

# SINDH MARKET COMMITTEE UNIFIED GRADE SERVICE EMPLOYEES

(EFFICIENCY AND DISCIPLINE RULES 1983)

1. Short title, commencements and application-(1) These rules may be called the Sindh Market Committees Unified Grade Service (Efficiency and Discipline) Rules, 1983.

(2) They shall come into force at once.

(3) They shall apply to all members of the service.

2. In these rules unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned" to them:-

(1) "Accused" means a member of the service against whom action is taken under these rules;

(2) "Authority" means the Government or appointing authority of Sindh Market Committee Unified Grade Service;

(3) "Authorized Officer" means any person or authority authorized by the authority to perform functions of an authorized officer under these rules;

(4) "Market Committee" means a market committee constituted under APM Act 1939;

(5) "Misconduct" means conduct prejudicial to good order of service discipline or unbecoming of an officer and a gentleman and includes any act on the part of a member of the service to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government officer or the Market Committee in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of his service;

(6) "Penalty" means a penalty which may be imposed under these rules; and  
"Service" means the Sindh Market Committees Unified Grade Service constituted under the Agricultural Produce Markets Act, 1939.

3. Grounds for penalty-(1) Where a member of the service 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 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 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.

(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 orders pertaining to the service or post.

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

(iv) recovery from pay of the whole or any parts of any pecuniary loss caused to Government or 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 does not, but dismissal from service does, disqualify for future employment.

(4) In the rule removal or dismissal from service does not include the discharge of 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 the members of the service under these rules he shall take action in accordance with rule 5.

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

5. Inquiry procedure:- The following procedure shall be observed when a member of service is proceeded against under these rules:-

(1) In case a member of service 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 interests of justice an 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 authorized officer decides that it is not necessary to have an 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 the grounds of the action; and

(b) give him a reasonable opportunity of show 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--

(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 alongwith the charge and statement of allegation 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.

(5) The order passed by the Authority or the authorized officer shall, alongwith a copy of the enquiry report, if any, be communicated to the accused within fifteen days of such orders;

(6) If two or more members of the service are proceeded against jointly, the authority or authorized officer in respect of the senior most member amongst them shall be the authority or authorized officer as the case may be in respect of all such members.

6. 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 statement of the allegationsexplaining 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 thanfourteen days from the day charge has been communicated to him put in a written defence and tostate at the same time whether he desires to be heard personally.

(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 witness against him.

(3) The Inquiry Officer of 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;

(b) and the reasons thereof 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 inquiry 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 finding and the grounds there of to the authorized officer.

7. Powers of enquiry Officer and enquiry Committee:-

(1) for the purpose of an inquiry under these rules, the enquiry Officer and enquiry 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 matters, namely:-

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

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

8. Rule not to apply in certain cases:-

(a) 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 charge of corruption the accused shall be dismissed from Service.

9. Procedure of inquiry against persons lent to Government or local or other Authority:-

(1) Where the services of a person to whom these rules apply are lent to 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 or 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 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 government before taking any action under these rules against a member of service;

(2) If, in the light of the findings in the proceeding taken against the member of the service in terms of sub rule (1) the borrowing authorities 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. (1) A member of the service aggrieved by an order of the authorized officer or authority may, within thirty days from the date of the order appeal to Government:

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

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 member of the service.

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

Provided that if that Government propose to enhance the penalty it shall give the appellant reasonable opportunity to show cause against the enhancement of the penalty.

