He it is Who made the sun a shining brightness and the moon a light, and ordained for it mansions that you might know the computation of years and the reckoning. Allah did not create it but with truth; He makes the signs manifest for a people who have knowledge.

(Quran 10:5)
بسم الله الرحمن الرحیم

شرح کتاب.hotāں اللہ کے باب کے نام سے جو ہر ہی نام اور قسم پر

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INTRODUCTION

History of E&D Rules

i) Punjab Civil Services (Punishment & Appeal) Rules, 1935

ii) West Pakistan (E&D) Rules 1960

iii) Punjab Civil Servants (E&D) Rules 1975.

iv) The Punjab Civil Servants (E&D) Rules, 1999

Punjab Civil Services (Punishment & Appeal Rules)

Framed under Section 241 of the Govt. of India Act, 1935
Date: 1st April, 1941

shall apply to all persons serving his majesty in a civil capacity in connection with the affairs of Punjab.

• Penalties
  i) Censure
  ii) Withholding of increments or promotion including stoppage at the Efficiency bar.
  iii) Reduction to a lower post or time scale or to a lower stage in a time scale.
  iv) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.
  v) Suspension.
  vi) Removal from Services.
  vii) Dismissal from Services.

The above penalties can be imposed by the Authority specified by the Government.
• Enquiry before imposition of Dismissal, Removal or Reduction in rank, reasonable opportunity of showing cause be provided. Charge shall contain: Definite charge(s) Oral enquiry shall be held.

• No specific grounds for penalty.

• The record /files of ACE could not be examined by the E.O.

• Copy of the enquiry report was to be supplied only in case where the proposed penalty was dismissal removal or reduction order which may be passed by the Appellate authority.

The Appellate Authority shall consider:-

i) Whether the facts, on which the order was passed have been established.

ii) Whether the facts established afford sufficient ground for taking action, and

iii) Whether the penalty is excessive, adequate or inadequate after such consideration shall pass such order as it thinks proper.

Provided that no penalty shall be increased unless opportunity is given to the person concerned to show cause why such penalty should not be increased.
Penalties

Minor:

a) i) Censure

ii) Withholding for specific period promotion or increments.

iii) Stoppage for a specified period at the efficiency bar.

Major:

b) Recovery from pay of the whole or any part of any pecuniary loss caused to the Government by negligence or breach of orders.

c) Reduction to a lower post or time scale or to a lower stage in a time scale.

d) Compulsory Retirement.

e) Removal from service.

f) Dismissal from service.
Grounds and extent of Penalties.

For misconduct: (i) Any penalty may be imposed (ii) for inefficiency on account of infirmity of mind or body: Penalties

a) Withholding of promotion or increments; with commulative effect.

b) Reduction to lower post or pay scale or to a lower stage in a time scale.

c) Compulsory retirement;

d) Removal from service.

For inefficiency on account of

Having not passed the examination in two or more attempts, having failed to appear in the examination without reasonable course.

Any major penalty except dismissal.

Corruption or subversives activities

• Compulsory retirement.
• Removal
• Dismissal.
Reinstatement in case of Forced leave

To be reinstated in service on finalization of the enquiry, provided he is not dismissed, removed or reduced in rank, or compulsory retirement, restored to his rank, given equivalent rank, period of such leave treated as duty on full pay.

Competent Authority

i) Authority Competent to award minor penalty.

ii) Authority Competent to award Major -not less than Appointing authority.
Punjab Civil Servants
(Efficiency and Discipline)
Rules, 1975
The Punjab Civil Servants (E&D) Rules 1975

GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT

NOTIFICATION

Dated Lahore, the 12th March, 1975.

No. SORI(S&GAD)I-65/73--In exercise of the powers conferred upon him by section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules, namely:-
THE PUNJAB CIVIL SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1975
PRELIMINARY

1. Short title, commencement and application - (1) These Rules may be called The Punjab Civil Servants (Efficiency and Discipline) Rules, 1975.

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

2. Definitions - (1) In these rules, unless the context otherwise requires —

   (a) “accused” means a civil servant against whom action is taken under these rules;

   (b) “authority” means the government or an officer or authority designated by it to exercise the powers of the authority under these rules;
(c) “authorised officer” means an officer authorized or designated by government to perform the functions of an authorized officer under these Rules:

Provided that where in the case of a civil servant no authorized officer has been so authorized or designated, the authority shall have power to appoint an officer to act as authorised officer in that case:

Provided further that in relation to a civil servant, the authority may be authorized to act as authorized officer.

