

GOVERNMENT OF SINDH
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT

Karachi, the 8th September 1973.

NOTIFICATION

No. SOVII (S&GAD)-1/123/73.---- In exercise of the powers conferred by section 25 of the Sindh Civil Servants Ordinance 1973 (Sindh Ordinance X of 1973) the Government of Sindh are pleased to make the following rules namely :---

THE SINDH CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1973

1. Short title, commencement and application. ----(1) These rules may be called the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973.
- (2) They shall come into force at once and shall apply to all civil servants wherever they may be:

[Provided that the civil servants of such category or 'Basic Scale of Pay specified by the Chief Minister shall be excluded from purview of these rules.]

2. **Definitions.** ---- In these rules, unless the context otherwise requires:

- (1) "Accused," means a civil servant against whom action is taken under these rules;

- [(2) 'Authority' means the Chief Minister or any officer or authority designated by him to exercise the powers of the authority under these rules;]

- (3) "Authorised officer" means [the Chief Secretary or] an officer authorised by the authority to perform functions of an authorised officer under these rules;

These Rules were published in the Sindh Government Gazette, Part IV-A Extraordinary Dated 10th September 1973, Pages 203 ---- 208.

2. Proviso inserted by Government of Sindh Notification No. SOIX-REG (S&GAD) 2E/2-5/1-75 Dated the 21st August 1975, see Sindh Government Gazette. 1975, Part IV-A, pages 79 ---- 82.

For authority designated see p. 72.

3. Subs. Ibid.
4. Inserted ibid.
5. For Officers authorised see p. No. 70.
6. Subs. Vide notification no. SOIX - Reg (S&GAD) 2/B/1-73(Part-I) dated 8th January 1985.

(2)

(4) "Misconduct" means conduct prejudicial to good order of service discipline or contrary to Sindh Government Servants (Conduct) Rules, 1966 or unbecoming of an officer and a gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the 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 civil servant; and

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

3. Grounds for penalty. --- Where a civil 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 a persistent reputation of being corrupt; or

(d) Is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorised person, and his retention in service is therefore prejudicial to national security, the authority may impose on him one or more penalties.

4. Penalties. ---- (1) the following are the minor and major penalties namely: -

(a) **Minor Penalties:**

(i) Censure;

(ii) Withholding, for a specific period, promotion or increment otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;

(iii) Stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar;

(3)

(iv) Recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;

(b) **Major Penalties:**

- (i) Reduction for a specific period* to a lower post or time-scale, or to a lower stage in a time-scale;
- (ii) Compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.

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

**[(4)-A. (1) if in the opinion of the authorised officer, there are sufficient grounds for proceeding against the civil servant under these rules, he shall take action in accordance with rule 5.

(2) Notwithstanding anything contained in these rules the authority may in any case exercise all powers of authorised officer or give any direction to the authorised officer, as it may deem fit:

Provided that such directions shall be given by the Chief Minister alone if Chief Secretary is the authorized officer.]

5. Inquiry Procedure. ---- The following procedure shall be observed when a civil servant is proceeded against under these rules: ---

- (1) In case where a civil servant is accused of subversion, corruption or misconduct the authorised 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.

* Inserted vide Notification No. SOIX-Reg (S&GAD) 2/B/1-73 Part-I dated 25th February 1980.

** Rule 4-A, Inserted vide Government of Sindh Notification SOIX-REG (S&GAD) 2/E/1-5 dated 21-8-75

(4)

- (2) The authorised officer shall decide whether in the light of facts of the case or the interest 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.
- (3) If the authorised 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.

- (4) On receipt of the report of the Inquiry Officer or Inquiry Committee or where no such Officer or Committee is appointed on receipt of the explanation of the accused, if any, the authorised officer shall determine whether the charge has been proved and ---
 - (a) If it is proposed to impose a minor penalty, he shall pass orders accordingly;
 - (b) 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 finding of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed and the authority shall pass such orders as it may deem proper;

(*) Provided that the authorized Officer shall, subject to proviso to sub-rule (3), before imposing minor penalty or recommending imposition of a major penalty, as the case may be, by notice accompanied by a copy of the enquiry report, if any intimate the accused of the aforesaid penalty and grounds therefor and call upon him to show cause within a fortnight of the notice why the proposed penalty should not be imposed or, as the case may be, recommended and the reply, if any, to the said notice shall be taken into consideration before imposing or recommending a penalty.

- [(5) The orders passed by the Authority or the authorized officer shall be communicated to the accused within ten days of such orders.]

(5)

- (6) If two or more civil servants are proceeded against jointly, the authority or authorised officer in respect of the senior most civil servant amongst them shall be the authority or authorized officer, as the case may be, in respect of all such civil servants.

6. *Procedure to be observed by the Inquiry Officer and Inquiry Committee: ---*

- (1) Where an Inquiry Officer or Inquiry Committee is appointed, the authorised officer shall ----
- (a) Frame a charge and communicate it to the accused together with the statement of all allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;
- (b) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day 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.
- (2) 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.
- (3) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given ----
- (a) It shall not be for more than a week; and
- (b) The reasons therefor shall be reported forthwith to the authorised officer.
- (4) 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 inquiry in such manner as he or it thinks best suited to do substantial justice.

* Added vide notification No.SOIX-REG (S&GAD) II/52-81 dated the 9th October 1984.

1. Sub rules (5) and (6) of rules 5 added vide S&GAD Notification No.SOIX-Reg (S&GAD) 2/E/1/75 dated 21st August 1975.
2. Sub rule (5) of rule 5 further substituted by S&GAD Notification No.SOIX-Reg. (S&GAD) 2/B/1-73 dated the 17th March 1976.

NOTE: The words: along with a copy of the enquiry report" deleted from Sub-Rule 5 vide notification No. SOIX-Reg. (S&GAD) II/52-81 dated 9th October 1984.

(6)

(5) The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceeding or such longer period as may be allowed by the authorised officer, submit his or its findings and the grounds thereof to the authorised officer.

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

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of documents;
- (c) Receiving evidence on affidavits;
- (d) Issuing commissions for the examination of witnesses or documents.

