



THE SIND GOVERNMENT GAZETTE
GAZETTED ON THURSDAY FEBRUARY 2, 1989.

THE SIND REGIONAL PLAN ORGANIZATION EMPLOYEES

(EFFICIENCY AND DISCIPLINE) RULES, 1988.

SCAN TO VERIFY
LAW DEPARTMENT
GOVERNMENT OF SINDH
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PART-I
GOVERNMENT OF SINDH
PLANNING AND DEVELOPMENT DEPARTMENT

NOTIFICATION

Karachi, dated the 30th June , 1988.

No. SO(A)(P&D)-6(199)87.- In exercise of the powers conferred by section 22 of the Sind Regional Plan Organization Act, 1976, the Government of Sind are pleased to make the following Rules, namely:-

1. (1) These rules may be called the Sind Regional Plan Organization Employees (Efficiency and Discipline) Rules, 1988. **Short-title and commencement.**

(2) They shall come into force at-once.

(3) They shall apply to all employees of the organization wherever they may be:

Provided that Government may exclude any employee or class of employees from the purview of these rules.

2. (1) In these rules, unless the context otherwise requires-- **Definitions.**

(a) "accused" means an employee against whom action is taken under these rules;

(b) "authority" means the appointing authority;

(c) "authorized officer" means an officer authorized by the authority to perform the functions of an authorized officer under these rules;

(d) "misconduct" means conduct prejudicial to good order of service, discipline or contrary to the Conduct rules for the time being applicable to an employee or unbecoming of an officer and a gentleman includes any act on the part of an employee to bring or attempt to bring political or other external influence directly or indirectly to bear on the Government or the Organization or any of its functionaries in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of any employees; and

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(e) "penalty" means a penalty which may be imposed under these rules.

(2) The words and expressions used but not defined in these rules shall have the meanings, assigned to them in the Sind Regional Plan Organization Employees (General Conditions of Services) Rules, 1987.

3. Where an employee in the opinion of the authority-

Ground of penalty.

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because-

- (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate the his known source of income; or

- (ii) he has assumed a style of living beyond his ostensible means; or

- (iii) he has a persistent reputation of being corrupt; or

- (d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with other engaged in subversive activities, guilty of disclosure of official secrets to any unauthorized person, and his retention in service is therefore prejudicial to national security, the authority may impose on him any one or more penalties.

4. (1) following are the minor and major penalties, namely:-

Penalties.

(a) Minor Penalties.

- (i) censure;
- (ii) withholding, for specified period, promotion or increment, otherwise than for unfitness for promotion or financial advancement, in accordance with these rules or orders pertaining to the service or post.

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- (iii) recovery from pay of the whole or any part of any pecuniary loss caused to the Authority by negligence or breach of orders;

(b) Major Penalties:-

- (i) reduction for a specific period to a lower post or time scale or to a lower stage in a time scale.
- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this rule removal or dismissal from service does not include the discharge of an employee:-

- (a) appointed on probation, during the period of probation, or in accordance with probation or training rules applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
- (c) engaged under a contract, in accordance with the terms of contract.

5. (1) If in the opinion of the authorized officer, there are sufficient grounds for proceeding against an employee under these rules, he shall take action in accordance with rule-6.

Power of authorized officer of authority.

(2) Notwithstanding anything contained in these rules authority may exercise all powers of the authorized officer or give any direction to the authorized officer as it may deem fit.

6. The following procedure shall be observed when an employee is proceeded against under these rules.

Inquiry Procedure.

- (a) In the case where an employee is accused of subversion, corruption or misconduct, the authorized officer may require him to proceed on leave or, with the approval of the authority, suspend him, provided that any continuation of such leave or suspension

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shall require approval of the Authority after every three months.

- (b) The authorized officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee, and if he so decides, the procedure indicated in rule-7 shall apply.
- (c) If the authorized officer decides that it is necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall -
 - (i) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and
 - (ii) give him a reasonable opportunity of showing cause against that action:

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

- (d) On receipt of the report of the Inquiry officer or Inquiry Committee or where no such officer or committee is appointed, on receipt of the explanation of the accused, if any, the authorized officer shall determine whether the charge has been proved and--
 - (i) if it is proposed to impose a minor penalty, he shall pass orders accordingly;
 - (ii) if it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge and statement of allegations served on the accused, the explanation of the accused the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed, and the authority shall pass such orders as it may deem proper:

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Provided that the authorized officer shall, subject to the proviso to sub-clause(c) before imposing minor penalty or recommending imposition of a major penalty as at the case may be, by notice, accompanied by a copy of the Inquiry report, if any, intimate the accused of the aforesaid penalty and grounds therefore and call upon him to show cause within a fortnight of the notice why the proposed penalty should not be imposed or, as the case may be, recommended, and the reply, if any, to the said notice shall be taken into consideration before imposing or recommending a penalty.