Provided further that the authority in its discretion shall act as authorised officer where it deems appropriate.
(d) “misconduct” means conduct prejudicial to good order or service discipline or contrary to the West Pakistan Government Servants (Conduct) Rules, 1966 as applicable to the Province of the Punjab or conduct unbecoming of an officer and a gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a civil servant; and

(e) “Penalty” means a penalty which may be imposed under these rules.
(2) In case two or more civil servants are to be proceeded against jointly, the authority or, as the case may be, the authorised officer for the civil servant senior-most in rank, shall be the authority, or, as the case may be, the authorised officer in respect of all such accused.

(3) The various authorities empowered to award major punishments under the various Delegation fo Powers Rules, shall, in respect of civil servants to whom they are competent to award major punishment, exercise the powers of “the authority” under these rules and the authorities empowered to award minor punishment under the said Delegation of Powers Rules are, in respect of the civil servants to whom they are competent to award minor punishment, authorised to exercise the powers of “Authorised Officer” under these rules.

(4) Words and expressions used but not defined shall bear the same meanings as they bear in the Punjab Civil Servants Act, 1974.
2-A Save in cases where the government is to act as “the authority” or “the authorised officer”, notwithstanding anything to the contrary contained in rule 2, where ‘the authority’ would personally be interested in the result of the proceedings under these rules, “the authority” or “the authorised officer” shall not proceed with the case and shall:

i) in the case of ‘authorised officer’ report the matter to the ‘the authority’ which shall appointment and authorise another officer of the corresponding rank or status to act as “authorised officer”; and

ii) in the case of “authority”, report the matter to the appellate authority to which the orders passed by “the authority” are ordinarily appealable and such appellate authority shall appoint and authorize another officer of the corresponding rank and status to act as the “authority”.
PENALTIES

3. Grounds for penalty — A civil servant, who, —
   (a) is inefficient or has ceased to be efficient; or
   (b) is guilty of misconduct; or
   (c) is corrupt, or may reasonably be considered corrupt because :-
      (i) he is, or any of his dependents or any other person through him or on his behalf, is in
        possession of pecuniary resources or of property disproportionate to his known sources of income, which, he cannot
        reasonably account for; or
      (ii) he has assumed a style of living beyond his ostensible means; or
      (iii) he has a persistent reputation of being corrupt; or
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, prejudicial to national security; shall be liable to be proceeded against under these rules and one or more of the penalties hereinafter mentioned may be imposed on him.
4. **Penalties** — (1) The following are the penalties namely:

(a) **Minor Penalties:**

(i) censure;

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

(iii) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar.
(b) Major Penalties:

(i) reduction to a lower post or pay-scale or to a lower stage in a pay-scale;

(ii) recovery of the whole or any part of any pecuniary loss caused to government by negligence or breach of orders;

(iii) compulsory retirement;

(iv) removal from service; and

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

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

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

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

(c) engaged under a contract, in accordance with the terms of the contract.
5. **Initiation of proceedings** — (1) If, on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceedings against a civil servant, or where the Anti-Corruption Establishment has, under Rule 15 (1) (b) of the Punjab Anti-Corruption Establishment Rules, 1985, recommended departmental action it shall direct the authorised officer to proceed against the said accused.

(2) Where no authorised officer stands designated in respect of the accused civil servant, the authority shall simultaneously appoint an officer senior in rank to the accused, to perform the functions of an authorised officer.
6. **Procedure to be observed by the authority** — (1) In a case where a civil servant is accused of subversion, corruption or misconduct, he may be placed under suspension by the authority, or with the prior approval of the authority, by the authorized officer, or he may be required by the authorized officer to proceed on leave: shall require the prior approval of authority after every three months.

(2) Within three days of the receipt of the direction from the authority under rule 5, or within such further period as may be allowed by the authority at the written request of the authorized officer, the authorized officer shall decide whether in the light of the facts of the case or in the interest of justice, an inquiry is necessary.

(3) If the authorized officer decides that it is not necessary to have an inquiry conducted against the accused, he shall –
(a) inform the accused forthwith, by an order in writing, of the action proposed to be taken in regard to him and the grounds of the action; and
(b) give him a reasonable opportunity of showing cause against that action within a period of fourteen days from the date of receipt of the order under clause (a):

Provided that no such opportunity shall be given where, in the interest of security of Pakistan or any part thereof, it is not expedient to do so but before denying this opportunity, the authorized officer shall obtain the prior approval of the authority.
(4) **Within 7 days of the receipt of the explanation, if any, of the accused, or within such further period as may be allowed by the authority at the written request of the authorized officer, the authorized officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty the authorized officer shall, after affording the accused an opportunity of personal hearing, pass orders accordingly. If, however, the authorized officer considers it to be a case for major penalty, he shall, after affording the accused, an opportunity to offer his explanation against his recommendations for imposition of major penalty, forward the case to the authority along with the explanation of the accused and his own recommendations regarding the penalty to be imposed.**
(4) Provided that in case of joint inquiry if the authorized officer reaches the conclusion to impose minor penalty/penalties on one or more of the accused and recommends imposition of major penalty/penalties in respect of the other(s) accused, he shall send the whole case to the authority for taking a final decision.

