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THE SINDH GOVERNMENT GAZETTE

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PART-I

GOVERNMENT OF SINDH
PLANNING AND DEVELOPMENT DEPARTMENT
NOTIFICATION

Karachi, 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, 1975, the Government of Sind are pleased to make the following rules, namely:-

PART-I
PRELIMINARY

Short-title and commencement.

1. (1) These rules may be called the Sind Regional Plan Organization Employees (General Conditions of Service) Rules, 1987.

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

(3) These rules shall not apply to casual work-charged staff with less than three year's service and persons employed on contract or on deputation with the Organization who will be governed by the terms and conditions of their appointment, or deputation as the case may be.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context:-

(i) "appointing authority" means the Chairman and in relation to any post, includes any person authorized by the Chairman to make appointment to that post;

(ii) "basic pay scale" means a scale of pay in which a post or group of posts is placed;

(iii) "competent authority" means the Chairman and includes the Regional Plan Commissioner, or any other officer of the Organization authorized by the Chairman in that behalf;

(iv) "deputation" means the temporary transfer on loan of the services of any person from or to the Organization to or from any office or Department outside the Organization;

(v) "employee" means an employee of the Organization;

(vi) "foreign service" means service in which an employee receives his pay with the sanction of the Organization from any source other than the revenues of the Organization;

(vii) "Head of Office" means any officer whom the Organization declares to be Head of office for the purpose of these rules;

(viii) "honorarium" means a recurring or non-recurring payment granted to an employee from general revenues as remuneration for special work of an occasional character;

(ix) "lien" means title of an employee to hold substantively, either immediately or on the termination of period or periods of absence, a permanent post including a tenure post to which he has been appointed substantively;

(x) "medical officer" means a medical officer appointed or authorized by the Organization to perform functions under rules;

(xi) "Officiating" means performing the duties of a post on which another person holds a lien;

(xii) "pay" means the amount monthly drawn by an employee as pay and includes technical pay, special pay, personal pay and other emoluments declared by the Organization to be pay;

(xiii) "permanent post" means a post sanctioned without limit of time;

(xiv) "personal pay" means additional pay granted to an employee-

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) In exceptional circumstances, on other personal consideration;

(xv) "post" means a post mentioned in the schedule of establishment;

(xix) "schedule of establishment" means the schedule of Advisers, Officers and other staff approved by the Organization;

(xx) "special pay" means an addition of the nature of pay to the emoluments of an employee granted in consideration of-

(a) the specially arduous nature of duties; or
(b) a specific addition to the work or responsibility; or
(c) unhealthiness of the locality in which the work is performed;

(xxi) "technical pay" means an addition of the nature of pay to the emoluments of an employee granted in consideration of the technical qualifications or technical training abroad, in any recognized University or recognized technical institute in Pakistan, of such employee;

(xiv) "temporary post" means a post sanctioned for a limited time;

(xx) "tenure post" means a permanent post which may not be hold by an employee for more than a limited period;

(xxi) "time scale" means the scale of pay in which the pay is, subject to any conditions prescribed in these rules, raised by periodical increment from minimum to a maximum.

CHAPTER-II

PAY, ALLOWANCES AND HONORARIA

3. (1) The basic pay scale of various post shall be as determined by the Organization with the approval of the Government.

(2) All employees, shall be entitled to such allowances as may, from time to time, be allowed by the Organization with the approval of the Government.

(3) An employee shall on first appointment to a post in a time scale of pay draw the minimum of that scale plus admissible allowances unless the competent authority for reasons to be recorded fixed his initial pay at a higher stage in that scale.

4. Subject to any exception specially provided in these rules and to the provisions of sub-rule (5) an employee shall begin to draw the pay and allowances attached to his post with effect from the date he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties.

(5) Persons recruited everseas shall commence to draw pay on first appointment, from such date as may be determined by the competent authority.

Fixation of initial pay.

