



**A
GUIDEBOOK**

FOR

**DEPARTMENTAL INQUIRIES UNDER
THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE)
RULES, 1999**

Services and General Administration Department

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INTRODUCTION

Rules of 1975

The Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 were framed under the Punjab Civil Servants Act, 1974 to regulate departmental action against civil servants of the Punjab for lapses/irregularities amounting to inefficiency and misconduct committed by them in the performance of their duties. The inordinate delay in finalization of the enquiries under those rules, however, remained a matter of concern for the Government. Every effort in the form of monitoring proved of little help to solve the chronic problem of delay in finalization of disciplinary proceedings.

The very title of the rules implicit sought to promote efficiency in the public service and to inculcate discipline in the state functionaries. The retarded pace of enquiries frustrates these objectives. It has been noticed that delay in the finalization of departmental inquiries generally occurred due to the following reasons:

- I. Inadequacy of the relevant information and material made available to “Authority” and delay in the appointment of “Authorized Officer” and the “Inquiry Officer”;
- II. Delay in framing the charge sheet and statement of allegations/list of witness and record to be produced;
- 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 desired;
- VI. Ignorance of the “Authorized Officers” and “Inquiry Officers” about the rules and regulations governing the departmental inquiries and other procedural matters and transgression of one into the domain of the other;
- VII. Failure of the “Authorized Officer” or the “Inquiry Officer” to ensure that all the rules and regulations are followed strictly in letter and spirit;
- VIII. Delay in furnishing of requisite advice from the S&GAD or the Law Department/Finance Department;
- IX. Improper production of the prosecution evidence before the Inquiry Officer on behalf of the Government by the departmental representatives;
- X. 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;
- XI. Resultant effects of leaving the legal or procedural lacunae in the departmental enquiries necessitating de novo proceedings thereby prolonging enquiries for months and years on end.
- XII. Ultimate reversal of the effects of disciplinary actions through Court Orders on account of legal and procedural lapses in the conduct of departmental proceedings.

Rules of 1999

The Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 have been framed to eliminate, as far as possible, chances of delay by removing bottlenecks. The usefulness of these rules will depend upon those who have to apply them after understanding the contents and procedures laid down thereunder. Procedural lapses causing miscarriage of justice to the accused lead to vitiation of proceedings resulting in not only unnecessary waste of time and effort, but also indiscipline and low morale amongst the personnel. This guidebook has been prepared with the objective to improve the understanding of rules and to facilitate task of the functionaries under these rules. Besides complete and up-to-date text of the Efficiency and Discipline Rule, 1999, it contains step-wise chronological detail of the procedure of departmental inquiry along with model drafts of charge sheet and essential notices or orders required to be issued at different stages. 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. It must also be clearly understood that this guidebook is not a substitute for the substantive laws/rules which should invariably be studied at every stage of the proceedings. This guidebook is intended merely to be an aid to better understanding of the rules.

Natural Justice

It hardly needs to be pointed out that many administrative orders have been quashed by the superior courts on the sole ground that they violated the principle of natural justice, although the orders in any way, did not contravene any of the statutory provisions. The concept of natural justice has meant many things but now, with the judicial pronouncements by superior courts of various countries, the term “natural justice” has attained a definite meaning; most important of these are:

- a) Audi Alteram Partem i.e., no body can be condemned unheard.
- b) Nemo Judex in cause sua potest i.e., no one can be a judge in his own cause.
- c) Action should not be mala fide.
- d) The party must in good time know the precise case he has to meet.

The procedures prescribed for various stages of action under these rules aim at observing the principles of natural justice. These principles are deeply associated with the proceedings undertaken by the departmental authorities and should be taken care of while deciding cases under the PCS (E&D) Rules, 1999.

Salient features of Rules 1999

Salient features of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 in comparison with the repealed rules are as under:

- a) The forum of “Authorized Officer” has been eliminated. His role has been bifurcated and assigned to the “authority” and “enquiry officer/enquiry committee”.
- b) The charge sheet will be issued by the “enquiry officer/enquiry committee”.

- c) The Enquiry Officer/Enquiry Committee has been vested with the power to impose minor penalty/penalties.
- d) The authority, if it so decides, will straightaway appoint enquiry officer/enquiry committee while ordering initiation of disciplinary proceedings.
- e) The statement of allegations has been dispensed with.
- f) The Anti-Corruption Establishment or the department/office at whose instance the proceedings under the Efficiency and Discipline Rules are to be initiated will be required to submit draft charge sheet, etc., to the authority while suggesting such initiation.
- g) Right of representation has been given to the accused against whom summary proceedings under Rule 6(3) of the Efficiency and Discipline Rules are ordered to be initiated.
- h) The enquiry officer/enquiry committee shall, within 10 days of conclusion of the proceedings, determine whether the charge has been proved. If it is proposed to impose a minor penalty, the enquiry officer or the enquiry committee, as the case may be, shall, after affording the accused an opportunity of showing cause against the action proposed to be taken against him, pass order accordingly and inform the authority of the action taken by it and send the whole record of the case. The authority, if dissatisfied with the quantum of the punishment awarded to the accused, may, within 30 days of the receipt of the case. Order initiation of de-novo enquiry or it may enhance the penalty after affording the accused a chance of being heard in person.
- i) If it is proposed to impose a major penalty, the enquiry officer or enquiry committee shall, after affording the accused an opportunity to offer explanation against its recommendations for imposition of major penalty, forward the case to the authority along with the charge sheet served on the accused, explanation of the accused, the findings of the inquiry officer or the inquiry committee as the case may be. The authority may order initiation of a de novo inquiry by passing a speaking order.
- j) The role of Departmental Representative has been introduced for the first time. The authority, while sending the record to the inquiry officer/inquiry committee, shall appoint a suitable officer to act as departmental representative to assist the enquiry officer/enquiry committee. The departmental representative shall be responsible for the following:-
- k) He shall assist the enquiry officer or the enquiry committee as the case may be on each day of hearing, as may be fixed by the enquiry officer or the enquiry committee.
- l) He shall render all other assistance to the enquiry officer/enquiry committee during the inquiry proceedings against the accused.
- m) He shall cross-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile.
- n) Departmental enquiry proceedings or action under Efficiency and Discipline Rules, 1975, if any, pending immediately before the commencement of the Efficiency and Discipline Rules, 1999, shall be finalized in accordance with the provisions of Punjab Civil Servants (Efficiency and Discipline) Rules, 1975.
- o) Similarly, functionaries under different delegations of Power Rules of respective departments shall continue to perform their function as such

as far as pending cases are concerned as provided in this department's notification No. SOR-IV(S&GAD)13-2/99 dated 27.05.1999.