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

8. ***Rule 5 not to apply in certain cases.*** --- Nothing in rule 5 shall apply to a case: -

[(a) Where the accused has been convicted by a court and sentenced to imprisonment or fine on charge(s) involving moral turpitude, in which case the competent authority shall on receipt of intimation of the conviction, make an order dismissing or removing the accused from service or reducing him in rank as it deems fit; provided that in case of conviction on charge(s) of corruption the accused shall be dismissed from service".

(b) 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 show cause.

"8-A. Treating leave or suspension as duty on re-instatement. ----

If a civil servant who proceeds on leave or is suspended under sub-rule (1) of rule 5 is exonerated of the charge or charges or no action has been taken against him, he shall be reinstated in service and the period of leave or, as the case may be, suspension shall be treated as duty."

9. ***Procedure of inquiry against officers lent to other Government or Authority:*** ---

(1) Where the services of a civil servant to whom these rules apply are lent to any other Government or to a local or other authority, in this rule

1. Subs. vides Notification No.SOIX-Reg (S&GAD) 2/B/1-73 (Pt-I) dated 14th October 1978.

2. Inserted vide Notification No.SOIX-Reg (S&GAD) 2/B/1-73 dated 24th January 1977.

(7)

Referred to as the borrowing authority, the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceeding against him under these rules;

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

Provided further that the borrowing authority shall obtain prior approval of Government before taking any action under these rules against a member of Class I Service or a holder of a Class I post.

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

* (3) Notwithstanding anything contained in these rules, Government may, by an order in writing, authorize the borrowing authority or any subordinate officer to such authority to exercise all or any of the powers of 'authorized officer' authority or appellate authority in respect of civil servants whose services have been lent to the borrowing authority".

10. (1) A civil servant aggrieved by an order of the authorised officer or authority may, within thirty days from the date of the order appeal to the appropriate authority given in the Schedule:

Provided that where the penalty is imposed by order of Chief Minister, there shall be no appeal but the civil servant may apply for review of the orders.

2[Explanation. --- For the purpose of this sub-rule the period of thirty days shall be reckoned with effect from the day following the day on which the order appealed against is communicated to the Civil Servant.]

(2) The appellate authority shall, on receipt of the appeal call for the record of the case from the authorized officer or the authority, as the case may be and after perusal of such record and if considered necessary hearing the appellant and the representative of the authorized officer or the authority, as the case may be make such order as it may deem fit:

Provided that if the appellate authority proposes to enhance the penalty it shall give the appellant reasonable opportunity to show cause against the enhancement of the penalty.

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1. Subs. for the original rule 10 which read as under; -
"10. Appeal; - A person on whom penalty is imposed shall have right of appeal as may be prescribed by service rules applicable to him; -
Provided that, where the penalty is imposed by order of the Government, there shall be no appeal but the person concerned may apply for review of the order".
By Government of Sindh Notification No.SOIX-REG (S&GAD) 2/E/1-75, dated the 21st August 1975.
 2. Explanation added below the proviso to sub-rule (1) of rule 10 vide S&GAD Notification NO.SOIX-REG (S&GAD) 2/B/1-73, dated the 17th March 1976.
 - * Added vides Notification No.SOIX-REG (S&GAD) 2/D/8-78 dated the 5th December 1982.

10-A (1) The Chief Minister or any officer or authority empowered by him may call for and examine the record of any proceeding under these rules for the purpose of satisfying himself as to the correctness, or propriety of any finding, penalty or order in irregularity of such proceedings.

(2) After examining the record under sub-rule (1) the Chief Minister or any officer or authority, empowered by him, as the case may be,

May direct further inquiry into the charges from which the civil servant has been exonerated, or may exercise any power of appellate authority:

Provided that an order made under this rule, if prejudicial to the civil servant, shall not be passed unless he has been given opportunity of showing cause:

Provided further that an order-imposing penalty shall not be revised after the period of six months from the date of as communication to the civil servant if no appeal is preferred.

(3) No proceeding under this rule shall be entertained at the instance of the civil servant who has not filed the appeal.]

²[10-B. *Appearance of Council.* --- No party shall be represented by a lawyer in any proceeding under these rules.]

11. *Repeal.* --- The West Pakistan Government Servants (Efficiency & Discipline) Rules, 1960 in their application to the civil servants are hereby repealed, but the repeal shall not effect any action taken or anything done or suffered thereunder.

[12. *Constitution of Anti-Corruption Council.* ---- (1) There shall be an Anti Corruption Council hereinafter referred to as the Council.

(2) The Council shall consist of the Chief Minister, and two or more Ministers nominated by the Chief Minister.

(3) Such Advisors as may be required by the Chief Minister from time to time by a Notification shall assist the Council.

(4) The Director, Anti-Corruption Establishment shall be the Secretary to the Council.

(5) The Council shall meet at least once in three months at each Divisional Headquarter and hold Open Kutchery for receiving complaints against civil servants.

13. *Power of the Council.* ---- (1) The Council may make an order on the spot that an enquiry be made by an Investigation Team on any of the complaints of the nature mentioned in rule 3 received in Open Kutchery under rule 12.

(2) The Council may, constitute one or more Investigation Teams each consisting of officers of the BPS normally not below BPS 18, of whom one shall be Police Officer, one Engineer, one Officer of Accounts and one Revenue Officer.

1. Notification No. SOIX-Reg (S&GAD) 2/B/1-73 dated 26th February 1981.
2. Rule 10-B added vide Notification No. SOIX-REG (S&GAD)-2/B/1-73 dated 31st July 1975.
3. Rules 12, 13 & 14 added vide Notification No. SOIX-Reg (S&GAD) 2/B/1-73 dated 25th Feb. 1976.

(9)

(3) An Investigation Team shall have all the powers of Inquiry Officer or Inquiry Committee under rule 7.

(4) The Investigation Team shall submit its report to the Council within forty-eight hours of the entrustment of the enquiry to it.

(5) On report submitted under sub-rule (4) the Council may issue or require the Authorised Officer to issue a notice to the accused civil servant calling upon him to show cause within such time as may be specified in the Notice why one or more penalties mentioned in these rules should not be imposed upon him.

(6) The Council may, after receipt of the reply from the accused civil servant directly or through the Authorised Officer pass an order imposing one or more of the penalties under these rules on such civil servant.