(4) The initial pay of an employee, who is transferred by promotion or otherwise to another post in a time scale of pay, shall be regulated where the appointment to the new post-

(i) involves the assumption of duties or responsibilities of greater importance than those attached to his previous post, he will draw an initial pay the stage of the time-scale next above his pay in respect of the old post;

(ii) does not involve the assumption of such duties or responsibilities, he will draw as initial pay, the stage of the time scale which is equal to his pay in respect of the old post, or, if there is no stage next below that pay plus personal pay equal to the difference and in either case will continue to draw the pay until such time as he would have received an increment, in the time-scale of the old post or for the period after which an increment is earned in the time scale of new post whichever is less but, if the minimum pay of the time scale of the new post is higher than his pay in respect of the old post he will draw that minimum as initial pay;

(iii) is made on his own request and the maximum pay in the Basic Pay Scale of the post is less than his pay in respect of the old post he will draw that maximum as initial pay.

Change of pay of a post.

5. The holder of a post the pay of which is changed shall be treated as if he was transferred to a new post on the new pay but he may at his option, retain his old pay until the date on which he earns his next or any subsequent increment in the old scale.

Fixation of pay of employee receiving special pay.

6. If an employee in receipt of special pay in a post is transferred to another post, his pay in the new post will be fixed under rule 4 subject to the condition that his pay plus special pay, if any, in the new post is not less than his pay plus special pay in respect of the old post.

7. The competent authority may, when ordering the reduction of an employee to a lower post, or time scale, as a penalty, allow him to draw any pay not exceeding the maximum of the lower post or time scale, which it may think proper.

Reduction to lower post a penalty

8. If an employee is, on account of misconduct or inefficiency, reduced to a lower scale or post or to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and on restoration it shall not operate to postpone future increments.

Period of reduction

9. When an employee is treated as on duty during a duly authorized course of training or instruction in Pakistan or abroad, the Organization may allow him to draw the pay of his post.

Pay during Training.

10. (1) An increment shall ordinarily be drawn as a matter of course unless it is with-held.

Increment.

(2) An increment may be withheld from an employee by the competent authority if his conduct has not been good or his work has not been satisfactory.

(3) In ordering the withholding of an increment, the period for which it is with-held shall be clearly stated; provided that the postponement shall not have the effect of postponing future increments.

11. The condition for counting service for increments in a time-scale, shall be as under:-

Service for increment

(a) All duty in a post on a time scale and periods of leave other than extra-ordinary shall count for increments in that time scale; provided that the Organization shall have power, in any case, in which it is satisfied that the leave was taken on account or for any cause beyond the employee's control, to direct that extra-ordinary leave shall be counted for increment.

(b) Service in another post, whether in a substantive or officiating capacity and service on deputation shall count for increments in the time scale applicable to the post on which the employee holds a lien or would hold a lien had his lien not been suspended.

(c) If an employee, while officiating in a post on a time scale of pay, is appointed to officiate in another post which does not carry less pay than the pay of his original post, his officiating service in that post shall, if he is reappointed to his original post, count for increment in the time-scale applicable to the original post, the period of such service so counted being restricted to the period during which the employee holds a lien or would hold a lien had his lien his appointment to the other post. This clause shall also apply to an employee, who was not actually officiating in the original post at the time of his appointment to the other post, but who would have so officiated had he not been appointed to the other post.

12. An employee who is placed under suspension shall be entitled to such subsistance grant as may from time to time be determined by the Organization.

Subsistance grant.

13. If an employee is required on a written order of the competent

Dual charge.

authority to hold charge of another post in addition to his own duties he may be allowed special pay at such rates as may be determined by the Organization by general or special order subject to the following conditions:-

(i) The appointment orders are issued prior to the actual date of assuming charge.

(ii) No special pay will be admissible if the charge of the additional pay is held for less than a period of one month.

(iii) An special pay for such additional charge will of eight months unless prior approval of the competent authority to relax this period is obtained.

Honorarium

14. The competent authority may grant or permit an employee to receive an honorarium as remuneration for work performed which is occasional in character and is other so laborious or of such special merit as to justify a special reward.

