

## **GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2018.**

In exercise of the powers conferred by section 25(1) of the Civil Servants Act, 1973 (Act No. LXXI of 1973) read with SRO No. 120(1)/1998 dated 27.02.1998 the Prime Minister is pleased to make the following rules, namely:-

**1. Short title, commencement and application.-** (1) These rules may be called the Government Servants (Efficiency and Discipline) Rules, 2018.

(2) They shall come into force at once and shall apply to every government servant.

**2. Definitions.-** (1) In these rules unless there is anything repugnant in the subject or context otherwise requires,-

(i) "Act" means Civil Servants Act, 1973 (Act No. LXXI of 1973);

(ii) "Accused" means a person who is an employee and against whom action is initiated under these rules;

(iii) "Authority" means the appointing authority as prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

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

Provided further that "Authority" under whose order disciplinary proceedings were initiated shall continue to perform the functions of the "Authority" till conclusion of the proceedings.

(iv) "Appellate Authority" means the authority as defined in Civil Servants(Appeal) Rules, 1977.

(v) "Charges" means allegations framed against the accused relating to the acts of omission or commission cognizable under these Rules.

(vi) "Government" means Federal Government.

(vii) "Hearing officer" means an officer, senior in rank to the accused, appointed by Authority to afford an opportunity of personal hearing to the accused on behalf of the Authority concerned;

(viii) "Inefficiency" means failure to-

(a) efficiently perform functions assigned to a person on whom these Rules apply in the discharge of his duties, or

(b) qualify the prescribed departmental examination as may be prescribed or

(c) attend the mandatory training/courses prescribed for promotion.

- (ix) "Inquiry Committee" means a committee consisting of two or more officers, headed by a convener, as may be appointed by the authority under these Rules.
  - (x) "Inquiry Officer" means an officer appointed by the authority under these Rules;
  - (xi) "misconduct" means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct) Rules, 1964.
  - (xii) "Penalty" means a penalty as prescribed under these Rules.
  - (xiii) "Rules" means Rules made under the Civil Servants Act, 1973 (Act No. LXXI of 1973) or under any other legislative instrument.
- (2) Words and expression used but not defined in these Rules shall have the same meanings as are assigned to them in the Civil Servants Act, 1973 (Act No. LXXI of 1973) and Rules made thereunder or any other legal instrument, statutory order for the time being in force.

**3. Grounds for proceeding/penalty.-**Where a Government servant, in the opinion of the Authority-

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because-
  - (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
  - (ii) he has assumed a style of living beyond his ostensible means;
  - (iii) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices, voluntarily or
  - (iv) is an NRO beneficiary under National Reconciliation Ordinance 2007.
- (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, the authority may initiate proceedings under these Rules and/or may impose upon him one or more penalties.

**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 for a specific period, subject to a maximum of three years;  
Provided that the penalty of withholding of increment shall not be imposed upon a government servant who has reached the maximum of his pay scale or is going to be superannuated within a period of penalty;
- iii) fine not exceeding basic pay of one month;
- iv) reduction to a lower stage or stages in pay scale for a specific period subject to a maximum of three stages; and
- v) withholding of promotion for a specific period, subject to a maximum of three years, otherwise than for unfitness for promotion in accordance with the rules or orders pertaining to the service or post.

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 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 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 three years;  
Provided that the penalty shall not be imposed upon the accused who is likely to be superannuated within the period of penalty.
- (iii) forfeiture of past regular service for a specific period subject to a maximum of three years;
- (iv) compulsory retirement;

Provided that the penalty shall not be imposed upon the accused appointed on adhoc basis; or a person having less than ten years qualifying service.

- (v) Removal from service; and
- (vi) dismissal from service

In this rule removal or dismissal from service does not include the discharge of a person:-

- (a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
  - (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
  - (c) engaged under a contract in accordance with the terms of the contract.
- (2) the penalty of removal does not but dismissal from service under these Rules shall disqualify the government servant to future employment of any kind under the Government.
- (3) any penalty under these Rules shall not absolve a government servant 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. Suspension.-** (1) The authority may place any government servant under suspension or send him on leave, against whom action is proposed to be initiated, for a period not exceeding one hundred and twenty days at one time extendable by the authority for such period as it may deem appropriate or till conclusion of the proceeding, if in the opinion of the authority, suspension or sending him on leave is necessary or expedient. If the period of suspension or leave is not extended on the expiry of initial period of suspension or leave, the government servant shall be deemed to be re-instated.

Provided that a government servant who has been charged for a criminal offence and is committed to prison shall be considered as under suspension from the date of his arrest without the formal approval of authority. In case such a government servant is not arrested or is released on bail the authority may suspend him by specific order.

Provided further that where the authority is President or Prime Minister, powers of the authority under this clause shall be exercised by the Secretary Establishment Division.

- (2) During suspension period the government servant shall be entitled to the payments under Fundamental Rule-53.

**6. Initiation of proceedings.-** Proceedings against the Government servant, in case where the Authority decides that it is not necessary to hold an inquiry shall be deemed to have been initiated from the date the accused is informed by an order in writing of the grounds of proceedings against him and where the Authority decides to hold an inquiry against the accused from the date of such order.

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

(a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, duly approved by the Authority alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him including major penalty of dismissal from service

(b) give him a reasonable opportunity of showing cause against the proposed action, which should not be less than seven days or more than fourteen days of receipt of the order or within such an extended period, as the authority may allow;

(c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, on the basis of available record or facts of the case, as the case may be, 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 or in case where no reply is received the authority shall decide the case within a period of thirty days,

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

Provided further in case the authority is transferred from the office or post from where he was acting as authority he shall continue to perform the functions of authority till conclusion of the proceedings.

(d) afford an opportunity of personal hearing, before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him;

(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 Rule 4, by an order in writing, if the charge or charges are proved against the accused:

**8. Provision of record.-** After initiation of order of inquiry the Authority is required to ensure that relevant record of the case and other related documents should be supplied to the Inquiry Officer within seven days or within such an extended period which the Authority may allow.

**9. Procedure to be followed by authority where inquiry is necessary.—** (1) If the authority decides that it is necessary to hold an inquiry against the accused, it shall pass an order of inquiry in writing. The inquiry order shall include-

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the 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 proceedings, clearly specifying the charges within a period of 14 days from the date of initiation of proceedings 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 reasonable time which shall not be less than seven days and more than fourteen days or within such an extended period as the authority may decide on date of receipt of orders.

(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.

(3) In a case where preliminary or fact finding inquiry was conducted, and the authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary inquiry.

(4) In case where the Inquiry Officer or any of the members of the Inquiry committee is required to be replaced for one reason or the other, the authority shall appoint another Inquiry Officer or the Inquiry Committee as the case may be.

**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 charges 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, 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 on day to day basis 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) Statements of witnesses shall be recorded in the presence of accused and departmental representative(s).

(5) 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.

(6) 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 recommendations of a registered authorized Medical Officer; provided that the authority may, in its discretion, sanction medical leave up to fifteen days without such recommendations.

(7) The inquiry officer or the inquiry committee, as the case may be, shall complete the inquiry within 60 (sixty) days or within such an extended period which the authority may allow and shall submit his or its report, to the authority within seven days of the date of completion of inquiry:

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

**11. Powers of the inquiry officer or inquiry committee.—(1)** For the purpose of an inquiry under these Rules, the inquiry officer or the inquiry committee, as the case may be shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No. 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, and receiving evidence on affidavits; and

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

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of Sections 193 and 228, of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

**12. Proceedings during judicial custody.-** If the government servant is in judicial custody for one reason or the other, in the interest of justice, equity and fair

play, the proceedings against him shall be deferred till his bail or acquittal.

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**13. Proceedings during Training.- (1)** In case where a government servant who has been nominated for training is required to be proceeded and he has not yet joined the training institute, his nomination shall be withdrawn forthwith by the nominating authority under intimation to the concerned training institute

(2) In case where a government servant has already joined the training but a period of thirty days has not passed, the nominating authority may decide as to whether the nomination of such government servant may be withdrawn or otherwise and after lapse of thirty days such government servant shall be allowed to complete his training and the proceedings against him may be deferred till completion of the training.

(3) No government servant shall be denied training on account of ongoing proceedings for a period of more than one year.

**14. 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, 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 the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and

(c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

**15. Order to be passed on receipt of report from the inquiry officer or inquiry committee.—(1)** On receipt of report from the inquiry officer or inquiry committee, as the case may be, the authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

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

(3) Where the authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules 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 authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee.



(4) The authority may also require the inquiry officer or inquiry committee to explain as to why the inquiry has not been conducted in accordance with these Rules, or as to why the facts or merits of the case have been ignored and on the receipt of reply, may determine if the omission or commission by the Inquiry Officer or Inquiry Committee is not in good faith and there are grounds to proceed against the inquiry officer or inquiry committee, as the case may be, under these Rules.

(5) Where the charge or charges have not been proved, the authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(6) Where the charge or charges have been proved against the accused, the authority shall issue a show cause notice to the accused alongwith copy of inquiry report by which it shall-

(a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;

(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 rule 4 including the penalty of dismissal from service may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fourteen days from the day the charge or charges have been communicated to him by affording him an opportunity of personal hearing;

Provided that the accused shall in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;

(c) Direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(7) after duly considering the reply of the accused to the show cause notice and affording personal hearing to the accused as appropriate the 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 defense offered by the accused if requested by an order in writing-

(i) exonerate the accused if charges had not been proved; or

(ii) impose any one or more of the penalties specified in rule 4 if charges have been proved.

