

The Market Committee, non-unfilled, Employees (Efficiency and discipline) Byelaws, 1985.

(1) These Byelaws may be called the Market Committee, non-unfilled, Employees (Efficiency and discipline) Byelaws, 1985.

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

(3) They shall apply to all employees.

DEFINITIONS

2. In these byelaws unless the context otherwise requires, the following expressions shall have the

meanings hereby respectively assigned to them that is to say: -

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

(b) "authority" means the market committee, or the appointing authority of the employee.

(c) "authorized Officer" means any person authorized by the authority to perform the functions of an authorized officer under these byelaws.

(d) "Chairman" means the Chairman of the Market committee.

(e) "employee" means a servant of the market committee, other than a member of the Sindh market Committees Unified Grade.

(f) "misconduct" means conduct prejudicial to good order of service discipline or unbecoming of an officer and a gentlemen and includes any act on the part of any employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the market committee, Chairman or any other person in respect of any matter relating to the appointment promotion, transfer, punishment, retirement or other condition of his service.

(h) "Penalty" means a penalty which may be imposed under these byelaws.

3. (1) Where in the opinion of the of the authority an employee is : -

(a) In-efficient or has ceased to be efficient.

(b) Guilty of misconduct; or

(c) Corrupt, or may reasonably be considered to be corrupt because: -

(1) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he can not reasonable account) of pecuniary resources or property disproportionate to his known sources of income; or

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

(iii) Has a persistent reputation of being corrupt;

(d) 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 the service is, therefore prejudicial to national security. The authority may impose on him one or more penalties.

(2) 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 rules or order pertaining to the service or post;

(iii) Stoppage, for a specific period at an efficiency bar in the time scale, otherwise than unfitness to cross such bar.

(iv) recovery from pay of the whole or any part of the pecuniary loss caused to the market committee 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;

3. Removal from service shall not, but dismissal shall disqualify the employee for future employment with the market committee.

Explanation: - In this byelaw removal or dismissal from service does not include the discharge of a person.

(a) Appointed on probation, during the period of probation 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.

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

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

INQUIRY PROCEEDINGS

1 The following procedure shall be observed when an employee is proceeded against these bye-laws:-

(i) In 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.

(ii) The authorized officer shall decide whether in the light of facts of the case or the interest of justice an inquiry committee, if he so decides, the procedure indicated in byelaw 6 shall apply.

(iii) If the authorized officer decided that it is not necessary to have inquiry conducted through an inquiry officer or inquiry committee, he shall.

(a) 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

(b) given 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.

(iv) On receipt of the report of the inquiry officer or if inquiry committee is appointed and on receipt of the explanation of the accused, if any, 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, he shall forward the case to the authority along with 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 recommendation 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 sub-clause (b) of clause (iii), before imposing a minor penalty or recommending imposition of a major penalty, as the case may be by notice accompanied by aforesaid penalty and the 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.

(v) The orders passed by the authority or the authorized officer shall along with a copy of the inquiry report if any be communicated to the accused within fifteen days of such order.

(vi) If two or more employees are proceeded against jointly the authority or authorized officer in respect of the holder of the higher post amongst them shall be the authority or authorized officer, as the case may be, in respect of all employees.

6. (1) Where an inquiry officer or inquiry committee is appointed the authorized officer shall-

(a) frame a charge sheet and communicate it to the accused together with statement of the allegations explaining the charge and or 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.

(3) The inquiry officer or, the inquiry 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 inquiry committee, as the case may be is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry he or it shall administer a warning and if there after he or it is satisfied that the accused is acting in disregard of the warning he it shall record a findings to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) The inquiry officer or the inquiry 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 there of the authorized officer.

6. Nothing in bye-laws 5 shall apply to a case where the accused has been convicted by a court and sentenced to imprisonment or fine on charges 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 case of conviction on a charge of corruption the accused shall be dismissed from service.

APPEAL

7. (1) An employee aggrieved by an order of the authorized officer or a authority may within thirty days from the date of the order appeal to the Market committee, provided that where the penalty is imposed by the market committee there shall be no appeal but the aggrieved person may apply for review of the orders.

Explanation: For the purposes of this sub-bye-laws 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.

(2) The market committee 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 after affording the opportunity of being heard to the appellant and, if necessary the authorized officer or the authority, as the case may be, make such order as it may deem fit;

provided that if the Market committee propose to enhance the penalty it shall give the appellant reasonable opportunity to show cause against the penalty.