

**Book IV**

**PUNJAB EMPLOYEES EFFICIENCY,  
DISCIPLINE AND ACCOUNTABILITY ACT 2006**

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## NOTIFICATION

17<sup>th</sup> October 2006

No. PAP-Legis-2(32)/2005/871. The Punjab Employees Efficiency, Discipline and Accountability Bill 2005, having been passed by the Provincial Assembly of the Punjab on 2 October 2006, and assented to by the Governor of the Punjab on 13 October 2006, is hereby published as an Act of the Provincial Assembly of the Punjab.

### **THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006** (*ACT XII OF 2006*)

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated 17 October 2006.]

#### **An Act**

to provide for proceedings against the employees in Government and corporation service in relation to their efficiency, discipline and accountability.

**Preamble.** – Whereas it is expedient and necessary in the public interest and for good governance to provide measures for improvement of efficiency, discipline and accountability of employees in government and corporation service and matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, extent, commencement and application.** – (1) This Act may be called the Punjab Employees Efficiency, Discipline and Accountability Act 2006.
  - (2) It extends to the whole of the Punjab.
  - (3) It shall come into force at once.
  - (4) It shall apply to-
    - (i) employees in government service;
    - (ii) employees in corporation service; and
    - (iii) retired employees of government and corporation service; provided that proceedings under this Act are initiated against them during their service or within one year of their retirement.
2. **Definitions.** – In this Act, unless there is anything repugnant in the subject or context-
  - (a) ‘accused’ means a person who is or has been an employee and against whom action is initiated under this Act;
  - (b) ‘appellate authority’ means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
  - (c) ‘appointing authority’ in relation to an employee or class of employees means an appointing authority declared or notified as such

by an order of the Government or organization or under the rules, etc., as may be applicable to such employee or class of employees;

- (d) 'charge' means allegations framed against the accused pertaining to acts of omission and commission cognizable under this Act;
- (e) 'Chief Minister' means the Chief Minister of the Punjab;
- (f) 'competent authority' means-
  - (i) the Chief Minister; or
  - \* (ii) in relation to any employee or class of employees, any officer or authority authorized by the Chief Minister to exercise the powers of competent authority under this Act; provided that such officer or authority shall not be inferior in rank to the appointing authority prescribed for the post held by the employee against whom action is to be taken; or
  - (iii) in relation to an employee of a tribunal or court, functioning under the Government, the appointing authority or the chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of competent authority under this Act:

Provided that where two or more employees are to be proceeded against jointly, the competent authority in relation to senior most employee in rank shall be the competent authority in respect of all the accused:

Provided further that where the competent authority, other than the Chief Minister, has any interest in the result of proceedings under this Act, and does not desire to act as competent authority due to personal reasons, he shall not proceed with the case and shall report the matter to the next higher authority who shall authorize another officer of the corresponding rank and status to act as the competent authority in a specific case;

- (g) 'corruption' means –
  - (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act: or
  - (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
  - (iii) possession of pecuniary sources or property by an employee or any of his dependents or any other person, through him or

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\*Under this clause instructions about 'competent authority' issued vide letter No. SO R-I (S&GAD)1-30/2003 dated 24.12.2010 and 06.02.2007.

- on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
- (iv) maintaining standard of living beyond known sources of income; or
  - (v) having a reputation of being corrupt; or
  - (vi) entering into plea bargain under any law for the time being in force and return the assets or gains acquired through corruption or corrupt practices, voluntarily;
- (h) 'employee' means a person –
- (i) in the employment of a corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution set up, established, owned, managed or controlled by the Government, by or under any law for the time being in force or a body or organization in which the Government has a controlling share or interest and includes the chairman and the chief executive and the holder of any other office therein; and
  - \* (ii) in Government service or who is a member of a civil service of the province or who holds a civil post in connection with the affairs of the province or any employee serving in any court or tribunal set up or established by the Government, but does not include–
    - (aa) a Judge of the High Court or any court subordinate to that Court or an employee of such courts; and
    - (bb) an employee of Police.
- (i) 'Government' means the Government of the Punjab;
- (j) 'hearing officer' means an officer, senior in rank to the accused, appointed by any authority competent to appoint hearing officer, to afford an opportunity of personal hearing to the accused on behalf of the authority concerned;
- (k) 'inefficiency' means failure to –
- (i) efficiently perform functions assigned to an employee in the discharge of his duties; or
  - (ii) qualify departmental examination in three consecutive attempts;
- (l) 'inquiry committee' means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under this Act;
- (m) 'inquiry officer' means an officer appointed by the competent authority under this Act;

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\*Section 2, sub-clause (ii) of clause (h) substituted vide Notification No.PAP-Legis-2(109)/2012/725 dated 30.07.2012.

- (n) 'misconduct' includes –
  - (i) conduct prejudicial to good order or service discipline; or
  - (ii) conduct contrary to the conduct rules, for the time being in force; or
  - (iii) conduct unbecoming of an officer and a gentleman; or
  - (iv) involvement or participation for gain directly or indirectly, in industry, trade or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons, as may compromise the performance of official duties or functions; or
  - (v) any act to bring or attempt to bring outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any other authority in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service; or
  - (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
  - (vii) absence from duty without prior approval of leave; or
  - (viii) acquittal by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body; or
  - (ix) conviction for an offence by a court of law;
- (o) 'prescribed' means prescribed by rules made under this Act; and
- (p) 'section' means section of this Act.

3. **Grounds for proceedings and penalty.** – An employee shall be liable to be proceeded against under this Act, if he is –

- (i) inefficient or has ceased to be efficient for any reason; or
- (ii) guilty of misconduct; or
- (iii) guilty of corruption or is reasonably considered to be corrupt; or
- (iv) engaged or is reasonably believed to be engaged in subversive activities, and his retention in service is prejudicial to national security, or is guilty of disclosure of official secrets to any unauthorized person.

4. **Penalties.** – (1) The competent authority may, notwithstanding anything contained in any law or the terms and conditions of service of the accused, by an order in writing, impose one or more of the following penalties, namely:-

- (a) Minor penalties –
  - (i) censure;

- (ii) withholding of increment or increments, \*for a specific period, subject to a maximum of five years;
  - (iii) fine not exceeding basic pay of one month;
  - (iv) reduction to a lower stage or stages in pay scale, subject to a maximum of five stages \*for a specific period; and
  - (v) withholding of promotion \*for a specific period, subject to a maximum of five years; provided that this period shall be counted from the date when a person junior to the accused is considered for promotion and is promoted on regular basis for the first time;
- (b) Major penalties –
- (i) recovery from pay, pension or any other amount payable to the accused, the whole or a part of any pecuniary loss caused to the Government or the organization in which he was employed, and if the amount due from any such person cannot be wholly recovered from the pay, pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force;
  - (ii) reduction to a lower post and pay scale from the substantive or regular post for a \*specific period subject to a maximum of five years;
  - (iii) forfeiture of past service \*for a specific period subject to a maximum of five years;
  - (iv) compulsory retirement;
  - (v) removal from service; and
  - (vi) dismissal from service; and
- (c) Penalties after retirement –
- (i) withholding of pension or any part thereof \*for a specific period keeping in view the loss caused to the Government;
  - (ii) withdrawing of pension or any part thereof \*for a specific period keeping in view the loss caused to the government; and
  - (iii) recovery from pension or any other amount payable to the accused, of pecuniary loss caused to Government or the organization in which he was employed, and if the amount due from any such person cannot be wholly recovered from the pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force.

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\* The 'word' "for a specific period" inserted vide notification NO. PAP/Legis-2(173)/2017/1677 dated 8.11.2017

(2) Dismissal from service under this Act shall disqualify the employee for future employment under the Government or under any organization to which the provisions of this Act apply.

(3) Any penalty under this Act shall not absolve an employee or accused from liability to any punishment to which he may be liable for an offence, under any law, committed by him while in service.

5. **Initiation of proceedings.** – (1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against an employee under this Act, it shall either–

- (a) proceed itself against the accused by issuing a show cause notice under section 7 and, for reasons to be recorded in writing, dispense with the enquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where –

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) an employee has entered into plea bargain under any law for the time being in force or has been convicted of the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) an employee is involved in subversive activities; or
- (iv) it is not reasonably practicable to give such an opportunity to the accused; or
- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under section 10:

Provided that the competent authority shall dispense with the inquiry where –

- (i) an employee has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
- (ii) an employee is or has been absent from duty without prior approval of leave:

Provided further that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, he is satisfied that there is no need to hold an inquiry.

(2) The orders of inquiry or the show cause notice, as the case may be, shall be signed by the competent authority; provided that where the Chief Minister is competent authority, the same shall be signed by such officer as may be authorized by him in this behalf.

6. **Suspension.** – An employee against whom action is proposed to be initiated under section 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the employee shall be deemed to be reinstated:

Provided that the continuation of the period of suspension shall require the prior approval of the competent authority for each period of extension.

7. **Procedure where inquiry is dispensed with.** – If the competent authority decides that it is not necessary to hold an inquiry against the accused under section 5, it shall –

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, alongwith apportionment of responsibility and the penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not;

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

- (d) afford an opportunity of personal hearing either itself or through the hearing officer, before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above; and
- (e) exonerate the accused, by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- (f) impose any one or more penalties mentioned in section 4, by an order in writing, if the charge or charges are proved against the accused:

Provided that –

- (i) Where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

8. **Action in case of conviction or plea bargain under any law.** – Where an employee is convicted by a court of law or has entered into plea bargain or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body under any law for the time being in force, the competent authority, after examining facts of the case, shall –

- (a) dismiss the employee, where he has been convicted of charges of corruption or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily; or
- (b) proceed against the employee under section 7, where he has been convicted of charges other than corruption; or
- (c) proceed against the employee under section 9, where he has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body.

9. **Procedure to be followed by competent authority where inquiry is necessary.** – (1) If the competent authority decides that it is necessary to hold an inquiry against the accused under section 5, it shall pass an order of inquiry in writing, which shall include –

- (a) appointment of an inquiry officer or an inquiry committee; provided that the inquiry officer or the convener of inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within seven days of the date of receipt of orders or within such extended period as the competent authority may determine.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

10. **Procedure to be followed by inquiry officer or inquiry committee.** – (1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges 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 where any witness is produced by one party, the other party shall be entitled to cross examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, or extended period, if any, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex-parte.

(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, in which case it shall not be of more than seven days.

(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, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(5) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave upto seven days without recommendation of the Medical Board.

(6) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:

Provided that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:

Provided further that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of inquiry:

Provided further that the recommendations of the inquiry officer or the inquiry committee, as the case may be, shall not be binding on the competent authority.

11. **Powers of the Inquiry Officer or Inquiry Committee.** – (1) For the purpose of an inquiry under this Act, 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:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and

(c) issuing commissions for the examination of witnesses or documents.

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

**12. Duties of the departmental representative.** – The departmental representative shall perform the following duties, namely –

- (a) render full assistance to the inquiry officer or the inquiry committee or hearing officer or the authority concerned, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused and with permission of the inquiry officer or inquiry committee, as the case may be, the prosecution witnesses in case of their turning hostile; and
- (c) rebut the grounds of defense offered by the accused before the hearing officer or the authority concerned.

**13. Order to be passed by the competent authority on receipt of report from the inquiry officer or inquiry committee.** – (1) On receipt of the report from the inquiry officer or inquiry committee, as the case may be, the competent authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of this Act.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of this Act, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice – to the accused by which it shall –

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him by the inquiry officer or inquiry committee;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in section 4 may not be imposed upon him and to submit additional defense in writing, if any, within seven days of the receipt of the notice, before itself or the hearing officer, as the case may be;
- (c) indicate the date of personal hearing or appoint a hearing officer to afford an opportunity of personal hearing on his behalf; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above;

- (d) provide a copy of the inquiry report to the accused; and
- (e) direct the departmental representative to appear, with all the relevant record, on the date of hearing before himself or the hearing officer, as the case may be.

(5) After affording personal hearing to the accused or on receipt of the report of the hearing officer, the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defence offered by the accused during personal hearing, by an order in writing –

- (i) exonerate the accused; or
- (ii) impose any one or more of the penalties specified in section 4:

Provided that –

- (i) Where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

(6) Where the Competent Authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of this Act or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry.

(7) After receipt of inquiry report, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of <sup>Ω</sup>sixty days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

<sup>‡</sup>(7-a) The Cabinet Committee on Legislation may allow further time if it is satisfied that the competent authority could not decide the case within sixty days for reasons beyond its control.

(8) If the case is not decided by the competent authority within the prescribed period of <sup>\*</sup>sixty days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

14. **Personal hearing.** – (1) The authority affording personal hearing or the hearing officer on receiving an order of his appointment shall, by an order in writing,

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<sup>Ω</sup>The words “ninety days” substituted with words “sixty days” vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017

<sup>‡</sup> Sub section (7a) inserted vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017

<sup>\*</sup> The words “ninety days” substituted with words “sixty days” vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017

call the accused and the departmental representative, along with relevant record of the case, to appear before him for personal hearing on the fixed date and time.

(2) After affording personal hearing to the accused, the authority or the hearing officer shall, in relation to the case and the contention of the accused during the hearing, record his remarks in writing and, in case hearing officer, submit a report to the authority so appointed him which shall include—

- (i) summary of the inquiry report where inquiry was conducted under section 10, or summary of the defence offered by the accused to the show cause notice under section 7, or grounds of appeal or review filed under section 16, as the case may be;
- (ii) summary of defence offered by the accused during the hearing, if any; and
- (iii) views of the departmental representative, if any.