Ban on grant to acceptance of honorarium

15. Except when special reasons, which should be recorded in writing, exist for a departure from this provision sanction to the grant or acceptance of honorarium should not be given unless the work has been done with the prior consent of the competent authority and its amount has been settled in advance.

Re-employment of pensioners and fixation of their pay

16. (1) A Government or Military pensioner who is in receipt of a retiring pension shall, normally not be re-employed in the Organization except on public grounds, with prior approval of Government.

(2) In the case of re-employment of a Government or Military pensioners in the Organization the period of re-employment shall be stated in the order of re-employment and the pay of such pensioner shall be determined in accordance with the orders issued by the Government.

PART-III

RETIREMENT

Retirement

17. (1) An employee shall retire from services-

(i) on such date after he has completed twenty five years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest, direct provided that no employee shall be retired under this clause unless he has been given opportunity of showing cause or;

(ii) where no direction is given under clause (i) on the completion of the sixty years of age.

(2) An employee on leave preparatory to retirement shall be deemed to be in the service of the Organization and be liable to retire on completion of sixty years of his age irrespective of the fact whether such leave has or has not expired.

Explanation. In this rule, “competent authority” means the appointing authority or a person, not being a person lower in rank than the employee concerned duly authorized by the appointing authority in that behalf.

PART-IV.

RE-EMPLOYMENT AND PRIVATE EMPLOYMENT

Re-employment.

18. A retired employee shall not ordinarily be re-employed unless such re-employment is necessary in the public interest and is made with the prior approval of Government.

Private employment

19. An employee may, during leave preparatory to retirement, or after retirement from service, seek any private employment:

Provided that, where employment is sought by an employee while on leave preparatory to retirement, he shall obtain prior approval of the appointing authority.

PART-V

OTHER TERMS AND CONDITIONS OF SERVICE.

Whole time of employee at the disposal of the Organization observance of rules.

20. (1) Unless in any case it be otherwise distinctly provided, the whole time of an employee shall be at the disposal of the Organization and he may be employed in any manner required by the Organization without claim for additional remuneration.

(2) No employee shall absent himself from his duty nor leave his station without first having obtained the permission of the competent authority.

(3) Every employee shall conform to and abide by the rules and regulation of the Organization and shall observe, comply with and abide by all orders and directions which may, from time to time, be given by any person under whose jurisdiction, superintendence or control he may be.

Liability of the employee to serve to serve anywhere.

21. Every employee shall be liable to serve anywhere in connection with the affairs of the Organization:

Provided that, where an employee is recruited to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

Lien

22. (1) Unless his lien is suspended, an employee holding substantively a permanent post shall retain a lien on that post-

(a) while performing the duties of that post;

(b) while on deputation, or holding a temporary post, or officiating in another post;

(c) During joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien shall stand transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) While on leave; and

(e) While under suspension.

(2) The competent authority shall suspend the lien of an employee on a permanent post which he holds substantively if he is appointed in a substantive capacity-

(i) to a tenure post; or

(ii) to a permanent post outside the cadre on which he is borne; or

(iii) provisionally, to a post on which another employee would hold lien his lien not been suspended.

(3) The competent authority may, at its option, suspend the lien of an employee on a permanent post which he holds substantively and where he is deputed out of the Organization, or transferred whether in a substantive or officiating capacity, to a post in another cadre, and if there is reason to believe that he will remain absent from the post on which he holds a lien, for a period of not less than three years.

(4) Notwithstanding anything any contained in sub-rule (2) and (3) an employee's lien on a tenure post may, in no circumstances, be suspended, but if he is appointed substantively to another permanent post, his lien on the tenure post shall be terminated.

(5) If any employee's lien on a post is suspended under sub-rule (2) or sub-rule (3) the post may be filled substantively and the employee appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be revised as soon as the suspended lien of the previous employee revises.

(6) An employee's lien which has been suspended under sub-rule (2) shall revive as soon as he ceases to hold a lien on a post of the nature specified on that sub-rule.