(8) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the authority shall decide the case within a period of 30 (thirty) days,

(9) If the case is not decided by the authority within the prescribed period of 30 days, the accused may submit an application before the appellate authority for early

decision of his case, which may direct the authority to decide the case within a specified period.

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**16. Personal hearing.-** Notwithstanding the proviso to rule 15(6)(b) the authority may, by an order in writing, call the accused and the departmental representative, alongwith relevant record of the case, to appear before him, or before an officer senior in rank to the accused appointed by the authority for personal hearing on the fixed date and time.

**17. Procedure of inquiry against Government Servant lent to other governments or organizations etc.—(1)** Where the services of Government Servant to whom these rules apply is 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 substantive post held by such Government Servant in his parent department shall;-

- (a) ask the relevant organization for immediate repatriation and relieving of the government servant;
- (b) ask the relevant organization, if different from his parent organization, to frame charges against the government servant and forward the same to his lending/parent department;
- (c) initiate proceedings against him under these rules:

**18. Departmental appeal and review.—(1)** An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:

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

(2) The authority empowered under sub-rule (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, within sixty days 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 increase or reduce the penalty.

(3) An appeal or review petition 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 impugned order in a proper and temperate language.

**19. Appearance of counsel.—**No party to any proceedings under these rules at any stage of the proceedings before the appellate authority, authority, inquiry officer

or any inquiry committee as the case may be, shall be represented by an advocate/Counsel.

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**20. Appeal before Federal Service Tribunal.—(1)** Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under Rule 18 may, within thirty days from the date of communication of the order, prefer an appeal to the Federal Service Tribunal established under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under Rule 18 is not communicated within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the Federal Service Tribunal within a period of thirty days of the expiry of the aforementioned period of sixty days, where after, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

**21. Exception.—** Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively and willfully stop work, due to strike, willfully absent themselves from duty or abandon their official work, the authority in respect of senior most accused may serve upon them through newspapers or any other mean, such notice as may be deemed appropriate to resume duty immediately or within such time as specified and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the penalties prescribed in these rules.

**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 these rules or the instructions or directions made or issued thereunder.

**23. Repeal.--(1)** The Government Servants (Efficiency & Discipline) Rules, 1973, in their application to the Government Servants to whom these Rules apply are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered thereunder.

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under the repealed Rules.

**24. Removal of difficulties.--** If any difficulty arises in giving effect to any of the provisions of this rule, Establishment Division may make such order not inconsistent with the provisions of this rule as may appear to necessary for the purpose of removing the difficulty.

**DRAFT**  
**RULES**

**COMPARATIVE**  
**STATEMENT**

**COMPARATIVE STATEMENT OF EXISTING PROVISIONS OF GOVERNMENT SERVANTS(EFFICIENCY AND DISCIPLINE) RULES, 1973 AND REVISED VERSION**

Existing provisions of Government servants(Efficiency & Discipline) Rules, 1973	Revised version of draft Government Servants(Efficiency & Discipline) Rules, 2018
<p>In exercise of the powers conferred by section 25 of the Civil Servants Ordinance, 1973 (No.XIV of 1973), the President is pleased to make the following rules, namely: -</p> <p>1. <b>Short title, commencement and application.</b> -(1) These rules may be called the Government Servants (Efficiency and Discipline) Rules, 1973.</p> <p>(2) They shall come into force at once and shall apply to every civil servant.</p>	<p><b>1. Short title, commencement and application.-</b> (1) These rules may be called the Government Servants (Efficiency and Discipline) Rules, 2018.</p> <p>2. They shall come into force at once and shall apply to every government servant.</p>
<p><b>2. Definitions.-</b> In these rules unless the context otherwise requires,-</p> <p>(1) “<i>accuse</i>” means a Government servant against whom action is taken under these rules;</p> <p>(2) “<i>authority</i>” means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.</p> <p>Provided that in the case of disciplinary proceedings already initiated against a Government servant before 14<sup>th</sup> June, 2000, the powers of “<i>authority</i>” shall be exercised by the officer designated as such before the aforesaid date.</p> <p>(3) “<i>authorised officer</i>” means an officer authorised by the authority to perform functions of an authorised officer under these rules or, if no officer is so authorised, the authority;</p> <p>(4) “<i>misconduct</i>” means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct) Rules, 1964 or unbecoming of an officer and, a gentlemen and includes any act on the part of a</p>	<p><b>2. Definitions.-</b> (1) In these rules unless there is anything repugnant in the subject or context otherwise requires,-</p> <p>(i) "Act" means Civil Servants Act, 1973 (Act No. LXXI of 1973);</p> <p>(ii) "Accused" means a person who is an employee and against whom action is initiated under these rules;</p> <p>(iii) "Authority" means the appointing authority as prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.</p> <p>Provided that where two or more employees are to be proceeded against jointly, the authority in relation to senior most employee in rank shall be the authority in respect of all the accused.</p>

Government servant to bring for attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Government servant; and

(5) "*Penalty*" means a penalty which may be imposed under these rules.

Provided further that "Authority" under whose order disciplinary proceedings were initiated shall continue to perform the functions of the "Authority" till conclusion of the proceedings.

- (iv) "Appellate Authority" means the authority as defined in Civil Servants(Appeal) Rules, 1977.
- (v) "Charges" means allegations framed against the accused relating to the acts of omission or commission cognizable under these Rules.
- (vi) "Government" means Federal Government.
- (vii) "Hearing officer" means an officer, senior in rank to the accused, appointed by Authority to afford an opportunity of personal hearing to the accused on behalf of the Authority concerned;
- (viii) "Inefficiency" means failure to-
  - (a) efficiently perform functions assigned to a person on whom these Rules apply in the discharge of his duties, or
  - (b) qualify the prescribed departmental examination as may be prescribed or
  - (c) attend the mandatory training/courses prescribed for promotion.
- (ix) "Inquiry Committee" means a committee consisting of two or more officers, headed by a convener, as may be appointed by the authority under these Rules.
- (x) "Inquiry Officer" means an officer appointed by the authority under these Rules;

- (xi) "misconduct" means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct) Rules, 1964.
- (xii) "Penalty" means a penalty as prescribed under these Rules.
- (xiii) "Rules" means Rules made under the Civil Servants Act, 1973(Act No. LXXI of 1973) or under any other legislative instrument.

(2) Words and expression used but not defined in these Rules shall have the same meanings as are assigned to them in the Civil Servants Act, 1973 (Act No. LXXI of 1973) and Rules made thereunder or any other legal instrument, statutory order for the time being in force.

**3. Grounds for penalty.**-Where a Government servant, in the opinion of the authority-

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

**3. Grounds for proceeding/penalty.**-Where a Government servant, in the opinion of the Authority-

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because-
  - (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
  - (ii) he has assumed a style of living beyond his ostensible means;
- (ii) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or

<p>security, the authority may impose on him one or more penalties.</p>	<p>corrupt practices, voluntarily or</p> <p>(iii) is an NRO beneficiary under National Reconciliation Ordinance 2007.</p> <p>(d) is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, the authority may initiate proceedings under these Rules and/or may impose upon him one or more penalties.</p>
<p><b>4. Penalties.</b>-(1) The following are the minor and major penalties, namely-</p> <p>(a) Minor Penalties:</p> <p>i) censure;</p> <p>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;</p> <p>iii) stoppage, for a specific period, at an efficiency bar in the time scale, otherwise than for unfitness to cross such bar;</p> <p>iv) recovery from pay of the whole or any part of any pecuniary loss cause to Government by negligence or breach of orders;</p> <p>(b) Major Penalties:</p> <p>(i) reduction to a lower post or time-scale, or to a lower stage in a time scale;</p> <p>(ii) compulsory retirement;</p> <p>(iii) removal from service; and</p> <p>(iv) dismissal from service.</p>	<p><b>4. Penalties.</b>-(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:-</p> <p>(a) Minor Penalties:</p> <p>i) censure;</p> <p>ii) withholding of increment for a specific period, subject to a maximum of three years;</p> <p>Provided that the penalty of withholding of increment shall not be imposed upon a government servant who has reached the maximum of his pay scale or is going to be superannuated within a period of penalty;</p> <p>iii) fine not exceeding basic pay of one month;</p> <p>iv) reduction to a lower stage or stages in pay scale for a specific period subject to a maximum of three stages; and</p> <p>(v) withholding of promotion for a specific period,</p>



(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 person-

(a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or

(b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or

(c) engaged under a contract in accordance with the terms of the contract.

subject to a maximum of three years, otherwise than for unfitness for promotion in accordance with the rules or orders pertaining to the service or post.

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 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 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 three years;

Provided that the penalty shall not be imposed upon the accused who is likely to be superannuated within the period of penalty.

(iii) forfeiture of past regular service for a specific period subject to a maximum of three years;

(iv) compulsory retirement;

Provided that the penalty shall not be imposed upon the accused appointed on adhoc basis; or a person having less than ten years qualifying service.