15. **Procedure of inquiry against officers lent to other governments, etc.** – (1) Where the services of an employee are transferred or lent to any other government, department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such employee is posted in the borrowing organization may –

- (a) suspend him under Section 6; and
- (b) initiate proceedings against him under this Act:

Provided that the borrowing organization shall forthwith inform the lending organization of the circumstances leading to the order of his suspension and the commencement of the proceedings:

Provided further that the borrowing organization shall obtain prior approval of the lending organization before taking any action under this Act, against an employee holding a post in Basic Pay Scale 17 or above.

(2) If, in the light of the findings of the proceedings taken against the accused in terms of sub-section (1), the borrowing organization is of the opinion that any penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under Section 13.

(3) Notwithstanding anything to the contrary contained in sub-sections (1) and (2), the Chief Minister may, in respect of certain employees or class of employees, authorize any officer or authority in the borrowing organization to exercise all the powers of competent authority under this Act.

16. **Departmental appeal and review.** – (1) An accused who has been awarded any penalty under this Act may, except where the penalty has been imposed by the Chief Minister, within thirty days from the date of communication of the order, prefer departmental appeal directly to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-section (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing –

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders and reduce or enhance the penalty; or
- (d) set aside the order of penalty and remand the case to the competent authority, where it is satisfied that the proceedings by the competent authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of this Act, or the facts and merits of the case have been ignored, with the directions to either hold a de novo inquiry or to rectify the procedural lapses or irregularities in the proceedings:

Provided that where the appellate or review authority proposes to enhance the penalty, it shall by an order in writing –

- (i) inform the accused of the action proposed to be taken against him and the grounds of such action; and
- (ii) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing either itself or through a hearing officer; Provided that the hearing officer shall only be appointed where the appellate or the review authority is of the rank of Secretary to Government of the Punjab or above.

(3) An appeal or review preferred under this section shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the impugned order in a proper and temperate language.

17. **Revision.** – (1) The Chief Minister, Chief Secretary or the Administrative Secretary or any other appellate authority may call for the record of any proceedings within one year of the order of exoneration or imposition of a penalty, passed by the competent authority or the order of appellate authority, as the case may be, for the purpose of satisfying himself as to the correctness, legality or propriety of such proceedings or order.

- (2) On examining the record of the case, such authority may –
- (i) uphold the orders of the competent authority or the appellate authority, as the case may be; or
  - (ii) order the competent authority to hold de novo inquiry; or
  - (iii) impose or enhance a penalty or penalties:

Provided that no order, prejudicial to the accused, shall be passed under this section unless the accused has been given a

reasonable opportunity of showing cause against the proposed action and an opportunity of personal hearing.

18. **Appearance of counsel.** – The accused, at no stage of the proceedings under this Act, except proceedings under section 19, shall be represented by an advocate.

‡19. **Appeal before Punjab Service Tribunal.** (1) An employee, other than the employee mentioned in section 2 (h)(i), aggrieved by a final order passed under Section 16 or 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act, 1974 (IX of 1974).

(2) if the appellate Authority or the Chief Minister does not pass any final order on the departmental appeal or the review petition filed under section 16 within a period of sixty day from the date of filing of the departmental appeal or the review petition, the aggrieved employee, not being the employee mentioned in section 2(h)(i), may prefer an appeal to the Punjab Service Tribunal within ninety days of the filing of the departmental appeal or review petition.

(3) on the exercise of the option in terms of subsection (2), the appeal or, as the case may be, the review pending before the Appellate Authority or the Chief Minister shall abate to the extent of such employee.

♣**Explanation:** The word “employee” in this section, shall include a former employee”

20. **Act to override other laws.** – The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

21. **Proceedings under this Act.** – (1) Subject to this Act, all proceedings initiated against the employees having retired or in service, shall be governed by the provisions of this Act and the rules made thereunder:

Provided that in case of retired employee, the proceedings so initiated against him shall be finalized not later than two years of his retirement.

(2) The competent authority may, by an order in writing, impose one or more penalties specified in clause (c) of section 4, if the charge or charges are proved against the retired employee.

22. **Indemnity.** – No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under this Act or the rules, instructions or directions made or issued thereunder.

23. **Jurisdiction barred.** – Save as provided under this Act, no order made or proceedings taken under this Act, or the rules made thereunder, shall be called in question in any court and no injunction shall be granted by any court in respect of any decision so made or proceedings taken in pursuance of any power conferred by, or under this Act, or the rules made thereunder.

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‡ Section 19 substituted vide notification No. PAP/Legis-2(27)/2014/1089 dated 29.05.2014.

♣ Explanation added, vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017.

24. **Power to make rules.** – The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

25. **Removal of difficulties.** – If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing that difficulty.

26. **Repeal.** – (1) The Punjab Removal from Service (Special Powers) Ordinance, 2000 (*Ord. IV of 2000*), is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Removal from Service (Special Powers) Ordinance, 2000 (*Ord. IV of 2000*), all proceedings pending immediately before the commencement of this Act against any employee under the said repealed Ordinance or under the Punjab Civil Servants Act, 1974 (*Pb. Act, VIII of 1974*), and rules made thereunder, or any other law or rules shall continue under that law and rules, in the manner provided thereunder.

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# **ANCILLARY INSTRUCTIONS**

Subject: WITHHOLDING / WITHDRAWAL OF PENSION OR ANY PART OF IT,  
FOR GRAVE MISCONDUCT DURING SERVICE

I am directed to refer to this Department's letter No.SORI(S&GAD)7-1/72 dated 23<sup>rd</sup> October, 1973, on the subject noted above and to say that in pursuance of Supreme Court's pronouncement in their decision of Government appeal titled "the Government of N.W.F.P. versus Mr. Muhammad Saeed Khan and another" vide PLD 1973-SC-514, though interpretation of rule 1.8 of Punjab Civil Services Pension Rules was issued vide circular letter referred to above, yet the departments are seeking interpretation time and again. The important provisions of the instructions under reference are reproduced below for facility of reference:

- (a) Each of the clause(a) and (b) of this rule is a self-contained and independent provision designed to cater for two different situations. Under clause (a), maintenance of "Good Conduct" is made an inseparable condition for the grant or continuance of pension to a government servant and the Govt. reserves to itself the plenary power to with-hold or withdraw a pension or any part thereof if the pensioner is convicted for serious crime or is found guilty of grave misconduct whether during or after completion of his service. However, clause (b) cannot be used to effect a penal recovery if there be a case of fraud or negligence during the service though it may be made a ground for a finding that the service has not been thoroughly satisfactory.
- (b) Clause (b) ibid empowers the Government to order recovery from the pension, of the whole or part of any pecuniary loss, caused to the Government if the pensioner is found in departmental or judicial proceedings, to have been guilty of grave misconduct or negligence during his service. Under clause (b) the Government reserves to itself the right to recover from the pension the amount of any pecuniary loss which it has suffered while the pensioner was in service. It is, however, to be noted that this power cannot be resorted to after efflux of one year from the date of retirement of the pensioner.
- (c) On general principles as also on the wording of rule 1.8(a), the Executive has the exclusive power to determine whether on the facts of the case the officer / official concerned was guilty of gross misconduct and this applies equally to the serving officers as well as to those who have retired but whose pensionary claims are yet to be settled.
- (d) Except as a result of the inquiry contemplated under clause (a) the Government has no power under the rules to suspend the payment of whole or any part of the pension of a Government servant otherwise admissible, pending inquiry against him. It follows that any order in that behalf in anticipation of the result of the inquiry, will be without any valid basis.

2. The above interpretation of rule 1.8 of the Pension Rules by the Supreme Court in PLD 1973 SC-514, may kindly be brought to the notices of all concerned for information and guidance so as to avoid unnecessary correspondence in the matter

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NO.PS/AS(G)2-24/04  
Dated the 20<sup>th</sup> March 2004

Subject: GUIDELINES TO BE ADHERED TO BY THE HEARING OFFICERS,  
DESIGNATED UNDER DISCIPLINARY STATUTES

Both the Punjab Civil Servants (E&D) Rules, 1975, 1999 and the Punjab Removal from Service (Special Powers) Ordinance, 2000 require that an accused must be given an opportunity of personal hearing before a penalty can be imposed upon him. This personal hearing is to be accorded by the Authority. However, the Authority can designate an officer senior in rank to the accused as Hearing Officer for this purpose.

2. The Hearing Officers are required to provide an opportunity of personal hearing and to record the submissions of the accused officer during the proceedings, substance of which is to be recorded in writing and submitted for consideration of Authority.

3. It has been noticed with concern that the Hearing Officers are exceeding their mandate. Instead of confining themselves to place the record of hearing before the Authority they go to the extent of admitting additional evidence, analyzing the evidence on record, commenting upon the conclusions and recommendations of the Inquiry Officer/Authorized Officer, etc.

4. In this connection, attention is drawn to the clear and settled position of law as held in 1994, PLD (C.S.) 1113 in which it was held as follows:

“Punjab Civil Servants (Efficiency and Discipline) Rules, 1975

R.8. Designate Authority – Report prepared by designated authority – Legal Defect – Designated Officer was required to prepare record of personal hearing of civil servant which did not empower such designated authority to record the findings and decide the matter or to submit the case for approval of authority.”

5. It is accordingly directed that the Hearing Officers shall contain themselves strictly to preparation of record of personal hearing and shall not comment upon the conclusions, findings and recommendations of the Inquiry and Authorized Officers since the Authority is responsible for taking a final decision on merits without any influence or bias which such unauthorized comments would create.

6. Please communicate these instructions to all authorities subordinate to you as well for strict compliance.

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**NOTIFICATION**

In supersession of this Department's Notification of even number dated 18<sup>th</sup> February, 2002, in exercise of the powers authorized by the Governor of the Punjab as mentioned in Table-I (a), Serial No.3, Column-III of Notification No. SOR-III-1-33/94(B), dated 05.11.2001, Additional Chief Secretary, being the Competent Authority of Employees in BS-1-15 belonging to a Service, Group or Cadre in Secretariat Departments controlled by the Punjab Government, is pleased to designate the Secretary of Administrative Department concerned to exercise powers of Competent Authority to proceed/initiate action as per provisions of Punjab Employees Efficiency, Discipline and Accountability Act 2006 against the delinquent officials in BS-1-15, working under their administrative control.

NO.SO(C-II) 5-2/2010

Dated the 4<sup>th</sup> December 2010

Subject: APPOINTMENT OF ENQUIRY OFFICER

I am directed to refer to the subject cited above and to inform that the Chief Minister Punjab has observed that Government Officers, who are entrusted to conduct inquiries under PEEDA Act 2006 by the Competent Authorities from time to time, try to avoid the same for one reason or the other. It will be appreciated that this trend not only reflects indifference/disinterest on their part in the conduct of such official business but also leads to inordinate delays in the finalization of disciplinary proceedings. Furthermore, half-hearted conduct of the inquiries also defeats the very purpose of accountability of the delinquents. On the other hand, the officers who exhibit diligence and commitment to the disposal of such official work are overburdened by entrusting them large number of inquiries.

2. The Chief Minister has shown his deep concern over the prevailing situation as explained above and has directed that a system may be evolved which envisages that the inquiries entrusted to various officers are conducted by them timely and it may also be ensured that while entrusting an inquiry the number of inquiries already entrusted to an officer in a calendar year are also kept in view. It has further been desired that number of enquiries entrusted to an officer and completed by him in a calendar year be reflected in column 9 of Part-I by the officer to be reported upon and commented upon by the reporting officer in column (c) of Part-V of the Performance Evaluation Report.

3. The Chief Minister Punjab has, therefore, been pleased to direct that:

- a) The Administrative Department should comply above directions strictly at Secretariat level as well as by the respective authorities in their lower formations in respect of disciplinary cases which are dealt with at the department level.
- b) All Administrative Secretaries should route their summaries through the Services Wing of S&GAD where enquiry officers are required to be appointed out of their respective chain of command.

4. I am further directed to request that these instructions may kindly be followed in letter and spirit.

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No.SOR-I(S&GAD)1-70/2011

Dated the 17<sup>th</sup> September 2011

**Subject:COMPLETION OF DISCIPLINARY PROCEEDINGS WITHIN THE STIPULATED PERIOD**

Please refer to the subject noted above.

2. It has been noted that disciplinary proceedings initiated under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 are not being completed within the stipulated period of 60 days. The Chief Minister has taken very serious notice of inordinate delays occurring in disciplinary proceedings. Attention is invited towards sub-section (6) of section 10 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 whereby time limit for completion of any enquiry has been fixed. Section 10(6) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 reads as under:

“10(6) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:

Provided that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:

Provided further that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of inquiry:

Provided further that the recommendations of the inquiry officer or the inquiry committee, as the case may be, shall not be binding on the competent authority.”

3. The matter pertaining to disposal of enquiries shall henceforth be strictly monitored by the S&GAD and progress about disposal of such cases shall be placed before the Chief Minister, Punjab as well as Secretaries Committee regularly.

4. You are, therefore, requested to ensure that enquiries initiated under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 in your Department are completed by the enquiry officers within the stipulated period.