(7) Any civil servant aggrieved by an order of the Council may within thirty days from the communication of the order prefer review petition to the Council and the order passed by the Council on such petition shall be final.

(8) In the event of dis-agreement between the Chief Minister and the majority of the members of the Council on any matter under this rule, the order of the Chief Minister in such matter shall prevail.

14. **Overriding Provision.** ---- The provisions contained in rule 12 and 13 shall not affect the powers of the Chief Minister under other provisions of these rules.]

SCHEDULE

See Rule (10)

Serial No.	Authority making the order	Authority competent to hear appeals and Entertain representations.
1.	Officers in [BPS] 16, 17, 18 and 19.	The Officer next above under whom the officer making the order is working.
2.	Regional Head.	Head of the Attached Department concerned and if there is no Head of the Attached Department then Secretary of the Department concerned.
3.	Head of Attached Department.	Secretary of the Department unless he is of a lower grade in which case Chief Secretary through the Secretary of the Department.
4.	Secretaries of the Department.	Chief Secretary.
5.	Chief Secretary	Chief Minister.
6.	Chief Justice.	Chief Minister through Chief Secretary.
7.	Chief Minister.	Chief Minister for Review.]
1.	Schedule to Rule 10 added vide S&GAD Notification No. S.O.IX-Reg. (S&GAD) 2/E/1-75 Dated 21st August 1975.	
2.	Notification No. SOIX-Reg (S&GAD) 2/B/1-73 dated 8th January 1985.	

PART - II

ADMINISTRATIVE INSTRUCTIONS

Subject: - ACTION AGAINST A CIVIL SERVANT ON CONVICTION BY A COURT OF LAW ON CHARGE (S) OF CURRUPTION.

Sir,

I am directed to refer to the subject mentioned above and to state that it has been observed that civil servant(s) involved in corruption matters are in some cases retained in service which, it will be appreciated, is highly undesirable and even against the express instructions of Government contained in Services & General Administration Department Memo No.S.O.III (S&GAD)-5/21/75, dated the 29th January 1976 (Reproduced).

2. In order, therefore, to remove the anomaly an amendment in sub-rule (2) of rule 8 of the Sindh Civil Servants (Efficiency & Discipline) Rules, 1973 has been made vide this Department's Notification No.SOIX-REG(S&GAD)2/B/1-73(Pt-I), dated the 14th October, 1978 by which it has been made incumbent upon the competent authority to pass an order of reversion, removal or dismissal from service, as the said authority thinks fit, depending on the gravity of the charge(s), provided that in case of charge(s) of corruption the order of dismissal will have to be passed. Such orders shall be issued immediately on receiving the intimation about conviction of the accused official even if the sentence of imprisonment till the rising of the court or of fine.

3. However, if the conviction is ultimately set-aside in appeal by the superior court and the accused official applies for his re-instatement, he may be re-instated in service because when the basis of penalty (conviction) is taken away, the penalty cannot be sustained.

4. These instructions should please be brought to the notice of all concerned including the statutory corporations autonomous and semi-autonomous bodies under the administrative control of your Department for strict compliance in future.

No. SOIX-REG(S&GAD)2/8/1/73 (Pt-I) dated 31 - 12- 1978.

MINIMUM PENALTY FOR CORRUPTION

I am directed to say that Federal Cabinet in its meeting held on 30th August 1975 has decided that minimum penalty for corruption should be dismissal which might be followed up by legal action. These instructions may kindly be brought to the notice of all concerned for strict compliance.

No. SO III(S&GAD)-5-21/75, dated 29-1-1976.

**Subject :- ADVERSE ORDERS UNDER EFFICIENCY AND DISCIPLINE
RULES ISSUANCE OF THE-----**

I am directed to refer to the subject mentioned above and to state that a question has come up for consideration whether an adverse order namely ---- dismissal / removal /reversion etc. can be issued against a civil servant under the Efficiency and Discipline Rules, with retrospective or prospective effect.

The legal position as advised by Law Department is that an order of dismissal / removal / reversion etc. under the Efficiency and Discipline Rules will take prospective effect and not retrospective effect as no order adversely affecting a civil servant can be passed with retrospective effect.

In order to ensure strict compliance, the above legal position is brought to the notice of all concerned for information and necessary action. It is also requested that while submitting summaries to the Chief Secretary / Martial Law Administrator for orders in disciplinary cases, the above position should always be kept in view.

**No. SOIX-REG(S&GAD)XIII-24/79
Dated 22-8-79.**

**Subject :---SUSPENSION UNDER THE SINDH CIVIL SERVANTS (EFFICIENCY
AND DISCIPLINE) RULES, 1973 --- EXTENSION THEREOF
BEYOND THREE MONTHS.**

I am directed to invite your attention to the rule 5(1) of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973 which provides that where a civil servant is accused of subversion corruption or misconduct, the Authorised 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 the approval of the Authority after every three months.

2. It has been observed that mostly the Authorised Officers either do not obtain or obtain not in time the orders of the Authority for extension of the period of leave or suspension beyond 3 months. As the provision is mandatory it has got to be complied. Any default in this regard can involve the Government in un-necessary litigation with all attendant consequences.

3. It is therefore requested that in future strict compliance of the rule referred to above may please be ensured and atleast a fortnight before expiry of the three months period each time, the Authority may be moved for orders regarding the extension.

**No.SOIX-REG(S&GAD)2/E/4-76, Karachi
Dated 28-11-1979.**

Subject :--- **INSTRUCTION REGARDING ISSUE OF ORDERS AWARDING VARIOUS PENALTIES UNDER THE (EFFICIENCY AND DISCIPLINE) RULES.**

In continuation of this Department circular letter of even No. dated the 12th January, 1978 on the Subject mentioned above I am directed to say that it has been observed that the orders issued under the Efficiency and Discipline Rules, some times do not indicate that they are issued by the Competent Authority and thereby create a wrong impression that they are illegal for want of jurisdiction.

2. In order to obviate the chances of mis-carriage of justice and to avoid any legal complications it is stressed upon all concerned to ensure that the orders made by the "Authority", must clearly indicate that they have the approval or and have been issued by the said Authority.