Besides explanation of the procedure of departmental inquiries at **Annexure-I and II**, it appears necessary to elaborate some points, which generally arise in the minds of the functionaries handling departmental inquiries. These points, dealt with below under appropriate headings, are not exhaustive. Other points, if any, shall have to be taken care of in individual cases.

Applicability of Efficiency and Discipline Rules

The Punjab Civil Servants (Efficiency and Discipline) Rules 1999 apply to serving civil servants of Punjab Government whose terms and conditions of service are governed by the Punjab Civil Servants Act, 1974 and the rules framed thereunder. These do not apply to:

- i. Employees of Federal Government or other provincial Governments or Autonomous/Semi-Autonomous bodies on deputation to Punjab Government.
- ii. Persons employed on contract or on work-charge basis or paid from contingencies.
- iii. Persons who are "workers", or "workmen", as defined in the Factories Act, 1934 or the Workmen's Compensation Act, 1923.

Disciplinary action against such persons has to be taken in accordance with the laws/ rules applicable to them.

Authorities under the Efficiency and Discipline Rules

There are two functionaries under the Efficiency and Discipline Rules which occupy pivotal position in the process of departmental inquiries. These are-

- i) Authority.
- ii) Inquiry officer/Inquiry Committee.

Inquiry Officer is appointed by the Authority and he has to be senior in rank to the accused.

Similarly, in cases of appointment of an Inquiry Committee which is to consist of two or more persons, who or one of whom has to be of a rank senior to that of the accused. If there are more than one accused, the Inquiry Officer, or the convener of the Inquiry Committee should be senior to all the accused.

Initiation of action and timeframe for completion of inquiries

Action is treated to have been initiated on the date the authority decides to proceed against a civil servant under the rules. In the cases where formal inquiry is conducted through an inquiry officer or inquiry committee, the Authority has to ensure that the entire proceedings are completed within a period of 90 days from the date of issue of directions by him to the Enquiry Officer/Enquiry Committee to proceed against the accused.

In the cases where summary procedure under Rule 6(3) is adopted, the proceedings must be finalized by the authority within a period of 45 days from the date of service of show cause notice.

Charge sheet

- i) The process of enquiry starts from the charge sheet.
- ii) The charge sheet should be specific and should set out all necessary particulars. Since the “statement of allegations” provided for in the previous rules has been dispensed with, the charge sheet will, therefore, be required to provide all necessary charge-wise details.

Rules of procedure for the Inquiry Officer

- 1) No party to any proceedings is to be allowed to be represented by a lawyer.
- 2) Where any witness is produced by one party, the other party must be allowed to cross-examine that witness.
- 3) If the accused fails to submit his explanation within the period prescribed in the charge sheet the inquiry officer/inquiry committee shall proceed with the inquiry and hear the case on day-to-day basis.
- 4) No adjournment can be given except for reasons to be recorded in writing.
- 5) Every adjournment has to be reported to the authority and normally no adjournment shall be of more than a week.
- 6) If the inquiry officer/inquiry committee finds that the accused is hampering the proceedings it should administer a warning and if even that is disregarded, the inquiry should be completed in such manner as the inquiry officer/inquiry committee may think best in the interest of justice.
- 7) Absence from the inquiry on medical grounds. Unless medical leave is applied and is sanctioned on the recommendations of the Medical Board, absence from the enquiry proceedings shall be considered tantamount to hampering the progress of inquiry. The authority is, however, empowered to sanction medical leave up to 7 days without recommendations of the Medical Board.
- 8) In conducting an enquiry, the enquiry officer/committee exercises judicial or quasi-judicial functions. The enquiry officer/enquiry committee must act in a judicial spirit and manner in conformity to well recognized principles of natural justice without fear, favour or bias.
- 9) The enquiry officer/enquiry committee should not refuse to summon and examine the witnesses enlisted by the accused. All witnesses should be examined in the presence of the parties, enabling one party to cross-examine the witnesses of the other.

Task Force

In order to check delays in the completion of enquiries, Chief Minister has constituted a Task Force at the provincial level. Its constitution, role and responsibilities are contained at **Annexure-VIII** in this manual. All administrative

departments and their subordinate offices shall extend maximum cooperation to the Task Force in the accomplishment of its chartered functions.

Placed at the succeeding pages are:

- i) Punjab Civil Servants Efficiency and Discipline Rules, 1999 (**Annexure-I**).
- ii) Step-wise chronological detail of the procedure of departmental inquiries in the cases where formal inquiry has to be conducted (**Annexure-II**).
- iii) Step-wise chronological detail of the procedure of departmental inquiries in the cases where formal inquiry is not considered necessary (**Annexure-III**).
- iv) Draft order of appointment of Inquiry Officer or Inquiry Committee by the Authority (**Annexure-IV**).
- v) Draft Model charge sheet (**Annexure-V**).
- vi) Draft Show Cause Notice under Rule 6(3) of the rules (**Annexure-VI**).
- vii) Draft notice for personal hearing by the authority under Rule 10 (**Annexure-VII**).

**GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT**

NOTIFICATION

Dated Lahore, the 21st June, 1999

No. SORI(S&GAD)1-61/98 – In exercise of the powers conferred upon him by section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules, namely:

**THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1999**

CHAPTER I – PRELIMINARY

1. **Short title, commencement and application** — (1) These Rules may be called The Punjab Civil Servants (Efficiency and Discipline) Rules, 1999.

(2) They shall come into force at once and apply to all civil servants except members of such services and holders of such posts, as may be specified by Government.

2. **Definitions** – (1) In these rules, unless the context otherwise requires–

- (a) "accused" means a civil servant against whom action is taken under these rules;
- (b) "authority" means the government or an officer or authority designated by it to exercise the powers of the authority under these rules;
- (c) "Enquiry Officer" means an officer appointed by the authority to perform the functions of an Enquiry Officer under these rules;
- (d) "Enquiry Committee" means a group of officers (headed by a convener) appointed by the authority to perform the functions of Enquiry Committee under these rules;
- (e) "misconduct" means conduct prejudicial to good order or service discipline or contrary to the Punjab Government Servants (Conduct) Rules, 1966 or conduct unbecoming of an officer and a gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any government officer in respect of any matter relating to the

appointment, promotion, transfer, punishment, retirement or other conditions of service of a civil servant; and

- (f) "Penalty" means a penalty which may be imposed under these rules.

(2) In case two or more civil servants are to be proceeded against jointly, the authority for the civil servant senior-most in rank, shall be the authority in respect of all such accused.

(3) Subject to these rules, the various authorities empowered to award major penalties under the various Delegation of Powers Rules shall, in respect of the civil servants for whom they are authorities under the said rules exercise the powers of "the authority" under these rules.

(4) Words and expressions used but not defined shall bear the same meanings as they bear in the Punjab Civil Servants Act, 1974.

(5) Save in cases where the government is to act as "the authority" and notwithstanding anything to the contrary contained in rule 2, where 'the authority would personally be interested in the result of the proceedings under these rules, it shall not proceed with the case and shall report the matter to the appellate authority to which the orders passed by 'the authority' are ordinarily appealable and such appellate authority shall appoint and authorize another officer of the corresponding rank and status to act as the 'authority'.

CHAPTER II – PENALTIES

3. **Grounds for penalty** – A civil servant, who, –
- (a) is inefficient or has ceased to be efficient; or
 - (b) is guilty of misconduct; or
 - (c) is corrupt, or may reasonably be considered corrupt because :
 - (i) he is, or any of his dependents or any other person through him or on his behalf, is in possession of pecuniary resources or of property disproportionate to his known sources of income, which he cannot reasonably account for; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - (iii) he has a persistent reputation of being corrupt; or
 - (d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is, prejudicial to national security;

shall be liable to be proceeded against under these rules and one or more of the penalties hereinafter mentioned may be imposed on him.

4. **Penalties** – (1) The following are the penalties namely –
- (a) **Minor Penalties:**
 - (i) censure;
 - (ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
 - (b) **Major Penalties:**
 - (i) reduction to a lower post or pay-scale or to a lower stage in a pay-scale;
 - (ii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;
 - (iii) compulsory retirement;
 - (iv) removal from service; and
 - (v) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this rule, removal or dismissal from service does not include the discharge of a civil servant –

- (a) Appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
- (c) engaged under a contract, in accordance with the terms of the contract.

CHAPTER III – INQUIRY AND IMPOSITION OF PENALTIES

5. **Initiation of proceedings** – (1) If, on the basis of its own knowledge or information placed before it, or where the Anti-Corruption Establishment has, under Rule 15 (1) (b) of the Punjab Anti-Corruption Establishment Rules, 1985, recommended departmental action the authority is of the opinion that there are sufficient grounds for action against the accused, it shall either proceed itself or direct the inquiry officer/inquiry committee to proceed against the said accused.

(2) In case the proceedings are to be initiated at the instance of a department/office or the Anti-Corruption Establishment, the draft charge sheet, list of witnesses, and other relevant material shall be sent to the authority before initiation of proceedings.

6. **Procedure to be observed by the authority** – (1) In a case where a civil servant is accused of subversion, corruption or misconduct, he may be placed under suspension by the authority or he may be required by the authority to proceed on leave; provided that the continuation of the suspension or grant of any extension in leave shall require the prior approval of the authority after every 3 months.

(2) The authority, in the light of the facts of the case, shall decide, whether in the interest of justice an inquiry is necessary.

(3) If the authority decides that it is not necessary to have an inquiry conducted against the accused, it shall:

- a) inform the accused forthwith by an order, in writing, of the action proposed to be taken in regard to him and the grounds of the action; and
- b) give him a reasonable opportunity of showing cause against that action within a period of 14 days from the date of receipt of order under clause (a);
- c) the accused may make a representation to the authority against the summary procedure adopted against him, within seven days of the receipt of the orders. In case the representation is preferred, the authority shall decide the same within seven days and communicate decision to the accused. In case of rejection of the representation, the accused shall be given seven days to show cause against the proposed action.

provided that no such opportunity as is referred to in clauses (b) & (c) shall be given where, in the interest of the security of Pakistan or any part thereof, it is not expedient to do so, the authority may proceed with the case but before denying the opportunity, the authority shall obtain prior approval of the Government, where the authority is not itself the Government.

(4) Within 7 days of the receipt of the explanation, if any, of the accused, the authority shall determine whether the charges have been proved. If it is proposed to impose any of the penalties mentioned in rule 4, the authority shall, after affording the accused an opportunity of personal hearing against the proposed action, pass orders accordingly.

(5) If under sub rule (2) or (3) (c) the authority considers that an inquiry is necessary it shall appoint an inquiry officer who or an 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 the accused.

(6) Where an inquiry officer or an inquiry committee is appointed under sub rule 5, the authority shall communicate necessary record to the inquiry officer or the inquiry committee enabling the inquiry officer or the inquiry committee to frame a charge and communicate it to the accused along with the list of witnesses/documents, if any, to be taken into consideration and require the accused, within a reasonable time which shall not be less than 7 days or more than 14 days from the day, the charge has been communicated to him, to put in a written defence before the inquiry officer or the inquiry committee, as the case may be.