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No.SORI(S&GAD) 1-25/2001

Dated 9<sup>th</sup> September 2013

**Subject: DISCIPLINARY PROCEEDINGS AGAINST CIVIL SERVANTS ON ACCOUNT OF UNAUTHORIZED ABSENCE FROM DUTY TREATMENT OF ABSENCE PERIOD**

I am directed to refer to the subject noted above and to state that it has been observed that the instructions issued by the Regulations Wing, S&GAD vide circular letter No.SORI-1-25/2001 dated 10.07.2003 are not being followed properly. Resultantly, inconvenience is caused while deciding the disciplinary cases of the employees. It is reiterated as under:-

The problems of unauthorized absence from duty is rampant in Government departments and it has been observed that despite clear rules and instructions on the subject such cases are not dealt with appropriately, in accordance with the rules, by the relevant authorities. The Administrative Departments are therefore, requested to follow the following instructions / guidelines, while dealing with the cases of unauthorized absence from duty:-

- i) Competent authorities must ensure that disciplinary action is initiated against a person who absents himself from duty unauthorizedly, immediately on receipt of information to this effect.
- ii) Where disciplinary action could not be initiated against such person due to negligence or other reasons, and such person reports for duty after his un-authorized absence, he shall not be assigned any duty until disciplinary proceedings have been completed against him. During the intervening period he shall be treated to be under suspension.
- iii) The relevant authorities must ensure that disciplinary proceedings under the relevant laws / Rules are initiated against such person, within 30 days of his reporting for duty, after unauthorized absence.
- iv) Officers / officials responsible for delay in submitting the case for initiation of action against such person to the competent authority, shall be deemed to be guilty of misconduct and therefore, shall be liable to be proceeded under the relevant disciplinary law / rules, for the time being in force.
- v) The competent authorities shall ensure that disciplinary proceedings in such cases are completed at the earliest possible time so that such persons do not remain under suspension for long periods, thus becoming a burden on the public exchequer.
- vi) The competent Authorities under the relevant disciplinary law / rules, shall confine themselves to taking disciplinary action in accordance with the rules. They must not make recommendations as to how the period of unauthorized absence shall be treated, as the leave sanctioning authority under the Leave Rules and the competent authority under E&D Rules / Punjab Removal from Service (Special Powers) Ordinance, 2000 / PEEDA Act, 2006, are usually not the same.
- vii) After the decision of the authorities under E&D Rules / Punjab Removal From Service (Special Powers) Ordinance, 2000 / PEEDA Act, 2006 etc., absence period may be dealt with separately, in accordance with the provisions of Revised Leave Rules, 1981.

- viii) Relaxation of Revised Leave Rules, 1981 may only be granted in extremely genuine hardship cases of absence beyond the control of the employee.
- ix) The period of absence from duty, if not regularized, constitutes break in service, as provided under Rule 2.11 of Pension Rules, 1967. This need not and should not be specified in any orders, as such orders lead to unnecessary litigation. This implication is automatic under Rule 2.11 of the Pension Rules.
- x) It has been observed that authorities generally tend to treat cases of absence from duty lightly and give minor punishments / penalties in cases where a person has remained absent from duty for long periods of time. It is clarified that absence from duty is a serious misconduct on the part of a person. The competent authorities must, therefore, ensure that penalties in such cases are commensurate with the gravity of the charge, proved against the accused person. As per Section 7(f)(ii) of the PEEDA Act, 2006, where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.
- xi) The relevant authority must ensure that where a person remains on leave including absence for more than 5 years, the name of such person is removed from the seniority list and placed on separate static list as provided under proviso to Rule 8(3) of Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, instructions bearing No.SORII(S&GAD)15-7/84 dated 14.07.1988 and para 18 of the Promotion Policy 2010.
- xii) All applications for long leave shall be decided within thirty days and any delay in sanction or refusal and communication to the applicant will be the responsibility of the leave sanctioning authority.

2. I am further directed to request that the above guidelines / instructions may be followed strictly in letter and spirit.

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No. SOR.I(S&GAD)4-45/2013  
Dated the 16<sup>th</sup> December, 2013

Subject: APPEAL OF MST. KANEEZ FATIMA WD/O MR. ABDUL QADEER  
LATE WARD SERVANT OF DHQ TEACHING HOSPITAL, SARGODHA

The case has been examined in the Regulations Wing, S&GAD. Mr. Abdul Qadeer died on 15.05.2012. The date of order of imposing penalty "Removal from Service" is also 15.05.2012. As per section 16 of the PEEDA Act, 2006 appeal against the penalty can be made to the Appellate Authority within thirty days. Since Mr. Abdul Qadeer died on the same date of awarding the penalty, therefore, the question of filing of appeal does not arise. The accused died and could not defend himself. Therefore, the

Regulations Wing, S&GAD is of the view that the proceedings pending against him stand abated.

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No. SOR.I(S&GAD)4-26/2014

Dated the 16<sup>th</sup> January, 2015

Subject: REQUEST FOR WAIVE OF RECOVERY AMOUNTING TO RS.75,350/-  
MADE BY MST. MISBAH ZULQARNAIN WIDOW OF LATE  
ZULQARNAIN KAUSAR, FOREST GUARD

The case was referred to the Finance and Law & PA Department for advice. The Finance Department vide its letter No.FD-SR-II-2-136/2014 dated 06.01.2015 and Law & PA Department vide its letter No.Reg:3-7/2013/5885 dated 05.12.2014 tendered their advices as under:-

**Finance Department**

“Any penalty under this Ordinance shall not absolve such person from liability to any punishment to which he may be liable for an offence, under any law, committed by him while in service” further added that clause 9-A(2) provides “an order imposing punishment or exonerating the accused shall not be revised suo motu or otherwise after the lapse of period of one year from the date of communication of the order of the competent authority, and in case a representation or review is preferred, from the date of communication of the order on such representation or review” and in the instant case the situation is different as the accused expired before imposing the penalty, as such penalty is liable to be abated.”

**Law Department**

“that the views of Regulations Wing of S&GAD contained in para 2 of the letter under reference are endorsed” which reads as under;

“2. The case has been examined and in the light of earlier advices of the Law Department, the Regulations Wing, S&GAD, is of the view that since, the accused has died; before the imposition of penalty by the Competent Authority, therefore, disciplinary proceedings pending against him stand abated.”

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No.SORI(S&GAD)1-77/2015

Dated the 11<sup>th</sup> June 2015

Subject: DISCIPLINARY PROCEEDINGS UNDER PEEDA ACT, 2006.

The Regulations Wing, S&GAD has issued instructions from time to time emphasizing the Inquiry Officers and the Competent Authorities to complete the inquiry proceedings within stipulated period. Section 10(4) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 reads as under:-

“10(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, thereafter, he or it is satisfied that the

accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.”

3. The Chief Minister Punjab has taken serious view that the inquiries are not being completed within stipulated period due to hindrance in the process of inquiries by the accused on one or the other pretext. It has also been observed by the Chief Minister that Section 10(4) of the Act *ibid* clearly envisages where the accused hampers or attempts to hamper the proceedings, the Inquiry Officers or Inquiry Committee should continue the inquiry in the light of above provision, except in case of any restraining order from any honorable court.

4. All the Inquiry Officers and the Competent Authorities are hereby directed to ensure implementation of provision of section 10(4) of the Act *ibid* for expeditious finalization of inquiries within stipulated period.

5. The above instructions may be implemented in letter and spirit.

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No.SORI(S&GAD)4-46/2013

Dated the 17<sup>th</sup> September 2015

Subject: GUIDELINES TO BE ADHERED TO BY THE HEARING OFFICERS,  
DESIGNATED UNDER DISCIPLINARY STATUTES

I am directed to refer to the S&GAD’s instructions bearing NO.PS/AS(G)2-24/04 dated 20.03.2004, No.SOEL.1-24/2007 dated 01.09.2008 and SORI(S&GAD)4-46/2013 dated 09.10.2013, on the subject noted above and to state that relevant provisions of PEEDA Act, 2006 relating to appointment and role of Hearing Officers are reproduced as under:-

“**Section 13(4)** Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall –

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him by the inquiry officer or inquiry committee;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in section 4 may not be imposed upon him and to submit additional defense in writing, if any, within seven days of the receipt of the notice, before itself or the hearing officer, as the case may be;
- (c) indicate the date of personal hearing or appoint a hearing officer to afford an opportunity of personal hearing on his behalf; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above;
- (d) provide a copy of the inquiry report to the accused; and
- (e) direct the departmental representative to appear, with all the relevant record, on the date of hearing before himself or the hearing officer, as the case may be.

**Proviso below section 16(2)(d)**

Provided that where the appellate or review authority proposes to enhance the penalty, it shall by an order in writing –

- (i) inform the accused of the action proposed to be taken against him and the grounds of such action; and
- (ii) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing either itself or through a hearing officer; Provided that the hearing officer shall only be appointed where the appellate or the review authority is of the rank of Secretary to Government of the Punjab or above.”

“14. **Personal hearing.** – (1) The authority affording personal hearing or the hearing officer on receiving an order of his appointment shall, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him for personal hearing on the fixed date and time.

(2) After affording personal hearing to the accused, the authority or the hearing officer shall, in relation to the case and the contention of the accused during the hearing, record his remarks in writing and, in case hearing officer, submit a report to the authority so appointed him which shall include—

- (i) summary of the inquiry report where inquiry was conducted under section 10, or summary of the defence offered by the accused to the show cause notice under section 7, or grounds of appeal or review filed under section 16, as the case may be;
- (ii) summary of defence offered by the accused during the hearing, if any; and
- (iii) views of the departmental representative, if any.”

3. During personal hearings to the different appellants, it was observed by the Chief Secretary that role of hearing Officer should be more purposeful. Mere affording hearing to the accused / appellant by the hearing officer and presentation of the hearing proceedings does not provide meaningful assistance to the competent / Appellate Authority to arrive at a conclusive decision. The Chief Secretary has desired that the hearing Officer, after granting hearing to the accused or the appellant and analyzing the case, should present the summary of the inquiry, defence offered by the accused during the hearing or grounds of appeal or review and views of Departmental representative to the competent Authority / Appellate Authority in a meaningful manner with his views and suggestions so that the Competent Authority / Appellate Authority may reach at final conclusion. However, views and suggestions of hearing Officer will not be binding on the Competent Authority / Appellate Authority.

4. The above instructions may be communicated to all concerned authorities for strict compliance.

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No.SORI(S&GAD)1-74/2015  
Dated Lahore the 22<sup>nd</sup> October, 2015

Subject: ADVICE / GUIDANCE REGARDING MAINTAINABILITY OR OTHERWISE OF TIME BARRED SERVICE APPEALS FILED U/S 16 OF THE PEEDA ACT, 2006

The case was referred to the Law & Parliamentary Affairs Department for advice vide Regulations Wing, S&GAD's letter of even number dated 22.09.2015. The Law Department vide its letter No.REG 3-43/2015/5349 dated 15.10.2015 has tendered the following advice:-

“that the following principles of law stand well settled:-

- (a) Law ordinarily helps the vigilant and not the indolent: reference is made to the case cited as 2004 **SCMR 145** (Nazakat Ali v WAPDA).
- (b) Where the law under which proceedings have been initiated itself prescribes a period of limitation, the benefit or section 5 of the limitation Act (condonation of delay) cannot be availed unless it has been made applicable as per section 29(2) of that Act. Reference is made to the cases cited as 2001 SCMR 286 (Allah Dino v Muhammad Shah; 1983 SCMR 1239 (All Muhammad V Fazal Hussain); 2006 YLR 3267 (Kh.Zia Ullah v PCBL); 2006 YLR 3267 (Kh. Zia Ullah v PCBL); and PLD 1982 Lahore 239 (Muhammad Hanif v Collector Kasur).

2. Further action may be taken accordingly.”

No.SORI(S&GAD)4-46/2013

Dated the 15<sup>th</sup> December 2015

Subject: EXPLANATORY GUIDELINE FOR THE HEARING OFFICERS, DESIGNATED UNDER DISCIPLINARY STATUTES

I am directed to refer to the S&GAD's instructions bearing No.PS/AS(G)2-24/04 dated 20.03.2004, No.SOEI.1-24/2007 dated 01.09.2008 and SORI(S&GAD)4-46/2013 dated 09.10.2013 on the subject and to state that section 14 of the PEEDA Act, 2006 relating to the functions of the hearing officer, provides as under:

**“14 Personal hearing.** – (1) The authority affording personal hearing or the hearing officer on receiving an order of his appointment shall, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him for personal hearing on the fixed date and time.

(2) After affording personal hearing to the accused, the authority or the hearing officer shall, in relation to the case and the contention of the accused during the hearing, record his remarks in writing and, in case hearing officer, submit a report to the authority so appointed him which shall include:

- (i) summary of the inquiry report where inquiry was conducted under section 10, or summary of the defence offered by the accused to the show cause notice under section 7, or grounds

- of appeal or review filed under section 16, as the case may be;
- (ii) summary of defence offered by the accused during the hearing, if any; and
  - (iii) views of the departmental representative, if any.”

2. The Competent Authority has observed that the hearing officers do not generally observe the provisions of the said section 14. It may be emphasized that the role of hearing officer, under the law, is quite meaningful. Mere affording hearing to the accused or appellant and submission of the proceedings before the Competent Authority by the hearing officers does not provide any meaningful assistance to the Competent Authority or Appellate Authority.

3. The Competent Authority is pleased to direct that the report submitted by the hearing officer to the Competent Authority or appellate authority shall be in the form of a Summary, inter alia, containing the following:

- (a) the allegations leveled against the accused.
- (b) brief facts of the inquiry and the recommendations of the inquiry officer;
- (c) the grounds taken by the accused in appeal or review;
- (d) the defence offered by the accused during the hearing;
- (e) view of departmental representative rendered before him; and
- (f) views and suggestions of the hearing officer in a meaningful manner to facilitate the Competent Authority or Appellate Authority to reach a fair decision on merits.

