



In the Name of Allah, the Most Gracious,
the Most Merciful

PEEDA

**THE PUNJAB EMPLOYEES
EFFICIENCY,
DISCIPLINE AND
ACCOUNTABILITY ACT 2006**



By

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History of E & D Legislation

- Civil Service Rules, 1941
- The West Pakistan Efficiency & Discipline Rules, 1960
- The Punjab Civil Servants Efficiency & Discipline Rules, 1975
- The Punjab Civil Servants Efficiency & Discipline Rules, 1999
- The Punjab Removal From Service (Special Powers) Ordinance, 2000
- The Punjab Employees Efficiency Discipline and Accountability Act, 2006

DEFICIENCIES IN THE PRSO 2000

- Name of the Law was misnomer.
- Lacked systematic approach.
- PRSO brought in a hurry following the Federal Removal from Service (Special Powers) Ordinance.
- A lot of haphazard amendments had further complicated the Law.
- Complex provisions which were difficult to understand/apply.

DEFICIENCIES IN THE PRSO

- Time to complete inquiry was 45 days which was too short.
- Under PRSO 2000, employee under suspension gets full salary and tries to hamper the proceedings in the hope of some favorable change.
- Forced leave has become redundant and of no use especially since full pay is now given on suspension

DEFICIENCIES IN THE PRSO

- In the absence of clear procedure, different authorities adopt different methodology.
- Scattered information in PRSO 2000 law.
- Mistakes were made by authorities due to which courts set aside their orders.
- No definition of accused, appointing authority, appellate authority, charge, corruption, employees, hearing officer have been given.

DEFICIENCIES IN THE PRSO

- Only 7 categories of penalties without distinction of Major and Minor.
- PRSO did not provide a clear cut line for initiating disciplinary proceedings against employees on the charges of:
 - Conviction.
 - Acquittal as a result of plea bargain or compromise of an offence.
- No power of Revision by the Government

RATIONALE FOR BRINGING NEW LAW

- **The deficiencies in PRSO cannot be removed through simple amendments.**
- **Amendments will further complicate the law.**
- **No option except to bring a new law.**

PREAMBLE

In Public Interest
&
For Good Governance
To Provide
for
Measures for Improvement Of