(7) The authority while sending the record appoint a suitable officer to act as a departmental representative to assist the inquiry officer. The departmental representative shall be responsible for the following:

- (i) He shall assist the Enquiry Officer or the Enquiry Committee as the case may be on each day of hearing, as may be fixed by the inquiry officer or the inquiry committee, as the case may be. He shall be personally present fully prepared, with all the relevant material on which the Charge Sheet is based.
- (ii) He shall render all other assistance to the inquiry officer/inquiry committee during the inquiry proceedings against the accused.
- (iii) He shall cross-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile, if so permitted by the inquiry officer/inquiry committee.

7. Procedure to be observed by the inquiry officer or inquiry committee – (1) On receipt of the explanation of the accused or on the expiry of the stipulated period if there is no defence reply 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 defence 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 that witness.

(2) If the accused fails to furnish his explanation within the period specified, the Inquiry Officer or the Inquiry Committee, as the case may be, shall proceed with the inquiry.

(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. However, every adjournment, with reasons therefore, shall be reported forthwith to the authority. Normally, no adjournment shall be for more than a week.

(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 of the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) 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. Where, in view of the serious condition of the accused, it may not be possible for him to appear before the Medical Board, the Board shall examine him at his residence of which complete address must always be given in the leave application and at which he must be available:

Provided that the authority may, in its discretion, sanction medical leave up to seven days without the recommendation of the Medical Board.

(6) The Inquiry Officer or the Inquiry Committee, as the case may be, shall complete the inquiry proceedings within a period of sixty days, commencing from the last date of submission of the written defence by the accused or within such further period as may be allowed by the authority.

(7) (a) The Inquiry Officer/Inquiry Committee shall, within 10 days of the conclusion of the proceedings, in terms of sub rule 6, determine whether the charge has been proved. If it is proposed to impose a minor penalty, the inquiry officer or the inquiry committee, as the case may be, shall, after affording the accused an opportunity of showing cause against the action proposed to be taken against him, pass order accordingly and inform the authority of the action taken by it and send the whole record of the case. The authority, if dissatisfied, with the quantum of the punishment, awarded to the accused, may within 30 days of the receipt of the case, order initiation of de novo inquiry or it may enhance the penalty after affording the accused a chance of being heard in person. If no order is passed within the stipulated period, the minor penalty awarded by the inquiry officer/inquiry committee, as the case may be, shall attain finality.

(b) If it is proposed to impose a major penalty, the enquiry officer or the inquiry committee shall, after affording the accused an opportunity to offer explanation against its recommendations for imposition of major penalty, forward the case to the authority along with the charge sheet, served on the accused, explanation of the accused, the findings of the inquiry officer or inquiry committee, with its recommendations regarding the penalty to be imposed.

(c) In case it is proposed to drop the proceedings, the inquiry officer or the inquiry committee shall, submit the case to the authority. The authority may, within a period of 15 days, either accept the recommendations of the inquiry officer or the inquiry committee, as the case may be, or it may order initiation of a de novo inquiry by passing a speaking order.

♦(d) In case of joint inquiry if the Enquiry Officer reaches the conclusion to impose minor penalty/penalties on one or more of the accused and recommends imposition of major penalty/penalties in respect of the other(s) accused or to drop the proceedings against any of the accused, he shall send the whole case to the authority for taking a final decision.

8. **Appearance of Counsel** – No party to any proceeding under these rules, before the authority, an inquiry officer, an inquiry committee or appellate authority shall be represented by a lawyer.

9. **Expeditious disposal of proceedings** – (1) In a case where the authority decides not to have an inquiry conducted against the accused, the proceedings must be finalized by him within a period of forty-five days.

(2) In a case where the authority has appointed an Inquiry Officer or Inquiry Committee, the Inquiry Officer/Inquiry Committee should ensure that the entire proceedings are completed within a period of ninety days from the date of receipt of direction under rule 5 and shall submit a report thereof to the authority.

(3) Where inquiry proceedings are not completed by the inquiry officer or the inquiry committee, as the case may be, within the prescribed period the Inquiry Officer or the Inquiry Committee, as the case may be, shall report the position of the inquiry to the authority intimating the reasons why the inquiry could not be completed within that period and the approximate further time that is likely to be taken in the completion of the inquiry.

(4) The authority on receipt of report under sub rules (2) and (3), shall pass such orders for expeditious finalization of the proceedings as it may deem fit.

10. **In the case of any proceedings the record of which has been reported** for orders under sub rule 7(b) of rule 7, the authority may pass such orders as it deems fit but before imposing a major penalty, the authority shall afford the accused an opportunity of being heard in person either before himself or before an officer senior in rank to the accused designated for the purpose, after taking into consideration the record of such personal hearing prepared by the officer so designated.

Provided that where the authority is satisfied that inquiry proceedings have not been conducted in accordance with these rules or facts and merits of the case have been ignored, it may order initiation of de novo

♦Added vide Notification No.SORI(S&GAD)1-61/98 dated 15th September, 2000.

inquiry through a speaking order by giving the reasons thereof within a period of 14 days.

11. **Certain rules not to apply in certain cases** – (1) Where a civil servant is convicted of an offence involving moral turpitude which has led to a sentence of fine or imprisonment, he may, after being given a show cause notice, be dismissed, removed from service or reduced in rank without following the procedure laid down in rules 5, 6, 7 & 10.

(2) Where the authority is satisfied, that for reasons to be recorded in writing, it is not reasonably practicable to give the accused civil servant an opportunity of showing cause it may impose any of the penalties under these rules without following the procedure laid down in rules 5, 6, 7 & 10.