4. These instructions shall supersede the instructions issued vide No.SORI(S&GAD)4-46/2013 dated 17.09.2015.

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No.SORI(S&GAD)1-19/2016

Dated the 17<sup>th</sup> March 2016

Subject: APPOINTMENT / NOMINATION OF INQUIRY OFFICER

I am directed to refer to the subject noted above and to state that section 9(1)(a) of the PEEDA Act, 2006 reads as under:-

“9(1)(a) appointment of an inquiry officer or an inquiry committee; provided that the inquiry officer or the convener of inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused.”

2. Under the provisions of section 10(6) of the Act *ibid*, enquiry proceedings are required to be completed by Inquiry Officer / Inquiry Committee within 60 days or extended period.

3. Instances have come to notice of the competent authority that disciplinary proceedings are often delayed and not completed within the stipulated period due to retirement of inquiry officer, convener / member of inquiry committee, as the case may be. It not only gives rise to numerous service issues for the concerned employees but also hampers smooth business of department.

4. The competent authority has, therefore, directed that:

- (i) Officers, at the verge of retirement, i.e., who are going to retire within one year shall in no case, be appointed as inquiry officer or convener / member of inquiry committee under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006.
- (ii) Administrative Departments concerned shall ensure that disciplinary proceedings, in all cases, are completed and inquiry submitted within the stipulated period.
- (iii) Extension in the stipulated period of 60 days for completion of proceedings shall be subject to exceptional and cogent grounds advanced by the Inquiry Officer / Inquiry Committee.

5. These instructions may kindly be brought to the notice of all concerned for strict compliance.

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No.SORI(S&GAD) 1-37/2016  
Dated Lahore the 14<sup>th</sup> June, 2016

Subject: REQUEST FOR ADVICE ON CLAUSE (A) OF SUB-SECTION (1) OF SECTION 9 OF THE PEEDA ACT, 2006

The case has been examined in the Regulations Wing, S&GAD, and it is observed that in the PEEDA Act, 2006 the word “rank” has been used instead of grade. Rank indicates a social or official position or standing. Therefore, the Secretary, Archives & Libraries Wing, S&GAD, is senior in rank to the accused by virtue of his position/posting.

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No.SORI(S&GAD)1-30/2003  
Dated the 4<sup>th</sup> July 2016

Subject: SURRENDERING THE SERVICES OF OFFICERS / OFFICIALS

I am directed to refer to the subject noted above and to state that it has been observed by the Competent Authority that the officers / officials posted by the S&GAD are surrendered by the District Coordination Officer concerned and other officers in the Secretariat as well as field on certain grounds including inefficiency and poor performance on their part.

2. In this regard, kind attention is invited towards section 2(k) of PEEDA Act, 2006 which reads as under:

“2(k) inefficiency’ means failure to –

- (i) efficiently perform functions assigned to an employee in the discharge of his duties; or
- (ii) qualify departmental examination in three consecutive attempts;”

3. The competent authority has expressed concern over tendency of surrendering the services of officers / officials on account of inefficiency and poor performance instead of proposing to initiate disciplinary proceedings against them by the competent authority.

4. Since, it is the jurisdiction of the competent authority to post / transfer the officers / officials at different positions, therefore, only the same authority can transfer / withdraw the services of such officers / officials.

5. It is therefore, requested that the officers / officials who are posted in the field and expose themselves to inefficiency may be reported to the competent authority to proceed under the disciplinary law as per laid down procedure instead of surrendering their services.

No.STO(O&M)2-1/2017(Deptts).  
Dated Lahore, the 8<sup>th</sup> April, 2017

### **NOTIFICATION**

On the promulgation of the Punjab Civil Administration Act, 2017, the Competent Authority has been pleased to reconstitute the following Monitoring Cells to monitor the progress of the inquiries under the Punjab Civil Servants (E&D) Rules, 1975/1999, PRSO 2000 and PEEDA Act, 2006 against officers / officials in BS 1 & above working in Punjab Government:-

#### **I) PROVINCIAL MONITORING CELL**

- |     |  |           |
|-----|--|-----------|
| (1) | Secretary (Regulations),<br>Government of the Punjab,<br>S&GAD.      | Chairman  |
| (2) | Additional Secretary (PP&CM),<br>Government of the Punjab,<br>S&GAD. | Member    |
| (3) | Additional Secretary (I&C),<br>Government of the Punjab,<br>S&GAD.   | Member    |
| (4) | Deputy Secretary (M&E),<br>Government of the Punjab,<br>S&GAD.       | Member    |
| (5) | Statistical Officer (O&M),<br>Government of the Punjab,<br>S&GAD.    | Secretary |

#### **(II) DIVISIONAL MONITORING CELL**

- |     |  |                  |
|-----|--|------------------|
| (1) | Commissioner of the Division           | Chairman         |
| (2) | Additional Commissioner (Coordination) | Member           |
| (3) | Assistant Commissioner (General)       | Member/Secretary |

#### **(III) DISTRICT MONITORING CELL**

- |     |                                      |                  |
|-----|--------------------------------------|------------------|
| (1) | Deputy Commissioner                  | Chairman         |
| (2) | Additional D. Commissioner (General) | Member           |
| (3) | Assistant Commissioner (HR & Coord.  | Member/Secretary |

2. The charter of responsibilities/role and functions of Provincial Monitoring Cell, Divisional and District Monitoring Cells are as under:

#### **a) Role/Responsibilities of Cells:**

- (i) Guiding, monitoring and judging the progress of inquiries.
- (ii) Ensuring the finalization of inquiries within the stipulated period.
- (iii) Accounting for the reasons for delay, to be recorded in writing by the Inquiry Officers / Committees and the authorities, as the case may be.

- (iv) Counseling and guiding the relevant authorities and other concerned to facilitate the process at every stage.

**b) Functions of Cells:**

- (i) The Provincial Monitoring Cell will review the progress regarding inquiry cases pending with Administrative Departments, Divisional Monitoring Cells and District Monitoring Cells by conducting its meetings on biannual basis at Divisional Headquarters or at District Level and submit the reports to the Competent Authority.
- (ii) The Divisional Monitoring Cells will conduct its meetings to review the progress of inquiries against officials in BS 1 and above of Divisional offices and also review the enquiry cases pending with District Monitoring Cells in their Divisions on quarterly basis and submit the reports to the Provincial Monitoring Cell within 15 days at the end of each quarter.
- (iii) The District Monitoring Cells will monitor the pending inquiry cases of all departments in the districts on monthly basis and submit the progress to their respective Commissioners. The District Monitoring Cells will also submit quarterly progress report to the Provincial Monitoring Cell.

The Administrative Secretaries, Commissioners and Deputy Commissioners will ensure that inquiries are being completed within timeframe as per law/rules. In case of unexplained/inordinate delay in submission of inquiry report, the competent authority shall call explanation of the inquiry officer and where explanation of the inquiry officer is not found satisfactory, it may initiate disciplinary proceedings against the defaulting officer on the charge of inefficiency

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No.REG:3-10/2017/4124  
L&PA Department  
Dated: 13<sup>th</sup> June 2017

Subject: W.P NO.29083-17 TITLED AS M. USMAN NAZAR VS DISTRICT AND SESSION JUDGE, ETC.

I am directed to refer to your letter No.SORI(S&GAD)1-25/2017, dated 06.06.2017 on the subject and to state that the officers and other staff of the subordinate courts are appointed pursuant to the rules framed under the Punjab Civil Servants Act 1974: the regular employees are accordingly civil servants.

2. Before the promulgation of the Punjab Removal from Service (Special Powers) Ordinance 2000, the officers and employees of the subordinate judiciary were regulated under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999. In the meanwhile, the Punjab Removal from Service (Special Powers) Ordinance 2000 was promulgated. The said Ordinance did not apply to a judge of the High Court or any court subordinate to the High Court or employee of the said court. As the 2000 Ordinance was not inter alia applicable to the subordinate judiciary, they continued to be governed under the aforesaid 1999 Rules. The 2000 Ordinance was repealed by section 27 of the PEEDA Act, 2006. Para (ii) of clause (h) of section 2 of the said Act again inter alia excluded the subordinate judiciary and its employees from the purview of PEEDA Act, 2006. Thus, notwithstanding the PEEDA Act, the Punjab Civil

Servants (Efficiency and Discipline) Rules, 1999 is applicable to the officers and employees of the subordinate judiciary.

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No.REG:3-111/2015/ 6360  
L&PA Department  
Dated: 21<sup>st</sup> September 2017

**SUBJECT: FILING OF CPLA AGAINST THE ORDER JUDGMENT DATED 22.05.2013 PASSED BY THE PUNJAB SERVICE TRIBUNAL LAHORE IN APPEAL NO. 940 / 2010 CHIEF SECRETARY GOVERNMENT OF THE PUNJAB VERSUS MUHAMMAD AMIN) IN THE SUPREME COURT OF PAKISTAN**

I am directed to refer to your letter No.SORI(S&GAD)1 76/2013, dated 12.09.2017 on the subject and to state that at the relevant time, Notification No. SORI(S&GAD)1-30/2003, dated 16.11.2006 was in force. In that notification the "expression Administrative Secretary" was rather vague and prone to more than one interpretation, including the one adopted by the PST. However, the earlier notifications including the one referred to above, were later superseded vide Notification No. SORI(S&GAD)1-30/2003, dated 24<sup>th</sup> December 2010. In this notification also, the expression "Additional Secretary (Administration)" of the department or, in his absence, "Administrative Secretary of the Department" are vague and need to be clarified. S&GAD is advised to amend the current Notification so as to clearly define that the above expressions connote the Additional Secretary or the Secretary of the administrative department where an S&GAD cadre official is posted at the relevant time.

2. In the case in hand, however, there is no other option but to implement the order of the PST without demur and reinstate the official in service: the department has lost the case in the Supreme Court albeit on the technical ground of limitation for which the concerned department alone is responsible. The competent authority in the S&GAD may kindly consider whether or not fresh disciplinary proceedings are necessary in the backdrop of the judgment of the PST and the record, and proceed further in accordance with law.

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No.SORI(S&GAD)1-2/2008  
Dated Lahore the 5th July, 2008

**Subject: JUDGMENT IN WRIT PETITION NO.10018/06 & ITS APPLICABILITY**

I am directed to refer to your letter NO.TEVTA/Leg-HC/296-06 dated 09.01.2008 on the subject noted above and to state that the case was referred to Law Department for advice, which has opined as under:-

"Employees has been defined under section 2(h) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 which inter alia, means a person in the employment of a corporation, corporate body, authority etc., established and controlled by the government. Any persons who is in the employment of TEVTA is subject to the provisions of the Act ibid. The Act does not make any distinction between a contract and a regular employee. A contract employee can be terminated in accordance with terms and conditions of his contract. However, if any disciplinary action against the contract

employee is to be initiated then the procedure given in the PEEDA Act, 2006 has to be followed and the penalty which is relevant to the contract employee can be awarded to him except the penalty which is specific to the regular government servant i.e. compulsory retirement, withholding of pension etc. Hence, a contract employee of any such organization can also be proceeded against under the provisions of the Act *ibid.*”

2. Further necessary action may kindly be taken accordingly.

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# Guide Book



**GOVERNMENT OF THE PUNJAB  
SERVICES & GENERAL ADMINISTRATION  
DEPARTMENT  
(REGULATIONS WING)**

Dated Lahore, the 17<sup>th</sup> August 2015

**NOTIFICATION**

**No.SORI(S&GAD)1-30/2003(P-II).**The Competent Authority is pleased to approve the following Guidebook for conducting inquiry under the Punjab Employees Efficiency, Discipline and Accountability Act 2006 to eliminate, as far as possible, chances of delay by removing bottlenecks in inquiry proceedings:

**(1) Deficiencies in departmental inquiries under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006**

Punjab Employees Efficiency, Discipline and Accountability Act, 2006 was promulgated with a view to promote efficiency in the public service and to inculcate discipline in the state functionaries. However, delay to finalize departmental inquiries generally occurs due to the following reasons:

- (i) inadequacy of the relevant information and material made available to Authority;
- (ii) delay in:
  - (a) the appointment of inquiry officer or inquiry committee;
  - (b) issuing of enquiry order containing charges against the accused; and
  - (c) nomination of departmental representative;
- (iii) failure of the inquiry officer to hear the case on day to day basis;
- (iv) failure to promptly dispose of the objections raised by the accused on procedural or technical points;
- (v) failure to show the relevant record to the accused, if he so desires;
- (vi) ignorance of the inquiry officers about the proceedings related to the departmental inquiries;
- (vii) improper production of the prosecution evidence before the inquiry officer or inquiry committee by the departmental representatives;
- (viii) delay in finalization of enquiry by the competent authority after receipt of inquiry report;
- (ix) non-maintenance of record of inquiries or probes in the departments to enable the administrative secretaries to supervise and monitor the proceedings of departmental inquiries;
- (x) resultant effects of leaving the legal or procedural lacunae in the departmental enquiries necessitating de novo proceedings thereby prolonging enquiries for months and years endlessly; and

- (xi) ultimate reversal of the effects of disciplinary actions through Court orders on account of legal and procedural lapses in the conduct of departmental proceedings.