**No.SOIX-REG(S&GAD)2/B/3-75, Karachi
Dated 26-12-1979.**

In pursuance of the powers conferred by Rule 10-A(1) of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, the Martial Law Administrator has been pleased to empower the Chief Secretary to Government Sindh, to call for and examine the record of any proceeding under these Rules for the purpose of satisfying himself as to the correctness, or propriety of any finding, penalty or order in, irregularity of such proceedings.

No. SOIX-REG(S&GAD)2/B/1-73, dated 17-12-79.

Subject :--- **IRREGULARITY COMMITTEE BY AUTHORISED OFFICER UNDER THE (EFFICIENCY AND DISCIPLINE) RULES.**

I am directed to refer to the subject noted above and to state that the following irregularities are generally committed while taking disciplinary action against civil servants of Grade-17 and above under the Efficiency and and Discipline Rules :-

- (i) Under rule 5(1) of the Sind Civil Servants (Efficiency and Discipline) Rules, 1973, it is the "authorised officer" (designated as such under sub-rule(3) of rule 2 of the said rules) who con obtain the approval of "authority" (designated as such under sub-rule (2) of rule (2) of the said rules) to the suspension of the Civil Servant. The Summaries proposing the Suspend of the Civil Servant in grade 17-20 are some times under the Signature of an officer other than authorised officer.

- (ii) Rules 5(2) makes it incumbent upon the "authorised officer" to decide that in the light of the facts of the case or in the interest of justice an inquiry should be conducted through an Inquiry Officer/Inquiry Committee or a "Show Cause Notice" should be served on the accused official in terms of sub-rule 5(3) (a) (b). It has been noticed that in some cases that either this decision has been taken by a person other than "authorised officer" or the "authorised officer" has not shown to have applied his independent judgement.
- (iii) In case the Authorised Officer has decided to serve a "Show Cause Notice" to the accused official under rule 5(3), sometimes it is not served under his signatures. Similarly in a large number of cases it has been noticed that the action proposed to be taken against the accused and grounds thereof are not incorporated in the show cause notice. Instead of that a general reference is invited to one of the major penalties, which is not correct.
- (iv) In case the "authorised officer" decides to hold an inquiry through an Inquiry Officer/Inquiry Committee. Formal orders regarding the appointment of Inquiry Officer/Inquiry Committee have to be issued by the "authorised officer" and not by any other officer.
- (v) In terms of rule 6, it is the "authorised officer" who has to frame a charge sheet together with a statement of allegations and then communicate these to the accused official. It has been observed in some of the cases that (a) charge sheet has been signed by an officer other than "authorised officer" (b) the charge-sheet is not accompanied by the statement of allegations, elaborating the charge; (c) the statement of allegations has not been authenticated by the "authorised officer".
- (vi) In terms of rule 6 (3), the Inquiry Officer or the Inquiry Committee; as the case may be, shall hear the case from day to day, and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment with reasons shall be reported forthwith to the "authorised officer". No adjournment shall be for more than a week. In spite of clear provisions of the rules, it has been generally noticed that (a) the inquiry proceedings are not conducted by the Inquiry Officers day to day (b) the reasons of adjournments if any, are not regularly reported to the "authorised officer" (c) the period of adjournment go beyond a week, these delays must be avoided, particularly in cases where the accused officer is under suspension.

(vii) Under rule 6 (1) the authorised officer has to afford the opportunity of personal hearing to the accused officer if such opportunity is claimed before deciding to impose a minor penalty or recommending to the authority the imposition of major penalty in terms of rule 5. It has been often observed that this opportunity of personal hearing is confused with the hearing given by the Inquiry Officer during the course of Inquiry proceedings. This is not correct.

(viii) Under rule 5(4) on receipt of the report of the Inquiry Officer or an Inquiry Commission or an receipt of the explanation of the accused to the show cause notice, if any the authorised officer has to determine whether the charges have 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 sheet, statement of allegations, the explanations of the accused. The findings of the Inquiry Officer or Inquiry Committee, if appointed and his own recommendation regarding the penalty to be imposed. It has been generally found that (a) the Inquiry Officer at times besides giving his findings on the charges also makes his recommendation regarding the imposition of a major or minor penalty, (b) the authorised officer does not make use of his independent judgement (c) the recommendations of the authorised officer to the authority are not accompanied by all the document mentioned above.

2. The above irregularities are grave in nature and failure to fully comply with the requirement of the provision of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973 impairs and at times vitiate the disciplinary proceedings and the orders imposing penalty on an accused with the result that most of these orders are set aside by the appellant authority or the Service Tribunal. This not only affects the prestige of the Administrative Department but also involves unnecessary expenditure incurred in defending the appeal of the aggrieved Civil Servants before the Service Tribunal and at times in a court of law.

3. I am therefore directed to request you to ensure that the Provision of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973 are in-variably complied with by the officers responsible for discharging their duties under the said rules as authority, authorised officer or Inquiry Officer.

4. This issue with the approval of Chief Secretary.

No. SOIX-REG(S&GAD)2/B/1-73(Pt-I)
Dated 6-12-1980.

Subject :- **DELAY IN PROCESS OF DISCIPLINARY CASES.**

In continuation of this Department circular letter of even No. dated the 6th December, 1980, I am directed to request that in order to ensure speedy disposal of disciplinary cases and minimize the hardship being caused to the affected officers the following instructions shall in addition to the existing ones, be strictly followed by all concerned :---

- (a) The Inquiry Officer should be carefully selected or his competence and capability to hold the inquiry.
- (b) A time-limit hold is prescribed for completion of the inquiry.
- (c) Until the inquiry is completed, the Inquiry Officer, the accused as well as the witnesses concerned should not be permitted to proceed on leave, training course or transferred within or outside Pakistan.
- (d) A check-sheet, recording the day to day progress, should be maintained by the Inquiry Officer.
- (e) The inquiry proceedings once started should be held without interruption, as far as possible, on day to day basis.
- (f) On receipt of the inquiry report the case should be proceeded expeditiously by the "authority" concerned.
- (g) It should be impressed upon the Inquiry Officer that the quality of work produced by him will reflect on his efficiency, which will be recorded in his A.C.R.
- (h) The initiating officer should record his assessment of the Inquiry Officer's performance in the A.C.R.