	<ul style="list-style-type: none"> <li>(v) Removal from service; and</li> <li>(vi) dismissal from service</li> </ul> <p>In this rule removal or dismissal from service does not include the discharge of a person:-</p> <ul style="list-style-type: none"> <li>(a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or</li> <li>(b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or</li> <li>(c) engaged under a contract in accordance with the terms of the contract.</li> </ul> <p>(2) the penalty of removal does not but dismissal from service under these Rules shall disqualify the government servant to future employment of any kind under the Government.</p> <p>(3) any penalty under these Rules shall not absolve a government servant 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.</p>
	<p><b>5. Suspension.-</b> (1) The authority may place any government servant under suspension or send him on leave, against whom action is proposed to be initiated, for a period not exceeding one hundred and twenty days at one time extendable by the authority for such period as it may deem appropriate or till conclusion of the proceeding, if in the opinion of the authority, suspension or sending him on leave is necessary or expedient. If the period of suspension or leave is not extended on the expiry of initial period of suspension or leave, the government servant shall be deemed to be re-instated.</p>

Provided that a government servant who has been charged for a criminal offence and **is** committed to prison shall be considered as under suspension from the date of his arrest without the formal approval of authority. In case such a government servant is not arrested or is released on bail the authority may suspend him by specific order.

Provided further that where the authority is President or Prime Minister, powers of the authority under this clause shall be exercised by the Secretary Establishment Division.

(2) During suspension period the government servant shall be entitled to the payments under Fundamental Rule-53.

**6. Initiation of proceedings.-** Proceedings against the Government servant, in case where the Authority decides that it is not necessary to hold an inquiry shall be deemed to have been initiated from the date the accused is informed by an order in writing of the grounds of proceedings against him and where the Authority decides to hold an inquiry against the accused from the date of such order.

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

(a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, duly approved by the Authority alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him including major penalty of dismissal from service

(b) give him a reasonable opportunity of showing cause against the proposed action, which should not be less than seven days or more than fourteen days of receipt of the order or within such an extended period, as the authority may allow;

(c) on receipt of reply of the accused within the stipulated

period or after the expiry thereof, if no reply is received, on the basis of available record or facts of the case, as the case may be, 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 or in case where no reply is received the authority shall decide the case within a period of thirty days,

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

Provided further in case the authority is transferred from the office or post from where he was acting as authority he shall continue to perform the functions of authority till conclusion of the proceedings.

**(d)** afford an opportunity of personal hearing, before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him;

**(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 rule 4, by an order in writing, if the charge or charges are proved against the accused:

**8. Provision of record.-** After initiation of order of inquiry the Authority is required to ensure that relevant record of the case and other related documents should be supplied to the Inquiry Officer within seven days or within such an extended period which the Authority may allow.

**5. Inquiry Procedure.**-(1) The following procedure shall be observed when a Government servant is proceeded against under these rules:-

(i) In case where a Government servant is accused of subversion, corruption or misconduct, the authorized officer may require him to proceed on leave or, with the approval of the authority suspend him, provided that any continuation of such leave or suspension shall require approval of the authority after every three months.

Provided further that where the authority is President or Prime Minister, the Powers of the authority under this clause shall be exercised by the Secretary, Establishment Division.

(ii) The authorized officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. If he so decides, the procedure indicated in rule 6 shall apply.

(iii) If the authorized officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall-

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

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

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

(iv) On receipt of the report of the Inquiry Officer or Inquiry Committee, or where no such officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorized officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge and statement of allegations served on the accused, the explanation of the accused, the findings of the Inquiry officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. The authority shall pass such orders as it may deem proper.

**9. Procedure to be followed by authority where inquiry is necessary.**— (1) If the authority decides that it is necessary to hold an inquiry against the accused, it shall pass an order of inquiry in writing. The inquiry order shall include-

(a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the 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 proceedings, clearly specifying the charges within a period of 14 days from the date of initiation of proceedings 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 reasonable time which shall not be less than seven days and more than fourteen days or within such an extended period as the authority may decide on date of receipt of orders.

(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.

(3) In a case where preliminary or fact finding inquiry was conducted, and the authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary inquiry.

(2) The exercise of powers under clauses (i) and (iv) of sub-rule (1) by the authorized officers in the Pakistan Missions abroad shall, unless already so provided, always be subject to the approval of the authority.

(4) In case where the Inquiry Officer or any of the member of the Inquiry committee is required to be replaced for one reason or the other, the authority shall appoint another Inquiry Officer or the Inquiry Committee as the case may be.

**6. Procedure to be observed by the Inquiry Officer and Inquiry Committee.**- Where an Inquiry Officer or Inquiry Committee is appointed, the authorized Officer shall-

(1) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.

(2) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person.

(3) The Inquiry Officer or the Committee as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.

(4) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment, with reasons therefor shall be reported forthwith to the authorized officer. Normally no adjournment shall be for more than a week.

(5) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the enquiry he or it shall administer a warning, and if thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the enquiry in such manner as he or it thinks, best suited to do substantial justice.

(6) The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be

**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 charges 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, 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 on day to day basis 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) Statements of witnesses shall be recorded in the presence of accused and departmental representative(s).

(5) 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.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper

<p>allowed by the authorized officer, submit his or its findings and the ground thereof to the authorized officer.</p>	<p>the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a registered authorized Medical Officer; provided that the authority may, in its discretion, sanction medical leave up to fifteen days without such recommendations.</p> <p>(7) The inquiry officer or the inquiry committee, as the case may be, shall complete the inquiry within 60 (sixty) days or within such an extended period which the authority may allow and shall submit his or its report, to the authority within seven days of the date of completion of inquiry:</p> <p style="text-align: center;">Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.</p>
<p><b>6-A Revision.</b> – (1) Subject to sub-rule (2), the authority may call for the record of any case pending before, or disposed of by, the authorised officer and pass such order in relation thereto as it may deem fit;</p> <p>(2) No order under sub-rule (1) shall be passed in respect of an accused unless the authorized officer to be designated by the authority has informed him in writing of the grounds on which it is proposed to make the order and has been given an opportunity of showing cause against it, including an opportunity of personal hearing if requested by the accused or is otherwise necessary in the interest of justice, in particular, when the authority contemplates to pass an order adverse to the interest of the accused:</p> <p style="text-align: center;">Provided that no such opportunity shall be given where the authority, for reasons to be recorded in writing, is satisfied that, in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity.</p>	<p style="text-align: center;">-</p>
<p><b>7. Powers of Inquiry Officer and Inquiry Committee.</b>-(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:-</p> <p>(a) summoning and enforcing the attendance of any person</p>	<p><b>11. Powers of the inquiry officer or inquiry committee.</b>—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of the following matters, namely:</p> <p>(a) summoning and enforcing the attendance of any person</p>

<p>and examining him on oath;</p> <p>(b) requiring the discovery and production of documents;</p> <p>(c) receiving evidence on affidavits;</p> <p>(d) issuing commissions for the examination of witnesses or documents.</p> <p>(2) The proceedings under these rules shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (XLV of 1860).</p>	<p>and examining him on oath;</p> <p>(b) requiring the discovery and production of documents, and receiving evidence on affidavits; and</p> <p>(c) issuing commissions for the examination of witnesses or documents.</p> <p>(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of Sections 193 and 228, of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).</p>
<p>-</p>	<p><b>12. Proceedings during judicial custody.-</b> If the government servant is in judicial custody for one reason or the other, in the interest of justice, equity and fair play, the proceedings against him shall be deferred till his bail or acquittal.</p>
<p>-</p>	<p><b>13. Proceedings during Training.- (1)</b> In case where a government servant who has been nominated for training is required to be proceeded and he has not yet joined the training institute, his nomination shall be withdrawn forthwith by the nominating authority under intimation to the concerned training institute</p> <p>(2) In case where a government servant has already joined the training but a period of thirty days has not passed, the nominating authority may decide as to whether the nomination of such government servant may be withdrawn or otherwise and after lapse of thirty days such government servant shall be allowed to complete his training and the proceedings against him may be deferred till completion of the training.</p> <p>(3) No government servant shall be denied training on account of ongoing proceedings for a period of more than one year.</p>
<p>-</p>	<p><b>14. Duties of the departmental representative.--</b> The departmental</p>



representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, 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 the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and
- (c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

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**15. Order to be passed on receipt of report from the inquiry officer or inquiry committee.—**(1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

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

(3) Where the authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules 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 authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry committee.

(4) The authority may also require the inquiry officer or inquiry committee to explain as to why the inquiry has not been conducted in

accordance with these Rules, or as to why the facts or merits of the case have been ignored and on the receipt of reply, may determine if the omission or commission by the Inquiry Officer or Inquiry Committee is not in good faith and there are grounds to proceed against the inquiry officer or inquiry committee, as the case may be, under these Rules.

