



No.SORI(S&GAD)4-46/2013
GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT (REGULATIONS WING)

Dated Lahore, the 17th September, 2015

To

All the Administrative Secretaries,
Government of the Punjab

**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.SOEI.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 the 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.

17/9/15
S.D. P.S.T.

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 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 connection 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.

CHIEF SECRETARY

NO. & DATE EVEN

A copy is forwarded for information and necessary action to:-

1. Secretary to Governor, Punjab.
2. Secretary to Chief Minister, Punjab.
3. All Addl. Secretaries, Deputy Secretaries and Section Officers in the S&GAD.
4. PS to Chief Secretary / Additional Chief Secretary / Secretary (Services / I&C / Regulations / Archives), S&GAD.


(SYED ASHIQ HUSSAIN SHAH)
Deputy Secretary (Regulations), S&GAD