No. SOIX-REG(S&GAD)2/B/1-73(pt.)

Dated 21st July, 1981.

Subject :-- **DISCIPLINARY ACTION NEEDS TO OBSERVE STRICTLY THE RULES AND PROCEDURE RELATING TO.**

I am directed to refer to this Department circular letter no. SOIX-REG(S&GAD)2/E/4-76, dated the 28th November, 1979 and to forward copies of the marginally noted communications alongwith a check list prepared in accordance with the provisions of the Sind Civil Servants (Efficiency and Discipline) Rules, 1973 for guidance and strict compliance.

1. No. 7/2/79-DI, dated the 18th November, 1979.
 2. No. 4/20/82-R.I. dated the 26th March, 1985.
 3. D.O. No. 3/1/85-D-2, dated the 26th March, 1985.
2. This issues with the approval of the Chief Secretary.
 3. Receipt may please be acknowledged.

(No. SOR-I(S&GAD)2/1-85, Dated 9-6-1985).

OFFICE MEMORANDUM

Subject :--- **PROCEDURE FOR CONDUCTING INQUIRIES UNDER EFFICIENCY AND DISCIPLINE RULES, 1973---GUIDELINES.**

The undersigned is directed to say that department action against civil servants of the Federal Government for subversion, corruption, misconduct, inefficiency etc., is generally taken under the Government Servants (Efficiency and Discipline) Rules, 1973. It has come to notice that in a large number of cases the procedure laid down in the rules is not properly adopted by the officers designated as 'authority', 'authorised officer' and 'inquiry officer'. Failure to fully comply with the requirements of the rules impairs and at times violates the disciplinary proceedings and the order imposing a penalty on an accused is frequency set aside by the appellate authority or the Service Tribunal, it challenged before it.

2. With a view to ensuring that all the procedural requirements under the Government Servants (Efficiency and Discipline) Rules, 1973, are complied with, a checklist has been drawn and is enclosed. The Ministries and Divisions are requested to bring relevant extracts of this to the notice of the officers responsible for discharging their duties under the said rules before and during the currency of disciplinary proceedings against the civil servants as authority, authorised officer or Inquiry Officer.

(No. 7/2/79-DI. Dated 18-11-79)
Government of Pakistan Rawalpindi.

Subject :--- **DISCIPLINARY ACTION-NEED TO OBSERVE STRICTLY THE RULES AND PROCEDURE RELATING TO.**

It has been observed that in dealing with disciplinary cases care is not generally taken to observe the procedure laid down in the Government Servants (Efficiency and Discipline) Rules, 1973. Such omissions vitiate the case and if the Government Servant concerned goes in appeal to the Service Tribunal, the appeal is sometime accepted on this account. It is, therefore, necessary that extreme care is taken to ensure that the cases are dealt with according to the prescribed rules and procedure.

2. The establishment division has been issuing instructions from time to time drawing attention of all concerned to specific requirements of rules and procedure or to omissions generally noted in disciplinary action. In this connection a reference is invited to the establishment division O.M. No.7/2/79-D-I, dated 18-11-1979 with which a checklist for guidance of authority, authorised officer and inquiry officer was circulated to ensure that all procedural requirements are met. This was followed by a circular d.o. letter No.D-553/80-JS(Rev&D), dated 22-10-1980 from establishment secretary to all secretaries, drawing attention to some irregularities noticed in the disciplinary cases submitted to the establishment Division. In establishment division O.M. No. 4/20/82 - R.I, dated the

20-7-1982 it was further laid down that in future, after the authorised officer has considered the inquiry report and arrived at a provisional conclusion as to the penalty to be imposed on the accused, the accused should be supplied with a copy of the inquiry report and asked to show cause within a specified time as to why particular penalty should not be imposed on him and any representation submitted by the accused in this behalf should be taken into consideration before final orders are passed.

3. It is requested that the instructions issued from time to time and particularly the instructions in the Office Memorandum quoted in para 2 may strictly be followed in future by the ministries/divisions and by departments and offices under their administrative control. For facility of reference, the instructions contained in the three office memoranda quoted in para 2 have been consolidated in a fresh checklist, which is attached to this letter as Annexure. It should always be consulted while processing disciplinary cases.

D.O. No. 3/1/85-D.2. Dated 26-3-85
Cabinet Secretariat

Subject :--- **GOVERNMENT SERVANT (EFFICIENCY AND DISCIPLINE) RULES, 1973 SUPPLY OF INQUIRY REPORT AND GIVING A REASONABLE OPPORTUNITY OF SHOWING CAUSE TO THE ACCUSED OFFICIAL.**

The undersigned is directed to refer to rule 5 and 6 of the Government Servants (Efficiency & Discipline) Rules, 1973 and to state that the Supreme Court of Pakistan in their judgement in Mir Muhammad Vs NWFP (All Pakistan Legal Decisions, SC, 179) observed as follows in respect of corresponding rules 5 and 6 in the NWFP Government Servants (Efficiency and Discipline) Rules, 1973.

"It seems to us, therefore, that on a proper construction of rules 5 & 6 read together it is a statutory requirement that if a formal inquiry is held, then the authorised officer should, after he has tentatively decided upon the action he proposes to recommend to the Authority, give an opportunity to the accused officer to offer his explanation against the proposed action in the light of the findings of the inquiry officer or inquiry committee, before sending his recommendations to the Authority. This would, of course, necessitate that a copy of the inquiry report be furnished to the accused officer at this stage, and he should be apprised of the action proposed against him."

2. In view of the Supreme Court judgement it is now necessary that in a case where a formal inquiry is held, a copy of the inquiry report is furnished to the accused official to enable him to offer his explanation with regard to adverse finding, if any, recorded against him by that inquiry officer or the Inquiry Committee, as the case may be.

3. It has been decided that after the authorised officer has considered the report and arrived at a provisional conclusion as to the penalty to be imposed, the accused shall be supplied with a copy of the inquiry report and asked to show cause within a specified time, which shall not ordinarily exceed one month, against the particular penalty to be imposed and any representation before final orders are passed.

