

**SINDH POULTRY VACCINE CENTRE
(EFFICIENCY AND DISCIPLINARY)
REGULATION 1997**

No. SO(AMDN)L&F/9-3/97: In exercise of powers conferred by section 21 read with section 11 of the Sindh (Poultry, Vaccine Centre). Act 1995 the Centre is pleased to make the following regulations namely:-

1. (1) Short title, commencement and application:- (i) These regulations may be called the Sindh Poultry Vaccine Centre (Efficiency and Discipline) Regulations, 1997.

(2) These regulations shall come into force at once, and shall apply to all employees wherever they may be provided that the employees of such category or grade as may be specified by the Board shall be excluded from the purview of these regulations.

2. **Definitions:-** In these regulations, unless the context otherwise requires:-
 - (1) "Act" means the Sindh(Poultry Vaccine Centre) Act, 1995;
 - (2) "accused" means an employee against whom action is taken under these regulations;
 - (3) "authority" means the Board or any officer or authority of the Centre designated by it to exercise the powers of the authority under these regulations;
 - (4) "authorized Officer" means or any officer of the Centre authorized by the authority to perform the functions of an authorized officer under these regulations;
 - (5) "Director" means the Director of the Centre.
 - (6) "employee" means the an employee of the Centre referred to in section 11 of the Act;
 - (7) "Misconduct" means conduct prejudicial to good order of service discipline or contrary to the Sindh Poultry Vaccine Centre (conduct) Regulation 1997 or unbecoming of an officer and gentleman and includes any act on the part of an employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government the Centre or any functionary of the

Centre in respect of any matter retirement or other conditing of service of an employee and "

penalty" means a penalty which may be imposed under these regulations.

Grounds for penalty----- where an employee, in the opinion of the authorities.

- (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/her has or any of his dependents or any other person through him, or on his behalf is, (account) of pecuniary resources or of property income; or
 - (ii) he/her has assumed a style of living beyond his/ ostensible means; or
 - (iii) he/her 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, or is 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 one of more penalties.

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

(a) Minor 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 regulations or orders pertaining to the service or post;
- (iii) stoppage, for a specific period, at a stage in the time-scale, otherwise than for unfitness to cross such stage and
- (iv) recovery from pay of the whole or any part of any pecuniary loss caused to Sindh Poultry Vaccine Centre 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) 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 the probation or training regulations 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. **Procedure for initiating action.--** (1) If in the opinion of the authorized officer, there are sufficient grounds for proceeding against an employee under these regulations he shall take action in accordance with clause 6.

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

provided that such directions shall be given by the Chairman alone if the Director is the authorized officer.

6. **Inquiry procedure:-** The following procedure shall be observed when an employee is proceeded against under these regulations --

- (1) 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 shall require approval of the authority after every three months;
- (2) 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 regulation shall apply;
- (3) if the authorized officer decides that it is not 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.

- (4) 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 charges 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 proviso to clause (b) before imposing minor penalty or recommending imposition of a major penalty, as the case may be, by notice accompanied by a copy of the enquiry 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 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.

- (5) The orders passed by the authority or the authorized officer shall, be communicated to the accused within fifteen days of such orders.
- (6) 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 of authorized Officer, as the case may be, in respect of all such employees.

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

- (1) Where an Inquiry Officer or Inquiry Committee is appointed, the authorized officer shall--
 - (a) frame a charge and communicate it to the accused together with the 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 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 be, shall enquire into the charge and may examine oral or documentary evidence in support of the charges or in defence of the accused as may be consider 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 therefore shall be reported forth with 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/she 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. Powers of Inquiry Officer and Committee:- (1) For the purpose of an inquiry under these regulation, the Inquiry Officer and the Inquiry Committee shall have the power of a civil court, trying a suit under the Code of Civil procedure, 1908 (Act V of 1908) in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him an oath;
 - (b) requiring the discovery and production of documents;
 - (c) receiving evidence on affidavits; and
 - (d) issuing commissions far the examination of witnesses or documents.
- (2) The proceedings under these judicial proceedings within the meaning of sections 193 and 220 of the Pakistan penal Code.

9. Treating leave or suspension as duty on re-instatement:

If an employee who proceeds on leave or is suspended under sub-clause (1) of clause 6 is exonerated of the charge of charges or no action has been taken against him shall be reinstated in service and the period of leave or, as the case may be, suspension shall be treated as duty.

10. Certain provisions not to apply, in certain cases:- Nothing in clause 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 intimation of the conviction, make an order dismissing or removing the accused from service or reducing him/her 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;

- (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 recorded in writing by that authority, it is not seasonably practicable to give the accused an opportunity of show cause.

11. Procedure of inquiry against employees lent to other Government or other agency.

- (1) Where the services of an employee to whom these regulations apply are lent to any other Government or to a local or other agency, in these regulations 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 regulation:-

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in these regulation 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 authority before taking any action under these rules against an employee holding a post in basic scale of pay 17 or above.

- (2) If, in the light of the findings in the proceeding taken against the employee in terms of sub-clause (1) the borrowing authority is of the opinion that any penalty should be imposed on him/her it shall transmit to the leading authority the record of the proceedings and there upon the lending authority shall take action as prescribed in these regulations.
- (3) Notwithstanding anything contained in these regulations, the Chairman 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 "authorized officer", authority or appellate authority in respect of the employees, whose services have been lent to the borrowing authority.

12. **Appeal or review:-** (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 the authority next above under whom the officer of authority making the order is working;

- (1) 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.

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

- (2) The appellate or the reviewing authority shall, on receipt of the appeal or review petition, 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 or the petitioner 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 or reviewing authority proposes to enhance the penalty, it shall. give the appellant reasonable opportunity to show cause against the proposed enhancement of the penalty.

13. Correctness or propriety of a finding.--- (1) The Chairman or any officer or authority empowered by him may call for and examine the record of any proceeding under these regulations for the purpose of satisfying himself as to the correctness, or propriety of any finding, penalty or any finding, penalty or order in, or irregularity of, such proceedings.

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

Provided that an order made under this clause if prejudicial to the employee, shall not be passed unless he/she 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 or review petition is preferred.

(3) No proceeding under this clause shall be entertained at the instance of the employee who has not filed the appeal or review petition.

14. Appearance of counsel:- No party shall be represented by a lawyer in any proceeding under these regulations.

By order of
(Dr. Muhammad Nawaz Baloch)
Secretary to Government of Sindh /
Chairman Board of Management
Sindh Poultry Vaccine Centre
Korangi, Karachi