- (e) The orders passed by the authority or the authorized officer shall be communicated to the accused within ten days of such orders.
- (f) If two or more employees are proceeded against jointly, the authority or authorized officer in respect of the senior most employee amongst them, shall be the authority or authorized officer, as the case may be, in respect of all such employees.

7. (1) Where an Inquiry Officer or Inquiry Committee is appointed, the authorized officer shall: -

Procedure to be observed by the Inquiry Officer and Inquiry Committee.

- (a) form a charge and communicate it to the accused together with a statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;
 - (b) require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him to put in a written defense and to state at the same time whether he desires to be heard in person.
- (2) The inquiry officer or the inquiry committee, as the case may be, shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as may be considered necessary and the accused shall be entitled to cross-examine the Witnesses against him.

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(3) The Inquiry Officer or the Committee, as the case may be shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given--

- (a) it shall not be for more than a week; and
- (b) the reason therefore shall be reported forthwith to authorized officer.

(4) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the enquiry he or it shall administer a warning, and if thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the enquiry in such manner as he or it thinks best suited to do substantial justice.

(5) The Inquiry Officer or the Committee, as the case may be shall within ten days of the conclusion of the proceeding or such longer period as may be allowed by the authorized officer, submit his or its findings and the grounds thereof to the authorized officer.

8. (1) For the purpose of or inquiry under these rules the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters namely:-

Power of Inquiry Officer and Inquiry Committee.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) recovering evidence on affidavits;
- (d) issuing commissions for the examination of witness or documents.

(2) The proceeding under these rules shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Panel Code.

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9. Nothing in rule 6 shall apply to a case:-

**Rule 6 not to apply
in certain cases.**

- (a) Where the accused has been convicted by a court and sentenced to imprisonment or fine or charge involving moral turpitude, in which case the competent authority shall on receipt of intimation of the conviction make an order dismissing or removing the accused from service or reducing him in rank as it deems fit; provided that in the case of conviction on charge of corruption the accused shall be dismissed from service; or
- (b) Where the authority competent to dismiss or remove an employee from service, or to reduce an employee in rank, is satisfied that, for reasons to be regarded in writing, by that authority, it is not reasonable practicable to give the accused an opportunity of showing cause.

10. If an employee, who proceeds on leave or is suspended under sub-clause (a) of rule-6 is exonerated of the charges or charge or no action has been taken against him, he shall be reinstated in service and the period of leave or, as the case may be, suspension shall be treated as duty.

**Treating leave or
suspension as duty
on reinstatement.**

11. (1) Where the services of an employee to whom these rules apply are lent to a Government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requires him to proceed on leave and of initiating proceedings against him under these rules:

**Procedure of
inquiry against
officers lent to
other Govt. or
Authority.**

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rules referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be;

Provided further that the borrowing authority shall obtain prior approval of the Organization before taking any action under these rules against an employee holding a post in basic scale 17- or above.

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(2) If, in the light of the findings in the proceedings taken against the employee in term of sub-rule(1), the borrowing authority is of opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

(3) Notwithstanding anything contained in these rules, the authority may, by an order in writing, authorize the borrowing authority or any subordinate officer to such authority to exercise all or any of the powers of the authority in respect of employee, whose services have been lent to the borrowing authority.

12. (1) An employee aggrieved by an order of the authorized officer or authority may, within thirty days from the date of the order, appeal to the officer or authority next above under whom the officer making the order is working. **Appeal.**

Provided that where the penalty is imposed by order or the Chairman, there shall be no appeal but the employee may apply for review of the orders.

Explanation:- For the purpose of this sub-release the period of thirty days shall be reckoned with effect from the day following the day on which order appealed against is communicated to the employee.

(2) The appellate authority shall, on receipt of the appeal, call for the record of the case from the authorized officer or the authority, as the case may be and after perusal of such record and if considered necessary hearing the appellant and the representative of the authorized officer or the authority, as the case may be, make such order as it may deem fit:

Provided that if the appellate authority proposes to enhance the penalty, it shall give the appellant reasonable opportunity to show cause against the proposed enhancement of the penalty.

13. (1) The Chairman or any officer or authority empowered by him may call for and examine the record of any proceeding under these rules for the purpose of satisfying itself as to the correctness, or propriety of any finding, penalty or order in, **Correctness of propriety of the findings.**

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irregularity of, such proceedings.

(2) After examine the record under sub-rule(1), the Chairman or any officer or authority, empowered by him, as the case may be, may direct further inquiry into the charge from which the employee has been exonerated, or may exercise any power of the appellate authority:

Provided that an order made under this rule, if prejudicial to the employee, shall not be passed unless he has been given reasonable opportunity of showing cause:

Provided further that an order imposing penalty shall not be revised after the period of six months from the date of its communication to the employee if no appeal is preferred.

(3) No proceedings under these rules shall be entertained at the instance of the employee who has not filed appeal.

14. No party shall be represented by a lawyer in any proceedings under these rules. **Appearance of Counsel.**

A.B. SOOMRO
Additional Chief Secretary to Govt. of Sind
Planning & Development Department