(5) Where the charge or charges have not been proved, the authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(6) Where the charge or charges have been proved against the accused, the authority shall issue a show cause notice to the accused alongwith copy of inquiry report by which it shall-

(a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;

(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 rule 4 including the penalty of dismissal from service may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fourteen days from the day the charge or charges have been communicated to him by affording him an opportunity of personal hearing;

Provided that the accused shall in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;

(c) Direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(7) after duly considering the reply of the accused to the show cause notice and affording personal hearing to the accused as appropriate the 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 defense offered by the accused if requested by an order in writing-

	<p>(i) exonerate the accused if charges had not been proved; or</p> <p>(ii) impose any one or more of the penalties specified in rule 4 if charges have been proved.</p> <p>(8) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the authority shall decide the case within a period of 30 (thirty) days,</p> <p>(9) If the case is not decided by the authority within the prescribed period of 30 days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the authority to decide the case within a specified period.</p>
-	<p><b>16. Personal hearing.-</b> Notwithstanding the proviso to rule 15(6)(b) the authority may, by an order in writing, call the accused and the departmental representative, alongwith relevant record of the case, to appear before him, or before an officer senior in rank to the accused appointed by the authority for personal hearing on the fixed date and time.</p>
<p>(a) <b>Rule 5 not to apply in certain cases.-</b> Nothing in rule 5 shall apply to a case-</p> <p>(b) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment; or</p> <p>(c) Where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.</p>	-
<p><b>8-A Action in respect of Government servant required to proceed on leave.</b> -If a Government servant proceeding on leave in pursuance of an order under sub-rule (1) of rule 5 is not dismissed, removed from service, reduced in rank or compulsory retired, he shall be required to rejoin duty and the period of such leave shall be treated as duty on full pay.</p>	-

<p><b>9. Procedure of inquiry against government servants serving in Provincial Governments or working on deputation outside their department or service to which they belong.-</b> When a government servant, to whom these rules apply, is serving under a Provincial government or in a department, outside the department or service to which he belongs, or in a statutory organization, corporate body, or local authority, and the borrowing authority wants to initiate disciplinary proceedings against such government servant under these rules, the borrowing authority shall forward to the concerned lending authority a report with supporting documents on the basis of which disciplinary proceedings are proposed, and, if considered necessary, it may with the approval of the lending authority place him under suspension or send him on forced leave. On receipt of report from the borrowing authority, the lending authority shall take action as prescribed by these rules.</p>	<p><b>17. Procedure of inquiry against Government Servant lent to other governments or organizations etc.—(1)</b> Where the services of Government Servant to whom these rules apply is 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 substantive post held by such Government Servant in his parent department shall;-</p> <ul style="list-style-type: none"> <li>(a) ask the relevant organization for immediate repatriation and relieving of the government servant;</li> <li>(b) ask the relevant organization, if different from his parent organization, to frame charges against the government servant and forward the same to his lending/parent department;</li> <li>(c) initiate proceedings against him under these rules:</li> </ul>
<p><b>10 Appeal.-</b>A person on whom a penalty is imposed shall have such right of appeal as may be prescribed under Civil Servants (Appeal) Rules, 1977:</p>	<p><b>18. Departmental appeal and review.—(1)</b> An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:</p> <p>Provided that where the order has been passed by the President, the accused may, within the aforesaid period, submit a review petition directly to the President.</p> <p>(2) The authority empowered under sub-rule (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, within sixty days by an order in writing-</p> <ul style="list-style-type: none"> <li>(a) uphold the order of penalty and reject the appeal or review petition; or</li> <li>(b) set aside the orders and exonerate the accused; or</li> <li>(c) modify the orders and increase or reduce the penalty.</li> </ul>

	<p>(3) An appeal or review petition 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 impugned order in a proper and temperate language.</p>
<p><b>10-A. Appearance of Counsel.</b>-No party to any proceedings under these rules before the authority, the authorised officer, and Inquiry Officer or an Inquiry Committee shall be represented by an advocate.</p>	<p><b>19. Appearance of counsel.</b>—No party to any proceedings under these rules at any stage of the proceedings before the appellate authority, authority, inquiry officer or any inquiry committee as the case may be, shall be represented by an advocate/Counsel.</p>
<p>-</p>	<p><b>20. Appeal before Federal Service Tribunal.—(1)</b> Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 18 may, within thirty days from the date of communication of the order, prefer an appeal to the Federal Service Tribunal established under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.</p> <p>(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 16 is not communicated within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the Federal Service Tribunal within a period of thirty days of the expiry of the aforementioned period of sixty days, where after, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.</p>
<p>-</p>	<p><b>21. Exception.</b>— Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively and willfully stop work, due to strike, willfully absent themselves from duty or abandon their official work, the authority in respect of senior most accused may serve upon them through newspapers or any other mean, such notice as may be deemed appropriate to resume duty immediately or within such time as specified and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the penalties prescribed in these rules.</p>
<p>-</p>	<p><b>22. Indemnity.</b>— No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for</p>

	anything done or intended to be done in good faith under these rules or the instructions or directions made or issued thereunder.
<p>11 <b>Repeal.</b> -The Government Servants (Efficiency and Discipline) Rules, 1960 in their application to the Government servants to whom these rules apply and the Civilian Employees in Defence Services (Classification, Control and Appeal) Rules, 1961 are hereby repealed, but the repeal thereof shall not affect any action taken or any thing done or suffered thereunder.</p>	<p><b>23. Repeal.--(1)</b> The Government Servants (Efficiency &amp; Discipline) Rules, 1973, in their application to the Government Servants to whom these Rules apply are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered thereunder.</p> <p>(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under the repealed Rules.</p>
<p>----</p>	<p><b>24. Removal of difficulties.--</b> If any difficulty arises in giving effect to any of the provisions of this rule, Establishment Division may make such order not inconsistent with the provisions of this rule as may appear to necessary for the purpose of removing the difficulty.</p>

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Revised version of draft Government Servants (Efficiency & Discipline)  
Rules, 2019

- 1. Short title, commencement and application.-** (1) These rules may be called the Government Servants (Efficiency and Discipline) Rules, 2019.
2. They shall come into force at once and shall apply to every government servant.



**2. Definitions.-** (1) In these rules unless there is anything repugnant in the subject or context otherwise requires,

- (i) "Act" means Civil Servants Act, 1973 (Act No. LXXI of 1973);
- (ii) "Accused" means a person who is an employee subject to the Act and against whom action is initiated under these rules;
- (iii) "Authority" means the appointing authority as prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.

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

Provided further that the person acting as “Authority” under whose order disciplinary proceedings were initiated shall, notwithstanding the fact that the person so acting might have been promoted or transferred from the post or office where he was acting as Authority, continue to perform the functions of the “Authority” till conclusion of the proceedings, unless such person has ceased to be a government servant.

- (iv) "Charges" means allegations framed against the accused relating to the acts of omission or commission cognizable under these Rules.
- (v) "Government" means Federal Government.
- (vi) "Hearing Officer" means an officer, senior in rank to the accused, appointed by the Authority to afford an opportunity of personal hearing to the accused, for the purposes of rule 16, on behalf of the Authority concerned;
- (vii) "Inefficiency" means failure to
  - (a) efficiently perform functions assigned to a person on whom these Rules apply in the discharge of his duties as may be determined keeping in view the applicable performance criteria, or

- (a) qualify the prescribed departmental examination as may be prescribed or
- (b) attend the mandatory training/courses prescribed for promotion, or
- (c) behave in a responsible manner with respect to official matters assigned to or in the knowledge of a person.

(ix) "Inquiry Committee" means a committee consisting of two or more officers, headed by a convener, as may be

appointed by the Authority under these Rules.

- (ix) "Inquiry Officer" means an officer appointed by the Authority under these Rules;
- (x) "misconduct" means conduct prejudicial to good order or Service discipline or contrary to Government Srevants (Conduct) Rules, 1964.

(xi) "Penalty" means a penalty as prescribed under these Rules.

(xii) "Rules" means Rules made under the Civil Servants Act, 1973(Act No. LXXI of 1973) or under any other legislative instrument.

(2) Words and expression used but not defined in these Rules shall have the same meanings as are assigned to them in the Civil Servants Act, 1973 (Act No. LXXI of 1973) and Rules made thereunder or any other legal instrument, statutory order for the time being in force.

**3. Grounds for proceeding/penalty.-**Where a Government servant in the opinion of the Authority

- (a) is inefficient or has ceased to be efficient; or
- (b) has committed misconduct; or
- (c) is guilty of non-disclosure because he has failed to disclose, in accordance with the Assets and Pecuniary Resources Declaration Rules 2019 or any other law for the time being in force, any asset or property or pecuniary resource acquired by him or any of his dependents or any other person through him or on his behalf at any time during his term of service; or

(d) is corrupt, or may reasonably be considered corrupt because

(i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of assets or property disproportionate to his known sources of income; or

(ii) he has assumed a style of living beyond his ostensible means;



(i) entered into voluntary return or plea bargain under any law for the time being in force and has returned any assets or gains voluntarily 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,

the Authority may initiate proceedings under these Rules and/or may impose upon him one or more penalties.

**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 to be classified as light, medium or serious that shall be taken into account in assessing fitness for promotion;
- ii) withholding of increment for a specific period, subject to a maximum of three years;

Provided that the penalty of withholding of increment shall not be imposed upon a government servant who has reached the maximum of his pay scale or is going to be superannuated within three years from the date of the penalty;

i) fine not exceeding basic pay of one month;

ii) reduction to a lower stage or stages in pay scale

for a specific period subject to a maximum of three stages; and

- (i) withholding of promotion for a specific period, subject to a maximum of three years, otherwise than for unfitness for promotion in accordance with the rules or orders pertaining to the service or post.

Provided that this period shall be counted from the date when a person of **seniority equivalent** to that of the accused is considered for promotion and is promoted on regular basis for the first time.

(b) **Major Penalties:**

(i) recovery from pay 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 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 three years;

Provided that the penalty shall not be imposed upon the accused who is likely to be superannuated within the period of penalty.

- (i) forfeiture of past regular service for a specific period subject to a maximum of three years;
- (ii) compulsory retirement;



Provided that the penalty shall not be imposed upon the accused appointed on ad hoc basis; or a person having less than ten years qualifying service.

- (iii) Removal from service; and
- (iv) Dismissal from service

In this rule removal or dismissal from service does

not include the discharge of a person:-

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

(2) The penalty of removal does not but dismissal from service under these Rules shall disqualify the government servant to future employment

of any kind under the Government.

(3) Any penalty under these Rules shall not absolve a government servant 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. Suspension.-** (1) The Authority may place any government servant under suspension or send him on leave, against whom action is proposed to be initiated, for a period not exceeding one hundred and twenty days at one time extendable by the authority for such period as it may deem appropriate or till conclusion of the proceeding, if in the opinion of the authority, suspension or sending him on leave is necessary or expedient. If the period of suspension or leave is not extended on the expiry of initial period of suspension or leave, the government servant shall be deemed to be reinstated.