4. The procedure described in par 3 may also be followed in those disciplinary cases which are in progress and have not been finally closed. Even in cases where the matter has been pending before the Service Tribunal of the Supreme Court the proceeding may be started denovo in consultation with the Law Division from the stage from which the error could be corrected in the light of the aforesaid judgement. Cases finally closed need not be reopened.

No. 4/20/82-R.I. Rawalpindi July 20, 1982.

**CHECK-LIST OF REQUIREMENTS TO BE NOTED WHILE
TAKING ACTION UNDER SINDH CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1973.**

Authority to ensure that :---

That the Authority has been designated by the Government to exercise the powers of the authority under these rules in terms of sub-rule (2) of rule 2 of the Sindh Civil Servants (E&D) Rules, 1973.

Authorised To ensure that :---

Officer.

- (1) The officer exercising the powers of Authorised Officer has been authorized by the Authority to act as such in terms of rule 2(3) *ibid*.
- (2) The Authorised Officer while exercising his discretionary powers of suspension under rule 5(1) has obtained prior approval of the Authority in writing before issuing order suspending the accused officer. Further an officer can be suspended only if he is accused of subversion, corruption or mis-conduct.
- (3) Formal approval of the Authority is available for continuation of the suspension period after every three months (Rule 5(1)).
- (4) Formal approval of the Authority is available for extending the period of forced leave after every three months (Rule 5(1)).

- (5) No officer other than the Authorised Officer has decided that in the light of the facts of the case or in the interest of justice an inquiry shall be conducted through an Inquiry Officer or Inquiry Committee (Rule 5(2)).
- (6) Considering the nature of charges and other facts, the decision not to hold an inquiry has been taken judiciously and not arbitrarily. Before taking such a decision, the authorised officer has taken into consideration the nature of charges and other facts and has satisfied himself that the allegations against the accused could be decided without holding an enquiry (Rule 5(3).) (Through it is not a requirement of the rule that the reasons for not holding an inquiry be recorded yet the check-point is necessary to ensure that the decision is in the interest of justice as required by rule and that there is no violation of the law of natural justice.)
- (7) The procedure prescribed in rule 6 is followed in case the Authorised Officer in exercise of his discretionary powers under Rule (5 (2)) has decided to hold an inquiry through an Inquiry Officer or Inquiry Committee
- (8) Formal order regarding appointment of Inquiry Officer or Inquiry Committee, as the case may be, has been issued by the Authorised Officer under his signature. (The statement of allegations should also be authenticated by the authorised officer).
- (9) A formal charge sheet together with a statement of allegations has been framed and communicated to the accused officer by Authorised Officer under his signature. (The statement of allegations should also be authenticated by the authorised officer).
- (10) The charge sheet requires the accused :---
- (i) to put in written defence within a reasonable time which is not less than 7 days or more than 14 days from the day the charge has been communicated;
 - (ii) to state whether he desires to be heard in person.
- (11) The procedure laid down in rule 5(3) is followed in case the Authorised Officer in exercise of his discretion has decided to dispense with holding an inquiry through an Inquiry Officer or Inquiry Committee.
- (12) In the show cause notice issued under rule 5(3) the proposed action and the grounds of the action including particular or particulars of charges and substance of evidence in support of the charges has been specified; the grounds for penalty in terms of rule 3 have been specifically mentioned; the penalty or penalties which would be called for if the charges are established have been specified and no general mention has been made by reference to all minor or major penalties.

- (13) On receipt of the report of the Inquiry Officer or Inquiry Committee or on receipt of explanation of the accused officer under rule 5(4) and 5(5) the Authorised Officer has determined whether the charge or charges against the accused officer has been proved or not (Rule 5(4)).
- (14) In case the Authorised Officer has proposed imposition of a major penalty on the accused officer he has referred the case to the Authority with his recommendation (rule 5(4) (b).)
- (15) When the accused has desired to be heard in person, the authorised officer has duly heard him in person before deciding to impose a minor penalty or make recommendations to the authority for a major penalty rule 5(4) (b).

Subject :--- **DISCIPLINARY ACTION-NEED TO OBSERVE STRICTLY THE RULES AND PROCEDURE RELATING TO THE APPOINTMENT OF ENQUIRY OFFICER.**

I am directed to refer to this Department circular letter no. SOR-I(S&GAD)2/6-85, dated the 9th June, 1985 and to forward a copy of Law Department Opinion Note bearing No. OP: 5 (5)/85/301, dated the 15th May, 1985 for guidance and strict compliance.

No. SOR-I(S&GAD)2/6-85. Dated 10-9-1985

**LAW DEPARTMENT
GOVERNMENT OF SINDH**

OPINION NOTE

The point at issue in this case exactly is that there being no express provision in the Sindh Civil Servants (E&D) Rules, 1973 for appointment of an Enquiry Officer senior in rank to the accused Civil Servant, whether the appointment of an E.O. of equal in rank though few steps senior to the accused Civil Servant in the seniority list, would be proper and lawful under the said rules.

The Government Servants (Efficiency and Discipline) Rules, 1973 are silent in regard to the status of the Enquiry Officer appointed under Rules-6 to enquire into the status of the Enquiry Officer appointed under Rules-6 issued by the Services and General Administration Department in 1971 laying down the procedure for holding Enquires, are saved by Section 26 (2) of the Sindh Civil Servants Act, 1973 (Sindh Act XIV of 1973). Instruction 24 does provide that an Engineering Officer appointed to conduct proceeding against the Civil Servant must be senior in rank to him. The creteria laid-down for determining seniority in rank in the Instructions is not exhaustive. According to Chambers Twentieth Century Dictionary a rank among other things means a grade or status or dignity.

In the instant case E.O. is of same rank, which amounts to miscarriage of justice and equity and also violation of Services and General Administration Department's instructions issued in year 1971 to adopt the current procedure for holding enquiries under E&D Rules.

The rules of natural Justice, equity and even administrative considerations including discipline in services would demand that the E.O. should necessary be senior in rank to the accused Civil Servant to command respect from him.

It would be highly iniquitous if a person appointed to hold enquiry against a Civil Servant belongs to the same grade even if a few steps senior in that grade. Iniquitous procedure is neither countenanced by law nor equity. In this view of the matter the enquiry conducted against the accused Officer by an Officer of the same grade cannot be sustained under the Law and rules.

