

BOARD OF SECONDARY EDUCATION, KARACHI EMPLOYEES
(EFFICIENCY AND DISCIPLINE) REGULATIONS, 1976.

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PART I-A
GOVERNMENT OF SIND
BOARD OF SECONDARY EDUCATION, KARACHI EMPLOYEES (EFFICIENCY AND DISCIPLINE) REGULATION 1976.

Karachi dated the 23rd December 1976.

No.BSE(C-3)/76.-- In exercise of the powers conferred by section 17 of the Sind Boards of Intermediate and Secondary Education Ordinance, 1972 (Sind Ordinance No. VI of 1972) and after having received the approval of Government, vide letter No. S.O.(S&B)BSE-3/61/76 dated 30th November, 1976, the Board of Secondary Education, Karachi is pleased to make and enforce the following Regulations:--

1. **Short title, application, and commencement.—(1)** These Regulation may be called the Board of Secondary Education, Karachi, Employees (Efficiency and Discipline) Regulation, 1976.
 - (2) They shall come into force at once and shall apply to all the employees.
2. **Definitions.-** In these regulations unless the context requires otherwise:-
 - (a) “accused” means an employee against whom action is taken under these regulations;
 - (b) “Authority” means the appointing authority;
 - (c) “authorized officer” means an officer of the Board authorized by the authority to perform function of an authorized officer under these regulations:

Provided that the Authorized Officer shall be atleast one grade above the accused;
 - (d) “Board” means the Board of Secondary Education, Karachi;
 - (e) “employee” means an employee of the Board;
 - (f) “major penalty” means any penalty specified in paragraph (b) of clause (1) of regulation 4;
 - (g) “minor penalty” means any penalty specified in paragraph (a) of clause (1) of regulation 4;
 - (h) “misconduct” means conduct prejudicial to good order of service discipline or contrary to rules relating to conduct of the Board’s

employees 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 outside influence directly or indirectly to bear on the members or officers of the Board in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of an employee; and

- (i) "penalty" means a penalty which may be imposed under these regulations.

3. **Ground of penalty.--** Any one or more penalties may be imposed on an employee if he—

(a) is inefficient, or has ceased to be efficient; whether by reason of infirmity of mind or body, or otherwise, and is not likely to recover his efficiency; or

(b) is guilty of misconduct; or

(c) is corrupt, or may reasonably be considered corrupt because—

(i) he, 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.

(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, and whose retention in service is, therefore considered prejudice to national security.

4. (1) The penalties which may be imposed under these regulations are as follows:-

(a) Minor Penalties:

(i) Censure;

(ii) Withholding, for a specified period promotion or increment, with or without cumulative effect, including stoppage at an efficiency bar for a specified period in the time scale otherwise than for unfitness to cross such bar; and

- (iii) recovery from his pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders.

(b) Major Penalties:

- (i) reduction 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 further employment.

(3) In this regulation, 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 regulation relating to probation or training applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment; on the expiration of the period of appoint; or
- (c) engaged under a contract, in accordance with the terms of the contract.

(4) For misconduct any penalty may be imposed, but for inefficiency ordinarily a minor penalty, and for corruption or a subversion a major penalty shall be imposed.

Explanation.—Withholding of increment for failure to pass departmental examination in accordance with the terms of appointment or regulations or orders pertaining to the service or post or stoppage at an efficiency bar in the time-scale for unfitness, is not a penalty within the meaning of these regulations.

5. (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 Regulation 6.

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

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

(1) 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.

(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 regulation 7 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 and the grounds of the action; and

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

Provided 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 orders accordingly; and

(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, the finding 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 and convey the same to the accused.

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

(1) Where it is decided that inquiry should be conducted through an Inquiry Officer or Inquiry Committee the authorized officer shall appoint an Inquiry Officer or constitute an Inquiry Committee.

Explanation.—It is not necessary that the Inquiry Officer or members of the Inquiry Committee must belong to the Board. But such officer or members must be senior in rank to the accused or should have place in warrant of precedence earlier than the accused--

- (a) frame a charge and communicate it together with a statement of allegations on which it is based and of any other circumstances proposed to be taken into consideration while passing orders on the case;
 - (b) require the accused, within a reasonable time, which shall not be less than seven days, nor more than fourteen days from the day the charge has been communicated to him to put in a written defence stating 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 inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused and the accused shall be entitled to cross-examine the witness 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 such adjournment shall not be for more than one week.
 - (4) Every adjournment with reasons therefore shall be reported forthwith to the authority.
 - (5) If the Inquiry Officer or the Committee, as the case may be, is satisfied that the employee, proceeded against, is hampering or attempting to hamper the progress of the inquiry, he or it shall administer warning to him, and if, 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.
 - (6) The Inquiry Officer or 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 findings and the grounds thereof to the Authorized Officer.
 - (7) Where it is proposed to proceed against an employee on the ground of inefficiency by reason of infirmity of mind or body, the authority may, at any stage, whether or not an Inquiry Officer or Inquiry Committee has been appointed or constituted under clause (1), require the employee to undergo a medical examination by a Medical Board or a Civil Surgeon, as the authority may direct, and the report of the Medical Board or the

Civil Surgeon shall form part of the proceedings.

(8) If an employee refuses to undergo medical examination under clause (8), his refusal may, subject to the consideration of any grounds as he may give in support of it, be considered that he has reason to believe that the result of the medical examination would be against him.

8. **Regulation 6 does not apply in certain cases. Nothing in regulation 6 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 the imposition upon him of a sentence of fine or imprisonment; or

(b) where the authority competent to dismiss or remove a person from service, or reduce a person in rank, is satisfied that for reasons to be recorded by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

9. **Procedure of enquiry against employee of the Board lent to Government or any other authority or lent by Government or any other authority to Board:-**

(1) Where the services of an employee are lent to Government or to a local or other authority, in this regulation referred to as the borrowing authority, the borrowing authority shall forthwith communicate circumstances necessitating action under these regulations against the employee, and on receiving such information the Chairman may take such steps under these regulations against such employee as he deems fit.

(2) In case the Board is the borrowing authority or any person is in service of the Board on deputation, the Board shall proceed against such person in accordance with the terms and conditions on which his services were lent to the Board.

10 **Appeal.—**(1) An employee aggrieved by an order of the authorized officer or authority may within thirty days of the order appeal—

(a) to the Controlling Authority, if the penalty is imposed by the Board;

(b) to the Board if the penalty is imposed by the Chairman; and

(c) to the Chairman in any other case:

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

(2) The appellate authority or the Controlling Authority, as the case may be, 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 the record and the petition, and hearing the appellant, if necessary, make such order as it may deem fit:

Provided that if the appellate authority or the Controlling Authority proposes to enhance the penalty, it shall give the appellant or the petitioner as the case may be, reasonable opportunity to show cause against the enhancement of the penalty.

11. **Repeal.**— The Efficiency and Discipline Rules in force here before are hereby repealed, but repeal shall not affect any action taken or anything done or suffered thereunder.

THE SIND GOVERNMENT GAZETTE
KARACHI, 23RD DECEMBER, 1976.

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