Provided that a government servant who has been charged for a criminal offence and **is** committed to prison shall be considered as under suspension from the date of his arrest without the formal approval of the Authority. In case such a government servant is not arrested or is released on bail the authority may suspend him by specific order.

Provided further that where the Authority is President or Prime Minister, powers of the Authority under this clause shall be exercised by the Secretary Establishment Division.

(2) During suspension period the government servant shall be entitled to the payments under Fundamental Rule-53.

**6. Initiation of proceedings.-** Proceedings against a government servant, in case where the Authority decides that it is not necessary to hold an inquiry, shall be deemed to have been initiated from the date the accused is informed by an order in writing of the grounds of proceedings against him; and where the Authority decides to hold an inquiry against the accused, from the date of such order.

**7. Procedure where inquiry is dispensed with.-** If the Authority decides that it is not necessary to hold an inquiry against the accused, it shall

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, duly approved by the Authority alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him including major penalty of dismissal from service
- (b) give him a reasonable opportunity of showing cause against the proposed action, which should not be less than seven days or more than fourteen days of receipt of the order or within such an extended period, as the authority may allow;
- (c) on receipt of reply of the accused within the stipulated

period or after the expiry thereof, if no reply is received, on the basis of available record or facts of the case, as the case may be, 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 or in case where no reply is received the authority shall decide the case within a period of thirty days,

Provided further that if the case is not decided by the Authority within the prescribed period, the accused may file an application before the officer or authority next above the Authority for early decision of his case, which may direct the Authority to decide the case within a specified period;

(a) afford an opportunity of personal hearing, before passing a final order imposing penalty under clause (f), if it is prima facie determined from the record that the charge or charges have been proved against him;

(a) exonerate the accused by an order in writing, if it is determined that the charge or charges have not been proved against him; and

(b) impose any one or more penalties mentioned in rule 4, by an order in writing, if the charge or charges are proved against the accused:



**8. Provision of record.-** After initiation of order of inquiry the Authority is required to ensure that relevant record of the case and other related documents should be supplied to the Inquiry Officer within seven days or within such an extended period which the Authority may allow.

**9. Procedure to be followed by Authority where inquiry is necessary.—** (1) If the Authority decides that it is necessary to hold an inquiry against the accused, it shall pass an order of inquiry in writing. The inquiry order shall include

(a) appointment, at a reasonable fee to be determined by the

Authority, of an Inquiry Officer or an Inquiry Committee comprising of retired government servant/servants of good repute who had served in the same service as the accused, and whose names have been included in a panel to be maintained for this purpose by the service concerned,, provided that the Inquiry Officer or the convener of the Inquiry Committee, as the case may be, shall have retired at 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 have retired at a rank senior to the senior most accused;

- (b) the grounds for proceedings, clearly specifying the charges within a period of 14 days from the date of initiation of proceedings 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 reasonable time which shall not be less than seven days and more than fourteen days or within such an extended period as the authority may decide on date of receipt of orders.

(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.

(3) In a case where preliminary or fact finding inquiry was conducted, and the Authority decides to hold formal inquiry, the Inquiry Officer or the Inquiry Committee for the purpose of conducting formal inquiry shall be different from the Inquiry Officer or the Inquiry

Committee which conducted the preliminary inquiry.

(4) In case where the Inquiry Officer or any of the member of the Inquiry Committee is required to be replaced for one reason or the other, the Authority shall appoint another Inquiry Officer or the Inquiry Committee as the case may be.

**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 charges 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, 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 on day to day basis 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) Statements of witnesses shall be recorded in the presence of accused and departmental representative(s).

(5) 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.

(6) 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 recommendations of a registered authorized Medical Officer; provided that the Authority may, in its discretion, sanction medical leave up to fifteen days without such recommendations.

(7) The Inquiry Officer or the Inquiry Committee, as the case may be, shall complete the inquiry within 60 (sixty) days or within such an extended period which the Authority may allow and shall submit his or its report, to the Authority within seven days of the date of completion of inquiry:

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

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**11. Powers of the inquiry officer or inquiry committee.—(1)** For the purpose of an inquiry under these rules, the Inquiry Officer or the Inquiry Committee, as the case may be shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(a) requiring the discovery and production of documents, and receiving evidence on affidavits; and



(b) 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, 1860 (Act No. XLV of 1860).

**12. Proceedings during judicial custody.-** If the government

servant is in judicial custody for one reason or the other, in the interest of justice, equity and fair play, the proceedings against him shall be deferred till his bail or acquittal.

**13. Proceedings during Training.- (1)** In case where a government servant who has been nominated for training is required to be proceeded against and he has not yet joined the training institute, his nomination shall be withdrawn forthwith by the nominating authority under intimation to the concerned training institute

(2) In case where a government servant has already joined the training but a period of thirty days has not passed, the nominating authority may decide as to whether the nomination of such government servant may be withdrawn or otherwise and after lapse of thirty days such government servant shall be allowed to complete his training and the proceedings against him may be deferred till completion of the

training.

(3) No government servant shall be denied training on account of ongoing proceedings for a period of more than one year.

**14. 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, 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 the permission of the Inquiry Officer or Inquiry Committee, as the case may be, may also cross-examine the prosecution witnesses; and

(c) rebut the grounds of defense offered by the accused before the Inquiry Officer or the Inquiry Committee, as the case may be.

**15. Order to be passed on receipt of report from the Inquiry Officer or Inquiry Committee.—(1)** On receipt of report from the Inquiry Officer or Inquiry Committee, as the case may be, the Authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the Authority is satisfied that the inquiry has been conducted in

accordance with the provisions of these rules, it shall further determine whether the charge or charges have been prima facie proved against the accused or not.

(3) Where the Authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules 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 Authority may like to give, or may order a de novo inquiry through different Inquiry Officer or Inquiry Committee.

(4) The Authority may also require the Inquiry Officer or Inquiry Committee to explain as to why the inquiry has not been conducted in accordance with these Rules, or as to why the facts or merits of the case have been ignored and on the receipt of reply, may determine if the omission or commission by the Inquiry Officer or Inquiry Committee is not in good faith and there are grounds to proceed against the Inquiry Officer or Inquiry Committee, as the case may be, under these Rules.

(5) Where the charge or charges have not been proved, the Authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(6) Where the charge or charges have been prima facie proved against the accused, the Authority shall issue a show cause notice to the accused along with copy of inquiry report by which it shall

(a) inform him of the charges prima facie proved against him and the penalty or penalties proposed to be imposed upon him;

(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 rule 4, including the penalty of dismissal from service, may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than

seven days and more than fourteen days from the day the charge or charges have been communicated to him by affording him an opportunity of personal hearing;

Provided that the accused shall in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;

(c) Direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(7) after duly considering the reply of the accused to the show cause notice and affording personal hearing to the accused, if so requested by the accused, the 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 defense offered by the accused by an order in writing

(i) exonerate the accused if charges had not been proved; or



(ii) impose any one or more of the penalties specified in rule 4 if charges have been proved.

(8) After receipt of reply to the show cause notice the Authority shall decide the case within a period of 30 (thirty) days,

(9) in cases in which the Authority is not the President or the Prime Minister, if the case is not decided by the Authority within the prescribed period of 30 days, the accused may submit an application before the officer or authority next above the Authority for early decision of his case,

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

**16. Personal hearing.- (1) In a case in which the Authority is the President or the Prime Minister and personal hearing is required to be granted, the President or the Prime Minister may designate a senior federal secretary who has had no previous concern with the case, or the matter to which it pertains, to conduct the personal hearing.**

(2) Notwithstanding the proviso to rule 15(6)(b) the Authority may, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him, or before an officer senior in rank to the accused appointed by the Authority for personal hearing on the fixed date and time.

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**17. Procedure of inquiry against Government Servant lent to other governments or organizations etc.—(1)** Where the services of government servant to whom these rules apply is 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, and the borrowing authority wants to initiate disciplinary proceedings against such government servant under these rules, the borrowing authority shall forward to the concerned lending authority a report with supporting documents on the basis of which disciplinary proceedings are proposed, and the Authority for the substantive post held by such government servant in his parent department shall;

- (a) ask the relevant organization for immediate repatriation and relieving of the government servant;

(b) ask the relevant organization, if different from his parent organization, to frame charges against the government servant and forward the same to his lending/parent department;

(c) initiate proceedings against him under these rules:



**18. Appeal before Federal Service Tribunal.—(1)**

Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 18 may, within thirty days from the date of communication of the order, prefer an appeal to the Federal Service Tribunal established under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 16 is not communicated

within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the Federal Service Tribunal within a period of thirty days of the expiry of the aforementioned period of sixty days, where after, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

**19. Exception.**— Notwithstanding anything to the contrary contained in these rules, in cases where government servants collectively and willfully stop work, due to strike, willfully absent themselves from duty or abandon their official work, the authority in respect of senior most accused may serve upon them through newspapers or any other mean, such notice as may be deemed appropriate to resume duty immediately or within such time as specified and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting



Government servants any of the penalties prescribed in these rules.

**20. 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 these rules or the instructions or directions made or issued thereunder.

**21. Repeal.--(1)** The Government Servants (Efficiency & Discipline) Rules, 1973, in their application to the Government Servants to whom these Rules apply are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered thereunder.

