

GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1973

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: -

1. Short title, commencement and application. -(1) These rules may be called the Government Servants (Efficiency and Discipline) Rules, 1973.

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

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

(1) accuse means a Government servant against whom action is taken under these rules;

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

Provided that in the case of disciplinary proceedings already initiated against a Government servant before 14th June, 2000, the powers of authority shall be exercised by the officer designated as such before the aforesaid date.

(3) authorised officer means an officer authorized by the authority to perform functions of an authorized officer under these rules or, if no officer is so authorized, the authority;

(4) misconduct 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 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.

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 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:

censure;

(i) 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;

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

(iii) recovery from pay of the whole or any part of any pecuniary loss cause to Government by negligence or breach of orders;

(b) Major Penalties:

(i) reduction 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.

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 along with 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.

(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.

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 there for 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 allowed by the authorized officer, submit his or its findings and the ground thereof to the authorized officer.

6-A Revision. (1) Subject to sub-rule (2), the authority may call for the record of any case pending before, or disposed of by, the authorized officer and pass such order in relation thereto as it may deem fit;

(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:

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.

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 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).

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

- (a) 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
- (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 showing cause.

8-A . Action in respect of Government servant required to proceed on leave. -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.

9. Procedure of inquiry against government servants serving in Provincial Governments or working on deputation outside their department or service to which they belong.- 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.

10 Appeal.-A person on whom a penalty is imposed shall have such right of appeal as may be prescribed under Civil Servants (Appeal) Rules, 1977:

Provided that, where the penalty is imposed by order of the President, there shall be no appeal but the person concerned may apply for review of the order.

10-A. Appearance of Counsel.-No party to any proceedings under these rules before the authority, the authorized officer, and Inquiry Officer or an Inquiry Committee shall be represented by an advocate.

11 Repeal. -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 Defense 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 there under.