(3) Notwithstanding the other provisions of these rules where the government or authority is satisfied that one or more civil servants, individually or collectively, have taken part in agitational and subversive activities, resorted to strike, abandoned their official duty or incited others to do so, the government or the authority may after serving upon them a notice through a publication in a daily newspaper or in any other manner, asking them to resume duty, and on their failure or refusal to resume their duty impose upon the defaulting civil servant the penalty of dismissal or removal from service without following the procedure as laid down in rules 5, 6, 7 & 10.

12. **Procedure of inquiry against officers lent to other governments, etc.** – (1) Where the services of a civil servant to whom these rules apply are lent to any other government or to a local or other authority, in these rules referred to as the borrowing authority, the borrowing authority shall have the powers of authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in these rules referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.

Provided further that the borrowing authority shall obtain prior approval of the Government of the Punjab before taking any action under these rules against a civil servant holding a post in Basic Pay Scale 17 or above.

(2) If, in the light of the findings in the proceedings taken against a civil servant in terms of sub-rule (1) above, the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and there-upon the lending authority shall take action as prescribed in these rules.

(3) Notwithstanding anything to the contrary contained in sub-rule (1) and (2) government may, in respect of certain civil servants or categories

of civil servants, authorize the borrowing authority to exercise all the powers of authority under these rules.

13. Power to order Medical Examination as to mental or bodily infirmity – (1) Where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority may, at any stage, whether or not an authority has been directed to proceed against him, require the civil servant to undergo a medical examination by a Medical Board or a Medical Superintendent as the authority may direct, and the report of the Board or the Medical Superintendent shall form part of the proceedings.

(2) If a civil servant refuses to undergo such an examination, his refusal may, subject to the consideration, of such grounds as he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result of the examination would prove unfavorable to him.

14. Powers of Inquiry Officer and Inquiry Committee – (1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:

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

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

CHAPTER IV – APPEALS, REVISIONS, ETC.

15. **Appeal against Penalty** – Any civil servant on whom a penalty has been imposed under these rules, except where the penalty has been imposed by the government, may within 30 days from the date of the communication of the order, appeal to such authority as may be prescribed:

Provided that if the appellate authority is satisfied that there is sufficient ground for extending the time it may entertain the appeal at any time.

16. **Petition of appeal** – Every appeal preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the order appealed from, and shall not contain disrespectful or improper language and shall be filed with the authority or the inquiry officer who, as the case may be, passed the original orders. The authority or the inquiry officer, receiving the appeal, shall forward the same along with the comments within a fortnight, to the appellate authority.

17. **Determination of appeal** – (1) The appellate authority shall cause notice to be given to the appellant and the authority or the inquiry officer imposing penalty, of the time and place at which such appeal will be heard. The appellate authority shall send for the record of the case, if such record is not already with it. After perusing such record and hearing the appellant, if he appears, and the representative of the punishing authority, if he appears, the appellate authority may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may–

- (a) reverse the finding and acquit the accused; or
- (b) order and direct that further or fresh inquiry be made; or
- (c) alter the finding maintaining the penalty or with or without altering the finding, reduce the penalty; or
- (d) subject to the provisions of sub-rule (2), enhance the penalty.

Provided that where the Governor or the Chief Minister is the appellate authority, he may, in his discretion, designate any officer, except the one against whose orders the appeal has been preferred, for the purpose of affording the appellant an opportunity of being heard in person and submit the case to the Governor or Chief Minister for final determination of the appeal.

(2) Where the appellate authority proposes to enhance the penalty, it shall–

- (i) by order, in writing, inform the accused of the action proposed to be taken and the grounds of the action; and
- (ii) give him a reasonable opportunity to show cause against that action.

(3) In dealing with an appeal, the appellate authority, if it thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by the authority and when such evidence has been taken the appellate authority shall thereupon proceed to dispose of the appeal.

18. Review and not appeal in certain cases – (1) Where the original order has been passed by the government, no appeal shall lie, and instead, a review petition shall lie to the government and the government may, in its discretion, exercise any of the powers conferred on the appellate authority:

Provided that it shall not be necessary for the government to afford the accused an opportunity to be heard in person except where the government proposes to increase the penalty, in which case he shall, by order in writing, inform the accused of the action proposed to be taken and the grounds of the action and give him a reasonable opportunity to show cause against that action.

♦(2) Where the original order imposing penalty upon a member of the subordinate judiciary, who is or has been working under the administrative control of the Lahore High Court, Lahore, has been passed by the High Court, no appeal shall lie and instead a review petition shall lie to the High Court.

19. No second appeal except in certain cases – (1) No appeal shall lie against any order made by the appellate authority except in case the appellate authority enhances the penalty.

(2) In every case, in which the appellate authority enhances the penalty imposed by the authority or the inquiry officer, the accused may, within 30 days of the communication of the orders, appeal to the authority next higher thereto :

Provided, that if the second appellate authority is satisfied that there is sufficient ground for extending the time, it may entertain the appeal at any time.

(3) The appeal shall be filed in the manner indicated in rule 16 and the second appellate authority shall determine the appeal in the manner provided for the first appellate authority and may exercise any of the powers conferred on the first appellate authority.

20. Revision – (1) The government may call for and examine the record of any proceeding before any authority for the purpose of satisfying as to the correctness, legality or propriety of any finding, penalty or order recorded or passed and as to the regularity of any proceeding of such authority.

(2) On examining any record under this rule, the government may direct the authority to make further inquiry into the charges of which the

♦Added vide Notification No.SORI(S&GAD)1-61/98 (PT-I) dated 15th August, 2002.

accused has been acquitted and discharged, and may, in its discretion, exercise any of the powers conferred on an appellate authority:

Provided any order under this rule made prejudicial to the accused shall not be passed unless he has been given an opportunity to show cause against the proposed action:

Provided further that an order imposing punishment or exonerating the accused shall not be revised suo moto or otherwise after the lapse of a period of one year from the date of its communication to the accused except in case where appeal is preferred against the punishment.

(3) No proceeding by way of revision shall be entertained at the instance of the accused who has a right of appeal under these rules and has not brought the appeal.