U.O. No: OP: 5(5)/85/301. Dated 15-5-85

Subject :--- **REQUIREMENT TO ISSUE A FRESH SHOW CAUSE NOTICE IF THE PENALTY IMPOSED UNDER THE GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1973 OR PROPOSED TO BE IMPOSED IS GREATER THAN THAT SPECIFIED IN THE SHOW CAUSE NOTICE OF IF PROPOSED TO BE ENHANCED BY THE APPELLATE AUTHORITY.**

I am directed to refer to the above subject and to forward herewith a copy of Office Memorandum No.4/42/83/D-2, dated the 29th July, 1985 from the Joint Secretary to Government of Pakistan, Establishment Division, Cabinet Secretariat, Rawalpindi, for your information, guidance and necessary action.

2. It may, however, be clarified that in the case of civil servants of [the cases falling under the instance No.1 on page 2 of the enclosed Office] the Sindh Govt. Care should be taken to issue show cause notice in Memorandum. As regards the instance No.3 *ibid*, attention is drawn to the proviso under rule 5(1) of the Sindh Civil Servants (Appeal) Rules, 1980 which requires an appellate authority to issue show cause notice in case it is proposed to make an order adversely affecting the appellant.

3. The instance No.2 of the enclosed letter is not relevant in the case of civil servants of the Sindh Government. However, it may be mentioned that in the cases taken up for consideration under rule 10-A of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973 it is already provided that an order prejudicial to the civil servant shall not be passed unless he has been given an opportunity of showing cause.

No. SOIX-REG(S&GAD)II/52-81 Dated 10-9-1985

Subject :--- **REQUIREMENT TO ISSUE A FRESH SHOW CAUSE NOTICE IF THE PENALTY IMPOSED UNDER GOVERNMENT SERVANTS EFFICIENCY & DISCIPLINE) RULES, 1973, OR PROPOSED TO BE IMPOSED IS GREATER THAN THAT SECIFIED IN THE SHOW CAUSE NOTICE, OR IS PROPOSED TO BE ENHANCED BY THE APPELLATE AUTHORITY.**

The undersigned is directed to state that as a result of disciplinary action taken against a Government servant the appellate authority considered the penalty imposed by the authorised officer to be inadequate and enhanced the penalty before. The Government servant filed an appeal against enhancement of penalty before the Service Tribunal (Appeal No.2(K) of 1980). The Service Tribunal while accepting that appeal observed that the penalty was enhanced without giving the appellate an opportunity of being heard which was against natural justice and further observed that "we are of the firm opinion that even if the rules are silent on the subject, any time an appellants punishment is enhanced, he will be given a show cause and a hearing. This requirement of natural justice shall always be read into the rules". The division concerned referred the observations of the Service Tribunal to the Ministry of Law who confirmed that while it was open to the appellate authority to revise the sentence upward, it would be appropriate for the appellate authority to give a show cause notice to the appellant and hear him before passing the order. They advised that the order of the Tribunal should, therefore, be obeyed.

2. The observations of the Service Tribunal and the advice of the justice division mentioned in para I is brought to the notice all ministries/divisions and departments for guidance and compliance.

3. The cases in which a penalty is enhanced may be as follows :--

- (i) Where the authority decides to enhance the penalty proposed by the authorised officer and which is greater than the maximum penalty shown in the show cause notice issued by the authorised officer in terms of rule 5(1) (iii) of the Government Servants (Efficiency and Discipline) Rules, 1973, or in the show cause notice issued by the authorised officer in terms of rule 5(1) (iv), after considering the inquiry report, as the case may be; or

- (ii) Where the authority in exercise of its revisionary powers under rule 6-A of these rules, decides to enhance a penalty already imposed in a case already disposed of or which, in a pending case, is greater than the penalty shown in the show cause notice; or
- (iii) Where the appellate authority, in exercise of its appellate jurisdiction, decides to enhance the penalty already imposed on the appellants.

The ministries, divisions and departments are advised to ensure that in all such cases as are mentioned above, before the penalty is enhanced a show cause notice is invariably issued and the accused/appellate is given in opportunity of being heard in person.

All Ministries / Divisions,

Copy to :--

- (1) All Chief Secretaries to the Provincial Governments (Sindh Karachi).

No. 4/42/83-D-2, Dated 29-9-1985.

**GOVERNMENT OF SINDH
FINANCE DEPARTMENT**

Karachi, the 10th April, 1978.

From :

Mr. Mazharul Haq Siddiqui,
Secretary to Government of Sindh,
Finance Department,
Karachi.

To,

1. All Additional Chief Secretaries to Government of Sindh.
2. All Administrative Secretaries to Government of Sindh.
3. The Secretary, Board of Revenue, Sindh, Hyderabad.
4. The Secretary to the Governor of Sindh, Karachi.
5. All Heads of Attached Departments.
6. All Regional Heads of Departments.
7. All Commissioners in Sindh.
8. All Deputy Commissioners in Sindh.
9. All District and Sessions Judges in Sindh.
10. The Registrar, High Court of Sindh, Karachi.
11. The Secretary, Sindh Public Service Commission, Hyderabad.
12. The Registrar, Sindh Services Tribunal, Karachi.

Subject :--- **PAYMENT OF SUBSISTENCE GRANT TO SUSPENDED GOVERNMENT SERVANT.**

Sir,

I am directed to say that under existing rules a suspended Civil Servant is entitled to:

(a) Subsistence grant at one half of the pay, which he was drawing immediately before suspension and which he would have continued to draw had he not been placed under suspension; and

(b) Such compensatory / dearness allowances as Government may sanction by general or special order and as the suspending authority may direct.

While the rate of subsistence grant has been fixed at a uniform rate it has been left to the discretion of the suspending authority to fix the allowances. It becomes difficult sometime to distinguish one case of a suspended official from another for the purpose of granting allowances.

It would therefore not be desirable to give wide discretionary powers to the suspending authority in his respect. The question was under consideration and it has now been decided that Government servants during the period of suspension may be paid subsistence grant at the rate of half of their pay and subsidy/local compensatory allowance/senior post allowance/conveyance allowance/motor cycle/car maintenance allowance wherever admissible and subject to prescribed conditions excepting sumptuary allowance and P.T.A.