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any government servant under repealed rules shall continue under the repealed Rules.

**22. Removal of difficulties.--** If any difficulty arises in giving effect to any of the provisions of this rule, Establishment Division may make such order not inconsistent with the provisions of this rule as may appear to necessary for the purpose of removing the difficulty.

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**COMPARATIVE STATEMENT OF EXISTING PROVISIONS OF GOVERNMENT SERVANTS(EFFICIENCY AND DISCIPLINE) RULES, 1973 AND REVISED VERSION**

Existing provisions of Government servants(Efficiency & Discipline) Rules, 1973	Revised version of draft Government Servants(Efficiency & Discipline) Rules, 2019
<p>In exercise of the powers conferred by section 25 of the Civil Servants Ordinance, 1973 (No. XIV of 1973), the President is pleased to make the following rules, namely: -</p> <p>1. <b>Short title, commencement and application.</b> -(1) These rules may be called the Government Servants (Efficiency and Discipline) Rules, 1973.</p> <p>(2) They shall come into force at once and shall apply to every civil servant.</p>	<p>In exercise of the powers conferred by section 25(1) of the Civil Servants Act, 1973 (Act No. LXXI of 1973) read with SRO No. 120(1)/1998 dated 27.02.1998 the Prime Minister is pleased to make the following rules, namely:-</p> <p>1. <b>Short title, commencement and application.-</b> (1) These rules may be called the Government Servants (Efficiency and Discipline) Rules, 2019.</p> <p>2. They shall come into force at once and shall apply to every government servant.</p>
<p><b>2. Definitions.-</b> In these rules unless the context otherwise requires,-</p> <p>(1) “<i>accuse</i>” means a Government servant against whom action is taken under these rules;</p> <p>(2) “<i>authority</i>” means the appointing authority prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.</p> <p>Provided that in the case of disciplinary proceedings already initiated against a Government servant before 14<sup>th</sup> June, 2000, the powers of “<i>authority</i>” shall be exercised by the officer designated as such before the aforesaid date.</p> <p>(3) “<i>authorised officer</i>” means an officer authorised by the authority to perform functions of an authorised officer under these rules or, if no officer is so authorised, the authority;</p> <p>(4) “<i>misconduct</i>” means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct) Rules, 1964 or unbecoming of an officer and, a gentlemen and includes any act on the part of a</p>	<p><b>2. Definitions.-</b> (1) In these rules unless there is anything repugnant in the subject or context otherwise requires,-</p> <p>(i) "Act" means Civil Servants Act, 1973 (Act No. LXXI of 1973);</p> <p>(ii) "Accused" means a person who is an employee and against whom action is initiated under these rules;</p> <p>(iii) "Authority" means the appointing authority as prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973.</p> <p>Provided that where two or more employees are to be proceeded against jointly, the authority in relation to senior most employee in rank shall be the authority in respect of all the accused.</p>

Government servant to bring for attempt to bring political or other outside influence directly or indirectly to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Government servant; and

(5) "*Penalty*" means a penalty which may be imposed under these rules.

Provided further that "Authority" under whose order disciplinary proceedings were initiated shall continue to perform the functions of the "Authority" till conclusion of the proceedings.

- (iv) "Appellate Authority" means the authority as defined in Civil Servants(Appeal) Rules, 1977.
- (v) "Charges" means allegations framed against the accused relating to the acts of omission or commission cognizable under these Rules.
- (vi) "Government" means Federal Government.
- (vii) "Hearing officer" means an officer, senior in rank to the accused, appointed by Authority to afford an opportunity of personal hearing to the accused on behalf of the Authority concerned;
- (viii) "Inefficiency" means failure to-
  - (a) efficiently perform functions assigned to a person on whom these Rules apply in the discharge of his duties, or
  - (b) qualify the prescribed departmental examination as may be prescribed or
  - (c) attend the mandatory training/courses prescribed for promotion.
- (ix) "Inquiry Committee" means a committee consisting of two or more officers, headed by a convener, as may be appointed by the authority under these Rules.
- (x) "Inquiry Officer" means an officer appointed by the authority under these Rules;

	<ul style="list-style-type: none"> <li>(xi) "misconduct" means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct) Rules, 1964.</li> <li>(xii) "Penalty" means a penalty as prescribed under these Rules.</li> <li>(xiii) "Rules" means Rules made under the Civil Servants Act. 1973(Act No. LXXI of 1973) or under any other legislative instrument.</li> </ul> <p>(2) Words and expression used but not defined in these Rules shall have the same meanings as are assigned to them in the Civil Servants Act, 1973 (Act No. LXXI of 1973) and Rules made thereunder or any other legal instrument, statutory order for the time being in force.</p>
<p><b>3. Grounds for penalty.</b>-Where a Government servant, in the opinion of the authority-</p> <ul style="list-style-type: none"> <li>(a) is inefficient or has ceased to be efficient; or</li> <li>(b) is guilty of misconduct; or</li> <li>(c) is corrupt, or may reasonably be considered corrupt because- <ul style="list-style-type: none"> <li>(i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or</li> <li>(ii) he has assumed a style of living beyond his ostensible means; or</li> <li>(iii) he has persistent reputation of being corrupt; or</li> </ul> </li> <li>(d) is engaged , or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person and his retention in service is, therefore, prejudicial to national</li> </ul>	<p><b>3. Grounds for proceeding/penalty.</b>-Where a Government servant, in the opinion of the Authority-</p> <ul style="list-style-type: none"> <li>(a) is inefficient or has ceased to be efficient; or</li> <li>(b) is guilty of misconduct; or</li> <li>(c) is corrupt, or may reasonably be considered corrupt because- <ul style="list-style-type: none"> <li>(i) he is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or</li> <li>(ii) he has assumed a style of living beyond his ostensible means;</li> </ul> </li> <li>(ii) entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or</li> </ul>

<p>security, the authority may impose on him one or more penalties.</p>	<p>corrupt practices, voluntarily or</p> <p>(iii) is an NRO beneficiary under National Reconciliation Ordinance 2007.</p> <p>(d) is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, the authority may initiate proceedings under these Rules and/or may impose upon him one or more penalties.</p>
<p><b>4. Penalties.</b>-(1) The following are the minor and major penalties, namely-</p> <p>(a) Minor Penalties:</p> <p>i) censure;</p> <p>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;</p> <p>iii) stoppage, for a specific period, at an efficiency bar in the time scale, otherwise than for unfitness to cross such bar;</p> <p>iv) recovery from pay of the whole or any part of any pecuniary loss cause to Government by negligence or breach of orders;</p> <p>(b) Major Penalties:</p> <p>(i) reduction to a lower post or time-scale, or to a lower stage in a time scale;</p> <p>(ii) compulsory retirement;</p> <p>(iii) removal from service; and</p> <p>(iv) dismissal from service.</p>	<p><b>4. Penalties.</b>-(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:-</p> <p>(a) Minor Penalties:</p> <p>(i) censure;</p> <p>(ii) withholding of increment for a specific period, subject to a maximum of three years;</p> <p>Provided that the penalty of withholding of increment shall not be imposed upon a government servant who has reached the maximum of his pay scale or is going to be superannuated within a period of penalty;</p> <p>(iii) fine not exceeding basic pay of one month;</p> <p>(iv) reduction to a lower stage or stages in pay scale for a specific period subject to a maximum of three stages; and</p> <p>(v) withholding of promotion for a specific period,</p>

(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 person-

(a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or

(b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or

(c) engaged under a contract in accordance with the terms of the contract.

subject to a maximum of three years, otherwise than for unfitness for promotion in accordance with the rules or orders pertaining to the service or post.

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 of embezzled money from corrupt government servants convicted of embezzlement from pay 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 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 three years;

Provided that the penalty shall not be imposed upon the accused who is likely to be superannuated within the period of penalty.

(iii) forfeiture of past regular service for a specific period subject to a maximum of three years;

(iv) compulsory retirement;

Provided that the penalty shall not be imposed upon the accused appointed on adhoc basis; or a person having less than ten years qualifying



	<p>service.</p> <ul style="list-style-type: none"><li>(v) Removal from service; and</li><li>(vi) dismissal from service</li></ul> <p>In this rule removal or dismissal from service does not include the discharge of a person:-</p> <ul style="list-style-type: none"><li>(vii) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or</li><li>(viii) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or</li><li>(ix) engaged under a contract in accordance with the terms of the contract.</li></ul> <p>(2) the penalty of removal does not but dismissal from service under these Rules shall disqualify the government servant to future employment of any kind under the Government.</p> <p>(3) any penalty under these Rules shall not absolve a government servant 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.</p>
	<p><b>5. Suspension.-</b> (1) The authority may place any government servant under suspension or send him on leave, against whom action is proposed to be initiated, for a period not exceeding one hundred and twenty days at one time extendable by the authority for such period as it may deem appropriate or till conclusion of the proceeding, if in the opinion of the authority, suspension or sending him on leave is necessary or expedient. If the period of suspension or leave is not extended on the expiry of initial period of suspension or leave, the government servant shall be deemed to be re-instated.</p>

	<p>Provided that a government servant who has been charged for a criminal offence and <b>is</b> committed to prison shall be considered as under suspension from the date of his arrest without the formal approval of authority. In case such a government servant is not arrested or is released on bail the authority may suspend him by specific order.</p> <p>Provided further that where the authority is President or Prime Minister, powers of the authority under this clause shall be exercised by the Secretary Establishment Division.</p> <p>(2) During suspension period the government servant shall be entitled to the payments under Fundamental Rule-53.</p>
	<p><b>6. Initiation of proceedings.-</b> Proceedings against the Government servant, in case where the Authority decides that it is not necessary to hold an inquiry shall be deemed to have been initiated from the date the accused is informed by an order in writing of the grounds of proceedings against him and where the Authority decides to hold an inquiry against the accused from the date of such order.</p>
	<p><b>7. Procedure where inquiry is dispensed with.-</b> If the authority decides that it is not necessary to hold an inquiry against the accused, it shall-</p> <p>(a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, duly approved by the Authority alongwith apportionment of responsibility and penalty or penalties proposed to be imposed upon him including major penalty of dismissal from service</p> <p>(b) give him a reasonable opportunity of showing cause against the proposed action, which should not be less than seven days or more than fourteen days of receipt of the order or within such an</p>

extended period, as the authority may allow;

(c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, on the basis of available record or facts of the case, as the case may be, 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 or in case where no reply is received the authority shall decide the case within a period of thirty days,

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

Provided further in case the authority is transferred from the office or post from where he was acting as authority he shall continue to perform the functions of authority till conclusion of the proceedings.