CHAPTER V – REPEAL

21. **Repeal** – (1) The Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, in their application to the civil servants to whom these rules apply, are hereby repealed.

(2) Notwithstanding the repeal of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, hereinafter referred to in this sub-rule as the said rules-

- (a) Subject to the provisions of Chapter IV of these rules, any departmental inquiry or proceedings pending immediately before the coming into force of these rules, shall be completed and orders passed thereon as if the said rules had not been repealed; and
- (b) any notification or instructions issued thereunder so far as they are not inconsistent with these rules, shall be deemed to have been issued under these rules.

(3) Any person or authority, or the successor of the same, authorized to exercise powers by virtue of a delegation made by the government from time to time subsisting immediately before the commencement of these rules, shall, to the extent of the powers delegated and so far as is not inconsistent with these rules, be deemed to be an authority designated under these rules.

Annexure II

**PROCEDURE FOR DEPARTMENTAL PROCEEDINGS UNDER
EFFICIENCY AND DISCIPLINE RULES, 1999 IN CASES WHERE FORMAL
ENQUIRY IS ORDERED**

Step No. 1: Initiation of proceedings. (Order by the Authority)

The authority shall proceed itself or direct the enquiry officer/enquiry committee, as the case may be, to proceed against a civil servant in respect of whom it stands designated as authority:

- a) If, on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant.
- b) If the Anti-Corruption Establishment has decided to take departmental action against a civil servant and the authority is of the opinion that there are sufficient grounds for action against the accused, it shall proceed itself or direct the enquiry officer or enquiry committee to proceed against the said accused. The authority, irrespective of the decision of Anti-Corruption Establishment, should apply its own mind.

Note: Normally “authority” should have been designated as such under the relevant delegation of powers rules or by special order of the Government in respect of all posts under any department/office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such.

Step No. 2: Suspension of the accused or sending him on forced leave.

If the civil servant is accused of subversion, corruption or misconduct, the authority may suspend him or allow him to proceed on leave for an initial period of three months.

Note: Continuation of suspension or extension of leave, if intended, must be approved by the authority before expiry of every three months except where the accused has been arrested and is confined to prison. Suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No. 3: The authority, in the light of the facts of the case, shall decide whether in the interest of justice an inquiry is necessary.

Step No. 4: Action in cases where formal enquiry is considered necessary.

The authority shall:

- a) Appoint an Enquiry Officer who or Enquiry 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 the accused.

- b) Communicate necessary record to the Enquiry Officer or Enquiry Committee, and simultaneously appoint a suitable officer to act as a departmental representative to assist the enquiry officer/enquiry committee.

Step No. 5: Procedure to be observed by Enquiry Officer or Enquiry Committee.

In addition to the procedure outlined in Rule 7, the Enquiry Officer or Enquiry Committee should take care of the following:

- (a) The proceedings must be conducted on day to day basis and should be arranged as far as possible at or near the place of residence of defence witnesses.
- (b) In case the accused officer attempts to hamper the proceedings by delaying tactics the Inquiry Officer must take recourse to procedure prescribed in Rule 7(4) and 7 (5).
- (c) The Inquiry Officer or Inquiry Committee shall complete the proceedings within a period of 60 days, from the date of receipt of direction from the authority.

Step No. 6: Action after conclusion of enquiry proceedings.

The Enquiry Officer/Enquiry Committee shall within 10 days of the conclusion of the proceedings, determine whether charge has been proved.

Step No. 7: Action where charge stands proved.

If all or any of the charges stand proved the Enquiry Officer/Enquiry Committee, as the case may be, shall, if it is proposed to impose a minor penalty, pass order accordingly after affording the accused an opportunity of showing cause against the action proposed to be taken against him and inform the authority of the action taken by it and send the whole record of the case to him. If it is proposed to impose a major penalty, the Enquiry Officer or the Enquiry Committee shall, after affording the accused to offer his explanation against its recommendations for imposition of major penalty, forward the case along with the charge sheet, served on the accused, explanation of the accused, findings of the Enquiry Officer or the Enquiry Committee with its recommendations regarding the penalty to be imposed.

Step No. 8: Action where charge is not proved.

In case it is proposed to drop the proceedings, the Enquiry Officer or the Enquiry Committee, shall submit the case to the authority.

Step No. 9: Finalization of enquiry proceedings by the authority.

- a) Where minor penalty has been awarded.

The authority, if dissatisfied with the quantum of punishment awarded to the accused by the Enquiry Officer/Enquiry Committee in terms of rules 7 (7) (a), it may within 30 days of the receipt of the case, order initiation of de novo enquiry or it may enhance the penalty after affording the accused a chance of being heard in person.

Note: If no order is passed by the authority within the stipulated period, the minor penalty awarded by the Enquiry Officer/Enquiry Committee shall attain finality.

b) Where major penalty is involved.

On receipt of the recommendations for award of major penalty from the Enquiry Officer/Enquiry Committee the authority shall give the accused an opportunity of personal hearing against the proposed action either before itself or an officer senior in rank to the accused and pass such orders as it may deem fit regarding the imposition of major penalty.

**PROCEDURE FOR DEPARTMENTAL PROCEEDING UNDER
EFFICIENCY AND DISCIPLINE RULES, 1999 IN CASES WHERE FORMAL
ENQUIRY IS NOT ORDERED**

Step No. 1: Initiation of proceedings.

The authority shall order initiation of proceedings:

- a) If on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant;
- or
- b) Where the Anti-Corruption Establishment has decided to take departmental action against a civil servant; and the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant, it shall order initiation of proceedings under the E&D Rules, 1999.

Note: Normally “authority” should have been designated as such under the relevant delegation of powers rules or special order of the Government in respect of all posts under any department/office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such.

Step No. 2: Suspension of the accused or sending him on forced leave.

If the civil servant is accused of subversion, corruption or misconduct, the authority may suspend him or allow him to proceed on leave for an initial period of three months.