These orders will take effect from the date of issue.

Your obedient servants

S.M. MEHDI

Deputy Secretary (SR)

for Secretary to Government of
Sindh

Finance Department.

(SPECIMEN OF ORDER OF SUSPENSION)

No.
GOVERNMENT OF SINDH
DEPARTMENT

NOTIFICATION**ORDER**

Karachi, dated the _____

Mr. _____ S/o _____
 (Designation) _____, with the approval of authority, is suspended
 with immediate effect on account of mis-conduct.

2. He is allowed to draw subsistence grant at the rate of his half pay allowances such as special pay / dearness allowance / house rent allowance/ subsidy / local compensatory allowance/senior post allowance/conveyance allowance/motor cycle/car maintenance allowance wherever admissible and subject to prescribed conditions excepting sumptuary allowance and P.T.A.

AUTHORISED OFFICER

No. _____ Karachi, dated the _____

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

1. The Accountant General, Sindh, Karachi.
2. Official concerned.
3. Office Order File.

AUTHORISED OFFICER

(Specimen of Show Cause Notice when enquiry is not held)

No.
GOVERNMENT OF SINDH

Karachi, dated the _____

To,

Subject :--- **SHOW CAUSE NOTICE.**

In exercise of the powers conferred by Rule 4-A read with Sub-Rule (3) of Rule 5 of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, I,
as an Authorised Officer :---

(a) am of the opinion that in view of the allegations that _____
_____ is guilty of mis-conduct, as per details
given below, there are sufficient grounds that disciplinary action be taken
against him under the said Rules; and

(b) have decided that it is not necessary to have enquiry conducted through an
Enquiry Officer or Enquiry Committee.

2. I, therefore, by this Notice inform the said _____
that on the above ground it is proposed to impose on him the penalties described in Rule 4 of the
said Rules. He is accordingly called upon to Show Cause why the proposed action should not be
taken against him.

3. His explanation (in duplicate) should reach the under-signed within 14 (fourteen) days of
the receipt of this Notice failing which exparte decision will be taken against him under the
Sindh Civil Servants (Efficiency and Discipline) Rules, 1973. He may be also indicate whether
he would like to be heard in person.

4. The details of his misconduct are as under :----

(Specimen of Show Cause Notice when enquiry is held)

SHOW CAUSE NOTICE

No. _____ WHEREAS, a Charge Sheet was issued to the accused Mr. _____ under No. _____ dated _____.

WHEREAS, the reply given by him has duly been considered by the Enquiry Officer/Committee.

WHEREAS, the Enquiry Officer/Committee after holding detailed enquiry into the charges have submitted a report to the Auhtorised Officer;

WHEREAS, the Authorised Officer after taking into consideration the said report and having heard the accused in person has also found Mr. _____ guilty of the charges leveled against him;

WHEREAS, the Authorised Officer now propose, to, impose the minor penalty of _____ recommend to the Authority imposition of major penalty of _____ upon him;

NOW THEREFORE, I _____ and Authorised Officer call upon the accused to show cause as stipulated in the proviso under clause (b) of sub-rule (4) of Rule 5 of the Sindh Civil Servants (Efficiency and Discipline) Rule 1973, within a fortnight of this notice as to why the proposed penalty should not be imposed upon him / recommended to the Authority to be imposed upon him.

A copy of the enquiry report is enclosed.

Encl. : Enquiry Report

**AND
AUTHORISED OFFICER**

To,

Mr. _____

(Specimen for Orders of appointment of enquiry officer)

No.
GOVERNMENT OF SINDH

Karachi, dated the _____

ORDER

In pursuance of the provisions contained in Rule 5(2) read with Rule 6 of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, I, as Authorised Officer, hereby appoint Mr. _____

_____ as Enquiry Officer to
conduct enquiry against _____

2. The enquiry shall be conducted in accordance with the provisions of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973 and the report shall be submitted to the Authorised Officer within 15 (fifteen) days of the conclusion of the proceedings.

AUTHORISED OFFICER

No. _____ Karachi, dated the _____

A copy is forwarded to :---

1. The Secretary to Government of Sindh.

(Specimen of final Order)

No.
GOVERNMENT OF SINDH

ORDER

No. _____ WHEREAS a Show Cause Notice bearing No. _____ dated _____ was served upon _____ requiring him to Show Cause why disciplinary action should not be taken against him for the misconduct as mentioned in the said notice and;

WHEREAS _____ was heard in person on _____ by the Authorised Officer alongwith reply to the said Notice submitted by him/record and the evidence of the case. His explanation has been found dissatisfactory and the charges against him stand established.

NOW THEREFORE, I, _____ and Authorised Officer in respect of the above said officer in exercise of the powers conferred by rule 5 (4) (a) of the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973, do hereby impose the minor Major (us the case may be) penalty of _____ on the said _____.

No. SOII(H)

Karachi, dated the _____

A copy is forwarded to :---

1. The Accountant General Sindh, Karachi.
2. The Superintendent, Sindh Government Press, Karachi.
3. Official concerned.
4. Office order file.

AUTHORISED OFFICER
GOVERNMENT OF SINDH
LAW DEPARTMENT

OPINION NOTE

According to a newly added proviso to sub-rule(4) of Rule 5 of the Sindh Civil Servants (E&D) Rules, 1973, a final show cause notice is to be issued by the Authorised Officer or the Authority exercising the powers of the Authorised Officer before imposing penalty on the accused officer, even if no regular inquiry is held. In case of non-compliance of this provision, the order is abinitie vide. In order to remove this legal flaw, the proceedings may be ordered to be started afresh from the point where the mistake had occurred. Accordingly, views of the S&GAD are legally correct and are hereby confirmed.

File No.R-III/3-5/92, SOIII(R)6/5/85 and SO. Appls(S&GAD)1-34/90 are returned herewith.

Sd/-
IMAM BUX SOOMRO
DEPUTY SECRETARY (OPINION)
for Secretary to Government of Sindh
Law Department

The Section Officer (Reg-II),
Govt. of Sindh, S&GAD,
Karachi.

U.O. No. OP:5(3)/92/51, Karachi, dated the 14th April, 1992.