**(2) Objective of the Guidebook**

The objectives of guidebook are as follow:

- (i) to improve the understanding of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (cited as “PEEDA Act 2006”); and
- (ii) to facilitate the task of completion of inquiry under the PEEDA Act 2006.

**(3) Feature of the Guidebook**

- (i) It must, however, be clearly borne in mind that model drafts cannot be used as “fill in the blanks” formats. These shall have to be suitably adapted to suit the requirements of each case. Hence, the Guidebook may be adopted according to the suitability of case.
- (ii) The Guidebook is not a substitute for the substantive law which should invariably be studied at every stage of the proceedings.
- (iii) The Guidebook is intended merely to be an aid to better understanding of the law.
- (iv) The Guidebook contains the detail of officers who can exercise the powers of competent authority as per delegation of powers under the PEEDA Act 2006.

**(4) Points to be considered for proceeding under the PEEDA Act 2006**

The following points should be kept in mind while conducting proceeding under the PEEDA Act 2006;

- (i) Scope of the PEEDA Act 2006
  - (a) The PEEDA Act 2006 is applicable upon the employees in Government service, corporation service and retired employees but proceedings shall only be initiated against the retired employee within one year from his retirement.
  - (b) Limitation:  
The PEEDA Act 2006 does not apply to:
    - i) a Judge of a Higher Court; or
    - ii) a subordinate officer or official of the High Court; or
    - iii) an employee of such Courts as well as police employees.
- (ii) Procedure under the PEEDA Act 2006

The Punjab Employees Efficiency, Discipline and Accountability Act 2006, contains step-wise chronological detail of the procedure of departmental inquiry along with following model drafts:

- (a) Order of appointment of inquiry officer or committee; **(Annex-I)**
  - (b) Show cause-cum-personal hearing notice under section 13(4); **(Annex-II)**
  - (c) Show cause notice under section 7 (b) read with section 5(1)(a); and **(Annex-III)**
  - (d) Personal hearing notice under section 7(d) **(Annex-IV)**
- (iii) Competent authorities under the PEEDA Act 2006
- (a) As per section 2 (f) of the PEEDA Act 2006, competent authority means “the Chief Minister” or any officer or authority authorized by the Chief Minister to exercise the powers of competent authority under the PEEDA Act 2006.
  - (b) The Chief Minister has declared competent authorities to exercise powers against different classes of employees vide notification No.SORI(S&GAD)1-30/03 dated 13-02-2013 **(Annex-V)**.
  - (c) For the purpose of determining competent authority, original pay scale sanctioned with the post shall matter and the higher pay scale granted on account of temporary arrangements i.e. officiating, acting, current charge shall not be considered.
  - (d) The Chief Minister has also declared the competent authorities to exercise powers under PEEDA Act, 2006 against the employees placed in surplus pool, S&GAD, retired employees of Government and autonomous bodies, corporation etc., vide notification No.SORI (S&GAD)1-30/2003 dated 06-02-2007 **(Annex-VI)**.
- (iv) Grounds for proceeding and penalties
- (a) An employee can be proceeded against under Punjab Employees Efficiency, Discipline and Accountability Act, 2006 on the charges of inefficiency, misconduct, corruption and on being engaged in subversive activities. These terms have been defined in section 2 and clause (iv) of section 3 of the PEEDA Act 2006.
  - (b) On completion of proceedings, the employee may be awarded minor or major penalties under the section 4 of the PEEDA Act 2006. However, the following factors may be kept in mind while imposing any penalty:
    - (i) penalty should be commensurate with the gravity of charges;
    - (ii) punishments to contract employees will be specific such as censure, stoppage of increments, fine, recovery, removal and dismissal from service;

- (iii) one increment is earned in a calendar year, therefore, punishment of withholding one increment may be awarded for a period of one year;
- (iv) in case more than one increments are to be withheld then the same should correspond to the number of years. For example penalty of withholding of five increments may be awarded as under:
  - “withholding of annual increments for a period of five years.”;
- (v) in the case of regular civil servants or employees of autonomous bodies, punishment of reduction to a lower post and pay scale can only be imposed upon the accused, if he has been appointed by promotion to the post;
- (vi) punishment of compulsory retirement should be imposed only if the accused has ten years of service or more to his credit; and
- (vii) for retired employees, only punishments mentioned in clause (c) of section 4 of the PEEDA Act 2006 can be awarded within two years of their retirement as provided in section 21 of the PEEDA Act 2006.

(v) Detail of charges or allegations

In previous disciplinary law or rules, charge sheet was prepared separately while in PEEDA Act 2006, the detail of charges has to be reflected in the order of enquiry, issued by the competent authority. However, charges should be specific and give all necessary details. Sometimes it happens that complete charges are not reflected in the original enquiry order, hence, the cases are remanded to reframe the charges which create administrative as well as legal complications. Therefore, in the original enquiry order, complete charges should be included apportioning the responsibility in case of joint enquiry.

(vi) Suspension

- (a) Section 6 of the PEEDA Act, 2006 provides that the competent authority may place the employees under suspension for a period of 90 days if an action is proposed to be initiated against him and suspension is considered necessary.
- (b) After suspension, the enquiry should be initiated immediately, and there should be no gap. In case the competent authority does not intend to reinstate the concerned employee, prior approval of the competent authority should be obtained for extension in suspension period. In case no extension in suspension is granted by the competent authority, the concerned officer shall be deemed to be reinstated.

- (c) The officer shall be deemed to be reinstated into service on the expiry of 120<sup>th</sup> day after initiation of his suspension period and reinstatement is to be made with immediate effect.
- (vii) Dispense with regular enquiry
  - (a) As per section 5 of the PEEDA Act 2006, if the competent authority determines that there are sufficient grounds for initiating proceedings against an employee, it can proceed by issuing a show cause notice dispensing with the enquiry.
  - (b) Clauses (a) and (b) of subsection (1) of section 5 read with section 7 of the PEEDA Act 2006, give detailed grounds and procedure for summary proceedings against an accused. However, proviso to Clauses (b) of subsection (1) section 5 makes it mandatory upon the competent authority to dispense with the enquiry in following cases:
    - (i) an employee has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
    - (ii) an employee is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, he is satisfied that there is no need to hold an inquiry.
  - (c) The orders of inquiry or the show cause notice, as the case may be, shall be signed by the competent authority but where the Chief Minister is competent authority, the same shall be signed by such officer as may be authorized by him in this behalf.
  - (d) In the case of charges of grave corruption having been proved, the penalty of dismissal from service and recovery shall be imposed in the light of the clause (f) of section 7 of the PEEDA Act 2006.
  - (e) In the case of absence from duty for more than one year, the penalty of compulsory retirement, removal or dismissal from service shall be imposed upon the accused in the light of the clause (f) of section 7 of the PEEDA Act 2006.
  - (f) Summary proceedings should be decided very carefully by the competent authority. The superior courts in most of the cases set-aside the orders of penalty on the grounds that sufficient or sound reasons have not been incorporated in the order to proceed against the accused through show cause notice dispensing with the regular inquiry.

- (g) Where it is required that the charges could be established through a detailed inquiry, then the competent authority should avoid summary trial and hold regular inquiry instead of issuing show cause notice.
- (viii) Action in case of conviction or plea bargain
- (a) As per section 8 of the PEEDA Act 2006 if an employee is convicted by a court of law or has entered into plea bargain or acquitted by a court of law as a result of compounding of an offence, action may be taken against employee.
- (b) Without issue of show cause: If the employee has been convicted of charges of corruption or entered into plea bargain, he shall be dismissed from his service. In such cases, there is no need to issue show cause notice.
- (c) Issuance of show cause: If the employee is convicted other than charges of corruption then procedure provided in section 7 of the PEEDA Act 2006 may be followed and the accused may be proceeded through issuance of show cause notice and dispensing with the inquiry.
- (d) In case, an employee is acquitted from the court of law as a result of compounding of an offence then procedure provided in section 9 of the PEEDA Act, 2006 may be adopted i.e. a regular inquiry may be held against the accused to substantiate the charges.
- (ix) Appointment of inquiry officer
- Under clause (a) of subsection (1) of section 9 of the PEEDA Act 2006 an inquiry officer shall be senior in rank to the accused. Rank means official position or standing and not the basic scale.
- For example: an Administrative Secretary who is in BS-20 and a Director General of his attached department who is also in BS-20, for the purpose of appointment of an inquiry officer, the Secretary shall rank senior to the Director General.
- (x) Role of inquiry officer
- (a) As per subsection (2) of section 9 of the PEEDA Act 2006, timely provision of record and list of witnesses to the inquiry officer be ensured by the competent authority for concluding the inquiry proceeding within the stipulate time.
- (b) To expedite the inquiry, day to day proceedings should be held by the inquiry officer or the inquiry committee.
- (c) No adjournment may be given unnecessarily in the inquiry proceedings.
- (d) To facilitate the accused, he should be provided relevant record and if not possible then he should be allowed to peruse the relevant record and submit his reply within time.

- (e) An inquiry format/pattern may be adopted containing charges, examination of evidence and its analyses, rebuttal of the charges by the departmental representative.
- (f) Clear findings should be given and specific recommendations may be made by the inquiry officer on each charge.
- (g) Recommendations of the inquiry officer should be commensurate with the quantum of guilt and appropriate penalties be imposed upon the accused.
- (h) Before awarding penalties of stoppage of increments etc., the length of service and date of retirement of the accused may also be kept in view by the inquiry officer and competent authority.

Note: In most of the cases, the penalties recommended by the inquiry officer or inquiry committee and awarded by the competent authorities are set-aside by the courts on the grounds that such penalties are not commensurate with the charges leveled against the accused.

- (i) The inquiry officer may submit his recommendations within 60 days to the competent authority. Extension in time beyond 60 days can be sought from the competent authority with cogent reasons by the inquiry officer.

Note: Instructions in this regard have been issued by the Regulations Wing, S&GAD for timely completion of inquiry so that it may not prolong unnecessarily which may affect career progression of the accused i.e. promotion, posting, transfer and training etc.

- (j) the competent authorities have to, as per instructions bearing No.SORI(S&GAD)1-86/2014 dated 11-08-2014 (**Annex-VII**), ensure that enquires initiated under the PEEDA Act, 2006 are completed by the relevant authorities or enquiry officers within the stipulated timeframe provided in section 7(c), 10(6) and 13(7) of the PEEDA Act 2006.

(xi) Joint enquiry where one accused is absent.

- (a) Subsection (2) of section 10 of PEEDA Act, 2006 provides that if the accused fails to furnish his reply within the stipulate period of time, the inquiry officer or inquiry committee after completing codal formalities may decide ex-parte. Moreover, the inquiry officer has specific powers to summon the accused. If one accused is absconder, he may be proceeded ex-parte and the enquiry against other co-accused can be completed or finalized.
- (b) Where one or more of the accused challenge the enquiry proceeding in a court and obtained orders of status quo from

the court, the enquiry proceeding shall also be suspended for remaining accused.

- (c) it is responsibility of the department concerned to approach the court of law and get the stay orders vacated at the earliest so that the process of enquiry proceeding is completed expeditiously.

(xii) Role and responsibility of the departmental representative

- (a) Clause (c) of subsection (1) of section 9 of the PEEDA Act 2006 provides that departmental representative should be appointed by designation because in case of his transfer or retirement etc., his substitute can assist the inquiry officer or competent authority to expedite the inquiry proceedings as to:
  - (i) eliminate the delay caused due to appointment of a new departmental representative; and
  - (ii) departmental representative, who is available at present, may easily assist to the inquiry officer as well as hearing officer or competent authority, as the inquiry proceedings are usually followed on the basis of availability of record.
- (b) Duties of departmental representative have been provided in section 12 of the PEEDA Act 2006, hence, the departmental representative should work as a prosecutor; he should be a responsible official.
- (c) It is the duty of departmental representative to fully substantiate the charges leveled against the accused, relevant necessary material or copies may be provided to the accused to prepare his reply.
- (d) The accused may apply to the competent authority for copy of record and the competent authority should decide on kind of papers necessary to be provided to the accused. These normally relate to the record, on which the charges are based.

(xiii) Action to be taken by the competent authority on receipt of enquiry report

- (a) On receipt of inquiry report the competent authority shall determine whether:
  - (i) inquiry has been conducted in accordance with the provisions of the PEEDA Act 2006., or
  - (ii) enquiry has not been conducted in accordance with the provisions of the PEEDA Act 2006.
- (b) The competent authority, in case of situation at sub-clause (i) of clause (a), shall further determine whether:

- (i) charges have been proved; or
- (ii) charges have not been proved.

(c) Following actions will be taken by the competent authority:

- (i) If charges are not proved Exonerate the accused under section 13(3) of the PEEDA Act 2006
- (ii) If charges are proved
  - (a) Issue show cause notice including the proposed penalties along with enquiry report and give seven days to reply;
  - (b) Indicate date of personal hearing before himself or hearing officer.

Note: Officer of the rank of a Secretary to Government or above only can appoint a hearing officer on his behalf.

- (c)
  - (c) Direct the departmental representative to appear at the time of hearing; and
  - (d) Pass final orders under subsection (5) of section 13 of the PEEDA Act 2006 after affording personal hearing.

(d) As per section 9 of the PEEDA Act 2006, recommendations of the inquiry officers are not binding on the competent authority. However, it does not mean that the competent authority may exclusively use its discretion. It should have valid or sound reasons to disagree with the recommendations of the inquiry officer.