(5) If under sub-rule (2) the authorized officer considers that an inquiry is necessary, he shall appoint an Inquiry Officer or an Inquiry Committee consisting of two or more persons who or one of whom shall be of a rank senior to that of the accused or if there are more than one accused, senior to all the accused.
(6) Where an Inquiry Officer or an Inquiry Committee is appointed under sub-rule (5), the authorized officer shall simultaneously frame a charge and communicate it to the accused together with a statement of allegations explaining the charge and other relevant circumstances which are proposed to be taken into consideration and 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 directly before the Inquiry Officer or the Inquiry Committee, as the case may be.

(7) The authorized officer, immediately after communicating the charge to the accused under sub-rule (6), shall forward such record or copies thereof and such other material as is necessary for the conduct of the inquiry to the Inquiry Officer or the Inquiry Committee, as the case may be.
7. Procedure to be observed by the inquiry officer or inquiry committee

(1) On receipt of the explanation of the accused or on the expiry of the stipulated period if there is no defence reply from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine that witness.

(2) If the accused fails to furnish his explanation within the period specified, the Inquiry Officer or the Inquiry Committee, as the case may be, shall proceed with the inquiry.
(3) The Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given, except for reasons to be recorded in writing. However, every adjournment, with reasons therefor, shall be reported forthwith to the authority. Normally, no adjournment shall be for more than a week,

(4) Where the Inquiry Officer or the Inquiry Committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the Inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.
(5) If the accused absents himself from the inquiry on medical grounds he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board. Where, in view of the serious condition of the accused, it may not be possible for him to appear before the Medical Board, the Board shall examine him at his residence of which complete address must always be given in the leave application and at which he must be available:

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

(6) The Inquiry Officer or the Inquiry Committee, as the case may be, shall complete the inquiry proceedings within a period of sixty days, commencing from the last date of submission of the written defence by the accused or within such further period as may be allowed by the authority.
7-A The authorised officer, on receipt of the report of the Inquiry Officer or Inquiry Committee, shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall, after affording the accused an opportunity of showing cause against the action proposed, pass order accordingly. If it is proposed to impose a major penalty, he shall, after affording the accused an opportunity to offer his explanation against his recommendations for imposition of major penalty, forward the case to the authority along with the charge sheet, a statement of allegations served on the accused, explanation of the accused, the finding of the Inquiry Officer or the Inquiry Committee, as the case may be and his own recommendations regarding the penalty to be imposed. In case it is proposed to drop the proceedings, the authorised officer shall submit the case with all relevant material/documents to the authority for appropriate orders.
7. Appearance of Counsel— No party to any proceeding under these rules, before the authority, an inquiry officer, an inquiry committee or appellate authority shall be represented by a lawyer.

8-C. Expeditious disposal of proceedings — (1) In a case where the authority decides not to have an inquiry conducted against the accused, the proceedings must be finalized by him within a period of forty-five days from the date of receipt of the direction under rule 5 and a report to that effect submitted to the authority.

(2) In a case where the authority has appointed an Inquiry Officer or Inquiry Committee, the Inquiry Officer/Inquiry Committee should ensure that the entire proceedings are completed within a period of ninety days from the date of receipt of direction under rule 5 and shall submit a report thereof to the authority.
(3) Where inquiry proceedings are not completed by the inquiry officer or the inquiry committee, as the case may be, within (the prescribed period) the Inquiry Officer or the Inquiry Committee, as the case may be, shall report the position of the inquiry to the authorised officer intimating the reasons why the inquiry could not be completed within that period and the approximate further time that is likely to be taken in the completion of the inquiry and the authorised officer shall immediately cause the same to be produced before the authority.

(4) The authority on receipt of report under sub rules (2) and (3), shall pass such orders for expeditious finalization of the proceedings as it may deem fit.
8. In the case of any proceedings the record of which has been reported for orders under sub rule (4) of rule 6, (rule 7-A) the authority may pass such orders as it deems fit but before imposing a major penalty, the authority shall afford the accused an opportunity of being heard in person either before himself or before an officer senior in rank to the accused designated for the purpose, after taking into consideration the record of such personal hearing prepared by the officer so designated.

Provided that Where the authority is satisfied that inquiry proceedings have not been conducted in accordance with these rules and/or facts and merits of the case have been ignored, it may order initiation of de novo inquiry through a speaking order by giving the reasons thereof within a period of 14 days.
9. Certain rules not to apply in certain cases –

(1) Where a civil servant is convicted of an offence involving moral turpitude which has led to a sentence of fine or imprisonment, he may, after being given a show cause notice, be dismissed, removed from service or reduced in rank without following the procedure laid down in rules 5, 6, 7 and 8.