Note: Continuation of suspension or extension of leave, if intended, must be approved by the authority before expiry of three months except where the accused has been arrested and is confined to prison, suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No. 3: Decision whether enquiry is necessary.

The authority, in the light of the facts of the case, shall decide whether in the interest of justice an inquiry is necessary.

Step No. 4: Action in cases where formal enquiry is not considered necessary.

The authority shall:

- a) inform the accused forthwith by an order, in writing, of the action proposed to be taken in regard to him and the grounds of the action; and

- b) give him a reasonable opportunity of showing cause against that action within a period of 14 days from the date of receipt of order under clause (a) ;
- c) The accused may make a representation to the authority against summary procedure adopted against him, within seven days of the receipt of the orders. In case the representation is preferred, the authority shall decide the same within seven days and communicate decision to the accused. In case of rejection of the representation, the accused shall be given seven days to show cause against the proposed action.

Provided that no such opportunity as is referred to in clause (b) and (c), shall be given where, in the interest of the security of Pakistan or any part thereof, it is not expedient to do so, the authority may proceed with the case but before denying the opportunity, the authority shall obtain prior approval of the Government, where the authority is not itself the Government.

Step No. 5: Action after receipt of reply of accused.

Within 7 days of the receipt of the explanation, if any, of the accused, the authority shall determine whether the charge stand proved. If it is proposed to impose any of the penalties mentioned in Rule 4, the authority shall, after affording the accused an opportunity of personal hearing against the proposed action, pass order accordingly.

**MODEL DRAFT ORDER (TO BE ISSUED BY THE AUTHORITY)
APPOINTING THE ENQUIRY OFFICER**

ORDER

Whereas the undersigned having been designated as Authority in terms of rule 2 (1) (b) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999, is of the opinion that there are sufficient grounds to proceed against _____

_____ (full name and designation of the accused)

on the charges of misconduct, inefficiency and corruption, I hereby order initiation of action under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 against the accused.

Whereas on due consideration of the facts of the case, I have decided that an enquiry is necessary in the interest of justice.

Now, therefore, I hereby appoint _____ as enquiry officer/enquiry committee consisting of:

1. _____ (Convener)
2. _____ (Member)
3. _____ (Member)

to proceed against the said civil servant in terms of sub rule 5 of rule 6 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 read with rule 7 of the rule *ibid*. I also appoint Mr. _____ Designation _____ to act as departmental representative in terms of sub rule 7 of rule 6 to assist the enquiry officer.

Necessary record of the case pertaining to the enquiry in terms of rule 6 (6) is being sent to the E.O. through the department representative.

(_____)
AUTHORITY

Caution:

- i. The model charge sheet is meant to be served in cases where the Authority considers an enquiry, through the inquiry officer/enquiry committee is necessary.
- ii. The model charge sheet is designed to furnish essential guidelines only and it may be suitably amended, altered or added to keeping in view the circumstances of each case. The words, expressions or part not applicable may be carefully deleted. For example, an accused is not always required to be charged of all the components at a, b, c and d of para 2 of the model charge sheet. The relevant may be retained and others deleted.
- iii. Each case has to be examined in its own perspective with due care and charge sheet is not to be used mechanically. The underlying idea, in circulating it, is simply to provide general guidance.
- iv. It needs hardly be added that these caution notes are not to form part of the contents of the charge sheet meant to be actually served.

MODEL CHARGE SHEET

I, (name and full designation of the E.O.) _____
_____ having been appointed as enquiry officer or convener of the Enquiry
Committee by the Authority against you, to proceed against you, hereby charge sheet
you Mr. _____ (full designation of the
accused) as under:-

That while posted as _____
_____ you committed the following irregularities;

- i) _____
- ii) _____

2. By reasons of the above you appear to be:

- a) inefficient within the meaning of rule 3 (a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and or
- b) guilty of misconduct within the meaning of rule 2 (1) (e) and 3 (b) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and or
- c) corrupt or can reasonably be considered corrupt within the meaning of rule 3 (C) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and or
- d) engaged or are reasonably suspected of being engaged in subversive activities, or are reasonably suspected of being associated with others engaged in subversive activities or are guilty of disclosure of official secrets to unauthorized person(s) and your retention in service is, therefore, considered prejudicial to the national security within the meaning of rule 3 (d) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999,

and as such, are liable to disciplinary action under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999, which may include imposition of one or more of the penalties prescribed by rule 4 of the said rules.

3. You are hereby required to submit your written defence within _____ days of the receipt of this charge sheet, as to why disciplinary action as aforesaid may not be taken against you.

4. Your written defence should reach the undersigned within the aforesaid period along with a list of defence witnesses you may wish to produce in support of your defence. In case of your failure to do so, it shall be presumed that either you have no defence to offer or you have declined to offer the same, and you accept the charges.

5. In case you desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the undersigned within 7 days of the receipt of this charge sheet.

Dated: _____ Officer _____
Designation

Enquiry Officer/Convener of the Enquiry Committee

The days allowed are to be not less than seven (7) and not more than fourteen (14) from the day the charge sheet is served.

**MODEL SHOW CAUSE NOTICE UNDER RULE 6 (3)
OF THE EFFICIENCY AND DISCIPLINE RULES, 1999
TO BE ISSUED BY THE AUTHORITY**

Whereas the undersigned, as Authority, under Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 in due consideration of the facts that you, Mr. _____

While posted as _____ committed the following irregularities and there are sufficient grounds to proceed against you.

- i) _____
- ii) _____
- _____

And whereas the undersigned has decided that it is not necessary to have an enquiry conducted in proof thereof and whereas it is proposed to proceed against you under sub rule (3) of Rule 6 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999.

Now, therefore, you are hereby called upon to show cause in writing within _____ days of the receipt of this communication as to why one or more of the penalties as prescribed in Rule 4 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 should not be imposed upon you.

Your explanation (in duplicate) should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer, and do not wish to be heard in person.