(e) It happened in most of the cases that the superior courts have set-aside or modified the penalties where the inquiry officers have recommended minor penalties against the accused and the competent authorities disagreeing with the inquiry officers, imposed major penalties upon the accused. Instructions issued by the Regulations Wing, S&GAD vide No.SORI (S&GAD)1-37/2014 dated 10-09-2014 are relevant (**Annex-VIII**).

(f) In case of situation at sub-clause (ii) of clause (a) where inquiry has not been held in accordance with law:

- (i) remand the enquiry to inquiry officer or inquiry committee for rectification of lapses or formalities in the proceedings; or
- (ii) order to a de novo enquiry.

(g) As per instructions bearing No.SORI(S&GAD)17-10/2015 dated 30-04-2015 (**Annex-IX**) where the officers have been allowed leave for the study purpose his case for extension in

leave has to be decided on merit expeditiously and on time or at the very outset of the course or programme like Ph.D. All the cases of extension in leave for study purposes may be decided on merit in timely manner to avoid administrative inconvenience.

(xiv) Role of hearing officer

- (a) As per clause (d) of section 7 of the PEEDA Act 2006 where the competent authority is Secretary to Government of the Punjab or above and it is determined that charges have been proved against the accused, it may appoint a hearing officer to afford personal hearing on his behalf.
- (b) The role of hearing officer is to give opportunity of personal hearing to the accused, record his statement and its rebuttal from the departmental representative.
- (c) At the time of hearing, the concerned accused may submit his additional evidence which can be analyzed and recorded by the hearing officer.
- (d) The hearing officer shall submit to the competent authority findings of the Inquiry, the statement of the accused and rebuttal of the departmental representative.

Provided that the hearing officer will not submit his opinion about the proceedings.

- (e) The hearing officer should follow the instructions issued by the Regulations Wing S&GAD vide circular letter No.SORI(S&GAD)4-46/2013 dated 09-10-2013 (**Annex-X**) which provide that the hearing officer shall:
  - (i) be required to provide an opportunity of personal hearing to the accused and to record his submissions during these proceedings and submit for consideration of the competent authority;
  - (ii) confine himself strictly to preparation of record of personal hearing; and
  - (iii) not comment upon the conclusions, findings and recommendations of the inquiry officers since the competent authority is responsible for taking a final decision on merits of the case without any influence or bias which such unauthorized comments may create.

(xv) Inquiry against the employees posted outside cadre

- (a) Section 15 of the PEEDA Act 2006 provides about the disciplinary action against the employees who are posted outside their cadre and only the competent authority can impose penalty upon the accused whether he is working in the department or outside his cadre.

- (b) In case of non-gazetted employee, it is not necessary for borrowing organization to get prior approval from his competent authority in the lending organization. However, in the case of gazetted officer, prior approval of the competent authority, in the lending organization is mandatory before proceeding against him. In both the situations, after completion of inquiry proceedings, the record of material is required to be sent to the lending organization for final decision/ imposition of penalty by the competent authority, in accordance with law.
  - (c) In case of joint inquiry, where an employee belongs to one department and a co accused to the other department or autonomous body (on deputation or otherwise), the penalty can only be imposed by the competent authority of each one of such co-accused.
- (xvi) Appeal or review
- (a) As per section 16 of the PEEDA Act 2006, an accused can submit appeal against the penalty awarded by the competent authority to the next authority or appellate authority directly within 30 days of the order of penalty.
  - (b) In case appellant files an appeal before wrong forum, it should be transmitted to the actual appellate authority, by the authority other than the appellate authority who happens to receive that appeal.
  - (c) It is mandatory for the appellate authority to call for the record and comments from the concerned department before deciding the appeal of the appellant.
  - (d) Opportunity of personal hearing to the accused may not be afforded, if the appellate authority intends to uphold the order of penalty or reject the appeal or review petition.
  - (e) The appellate authority can remand the inquiry to the inquiry officer through the competent authority where it is satisfied that the proceedings by the competent authority or the inquiry officer have not been conducted in accordance with the provisions of the PEEDA Act 2006.
  - (f) In case of enhancement of penalty by the appellate authority, issuance of show cause and provide opportunity of personal hearing to the accused are mandatory pre-requisites.
  - (g) In case of upholding the order of penalty and rejecting the appeal or review petition, opportunity of personal hearing to the accused may not be afforded.
  - (h) In case of setting-aside the order of penalty and exoneration the accused or modifying the order and reducing the penalty, opportunity of personal hearing to the accused may not be afforded.

(xvii) Revision

- (a) The powers of revision under section 17 of the PEEDA Act 2006 can be exercised within one year of the order of the penalty or exoneration.
- (b) The competent authority while deciding the inquiry or imposing the penalty, may inform the concerned appellate authority about its decision and accused cannot claim or file revision under section 17 of the PEEDA Act 2006 to any authority.
- (c) Section 17 of the PEEDA Act 2006 does not provide any provision to reduce the penalty by the appellate authority or other authority.

(xviii) Appeal before the Punjab Services Tribunal

- (a) As per section 19 of the PEEDA Act 2006, only civil servants can file appeal in the Punjab Service Tribunal against the order of penalty, hence, in case no decision is made by the appellate authority within 90 days, the accused may file appeal to the Punjab Service Tribunal.
- (b) As per amendment made in section 19 of the Act vide notification No.SORI(S&GAD)1-04/2011 dated 26.08.2014 (**Annex-XI**), the employees of autonomous bodies have been excluded to file appeal in the Punjab Service Tribunal against the penalty awarded by the competent authority or appellate authority. However, they have right to approach any other relevant forum for remedy.

(xix) Inquiry against retired employees

- (a) As per section 21 of the PEEDA Act 2006, a retired employee can be proceeded under PEEDA Act 2006 within one year of his retirement, provided that inquiry has already been initiated during his service under PEEDA Act 2006 and it should be finalized within two years of his retirement.
- (b) On retirement, only the penalties provided in clause (c) of subsection (1) of section 4 of the PEEDA Act 2006 can be imposed upon the accused i.e. withholding of pension, withdrawing of pension and recovery etc.
- (c) on completion of two years from the date of retirement, the proceedings under the PEEDA Act, 2006 abate and no penalty can be imposed under PEEDA Act 2006.
- (d) Penalty of withholding of increments may, as per instructions bearing No.SORI(S&GAD)1-50/2003(P-III) dated 24-02-2007 (**Annex-XII**), be imposed by the competent authority after considering all aspects of the case.
- (e) As sometimes penalty of withholding of increment is imposed when the employee is drawing pay at the maximum of his pay scale. Moreover, an employee may be at the fag

end of his career and imposition of penalty of withholding of increments may cause undue hardship and eventually it may have a bearing upon his pension case.

- (f) As per instructions bearing No.SORI(S&GAD)1-50/2003(P-III) dated 10-12-2010 (**Annex-XIII**) only one increment is earned in a calendar year, therefore, withholding of one increment may be awarded for a period of one year.
- (g) In case more than one increment is to be withheld then the same should correspond to the number of years. For example penalty of two increments may be awarded as under:

“withholding of annual increments for a period of two years.”
- (h) As per instructions bearing No.SORI(S&GAD)1-111/2005 dated 10-07-2006 (**Annex-XIV**) in order to circumvent the delays by re-nominating Inquiry or hearing officers, the competent authorities may resort to nominations of inquiry or hearing officers by designation rather than by name.
- (i) As per instructions bearing No.SORI(S&GAD)1-3/90 dated 30-07-1991 (**Annex-XV**) there is no bar for taking proceedings under the Efficiency & Disciplinary Rules against a Government servant who is also facing trial in the Court of Special Judge, Anti-Corruption. This is for the reason that the jurisdiction of the inquiry officer and that of the Anti-Corruption Judge is mutually exclusive and that result of the findings in the disciplinary proceedings and in the criminal case could be different.

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**ANNEX-I****MODEL DRAFT ORDER OF APPOINTMENT OF INQUIRY OFFICER/COMMITTEE  
TO BE SIGNED/ISSUED BY THE COMPETENT AUTHORITY UNDER SECTION 9  
READ WITH SECTION 5(1)(b) OF THE PUNJAB EMPLOYEES EFFICIENCY,  
DISCIPLINE AND ACCOUNTABILITY ACT 2006****ORDER OF INQUIRY**

WHEREAS, the undersigned as Competent Authority under the Punjab Employees Efficiency, Discipline and Accountability Act 2006 is of the opinion that there are sufficient grounds to proceed against Mr./M/s. \_\_\_\_\_ (name/names and designation of the accused) under Section 3 of the Act *ibid* on the charges (of inefficiency, misconduct, corruption and engagement in subversive activities). I, therefore, order initiation of disciplinary proceedings against the accused under the Punjab Employees Efficiency, Discipline and Accountability Act 2006.

2. AND WHEREAS, I consider that in the light of facts of the case and in the interest of justice, it is necessary to hold an inquiry. I, therefore, appoint Mr. \_\_\_\_\_ (name & designation) as inquiry officer/inquiry committee consisting of the following:

- 1) Mr. \_\_\_\_\_ (Name & Designation/Convener)
- 2) Mr. \_\_\_\_\_ (Name & Designation/Member)
- 3) Mr. \_\_\_\_\_ (Name & Designation/Member)

to proceed against the accused in terms of Section 5 read with Section 9 of the Act *ibid* and to conduct inquiry into the following charge(s):

- i. \_\_\_\_\_ (give full description of the charge)
- ii. \_\_\_\_\_ -do-
- iii. \_\_\_\_\_ -do-

3. The accused official/officials is/are directed to submit his/their written defence to the Inquiry Officer/the Inquiry Committee, within seven days of the date of receipt of this order (or within such extended period as may be determined by the Competent Authority). If he/they fail to submit his/their written defence within the prescribed period, it shall be presumed that either he/they have no defence to offer or he/they have declined to offer the same and he/they have accepted the charge(s).

4. Mr. \_\_\_\_\_ (name & designation) is appointed as Departmental Representative in terms of Section 9(1)(c) read with Section 12 of the Act *ibid*.

5. In case the accused official/officials desires/desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charge(s), he/ they may do so with prior arrangement with the undersigned or the Departmental Representative within \_\_\_\_\_ days of the receipt of this order.

6. The Inquiry Officer or Inquiry Committee shall submit his/its report and recommendations to the undersigned within sixty days of the initiation of inquiry in terms of Section 10 (6) of the Act *ibid*.

SIGNATURE OF THE COMPETENT AUTHORITY  
NAME & DESIGNATION

Note: Model is only for guidance and may be modified keeping in view the requirements of the case.

**MODEL DRAFT SHOW CAUSE-CUM-PERSONAL HEARING NOTICE  
UNDER SECTION 13 (4)**

To

\_\_\_\_\_  
(name of the accused)

Subject:SHOW CAUSE-CUM-PERSONAL HEARING NOTICE UNDER SECTION 13(4) OF THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006

WHEREAS, disciplinary proceedings were initiated against you by the undersigned /competent authority under the provisions of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, on the charge(s) of (inefficiency, misconduct, corruption and engagement in subversive activities) vide Order No. \_\_\_\_\_ dated \_\_\_\_\_.

2. AND WHEREAS, the Inquiry Officer/Committee submitted his/its inquiry report, according to which the following charge/charges have been proved against you:

Sr. No.	Charge No.	Extent to which charge proved
1.		(Fully proved or partially proved)
2.		(Fully proved or partially proved)

The inquiry Officer/Committee has recommended imposition of penalty (give details) upon you in terms of Section 4 of the Act. A copy of the inquiry report is enclosed.

3. AND WHEREAS, after perusal of the inquiry report and other relevant record, I have found no reason to differ/I have reasons to differ (give detailed reasons for differing) with the findings and recommendations of the Inquiry Officer/Committee. Hence the charge/charges leveled vide above referred order have been proved against you for which you are liable to be imposed the following penalty/penalties in terms of Section 4 of the Act ibid:

- i. \_\_\_\_\_ (specific penalty/penalties)
- ii. \_\_\_\_\_ -do-
- iii. \_\_\_\_\_ -do-

4. NOW, THEREFORE, in exercise of the powers conferred upon me as Competent Authority under Section 13(4) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, you are hereby called upon to show cause within seven days, of the receipt of this notice, as to why the above mentioned penalty/penalties may not be imposed upon you. You are also allowed to submit your additional defence in writing, if any.

5. You are also offered an opportunity of personal hearing and directed to appear before the undersigned {or before Mr. \_\_\_\_\_ Hearing Officer appointed by the competent authority (in case competent authority is Secretary to the Government of Punjab or above)} on \_\_\_\_\_ for this purpose.

SIGNATURE OF THE COMPETENT AUTHORITY  
NAME & DESIGNATION

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

**ANNEX-III**

**MODEL SHOW CAUSE NOTICE UNDER SECTION 7 (b) READ WITH SECTION 5(1)(a) OF THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006 TO BE ISSUED BY THE AUTHORITY**

SUBJECT: SHOW CAUSE NOTICE

WHEREAS, the undersigned as Competent Authority, under the Punjab Employees Efficiency, Discipline and Accountability Act 2006, in due consideration of the facts of the case is of the view that you, Mr. \_\_\_\_\_ while posted as \_\_\_\_\_ during the period from \_\_\_\_\_ to \_\_\_\_\_ have committed the following irregularities and there are sufficient grounds to proceed against you:

- i. \_\_\_\_\_ (give full description of the allegations)
- ii. \_\_\_\_\_ -do-
- iii. \_\_\_\_\_ -do-

2. AND WHEREAS, the undersigned is of the opinion that it is not necessary to hold an inquiry into the matter in view of the provisions contained in Section 5 (1)(b) of the Act *ibid*. It is, therefore, proposed to proceed against you under Section 7(b) read with Section 5(1)(a) of Punjab Employees, Efficiency, Discipline and Accountability Act 2006.

