

**THE SINDH LOCAL GOVERNMENT TMA/UA SERVANTS (EFFICIENCY AND DISCIPLINE)
RULES, 2001.**

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RULES.

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GOVERNMENT OF SINDH
LOCAL GOVERNMENT, RURAL DEVELOPMENT
AND KATCHI ABADIS DEPARTMENT.

NOTIFICATION

Karachi the 5th December, 2001.

SINDH LOCAL GOVERNMENT TMA/UA SERVANTS (EFFICIENCY AND
DISCIPLINE) RULES, 2001.

NO: SLGB/CAO/2001/7477, dated 5-12-2001.-- In exercise of the powers conferred under section 191 of the Sindh Local Government Ordinance, 2001 (Sindh Ordinance No. XXVII) the Government of Sindh are pleased to make the following rules namely:-

1. **Short title and commencement.**— (1) These Rules may be called the Sindh Local Government TMA/UA Servant (Efficiency and Discipline) Rules, 2001.
 - (2) They shall come into force at once.
 - (3) They shall apply to all Servants of Taluka Municipal Administration (TMA) and Union Administration.
2. **Meanings.**— In these rules, unless the context otherwise requires, the following expression shall have the meaning hereby respectively assigned to them that is to say---
 - (a) Taluka/Town Municipal Administration as provided under SLGO-2001;
 - (b) Union Administration as provided under SLGO,2001;
 - (c) “accused” means a servant of TMA/UA against whom action is taken under these rules;
 - (d) “authority” means the authority competent to appoint a TMA/UA Servant;
 - (e) “authorised officer” means an officer authorized by the authority to perform functions of an authorized officer under these rules;
 - (f) TMA/UA servants means an employee of defunct councils succeeded by respective TMA/UA and does not include officials of SCUG and other provincial cadres.

“TMA/UA servant” means a servant of a TMA/UA to whom these rules apply,

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- (g) "Government" means the Government of Sindh;
- (h) "misconduct" means conduct prejudicial to good order of servant discipline of contrary to the West Pakistan Municipal Committee Servants Conduct Rules, 1963, unbecoming of an officer and a gentleman and includes any act on the part of a TMA/UA servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the TMA/UA or any TMA/UA officer in respect of any matter relating to the appointment, promotion, transfer punishment, retirement, or other conditions of service of a TMA/UA servant;
- (ii)(h) "Ordinance" means the Sindh Local Government Ordinance,2001 (Sindh Ordinance No. XXVII of 2001); and
- (iii) "penalty" means a penalty which may be imposed under these rules.

3. **Grounds for Penalty.**—Where TMA/UA servant, in the opinion of the authority:--

- (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 cannot reasonably account) of pecuniary resources of property disproportionate to 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 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 him one or more penalties.

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

- (a) Minor Penalties.
- (i) censure;

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- (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 Government/TMA/UA by negligence or breach of orders.

(b) Major penalties:-

- (i) reduction to a lower post or time-scale or to a lower stage in 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 of dismissal from service does not include the discharge of a person---

- (a) appointed on probation, during the period of probationer or in accordance with the 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 the contract.

5. **Inquiry Procedure.--** The following procedure shall be observed when a TMA/UA servant is proceeded against under these rules.

(1) In case when a TMA/UA servant is accused of subversion, corruption or, misconduct, the authorized officer may require him to proceed on leave or with the approval of the authority, suspended him, provided that any continuation of such leave or suspension shall require approval of the authority after every three months.

(2) The authority or the authorized officer shall decide whether in the light of facts of the case of the interests of justice and inquiry should be conducted through an Inquiry Officer or Inquiry Committee, if he so decides, the procedure indicated in rule 6 shall apply.

(3) If the authority or the authorized officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or inquiry Committee, he shall:

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(a) By order in writing inform the accused of the action proposed to be taken against him and the grounds of the action, and

(b) Give him a reasonable opportunity of showing cause against that action:

Provided that no such opportunity shall be given where the authority or the authorized officer 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 of Inquiry Committee or where no such Officer or Committee is appointed on receipt of the explanation of the accused if any the authority or the authorized Officer shall determine whether the charge has been proved, and.

(a) If it is proposed to impose a minor penalty, he shall pass order accordingly;

(b) If it is proposed to impose a major penalty, the authority shall pass order accordingly but the authorized officer shall have to 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, 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.

6. **Procedure to be observed by the Inquiry Officer and Inquiry Committee.**—(1) Where an Inquiry Officer or Inquiry Committee is appointed the authority or the authorized officer shall:---

(a) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and 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 Committee, as the case may be shall enquire into the charge and may examine such oral or documentary evidence in support of the charges in defense 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

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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 forthwith to the authorized officer.

(4) Where the Inquiry Officer of 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 to 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 of the Committee as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submit his or its finding and the grounds thereof to the authorised officer.

7. **Powers of Inquiry Officer and Inquiry Committee.**--- (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 (Act V of 1908), in respect of the following matter, namely:--

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

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

8. **Rule 5 to apply in certain cases.**—

Nothing in rule 5 shall apply to a case.

- (a) Where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment.
- (b) Where the authority competent to dismiss or remove a pension from service or to reduce a person in rank is satisfied that for reasons to be recorded in writing by that authority it is not reasonably practicable to give the accused an opportunity of showing cause.

9. **Procedure of inquiry against TMA/UA Servant lent to other Authority.—** (1) Where the service of a TMA/UA Servant to whom these rules apply are lent to any other 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 initiating proceedings against him under these rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent him 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 authority before taking any action under these rules against Officer in Grade-16 or above.

(2) If, in the light of the findings in the proceeding initiated against a TMA/UA Servant 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.

10. **Appeal.---** A person on whom a penalty is imposed shall within 30 days of the order, prefer an appeal--

- (a) to the authority if order is that of the authorized officer; and
- (b) to Government or any officer authorized by Government in this behalf, if the order is that of the authority.

Provided that, where the penalty is imposed by order of the Government, there shall be no appeal but the person concerned may apply for review of the order.

11. **Repeal.---** Sindh Local Council Servants (E&D) Rules, 1974 are hereby repealed.