(2) Where the authority is satisfied, that for reasons to be recorded in writing, it is not reasonably practicable to give the accused civil servant an opportunity of showing cause it may impose any of the penalties under these rules without following the procedure laid down in rules, 5, 6, 7 & 8.
(3) Notwithstanding the other provisions of these rules where the government or authority is satisfied that one or more civil servants, individually or collectively, have taken part in agitational and subversive activities, resorted to strike, abandoned their official duty or incited others to do so, the government or the authority may after serving upon them a notice through a publication in a daily newspaper or in any other manner, asking them to resume duty, and on their failure or refusal to resume their duty impose upon the defaulting civil servant the penalty of dismissal or removal from service without following the procedure as laid down in rules 5, 6, 7 and 8 ibid.
10. Procedure of inquiry against officers lent to other governments, etc. –

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

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in these rules referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be;
Provided further that the borrowing authority shall obtain prior approval of the Government of the Punjab before taking any action under these rules against a civil servant holding a post in Basic Pay Scale 17 or above.

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

(3) Notwithstanding anything to the contrary contained in sub-rule (1) and (2) government may, in respect of certain civil servants or categories of civil servants, authorize the borrowing authority to exercise all the powers of authority and authorized officer under these rules.
11. **Power to order Medical Examination as to mental or bodily infirmity** — (1) Where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority may, at any stage, whether or not an authority has been directed to proceed against him, require the civil servant to undergo a medical examination by a Medical Board or a Medical Superintendent as the authority may direct, and the report of the Board or the Medical Superintendent shall form part of the proceedings.

(2) If a civil servant refuses to undergo such an examination, his refusal may, subject to the consideration, of such grounds as he may given or sin support of it, be taken into consideration against him as showing that he had reason to believe that the result of the examination would prove unfavorable to him.
12. Powers of Inquiry Officer and Inquiry Committee-

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

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

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits; and

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

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).
13. **Appeal against Penalty**— Any civil servant on whom a penalty has been imposed under these rules, except where the penalty has been imposed by the government, may within 30 days from the date of the communication of the order, appeal to such authority as maybe prescribed:

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

14. **Petition of appeal** — Every appeal preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the order appealed from, and shall not contain disrespectful or improper language and shall be filed with the authority or the inquiry officer who, as the case may be, passed the original orders. The authority or the inquiry officer, receiving the appeal, shall forward the same along with the comments within a fortnight, to the appellate authority.
15. **Determination of appeal** - (1) The appellate authority shall cause notice to be given to the appellant and the authority or the inquiry officer imposing penalty, of the time and place at which such appeal will be heard. The appellate authority shall send for the record of the case, if such record is not already with it. After perusing such record and hearing the appellant, if he appears, and the representative of the punishing authority, if he appears, the appellate authority may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may —

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

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

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

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

(ii) give him a reasonable opportunity to show cause against that action.

(3) In dealing with an appeal, the appellate authority, if it thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by the authority and when such evidence has been taken the appellate authority shall thereupon proceed to dispose of the appeal,
16. **Review and not appeal in certain cases** -- Where the original order has been passed by the government, no appeal shall lie, and instead, a review petition shall lie to the government and the government may, in its discretion, exercise any of the powers conferred on the appellate authority:

Provided that it shall not be necessary for the government to afford the accused an opportunity to be heard in person except where the government proposes to increase the penalty, in which case he shall, by order in writing, inform the accused of the action proposed to be taken and the grounds of the action and give him a reasonable opportunity to show cause against that action.
17. No second appeal except in certain cases —

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

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

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

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

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

(2) On examining any record under this rule, the government may direct the authority to make further inquiry into the charges of which the accused has been acquitted and discharged, and may, in its discretion, exercise any of the powers conferred on an appellate authority:

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

Provided further that an order imposing punishment or exonerating the accused shall not be revised suo moto or otherwise after the lapse of a

(3) No proceeding by way of revision shall be entertained at the instance of the accused who has a right of appeal under these rules and has not brought the appeal.
19. **Repeal** — (1) The Punjab Civil Servants (Efficiency and Discipline) Rules, 1960, in their application to the civil servants to whom these rules apply, are hereby repealed.

(2) Notwithstanding the repeal of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1960, hereinafter referred to in this sub-rule as the said rules-

(a) Subject to the provisions of Chapter IV of these rules, any departmental inquiry or proceedings pending immediately before the coming into force of these rules, shall be completed and orders passed thereon as if the said rules had not been repealed; and

(b) any notification or instructions issued thereunder so far as they are not inconsistent with these rules, shall be deemed to have been issued under these rules.

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