(7) An employee's lien which has been suspended under sub-rule (3) shall ……so as he ceases to be on deputation or to hold a post in another cadre; provided that a suspended lien shall not revive if the employee takes leave and if there is reason to believe that he will on return from leave, continue to be on deputation or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-rule (2).

(8) Subject to the provisions of rule 23, the competent authority may transfer the lien of an employee who is not performing the duties of the post to which the lien relates, to another post in the same cadre even if that lien has been suspended.

(9) An employee's lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(10) In the case of an employee whose lien on a permanent post has been suspended on his appointment in a substantive capacity to a post outside the cadre on which he is borne, the suspended lien may not, except on the written request of the employee concerned, be terminated while the employee remains in the service of the Organization.

(11) Two or more employee shall not be appointed substantively to the same permanent post at the same time.

(12) An employee shall not be appointed substantively, except as a temporary measure, to two or more permanent posts at the same lien.

23. (1) An employee may be transferred from a post to another equivalent post;

Provided that-

(a) except on account of line efficiency or misbehaviour or on his written request, an employee shall not be transferred

substantively to, or, appointed, to officiate in, a post carrying less pay than to the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under sub-rule (2) of rule 22;

(b) nothing contained in clause (a) or any other provision of these rules shall operate to prevent the re-transfer of an employee to the position which he would hold a lien, had it not been suspended in accordance with the provision of sub-rule (2) or sub-rule (3) of rule 22.

24. (1) A record of service and a confidential annual report about the work of each employee shall be maintained or as the case may be, recorded in the form and manner specified by the Organisation.

Record of service and confidential report.

(2) An employee shall not have access to his confidential reports; provided that such employee shall be informed of adverse remarks, if any, relating to remedial effect in order to give him an opportunity to explain his position or to correct himself.

(3) A service book or record containing event relating to the service in the Authority shall be maintained in respect of all employees in such form as may be prescribed by the Organization.

(4) The identification marks of the employee shall be given in the service book/record and a passport size photograph and finger prints of both hands of the employee shall be affixed to the service book/record.

(5) All entries in the service book/record shall be initiated by the Head of the office concerned.

25. No person convicted for an offence involving moral turpitude shall be appointed as employee.

Appointment of convicted person

26. (1) An employee again whom an investigation for a cognizable offence is pending or who is challenged in a Court, of Law on a criminal charge or is in police custody may be placed under suspension if the appointing authority considers it necessary.

Pe se.man Suspension

(2) Where an employee is placed under suspension, the appointing authority shall, on the expiry of three months from the date of suspension, place the matter before the next higher authority regarding the advisability of continuing the person under suspension, and the authority may, if it so deems fit, fix such further period of suspension as it may think necessary and review the case on the expiry of the period so fixed.

(3) In the case of conviction of an employee he shall be placed under suspension till the question of his further retention in service is finally decided in accordance with these rules.

(4) If an employee under suspension is acquitted honourably, he shall be reinstated and the period of suspension shall be treated as on duty, and he may in the discretion of the appointing authority be given promotion retrospectively in a higher post from the date he would otherwise have been promoted to such post but for his suspension but he shall not be entitled to the pay of the higher post retrospectively in which he has not actually worked.

Explanation:- When a charge against the accused is dismissed without any suggestion by the Court that the conduct of the accused has been suspicious or any indication that it is merely giving the accused benefit or doubt, the acquittal will be treated as honourable acquittal.

(5) If an employee is exonerated in departmental enquiry or acquittal or discharged in a trial in a Court of law either on purely technical ground or on being given benefit of doubt, or otherwise than honourably acquitted on any other ground, this absence on account of suspension, will not be treated as period spent on duty unless the appointing authority, for reasons to be recorded in writing otherwise directs.

27. An employee appointed to a higher post on adhoc or on temporary or officiating basis shall be liable to reversion to his lower post or basic pay scale without notice.

Reversions to a lower post

28. (1) The services of an employee may be terminated without notice-

(i) during the initial or extended period of his probation.

