes or characteristics that are desirable based on the performance that is expected from the MD. The

Board of Governors will approve the criteria for evaluation of the application. These criteria may change from time to time as the Foundation grows and change and as such they should be re-evaluated each time the MD's position will have to be filled. The criteria established for this purpose will be used as the basis for selection of the applicants who will be considered for interview.

Selection Process:

The selection committee will meet within 7 days of the closure date set out in the advertisement open the sealed application envelopes and to undertake the sorting and pre-screening process. The committee must view all of the applications that are received and give it's concurrence to the prescreening prior to undertaking the first detailed review of the applications.

The purpose of the detailed review will be to select the top 3-5 candidates based on qualifications. These individuals will be placed on a "short list" for follow up action. If the committee is unable to make a unanimous decision on the top 3-5 candidates the matter should be settled by vote with majority decision being used to make the final determination.

The selection committee will settle the date and time for interviews and will arrange to have each of the 3-5 applicants contacted to arrange the interview time and place. They may request that each applicant complete and submit a pre-interview questionnaire prior to the date established for the interview. The content of the questionnaire should be used to give the candidates the opportunity to describe their working experience and accomplishments in more detail than can be included in a normal CV. If this method is used then the committee members should receive copies of each candidates completed questionnaire prior to the interview date.

The interview process, time frame and the questions to be asked each applicant should be established and agreed to by the committee and a majority of members which must include the client member and the private sector member must be present for and participate in the interview process. It is recommended that candidates be asked the same questions and that all committee members record their observations on the candidate during the interview.

At the conclusion of the interviews each committee member should indicate in writing their selection for the number 1 and number 2 candidate. These selections should be tallied to determine the majority decision for number 1 and 2 positions. If a majority decision is not reached on the first tally, each

member should be given the opportunity to discuss the rationale for his or her selections followed by a second vote. The top 2 candidates must be established by a majority vote of the committee. The selection committee will request the top two candidates to provide three references who can comment of the candidate's professional capacity. Selected committee members may then follow-up with the references. The committee should conduct a second interview with the number 1 and 2 candidates prior to finalizing their decision. The second interview can be waived if the number 1 candidate was selected by a unanimous vote of the committee.

Once the number 1 candidate is selected, the committee should meet with this individual to discuss the terms and condition of employment including remuneration and benefits etc. and to make the conditional offer of employment to the candidate. If the candidate accepts the offer then a special Board Meeting should be convened for the purpose of approving the selection and finalizing the appointment of the recommended candidate. If the selected candidate does not accept the offer then the process shall be repeated with the number of two candidate.

If the in a majority vote rejects the committee's selection it must record the cause for such the rejection in the minutes of the meeting, and the conditional offer and Board approval process should be repeated with the number 2 candidate.

If for any reason the number 1 and 2 candidates do not accept the offer or are not approved by the Board, then the committee will be called on by the Board to make a recommendation on subsequent action. This could involve the re-evaluation of the remaining short listed candidates or repeating the advertisement and selection process.

All other applicants not selected for an interview should receive a regret letter thanking them for their interest in the Foundation.

Summary of the selection process:

1. Decide on the additional skills, capabilities and experiences that are desirable based on the performance that is expected from the MD.
2. Prepare and obtain Board approval on the criteria for evaluation of the applications.
3. Obtain board approval on technical assistance consultants to be used for this purpose.

4. Finalized the advertisement, decide on the name of the newspapers and the no. of days to run the advertisement.
5. Open, pre-screen and sort the applications.
6. Evaluate the applications and prepare short list of 3-5 applicants for interview.
7. Prepare and finalize the pre-interview questionnaires.
8. Distribute and collect the questionnaires and redistribute the completed questionnaires to the selection committee members.
9. Determine the interview questions to be asked.
10. Conduct the interview and decide on number 1 and 2 candidates.
11. Discuss the benefit package with the selected applicant and make conditional offer of employment.
12. Obtain board approval on the candidate selected by the selection committee.
13. Signing the contract.

Mosammat Hamida Begum

Chairperson

PDBF Board of Governors &

Senior Secretary

Rural Development & Cooperative Division

Ministry of Local Government, Rural Development & Cooperatives.

মোঃ তাজিম-উর-রহমান, উপপরিচালক (উপসচিব), বাংলাদেশ সরকারী মুদ্রণালয়, তেজগাঁও, ঢাকা কর্তৃক মুদ্রিত।

মোঃ নজরুল ইসলাম, উপপরিচালক (উপসচিব), বাংলাদেশ ফরম ও প্রকাশনা অফিস, তেজগাঁও,

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