3. NOW, THEREFORE, you are hereby called upon to show cause in writing within seven days (or within such period as may be extended by the competent authority) of the receipt of this notice as to why one or more of the penalties as prescribed in Section 4 of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 should not be imposed upon you.

4. Your reply to this show cause notice should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer.

5. In case you desire to consult any record, on which the aforesaid charges are based or is relevant to the aforesaid charge(s) you may do so with prior arrangement with the undersigned within \_\_\_\_\_ days of the receipt of this notice.

SIGNATURE OF THE COMPETENT AUTHORITY  
NAME & DESIGNATION

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

**MODEL DRAFT OF PERSONAL HEARING NOTICE UNDER SECTION 7(d)  
OF THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND  
ACCOUNTABILITY ACT 2006**

To

\_\_\_\_\_ (name of the accused)

Subject:PERSONAL HEARING NOTICE UNDER SECTION 7(d).

WHEREAS, inquiry proceedings were initiated against you by the undersigned as competent authority under the Punjab Employees Efficiency, Discipline and Accountability Act 2006, on the charge(s) of (inefficiency, misconduct, corruption and engagement in subversive activities) and it was decided to dispense with the inquiry in terms of Section 5(1)(b).

2. AND WHEREAS, a show cause notice was served upon you in terms of Section 7(b) read with Section 5(1)(a) of the Act *ibid*, bearing No. \_\_\_\_\_ dated \_\_\_\_\_ to submit your written reply within \_\_\_\_\_ days.

3. AND WHEREAS, your reply to the said show cause notice has been considered and it has been determined that the following charge(s) as contained in the show cause notice has/have been proved against you:

Sr. No.	Charge No.	Extent to which charge proved
1.		(Fully proved or partially proved)
2.		(Fully proved or partially proved)

Hence, it is proposed to impose the following penalty/penalties upon you in terms of Section 4 of the Act *ibid*:

- i. \_\_\_\_\_ (specific penalty/penalties)
- ii. \_\_\_\_\_ -do-
- iii. \_\_\_\_\_ -do-

4. NOW, THEREFORE, you are offered an opportunity of personal hearing in terms of Section 7(d) of the Act and directed to appear before the undersigned {or before Mr. \_\_\_\_\_ Hearing Officer appointed by the competent authority (in case competent authority is Secretary to the Government of Punjab or above)} on \_\_\_\_\_ for this purpose.

SIGNATURE OF THE COMPETENT AUTHORITY  
NAME & DESIGNATION

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

**ANNEX-V**

No. SOR-I(S&GAD) 1-30/2003  
dated Lahore the 6<sup>th</sup> Feb 2007

**NOTIFICATION**

In exercise of the powers conferred upon him under sub-clause (ii) of clause (f) of section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, the Chief Minister is pleased to authorize the officers/authorities shown in column 4 of the following Table to exercise the powers of the competent authority under the Act ibid in relation to an employee or class of employees shown in column 2 of the Table:

**TABLE**

<b>Sr. No.</b>	<b>Employees/Class of Employees</b>	<b>Holder of the Post</b>	<b>Officer/Authority authorized to exercise powers of competent authority</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1.	Employees placed in the Surplus Pool of S&GAD	(i) In BS-1 to 4	Deputy Secretary (Personnel), Services & General Administration Department
		(ii) In BS-5 to 15	Additional Secretary (Admin), Services & General Administration Department
		(iii) In BS-16 to 18	Additional Chief Secretary, Services & General Administration Department
		(iv) In BS-19 and above	Chief Minister
2.	Retired Employee of Government	In BS-1 and above	Appointing Authority at the time of retirement
3.	Retired Employee of Corporation	In BS-1 and above	Appointing Authority at the time of retirement

**Explanation:**

“BS” in the Table means the Pay Scale sanctioned for the post and does not include Pay Scale of a person on account of officiating/current charge appointment.

No. SOR-I(S&GAD) 1-30/2003  
dated 13<sup>th</sup> February, 2013

**Notification**

In exercise of the powers conferred on him under sub-clause (ii) of clause (f) of Section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 and in supersession of this department's Notification No. SORI(S&GAD)1-30/2003, dated 24.12.2010, the Chief Minister is pleased to authorize the officers/authorities shown in column No. 4 of the following Table to exercise the powers of the Competent Authority under the Act ibid in relation to an employee or class of employees shown in column No. 2 of the Table:

**TABLE**

<b>Sr. No.</b>	<b>Employees/Class of Employees</b>	<b>Holder of the Post</b>	<b>Officer/Authority authorized to exercise powers of competent authority</b>
1.	2.	3.	4.
1.	Employee in the Government in a post, or belonging to a service, group or cadre in the Secretariat Departments controlled by the Government.	(i) Post in BS-19 and above.	Chief Minister
		(ii) in BS-16 to 18	Appointing Authority
		(iii) in BS-1 to 15	Appointing Authority in the S&GAD; and in case of other Departments of the Government, Additional Secretary (Administration) of the Department, or in his absence, Administrative Secretary of the Department.
Ψ2.	Employee in an attached department or a subordinate office of the Government or District Government.	(i) in BS-19 and above	Chief Minister
		(ii) in BS-1 to 18	Appointing Authority Provided that the Medical Superintendent of a hospital, higher in rank than the employee, may exercise the powers of the competent authority for placing under suspension

Ψ Substituted in the table, in column Nos. 1 to 4, for Sr. No.2 vide Notification No. SOR-I (S&GAD)1-30/2003 (P-II) dated 03.08.2016

			an employee in BS-1 to BS-17 time being serving in the hospital.
3.	Employee of a Corporation, Corporate Body, Autonomous Body, Statutory Body, Institution or Organization as defined in sub-clause (i) of clause (h) of section 2 of the Act ibid.	in BS-1 and above	Appointing Authority

**Explanation:**

The expression “BS” in the Table means the Pay Scale originally sanctioned for the post and does not include Pay Scale of a person on account of officiating/current charge appointment.

**ANNEX-VII**

No.SORI(S&amp;GAD)1-86/2014

Dated the 11<sup>th</sup> August 2014

Subject:COMPLETION OF DISCIPLINARY PROCEEDINGS WITHIN THE STIPULATED PERIOD.

In continuation to this Department’s letters No.SORI(S&GAD)1-70/2011 dated 17.09.2011 and No.STO(O&M-M&E)2-1/2013 (Depts) dated 30.08.2013, I am directed to state that the Chief Minister Punjab has desired that while acting in different capacities with reference to disciplinary cases under the PEEDA Act, 2006, the timeframe given in the Act ibid should be observed strictly. It has also been observed by the Chief Minister that unnecessary delay in disposal of disciplinary cases not only benefits the accused persons but at the same time it perpetuates agony of the civil servants who are ultimately declared not guilty.

2. Kind attention is invited towards section 7(c), 10(6) and 13(7) of the Act ibid which read as under:

**“Section 7(c)**

On receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not;

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case,

which may direct the competent authority to decide the case within a specified period”

**Section 10(6)**

The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:

Provided that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:

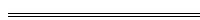
Provided further that the inquiry shall not be initiated merely on the grounds of non-observance of the time schedule for completion of inquiry:

.....”

**Section 13(7)**

After receipt of inquiry report, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of @sixty days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

3. It is, therefore, requested to ensure that enquires initiated under the PEEDA Act, 2006 in departments / offices are completed by the relevant authorities / enquiry officers within the stipulated timeframe as provided under the Act *ibid*.
4. The above instructions may be implemented in letter and spirit.



**ANNEX-VIII**

No.SORI(S&GAD)1-37/2014

Dated the 10<sup>th</sup> September 2014

**Subject: IMPROVEMENT OF QUALITY DISPOSAL OF DISCIPLINARY CASES**

I am directed to refer to the subject noted above and to state that on a summary, the Chief Minister, Punjab observed that the provisions of PEEDA Act, 2006 are not being followed properly. Hence, in number of cases the orders passed against delinquent officers / officials, by the departments in the disciplinary cases are modified by the Punjab Service Tribunal in appeals.

2. The issue was further examined and it has generally been observed that:-
  - (a) The Competent Authorities instead of holding regular enquiries as provided in Section 9 of PEEDA Act, 2006, impose the penalties upon the accused after issuing show cause notice which are

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@ The words “ninety days” substituted with words ‘sixty days’ vide notification No. PAP/Legis-2(173)/2017/1677 dated 8.11.2017.

subsequently set aside / modified either by the appellate authority or by the PST / Supreme Court of Pakistan.

- (b) Enquiry officers do not make specific recommendations to the competent authority as provided in law. They merely rely upon the pleas/defence statement of the accused instead of proper examination of the case with their independent mind.
- (c) In most of the cases, the Punjab Service Tribunal observed that the enquiry officer or the enquiry committee recommended minor penalty to the accused whereas Competent Authority awarded major penalty without assigning any reason to disagree with the recommendations of the enquiry officer / enquiry committee.
- (d) While disagreeing with the recommendations of the enquiry officer or the committee, the competent authorities did not mention in the show cause notices the penalties to be imposed upon the accused. Resultantly, the PST either modified the penalties or set aside the penalties.
- (e) The competent authorities impose the penalties upon the accused which are not commensurate with the quantum of guilt e.g., in case of absence from duty for more than one year, minor penalty of withholding of one or more increments is imposed and on the other hand in case of absence from duty for one or two months, major penalty of dismissal or removal from service is imposed.

3. It has been decided that following directions may be complied with in letter and spirit:-

- (i) Provisions of the PEEDA Act, 2006 may be followed strictly by the Competent Authorities / Inquiry officers.
- (ii) Self speaking orders may be issued with reasons to differ with the recommendations of the Enquiry Officer and detail grounds of awarding penalty by the Competent Authorities after fulfilling the necessary formalities and following the provisions of PEEDA Act 2006.
- (iii) Technical Officers who are well conversant with the works of the Technical Departments should defend the cases in the Punjab Service Tribunal / Supreme Court of Pakistan instead of leaving them to law officers who have no technical background.
- (iv) The Administrative Departments may take steps for capacity building of the officers at senior level in administrative matters either at MPDD or in their own training institutes. Training module may be arranged in consultation with the MPDD and it may be ensured that practical exercises are carried out by the officers during training after lectures.

Subject: EXTENSION IN STUDY LEAVE

I am directed to refer to the subject noted above and to state that Sections 7(f)(ii) and 13(5)(ii) of the PEEDA Act, 2006 read as under:-

7(f)(ii)

*“Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused”*

(13)(5)(ii)

*“impose any one or more of the penalties specified in section 4:*

Provided that –

- (i) Where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused”.

2. As per above provisions of law, in case charge of absence from duty for more than one year is proved, no other penalty can be imposed except the penalties of compulsory retirement or removal from service or dismissal from service.

3. It has been observed that the competent authorities grant leave to the officers for one or two years to improve their studies during service like Ph.D., M.Phil, FCPS or other postgraduate qualification either under the Study Leave Rules or EOL (without pay) for the purposes of study. However, extension in leave for study purposes is not timely decided for one or the other reasons. In such cases, the officers submit applications for extension in leave in routine and continue their studies without extension in leave. On the other hand, the authorities do not decide cases timely. Subsequently, such officers are declared absent from duty and proceeded against under PEEDA Act, 2006. They are awarded one of the major penalties provided in section 7(f)(ii) and 13(5)(ii) of PEEDA Act, 2006 i.e., compulsory retirement, removal from service or dismissal from service. Due to such situation, professional / technical manpower diminished and the degrees acquired by them are become no more useful in the public sector. Such persons, after removal from service, join private sector. The public sector suffers on that account.

4. The provisions of awarding one of the three major penalties in the case of absence from duty for more than one year were included in the PEEDA Act, 2006 to enforce the discipline and to make the officers regular and punctual in their duties. However, where the officers have been allowed leave for the study purposes, their cases for extension in leave have to be decided on merit expeditiously and on time or at the very outset of the course or programme like Ph.D is allowed to be undertaken which in no case can be completed within one or two years.

5. The Competent Authority has accordingly directed that in future all cases of extension in leave for study purposes may be decided on merit timely to avoid administrative inconvenience, undue hardship to the scholars and harm to the public interest.

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**AANNEX-X**

No.SORI(S&GAD)4-46/2013

Dated the 09<sup>th</sup> October 2013

**Subject: GUIDELINES FOR ADHERENCE TO LAW / RULES BY THE HEARING OFFICERS, DESIGNATED UNDER DISCIPLINARY LAW / RULES**

I am directed to refer to S&GAD's instructions circulated vide letter No.PS/AS(G)2-24/04 dated 20.03.2004 and No.SOEI.1-24/2007 dated 01.09.2008 on the subject noted above and to state that Sections (7(d), 13(4)(c) and 16(2)(d)(ii) of the PEEDA Act, 2006 require that an accused must be given an opportunity of personal hearing by the Authority itself or through the Hearing Officer to be designated by the Authority before the penalty is imposed upon him. The hearing officers are required to provide an opportunity of personal hearing to the accused and to record his submissions during these proceedings and submit for consideration of the Authority.