Termination

Provided that where the employee is appointed by promotion or, as the case may be, is transferred from one cadre, or post to another post or cadre, his service shall not be so terminated so long as he holds lien against his former post in such cadre, or but he shall be reverted to his former cadre or post, as the case may be;

(ii) On the expiry of the initial or extended period of his probation/ employment; or

(iii) If the appointment is made adhoc terminable on the appointment of a person on the recommendation of the selection authority on the appointment of such person.

(2) Where on the abolition of a post or reduction in the number of posts in the cadre, the services of an employee are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or post.

(3) Notwithstanding the provisions of sub-rule (1) but subject to the provisions of sub-rule (2) the service of an employee in temporary employment or appointed adhoc shall be liable to termination on fourteen days notice or pay in lieu thereof.

29. (1) A permanent employee shall not resign from his post without giving the appointing authority one month's previous notice in writing failing which he shall be liable to pay to the Organization a sum equal to his substantive pay for one month's.

Resignation

(2) The right to recover pay in lieu of notice may be revised by the appointing authority.

30. Unless the competent authority, in view of any special circumstances of the case, otherwise determines, an employee shall cease to be in the employment after five years absence from duty, elsewhere than on deputation.

Absence from duty.

31. (1) The competent authority may require an employee to appear before the Medical Officer for medical examination if, in its opinion the employee is suffering from a disease which renders him unfit for the proper and efficient discharge of his duties or from a disease which is communicable and is likely to endanger the health of other employee.

Employee being unfit for service.

(2) If the Medical Officer certifies, after examining the employee, that the employee requires a period of absence from duty for the purpose of rest and treatment and that there is reasonable prospect of his recovery, the competent authority may grant him leave, including extra-ordinary leave, for such period as the Medical Officer recommends under the relevant rules as if the employee had himself applied for the leave.

(3) If the Medical Officer after examining the employee, certifies that

employee is permanently incapacitated for service, the finding of the Medical Officer shall be communicated to the employee immediately.

(4) The employee may, within seven days of the receipt by him of the official intimation of the findings of the Medical Officer, apply to the competent authority for a review of his case by a medical Board and the application shall be accompanied by a fee determined by the Organization.

(5) The competent authority shall then arrange for the convening of a reviewing medical Board, the personnel of which shall not include the Medical Officer who issued the certificate in the first instance and if the reviewing medical Board certifies that the employee is permanently in capacitated for further service or the employee fails to apply for review the competent authority may require him to retire from service and may grant him such an amount as may be admissible to him under rules.

(6) In case the reviewing Medical Board holds that the employee is fit for service he shall be reinstated forthwith and the period of his absence will be treated as duty and the fees deposited by him for getting his case reviewed by medical board will be refunded to him.

(7) If, the reviewing medical Board certifies that the employee is not fit but there is a reasonable prospect of his recovery the case shall be regulated under the provisions of sub-rule (2) and the fees deposited by him for getting his case reviewed shall be refunded.

32. Service of an employee may cease-

(i) by discharge at any stage of an probationary period due to unsatisfactory performance;

(ii) by termination of service on account of his failure in the prescribed departmental examination for the post, unless exempted therefrom;

(iii) by resignation subject to the following:-

(a) the resignation will be effected on its acceptance by the competent authority, an in the case of temporary employee on expiry of fourteen days pay in lieu thereof from either side;

(b) if a permanent employee leaves service before acceptance of his resignation and without handing over proper charge of his office, he shall be liable to dismissal from service;

(c) resignation once accepted shall not be withdrawn unless permitted by the competent authority in exceptional circumstances for reasons to be recorded;

(iv) by retirement on reaching the age of superannuation;

(v) by compulsory retirement due to permanent disability which in the opinion of the Medical Officer renders him unfit for service;

(vi) by termination of service or abolition of post;

(vii) by retirement, the junior most employee in a cadre being retrenched first;

(viii) by removal, dismissal or compulsory retirement from service as a penalty.