(d) afford an opportunity of personal hearing, before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him;

(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 rule 4, by an order in writing, if the charge or charges are proved against the accused:

**8. Provision of record.-** After initiation of order of inquiry the Authority is required to ensure that relevant record of the case and other related documents should be supplied to the Inquiry Officer within

	seven days or within such an extended period which the Authority may allow.
<p><b>5. Inquiry Procedure.</b>-(1) The following procedure shall be observed when a Government servant is proceeded against under these rules:-</p> <p>(i) In case where a Government servant is accused of subversion, corruption or misconduct, the authorized officer may require him to proceed on leave or, with the approval of the authority suspend him, provided that any continuation of such leave or suspension shall require approval of the authority after every three months.</p> <p>Provided further that where the authority is President or Prime Minister, the Powers of the authority under this clause shall be exercised by the Secretary, Establishment Division.</p> <p>(ii) The authorized officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. If he so decides, the procedure indicated in rule 6 shall apply.</p> <p>(iii) If the authorized officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall-</p> <p>(a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and</p> <p>(b) give him a reasonable opportunity of showing cause against that action:</p> <p>Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.</p> <p>(iv) On receipt of the report of the Inquiry Officer or Inquiry Committee, or where no such officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorized officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge and statement of allegations served on the accused, the explanation of the</p>	<p><b>9. Procedure to be followed by authority where inquiry is necessary.</b>— (1) If the authority decides that it is necessary to hold an inquiry against the accused, it shall pass an order of inquiry in writing. The inquiry order shall include-</p> <p>(a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the 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;</p> <p>(b) the grounds for proceedings, clearly specifying the charges within a period of 14 days from the date of initiation of proceedings along with apportionment of responsibility.</p> <p>(c) appointment of the departmental representative by designation; and</p> <p>(d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fourteen days or within such an extended period as the authority may decide on date of receipt of orders.</p> <p>(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.</p> <p>(3) In a case where preliminary or fact finding inquiry was conducted, and the authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal</p>

<p>accused, the findings of the Inquiry officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. The authority shall pass such orders as it may deem proper.</p> <p>(2) The exercise of powers under clauses (i) and (iv) of sub-rule (1) by the authorized officers in the Pakistan Missions abroad shall, unless already so provided, always be subject to the approval of the authority.</p>	<p>inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary inquiry.</p> <p>(4) In case where the Inquiry Officer or any of the member of the Inquiry committee is required to be replaced for one reason or the other, the authority shall appoint another Inquiry Officer or the Inquiry Committee as the case may be.</p>
<p><b>6. Procedure to be observed by the Inquiry Officer and Inquiry Committee.-</b> Where an Inquiry Officer or Inquiry Committee is appointed, the authorized Officer shall-</p> <p>(1) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.</p> <p>(2) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person.</p> <p>(3) The Inquiry Officer or the Committee as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.</p> <p>(4) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment, with reasons therefor shall be reported forthwith to the authorized officer. Normally no adjournment shall be for more than a week.</p> <p>(5) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the enquiry he or it shall administer a warning, and if thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a</p>	<p><b>10. Procedure to be followed by inquiry officer or inquiry committee.—</b>(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 charges 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.</p> <p>(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex- parte.</p> <p>(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day basis 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.</p> <p>(4) Statements of witnesses shall be recorded in the presence of accused and departmental representative(s).</p> <p>(5) 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</p>

<p>finding to that effect and proceed to complete the enquiry in such manner as he or it thinks, best suited to do substantial justice.</p> <p>(6) The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submit his or its findings and the ground thereof to the authorized officer.</p>	<p>interest of justice.</p> <p>(6) 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 recommendations of a registered authorized Medical Officer; provided that the authority may, in its discretion, sanction medical leave up to fifteen days without such recommendations.</p> <p>(7) The inquiry officer or the inquiry committee, as the case may be, shall complete the inquiry within 60 (sixty) days or within such an extended period which the authority may allow and shall submit his or its report, to the authority within seven days of the date of completion of inquiry:</p> <p style="text-align: center;">Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.</p>
<p><b>6-A Revision.</b> – (1) Subject to sub-rule (2), the authority may call for the record of any case pending before, or disposed of by, the authorised officer and pass such order in relation thereto as it may deem fit;</p> <p>(2) No order under sub-rule (1) shall be passed in respect of an accused unless the authorized officer to be designated by the authority has informed him in writing of the grounds on which it is proposed to make the order and has been given an opportunity of showing cause against it, including an opportunity of personal hearing if requested by the accused or is otherwise necessary in the interest of justice, in particular, when the authority contemplates to pass an order adverse to the interest of the accused:</p> <p style="text-align: center;">Provided that no such opportunity shall be given where the authority, for reasons to be recorded in writing, is satisfied that, in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity.</p>	<p style="text-align: center;">-</p>
<p><b>7. Powers of Inquiry Officer and Inquiry Committee.</b>-(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</p>	<p><b>11. Powers of the inquiry officer or inquiry committee.</b>—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be shall have the powers of a Civil</p>

<p>Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:-</p> <p>(a) summoning and enforcing the attendance of any person and examining him on oath;</p> <p>(b) requiring the discovery and production of documents;</p> <p>(c) receiving evidence on affidavits;</p> <p>(d) issuing commissions for the examination of witnesses or documents.</p> <p>(2) The proceedings under these rules shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (XLV of 1860).</p>	<p>Court trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of the following matters, namely:</p> <p>(a) summoning and enforcing the attendance of any person and examining him on oath;</p> <p>(b) requiring the discovery and production of documents, and receiving evidence on affidavits; and</p> <p>(c) issuing commissions for the examination of witnesses or documents.</p> <p>(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of Sections 193 and 228, of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).</p>
<p>-</p>	<p><b>12. Proceedings during judicial custody.-</b> If the government servant is in judicial custody for one reason or the other, in the interest of justice, equity and fair play, the proceedings against him shall be deferred till his bail or acquittal.</p>
<p>-</p>	<p><b>13. Proceedings during Training.- (1)</b> In case where a government servant who has been nominated for training is required to be proceeded and he has not yet joined the training institute, his nomination shall be withdrawn forthwith by the nominating authority under intimation to the concerned training institute</p> <p>(2) In case where a government servant has already joined the training but a period of thirty days has not passed, the nominating authority may decide as to whether the nomination of such government servant may be withdrawn or otherwise and after lapse of thirty days such government servant shall be allowed to complete his training and the proceedings against him may be deferred till completion of the training.</p>

	<p>(3) No government servant shall be denied training on account of ongoing proceedings for a period of more than one year.</p>
-	<p><b>14. Duties of the departmental representative.--</b> The departmental representative shall perform the following duties, namely:</p> <p>(a) render full assistance to the inquiry officer or the inquiry committee, 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;</p> <p>(b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and</p> <p>(c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.</p>
-	<p><b>15. Order to be passed on receipt of report from the inquiry officer or inquiry committee.—(1)</b> On receipt of report from the inquiry officer or inquiry committee, as the case may be, the authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.</p> <p>(2) If the authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.</p> <p>(3) Where the authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules 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 authority may like to give, or may order a de novo inquiry through different inquiry officer or inquiry</p>



committee.

(4) The authority may also require the inquiry officer or inquiry committee to explain as to why the inquiry has not been conducted in accordance with these Rules, or as to why the facts or merits of the case have been ignored and on the receipt of reply, may determine if the omission or commission by the Inquiry Officer or Inquiry Committee is not in good faith and there are grounds to proceed against the inquiry officer or inquiry committee, as the case may be, under these Rules.