2. It has been noticed that the above mentioned instructions are not being followed properly. The Hearing Officers instead of confining themselves to place the record of hearing before the Authority, are admitting additional evidence and commenting upon the conclusions and recommendations of the Inquiry officers. It is reiterated that the Hearing Officers shall confine themselves strictly to preparation of record of personal hearing. They shall not comment upon the conclusions, findings and recommendations of the Inquiry officers since the Authority is responsible for taking a final decision on merits of the case without any influence or bias which such unauthorized comments would create.

3. The Chief Minister Punjab has desired that statutory provisions regarding conducting personal hearing under the PEEDA Act, 2006 should be followed by all in letter and spirit, since deviation therefrom causes inordinate delay and potential grounds for unending litigation.

4. The above instructions may also be communicated to all concerned authorities for strict compliance.

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**ANNEX-XI**

No.SORI (S&GAD)1-4/2011

Dated the 26<sup>th</sup> August 2014

**Subject: PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY (AMENDMENT) ACT, 2014 (ACT XV OF 2014)**

I am directed to refer to the subject noted above and to state that the Government of the Punjab has made the following amendments in the Punjab Employees Efficiency, Discipline and Accountability Act 2006, notified by the Law and Parliamentary Affairs Department vide Notification No. PAP/Legis-2(27)/2014/1089 dated 29.10.2014.

**Preamble**— whereas it is expedient further to amend the Punjab Employees Efficiency, Discipline and Accountability Act 2006( XII of 2006) for purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title, extent, commencement.** – (1) This Act may be called the Punjab Employees Efficiency, Discipline and Accountability (AMENDMENT) ACT, 2014 (ACT XV OF 2014).

(2) It shall come into force at once

2. Amendment in section 19 of Act XII of 2006.- In the Punjab Employees Efficiency and Accountability Act, 2006 (XII of 2006), for section 19 of the following shall be substituted:-

19. **Appeal before Punjab Service Tribunal.** (1) An employee, other than the employee mentioned in section 2 (h)(i), aggrieved by a final order passed under Section 16 or 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act, 1974 (IX of 1974).

(2) If the Appellate Authority or the Chief Minister does not pass any final order on the departmental appeal or the review petition filed under section 16 within a period of sixty days from the date of filing of the departmental appeal or the review petition, the aggrieved employee, not being the employee mentioned in section 2(h)(i) may prefer an appeal to the Punjab Service Tribunal within ninety days of the filing of the departmental appeal or review petition.

(3) On the exercise of the option in terms of subsection (2), the appeal or, as the case may be, the review pending before the Appellate Authority or the Chief Minister shall abate to the extent of such employee.

**ANNEX-XII**

No.SOR-I(S&GAD)1-50/2003(P-III)

Dated the 24<sup>th</sup> February, 2007

Subject: IMPOSITION OF PENALTY OF WITHHOLDING OF INCREMENTS UNDER E&D RULES, PRSO 2000 AND PEEDA 2006

I am directed to refer to the subject cited above and to state that competent authorities have been empowered to impose one or more of the penalties provided under the E&D Rules, PRSO, 2000 and Punjab Employees Efficiency, Discipline and Accountability Act 2006 (PEEDA). The competent authorities are expected to be cautious enough while exercising powers vested in them under the above-mentioned rules/laws in order to discipline the Government employees. However, it has been brought to the notice of the Government that the penalty of withholding of increments is sometimes imposed without considering all aspects of the case, especially when the employee is drawing pay at the maximum of his pay scale. In such situation, the penalty of withholding of increments cannot be enforced. Moreover, the penalty of withholding of increments remains effective for specific period and thereafter the withheld increments are restored. An employee may be at the fog end of his career and imposition of penalty of withholding of increments may cause undue hardship and eventually it may have a bearing upon his pension case. The competent authorities should, therefore, foresee that

such a penalty expires well before the date of retirement/superannuation to save the employee from recurring loss.

2. In view of the above, I am directed to request that the penalty of withholding of increments may be imposed by the competent authorities after considering all aspects of the case.

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**ANNEX-XIII**

No.SOR-I(S&GAD)1-50/2003(P-III)

Dated the 10<sup>th</sup> December 2010

**Subject: CLARIFICATION REGARDING IMPOSITION OF PENALTIES UNDER THE PROVISIONS OF PEEDA ACT 2006**

Kindly refer to the subject noted above.

2. It has been brought to the notice of the Chief Secretary, Punjab that penalty of withholding of increment/increments is neither being recommended by the Enquiry Officers (EOs) nor awarded by the competent authorities as provided under section 4(a)(ii) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006. Some of the enquiry officers recommend award of penalty of withholding of 2/3 increments for a period of one year. It is worth mentioning that only one increment is earned in a calendar year. Therefore, withholding of one increment may be awarded for a period of one year. In case more than one increments are to be withheld then the same should correspond to the number of years. For example penalty of two increments may be awarded as under:

“withholding of annual increments for a period of two years.”

3. In view of the above, competent authorities are requested to award minor penalty of withholding of increment or increments strictly as provided under section 4(a)(ii) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006.

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**ANNEX-XIV**

No.SOR-I(S&GAD) 1-111/2005

Dated the 10<sup>th</sup> July 2006

**Subject: APPOINTMENT OF INQUIRY/HEARING OFFICERS BY DESIGNATION INSTEAD OF BY NAME.**

I am directed to refer to the subject noted above and to state that Section 5(1) and Section 8 of Punjab Removal from Service (Special Powers) Ordinance, 2000 governed the appointment of Inquiry Officer/Hearing Officer by the Competent Authorities, as mentioned hereunder:-

- i. Section 5(1) If the competent authority considers that an inquiry is necessary it shall, before passing an order under section 3, appoint an Inquiry Officer who, or Inquiry Committee whose convener, shall be of a rank senior to that of the accused or if there are more than one accused, senior to all accused, to scrutinize the conduct of a person in Government service or a person in Corporation service who is alleged to have committed

any of the acts or omissions specified in section 3. In case two or more accused are to be proceeded against jointly, the competent authority for the accused senior most in rank shall be the competent authority in respect of all such accused for holding the inquiry jointly.”

- ii. Section 8 “Every finding recorded by the Inquiry Officer or Inquiry Committee under section 5 shall, with the recommendations provided for in that section, be submitted to the competent authority and the competent authority may pass such orders thereon as it may deem proper in accordance with the provisions of this Ordinance:

Provided that the Competent Authority, before passing any order under this section, shall, either itself or through any other officer senior in rank to the accused person, afford such person an opportunity of personal hearing:”

2. Both the above provisions of the law are however, silent about the appointment of Inquiry/Hearing Officers by name or by designation. It has been observed that the Inquiry/Hearing Officers are often nominated by name instead of by designation. Resultantly, when an Inquiry Officer or Hearing Officer nominated by name ceases to hold his office as a result of his retirement, termination from service, transfer or death, the inquiry proceedings are considerably delayed.

3. It has, therefore, been decided that in order to circumvent the delays by re-nominating Inquiry/Hearing Officers, the Competent Authorities may resort to nominations of Inquiry/Hearing Officers by designation rather than by name.

4. I am, therefore, further directed to request that the above decision of the Government may strictly be followed by the Competent Authorities in letter and spirit, while appointing Inquiry/Hearing Officers under the relevant provisions of the PRSO, 2000.

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**ANNEX-XV**

No.SOR-I(S&GAD) 1-3/90  
Dated the 30<sup>th</sup> July 1991

Subject: **CONDUCTING OF SIMULTANEOUS INQUIRES**

I am directed to refer to the subject noted above and to say that the instructions issued vide this Department’s letter No.SORI(S&GAD)1-3/90 dated 25.06.1990 are hereby withdrawn.

2. It is now clarified in consultation with the Law & Parliamentary Affairs Department that there is no bar for initiating proceedings under the E&D Rules against a Government servant who is also facing trial in the court of Special Judge, Anti-Corruption. This is for the reason that the jurisdiction of the Inquiry Officer and that of the ante-Corruption Judge is mutually exclusive and result of the findings in the disciplinary proceedings and in the criminal case could be different.

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**ANNEX-XVI**

No. SOR.I(S&GAD)4-23/2020  
Dated the 16<sup>th</sup> October, 2020

Subject: **INSTRUCTIONS REGARDING TIMELY DISPOSAL OF INQUIRIES UNDER PEEDA ACT, 2006.**

Kindly refer to the subject cited above.

2. It has been noted with great concern that disciplinary proceedings under the Punjab Employees Efficiency, Discipline, and Accountability Act, 2006 are not being completed timely. Inquiry Officers / Committees are bound to submit their reports within sixty days of the initiation of inquiry under Section 10 of the Act *ibid*. In case, the inquiry cannot be completed within sixty (60) days, Section 10 *ibid* requires the Inquiry Officer / Committee to seek extension for specific period from the Competent Authority.

3. Notwithstanding, the express provision of law cited above, inordinate delays are generally observed in disposal of disciplinary cases. Owing to such delays, the accused in a number of cases either retire from service or die pending inquiries. Instructions have been issued from time to time for timely disposal of disciplinary cases; however, such instructions are not being adhered to in letter and spirit. The Chief Minister has taken serious notice of inordinate delay in a disciplinary case wherein the accused officer expired before completion of disciplinary proceedings against him. Dead persons cannot be proceeded against as they cannot defend themselves. As such inquiry proceedings against them stand abated. Reliance is placed on 2010 PLC (CS) 559, 2011 PLC (CS) 1527, PLD 2011 Quetta 40 & 2013 SCMR 392.

4. Foregoing in view, it is requested to ensure that inquiries under the PEEDA Act 2006 initiated in your department are completed by Inquiry Officers / Committees within sixty days. If they are unable to complete the inquiry within sixty days on account of unavoidable circumstances, they shall seek extension for specific period from the Competent Authority. Other than such extension that may be granted only by assigning reasons, any delay in completion of inquiries shall be treated as inefficiency on the part of Inquiry Officers / Committees.

5. These instructions may be implemented in letter and spirit.

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**ANNEX-XVII**

No.SORI(S&GAD) 1-24/2022

Dated the 14<sup>th</sup> April, 2022

Subject: **INITIATING DISCIPLINARY PROCEEDINGS AFTER FRAMING PROPER CHARGES STRICTLY AS PER PROVISIONS OF THE PEEDA ACT, 2006.**

Kindly refer to the subject cited above.

2. On a summary initiated by the Primary & Secondary Healthcare Department, the Chief Minister has noted with concern that disciplinary cases are not generally processed in accordance with provisions of the PEEDA Act 2006. He has observed that charges levelled against the accused are not corroborated with substance or evidence, and that apportionment of responsibility is not made properly. Such half-hearted conduct of inquiries results in exoneration of accused. In this way considerable time and resources go waste and no meaningful purpose is served and the objective of

accountability is compromised. The Chief Minister has, therefore, desired that comprehensive instructions may be formulated for effective conduct of disciplinary proceedings under the PEEDA Act 2006.

3. Accordingly, following instructions are issued for strict compliance in true letter and spirit by all the concerned:-

- a. Disciplinary proceedings may be initiated after certifying the grounds for proceeding. Incriminating evidence may be gathered so that no inquiry is initiated on frivolous charges or unspecified evidence.
- b. Charges should contain all necessary details and be specific so that the need does not arise for remanding the cases to concerned authorities for reframing the charges. Therefore, the inquiry order must include complete charges with responsibilities properly apportioned in case of joint inquiries.
- c. During the inquiry proceeding, the record of the case and list of witnesses, if any, shall be communicated to the Inquiry Officer or the Inquiry Committee, as the case may be, alongwith the order of inquiry.
- d. The relevant authorities may supervise and monitor the proceeding of departmental inquiries in order to ensure that inquiries are conducted in consonance with the provisions of the PEEDA Act 2006.
- e. In order to improve the understanding of the PEEDA Act 2006, the departments/relevant authorities may make the capacity building of their officers to let them know the practical application of the PEEDA Act.

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No.SORI(S&GAD) 1-31/2023

Dated the 5<sup>th</sup> September, 2023

**Subject: DISCIPLINARY PROCEEDINGS AGAINST CIVIL SERVANTS ON ACCOUNT OF UNAUTHORIZED ABSENCE FROM DUTY – IMPLEMENTATION OF LAW IN LETTER AND SPIRIT**

In continuation of instructions issued by the Regulations Wing of S&GAD vide circular letter No.SORI-1-25/2001, dated 10.07.2003 and SORI(S&GAD)1-25/2001, dated 09.09.2013, I am directed to state that proviso (ii) of clause (f) of section 7 of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (hereinafter referred to be as the “Act”) clearly provides that where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused, hence ousting imposition of any penalty other than the penalty of compulsory retirement or removal or dismissal from service.

2. However, authorities, in most cases, fail to adhere to the implementation of the aforesaid explicit provision of the Act and, in the garb of leniency, long absence period is dealt with minor penalties and various instances are available on record where proved absence of more than one year has been condoned and accused are either exonerated or awarded minor penalties. Such disposal of extended period of absence is not only against the provision of law but also violates principle of good governance.

3. The Chief Minister has taken serious notice of non-observance of provision of the Act which clearly entails that no leniency can be extended where charge of absence from duty for a period of more than one year is proved against the accused.
4. The Chief Minister is therefore pleased to direct that cases of willful absence from duty shall be decided strictly in accordance with relevant provisions of the Act and in case of any violation, responsibility shall be fixed on the delinquents.
5. All Administrative Departments are directed to ensure strict compliance of the above instructions in letter and spirit.
6. This issues with the approval of the Chief Minister.

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