33. (1) Where a right to prefer an appeal or review in respect of any order relating to the terms and conditions of his service is provided to an employee

Appeal.

under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class or orders, any employee aggrieved by any such order may, within thirty days of the communication to him such order, make a representation against it to the authority next above the authority which made the order;

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

34. The Organization may engage any person as advisor, technical expert while time, part time, on contract basis or otherwise for special job on payment of such remuneration or fees as deemed fit looking to the nature and quantum of work.

Appointment on contract basis.

35. All rules relating to pension, commutation of pension, travelling allowances, advances for construction or purchase of house and purchase of conveyance applicable to the civil servants, as amended from time to time, shall mutatis mutandis apply to the employees.

Application of Government rules.

36. In all matters not provided for in these rules, or any other rules, the rules applicable to the civil servants shall mutatis mutandis apply to the employees.

Provision for matters not provided.

Provided that no financial benefits under such rules shall be admissible to an employee unless specifically sanctioned by the Organization.

37. The Organization may with the prior approval of Government for reasons to be recorded in writing relax any provision of these rules in an individual case in such manner as may appear to it to be just and equitable, and where it is satisfied that the strict application of the rules would cause undue hardship to the individual concerned:

Relaxation of rules.

Provided that no such relaxation shall be made so as to deal with the case of an employee in any manner less favourable to him than that provided in these rules.

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

PUBLISHED BY AUTHORITY

KARACHI THURSDAY FEBRUARY 2, 1989

PART I

GOVERNMENT OF SINDH
PLANNING AND DEVELOPMENT DEPARTMENT

NOTIFICATION

Karachi, the 230th June, 1988

No. SO(A)(P&D)-(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 Sindh Regional Plan Organization Employees (Efficiency and Discipline) Rules, 1988.

(2) They shall come into force atonce.

Record of service and confidential report

(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. (I) 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 or service discipline or contrary to the Conduct rules for the time being applicable to an employee or unbecoming of an officer and a gentleman and 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 the functionary in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of an employee; and

(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 meanings assigned to them in the Sind Regional Plan Organization Employees (General Conditions of Service) 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 any reasonable 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 to his known sources 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 others 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 one or more penalties.

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

(a) Minor Penalties:

Penalties.

(i) censure;

(ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;

(iii) recovery from pay of the whole or any part of any pecuniary loss caused to the Organization 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 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 the 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 or authority.

(2) Notwithstanding anything contained in these rules the 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:-

(a) In the case where an employee is accused of subversion, corruption

Inquiry Procedure.

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 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 interest 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 imposed 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:

Provided that the authorized officer shall, subject to the proviso to sub-rule (c) before imposing minor penalty or recommending imposition of a major penalty, as the case may be by notice, accompanied by a copy of the accused of the aforesaid penalty and ground therefor 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 fifteen 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

(a) form a charge and communicate it to the accused together with a statement of allegations explaining the charge and of any other

observed by the Inquiry Officer and Inquiry Committee

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 defence and to state at the same time whether he desires to be heard in person.

(2) The Inquiry Officer or the Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.

(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 reasons therefor shall be reported forthwith to the 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 an 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 examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commission for the examination of witnesses 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 Penal Code.

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

(a) Where the accused has been convicted by a court and sentenced to imprisonment or fine on charge (s) involving moral turpitude, in which case the competent authority shall on receipt of

Rule 6 not to apply in certain cases.

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 (s) 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 recoded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

10. If an employee who proceeds on leave or is suspended under clause (a) of rule 6 is exonerated of the charge or charges 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 re-instatement.

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 requiring him to proceed on leave and of initiating proceedings against him under these rules:

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

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule 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.

(2) If, in the light of the findings in the proceedings taken against the employee in terms 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 employees, 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.

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

Appeal

Explanation: For the purposes of this sub-rule the period of thirty days shall be reckoned with effect from the day following the day on which the 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 himself as to the correctness, or propriety of any finding, penalty or order in, or irregularity of, such proceedings.

Correctness of propriety of the finding.

(2) After examining 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 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 this rule 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 Couns.1.

A.B. SOOMRO
Additional Chief Secretary to Govt. of Sindh
Planning and Development Department