In case you may desire to consult any record, on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the undersigned within 7 days of the receipt of this notice.

(_____)
AUTHORITY

**MODEL DRAFT OF NOTICE OF PERSONAL HEARING, UNDER RULE 10
OF THE PUNJAB CIVIL SERVANTS (E&D) RULES, 1999**

Memo

To

(give here full name & designation and address of the accused civil servant).

**Subject: PERSONAL HEARING UNDER RULE 10 OF THE PCS (E&D)
RULES, 1999**

On the basis of the enquiry conducted against you, the undersigned has determined that the following charges (give here full designation) stand proved against you:-

1) _____

2) _____

3) _____

(give here the brief description of the charges proved).

A copy of the enquiry report is enclosed. It is proposed to impose on you the penalty of _____ (state here the proposed penalty).

You are hereby offered the opportunity of personal hearing before Mr. _____

For this purpose you are hereby advised in your own interest, to appear before the aforesaid officer on _____.

(_____)
AUTHORITY

**GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
Dated Lahore the 15th June, 1999**

NOTIFICATION

NO. SORI(S&GAD)1-60/99. The Chief Minister, Punjab, is pleased to constitute the following Task Force for ensuring finalization of enquiries within the prescribed time limits:

- | | | |
|----|--|----------------------|
| 1. | Mr. Asif Ali Malik, MPA | Convener |
| 2. | Mr. Zahoor-ul-Haq Shaikh Member Secretary Planning & Development Board, Punjab | |
| 3. | Secretary (Imp. & Coord.) Member Government of the Punjab, S&GAD | |
| 4. | Secretary (Regulations), Government of the Punjab, S&GAD | Member/ Secretary |

The role and responsibilities of the Task Force shall be as follows:

- i) Guiding, monitoring and judging the progress of enquiries;
- ii) Ensuring the finalization of enquiries within the stipulated time limits;
- iii) Accounting for the reasons of delay to be recorded in writing by the enquiry officers/enquiry committees and the authorities, as the case may be;
- iv) Counseling and guiding the relevant authorities and others concerned to facilitate the process at every stage.

2. For the accomplishment of its assignments, the Task Force may hold periodical review meetings at divisional headquarters depending upon the number of reported pending cases. The relevant authorities and enquiry officers/enquiry committees stationed at divisional headquarters related with the pending enquiries in the divisions shall fully cooperate with the Task Force. The monitoring Cell of the S&GAD (O&M Wing) shall act as secretariat of the Task Force.

ANCILLARY INSTRUCTIONS

**THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE)
RULES, 1999**

NO.SORI(S&GAD)1-61/98-P.I
Dated Lahore the 22nd December, 1999

Subject: PROCEEDINGS UNDER THE PUNJAB CIVIL SERVANTS (E&D) RULES, 1999 – MEDICAL EXAMINATION AS TO MENTAL OR BODILY INFIRMITY OF A CIVIL SERVANT

I am directed to refer to the subject noted above and to say that according to the provisions of rule 13 of Punjab Civil Servants (E&D) Rules, 1999, where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority may, at any stage, require the civil servant to undergo a medical examination by a Medical Board or a Medical Superintendent, as the authority may direct. The report/certificate of the Board or the Medical Superintendent, as the case may be, shall form a part of such proceedings under the rules *ibid*.

2. It is clarified that such a medical certificate/report in itself does not furnish a foundation for dispensing with the procedure laid down in rule-6 and 7 of the rules *ibid*. The course of action laid down in the said rules may appropriately be followed before the proceedings are taken to their logical conclusion.

No.SORI(S&GAD)1-61/98 (Prov1)
Dated Lahore the 7th March, 2000

Subject: ENFORCEMENT OF PENALTY OF REDUCTION TO A LOWER POST IN THE CASE OF DIRECTLY RECRUITED CIVIL SERVANTS

I am directed to refer to the subject noted above and state that a question has arisen as to whether the penalty of “reduction to a lower post” under E&D Rules could be imposed on a civil servant who has been appointed by initial recruitment to that post or not.

2. It is clarified, in consultation with the Law & P.A. Department, that the Punjab Service Tribunal, in a case titled “Malik Muhammad Shafi and 3 others Vs. Government of the Punjab and others” reported in 1985 PLC(CS)548 has held that a penalty of reduction to a lower post cannot be imposed on the accused civil servant who has been appointed to the post, occupied by him at the time of imposition of penalty, by initial recruitment. Such a penalty could, however, be imposed on the accused civil servant who is holding a higher post by promotion.

3. I am further directed to request you that the contents of this letter may be brought to the notice of all concerned for compliance.

Subject: IMPLEMENTATION OF THE ORDERS PASSED BY THE AUTHORITIES UNDER E&D RULES/PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000

I am directed to refer to the subject noted above and to state that a Department of the Government of the Punjab raised a question as to whether the penalty imposed by the competent authority under E&D Rules, 1999 and Punjab Removal from Service (Special Powers) Ordinance, 2000, can be withheld for implementation pending decision of appeal of the appellate authority. This question has been raised on the presumption that if the order is implemented immediately without waiting for the final fate of the appeal, etc. apparently there is no point/justification for making provision of appeal in the statute.

2. The question has been examined in detail by the Regulation Wing of S&GAD. The orders passed by the competent authorities under E&D Rules/PRSO 2000, become operative/effective with effect from the date of issuance and no one is competent to stay/withhold the implementation of these orders. The appellate authorities under rule 17 of the E&D Rules, 1999 and Section 9 (2) of the Punjab Removal from Service (Special Powers) Ordinance, 2000, are competent to confirm/set aside/vary or modify the order in respect of which such representation or review petition has been filed in accordance with these laws.

3. I am, therefore, directed to request that orders of the competent authorities passed under E&D Rules/PRSO, 2000 should immediately be implemented without waiting for lapse of appeal period and fate of appeals/review/revision, etc. under E&D proceedings