(5) Where the charge or charges have not been proved, the authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(6) Where the charge or charges have been proved against the accused, the authority shall issue a show cause notice to the accused alongwith copy of inquiry report by which it shall-

(a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;

(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 rule 4 including the penalty of dismissal from service may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fourteen days from the day the charge or charges have been communicated to him by affording him an opportunity of personal hearing;

Provided that the accused shall in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;

(c) Direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(7) after duly considering the reply of the accused to the show cause

	<p>notice and affording personal hearing to the accused as appropriate the 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 defense offered by the accused if requested by an order in writing-</p> <ul style="list-style-type: none"> <li>(i) exonerate the accused if charges had not been proved; or</li> <li>(ii) impose any one or more of the penalties specified in rule 4 if charges have been proved.</li> </ul> <p>(8) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the authority shall decide the case within a period of 30 (thirty) days,</p> <p>(9) If the case is not decided by the authority within the prescribed period of 30 days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the authority to decide the case within a specified period.</p>
-	<p><b>16. Personal hearing.-</b> Notwithstanding the proviso to rule 15(6)(b) the authority may, by an order in writing, call the accused and the departmental representative, alongwith relevant record of the case, to appear before him, or before an officer senior in rank to the accused appointed by the authority for personal hearing on the fixed date and time.</p>
<ul style="list-style-type: none"> <li>(a) <b>Rule 5 not to apply in certain cases.-</b> Nothing in rule 5 shall apply to a case-</li> <li>(b) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment; or</li> <li>(c) Where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.</li> </ul>	-

<p><b>8-A Action in respect of Government servant required to proceed on leave.</b> -If a Government servant proceeding on leave in pursuance of an order under sub-rule (1) of rule 5 is not dismissed, removed from service, reduced in rank or compulsory retired, he shall be required to rejoin duty and the period of such leave shall be treated as duty on full pay.</p>	<p style="text-align: center;">-</p>
<p><b>9. Procedure of inquiry against government servants serving in Provincial Governments or working on deputation outside their department or service to which they belong.-</b> When a government servant, to whom these rules apply, is serving under a Provincial government or in a department, outside the department or service to which he belongs, or in a statutory organization, corporate body, or local authority, and the borrowing authority wants to initiate disciplinary proceedings against such government servant under these rules, the borrowing authority shall forward to the concerned lending authority a report with supporting documents on the basis of which disciplinary proceedings are proposed, and, if considered necessary, it may with the approval of the lending authority place him under suspension or send him on forced leave. On receipt of report from the borrowing authority, the lending authority shall take action as prescribed by these rules.</p>	<p><b>17. Procedure of inquiry against Government Servant lent to other governments or organizations etc.—(1)</b> Where the services of Government Servant to whom these rules apply is 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 substantive post held by such Government Servant in his parent department shall;-</p> <ul style="list-style-type: none"> <li>(a) ask the relevant organization for immediate repatriation and relieving of the government servant;</li> <li>(b) ask the relevant organization, if different from his parent organization, to frame charges against the government servant and forward the same to his lending/parent department;</li> <li>(c) initiate proceedings against him under these rules:</li> </ul>
<p><b>10 Appeal.-</b>A person on whom a penalty is imposed shall have such right of appeal as may be prescribed under Civil Servants (Appeal) Rules, 1977:</p>	<p><b>18. Departmental appeal and review.—(1)</b> An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:</p> <p style="padding-left: 40px;">Provided that where the order has been passed by the President, the accused may, within the aforesaid period, submit a review petition directly to the President.</p> <p>(2) The authority empowered under sub-rule (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, within sixty days by an order in writing-</p>

	<p>(a) uphold the order of penalty and reject the appeal or review petition; or</p> <p>(b) set aside the orders and exonerate the accused; or</p> <p>(c) modify the orders and increase or reduce the penalty.</p> <p>(3) An appeal or review petition 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 impugned order in a proper and temperate language.</p>
<p><b>10-A. Appearance of Counsel.</b>-No party to any proceedings under these rules before the authority, the authorised officer, and Inquiry Officer or an Inquiry Committee shall be represented by an advocate.</p>	<p><b>19. Appearance of counsel.</b>—No party to any proceedings under these rules at any stage of the proceedings before the appellate authority, authority, inquiry officer or any inquiry committee as the case may be, shall be represented by an advocate/Counsel.</p>
<p>-</p>	<p><b>20. Appeal before Federal Service Tribunal.—(1)</b> Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 18 may, within thirty days from the date of communication of the order, prefer an appeal to the Federal Service Tribunal established under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.</p> <p>(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 16 is not communicated within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the Federal Service Tribunal within a period of thirty days of the expiry of the aforementioned period of sixty days, where after, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.</p>
<p>-</p>	<p><b>21. Exception.</b>— Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively and willfully stop work, due to strike, willfully absent themselves from duty or abandon their official work, the authority in respect of senior most accused may serve upon them through newspapers or any other mean, such notice as may be deemed</p>

	appropriate to resume duty immediately or within such time as specified and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the penalties prescribed in these rules.
-	<b>22. Indemnity.</b> — 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 these rules or the instructions or directions made or issued thereunder.
11 <b>Repeal.</b> -The Government Servants (Efficiency and Discipline) Rules, 1960 in their application to the Government servants to whom these rules apply and the Civilian Employees in Defence Services (Classification, Control and Appeal) Rules, 1961 are hereby repealed, but the repeal thereof shall not affect any action taken or any thing done or suffered thereunder.	<b>23. Repeal.--(1)</b> The Government Servants (Efficiency & Discipline) Rules, 1973, in their application to the Government Servants to whom these Rules apply are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered thereunder.  (2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under the repealed Rules.
----	<b>24. Removal of difficulties.</b> -- If any difficulty arises in giving effect to any of the provisions of this rule, Establishment Division may make such order not inconsistent with the provisions of this rule as may appear to necessary for the purpose of removing the difficulty.

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**DISCIPLINARY PROCEEDINGS DURING LAST FIVE YEARS 2014-2018**

**PAS/SG/OMG OFFICERS (BS-17 & ABOVE)**

<b>NAME OF YEAR</b>	<b>TOTAL DISCIPLINARY PROCEEDINGS RECEIVED</b>	<b>MAJOR PENALTY IMPOSED</b>	<b>MINOR PENALTY</b>	<b>RETIRED</b>	<b>CLOSED/ EXONERATED</b>	<b>UNDER SUBMISSION</b>
2014	94	04	-	17	11	76
2015	77	10	02	01	01	65
2016	102	05	07	12	-	78
2017	128	01	04	35	02	87
2018	49	01	03	13	11	12
Total	450	21	16	78	25	318

**PSP OFFICERS (BS-17 & ABOVE)**

<b>NAME OF YEAR</b>	<b>TOTAL DISCIPLINARY PROCEEDINGS RECEIVED</b>	<b>MAJOR PENALTY IMPOSED</b>	<b>MINOR PENALTY</b>	<b>RETIRED</b>	<b>CLOSED/ EXONERATED</b>	<b>UNDER SUBMISSION</b>
2014	22	-	03	01	17	01
2015	24	-	05	01	13	05
2016	33	-	03	04	14	12
2017	16	01	03	02	04	06
2018	55	03	05	02	07	38
Total	150	04	19	10	55	62

**EX-CADRE OFFICERS (BS-20 & ABOVE)**

NAME OF YEAR	TOTAL DISCIPLINARY PROCEEDINGS RECEIVED	MAJOR PENALTY IMPOSED	MINOR PENALTY	RETIRED	CLOSED/ EXONERATED	UNDER SUBMISSION
2014	05	-	-	01		05
2015	04	-	-	01		04
2016	03	-	01		01	01
2017	08	-	-	-	-	08
2018	04	-	-	-	-	04
Total	24	-	01	02	01	22

**STATUS OF APPEALS PROCESSED FOR THE LAST FIVE YEARS 2014 TO 2018**

NAME OF YEAR	TOTAL APPEALS RECEIVED	APPEALS REJECTED BY THE PM/PRESIDENT /SECRETARY ESTABLISHMENT DIVISION	APPEALS UNDER SUBMISSION WITH PM'S OFFICE	APPEALS WITHHELD BY THE MINISTRY /DEPARTMENT/ BEING TIME BARRED.	PERCENTAGE
2014	28	20	03	05	100%
2015	34	23	03	08	100%
2016	34	20	04	10	100%
2017	31	21	06	04	100%
2018	31	14	10	07	100%
Total	158	97	27	34	100%



Subject:- **INSERTION OF NEW MAJOR PENALTY FOR RECOVERY OF EMBEZZLED MONEY FROM CORRUPT GOVERNMENT SERVANTS CONVICTED OF EMBEZZLEMENT IN THE DRAFT GOVERNMENT SERVANTS(EFFICIENCY & DISCIPLINE) RULES, 2019.**

Senator Mian Muhammad Ateeq Shaikh, moved the following Starred Question in the Senate of Pakistan:-

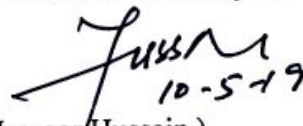
“Will the Minister Incharge of the Establishment Division be pleased to state:

- (a) Whether it is a fact that the Efficiency and Discipline Rules of 1973 have no provision for recovery of embezzled money from corrupt officers convicted of embezzlement, if so, the steps being taken by the Government to address the said lacuna in those rules; and
- (b) The details of procedure laid down for recovery of embezzled money from corrupt officers convicted of embezzlement under the law?

2. The Minister for Parliamentary Affairs who has been authorized to conduct the parliamentary business on behalf of Establishment Division while approving the draft reply has directed as under:-

“Direction is given to review and revise the shortcoming in the relevant law. Therefore, an amendment is needed for P.O and law to bring this amendment in this law and accomplish the spirit of reforms”

3. Since the revised draft of Government Servants (Efficiency & Discipline) Rules, 2019 are presently under examination by the Institutional Reforms Cell which did not contain any such provision therefore, it is requested that the provision regarding recovery of embezzled money from corrupt government servants convicted of embezzlement may be inserted as one of the Major Penalty.

  
10-5-19  
( Masroor/Hussain )  
Section Officer(R-II)  
Ph: 9103587

**Prime Minister's Office(Mr. Nauman Yousaf), Deputy Secretary,**  
**Institutional Reforms Cell, Room No. 270-A, Islamabad.**  
Establishment Division U.O. No. 9/1/2019-R-II dated 10 05 2019