Efficiency

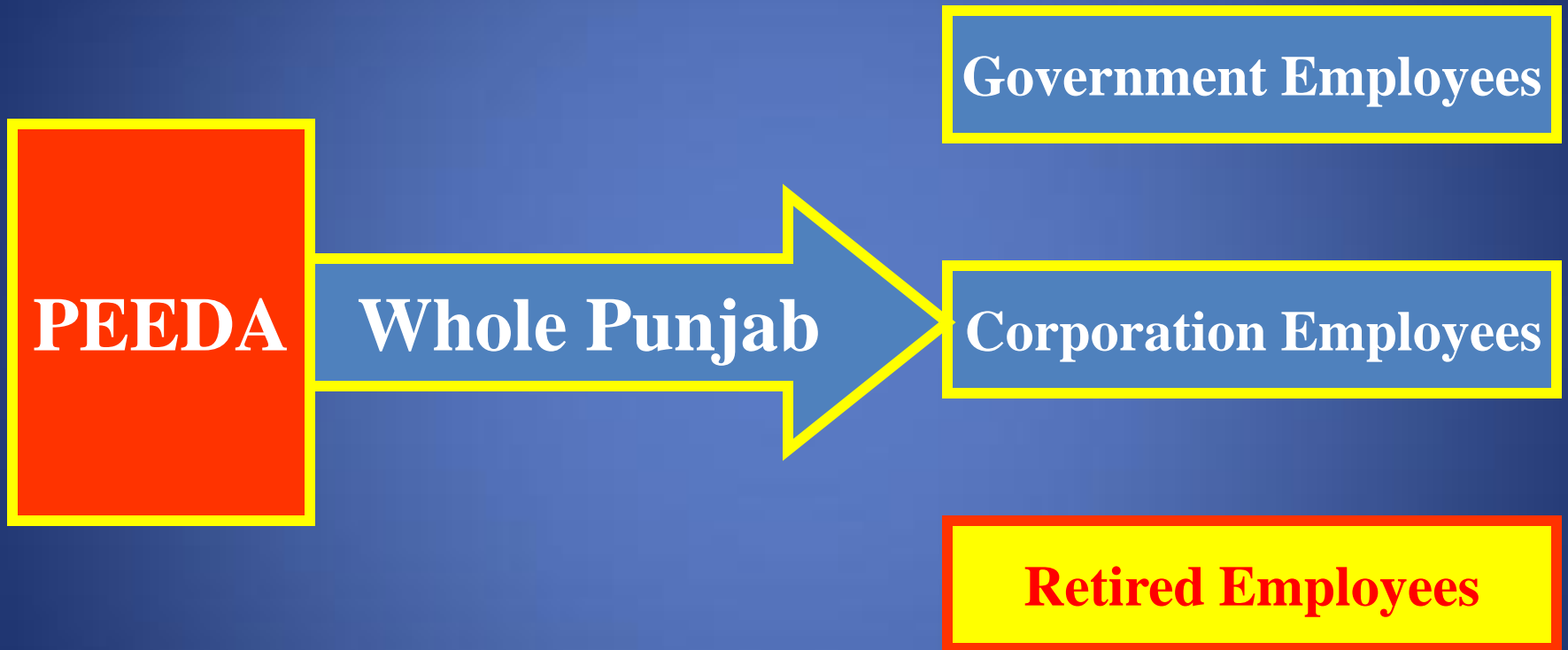
Discipline

Accountability

Employees in Government
and
Corporation Service



Short Title and Application



Provided that proceedings under this Act are initiated against them during their service or within one year of their retirement

DEFINITIONS

ACCUSED

A person who is or has been an employee and against whom action is initiated under this Act;

COMPETENT AUTHORITY

- The Chief Minister: or
- Any officer or authority authorized by the Chief Minister to exercise the powers of competent authority.
- Provided that such officer or authority shall not be inferior in rank to the appointing authority

COMPETENT AUTHORITY

- Where two or more employees are to be proceeded against jointly, the competent authority in relation to senior most employee in rank shall be the competent authority in respect of all the accused

S. No.	Employee/class of Employees	Holder of the Post	Competent Authority
1.	Employee in the Government in a post, or belonging to a service, group or cadre in the Secretariat Departments controlled by the Government	(i) Deputy Secretary, District Police Officer/Superintendent of Police in BS-18 and Post in BS-19 and above	Chief Minister
		(ii)(a) In BS-16 & 17; and (b) In BS-18 except as provided at (i) above	Appointing Authority
		(iii) In BS-1 to 15	Administrative Secretary
2.	Employee in an attached Department or a subordinate office of the Government or District Government	(i) In BS-19 and above	Chief Minister
		(ii) In BS-1 to 18	Appointing Authority
3.	Employee of a Corporation, Corporate Body, Autonomous Body, Statutory Body, Institution or Organization as defined in sub-clause (i) of clause (h) of section 2 of the Act <i>ibid.</i>	In BS-1 and above	Appointing Authority

CHARGE

Allegations framed against the accused pertaining to acts of omission or commission cognizable under this Act

INEFFICIENCY

- Failure to:-
 - efficiently perform functions assigned to an employee in the discharge of his duties; or
 - qualify departmental examination in three consecutive attempts.

HEARING OFFICER

An officer, senior in rank to the accused, appointed by any authority competent to appoint hearing officer, to afford an opportunity of personal hearing on behalf of the authority concerned

CORRUPTION

- Accepting or obtaining or offering any gratification or valuable thing directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act: or

CORRUPTION

- Dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources: or

CORRUPTION

- Possession, of pecuniary sources or property which cannot be accounted for and which are disproportionate to his known sources of income ;or

CORRUPTION

- Maintaining standard of living beyond known sources of income; or
- Having a reputation of being corrupt; or
- Entering into plea bargain and return the assets or gains, acquired through corruption or corrupt practices, voluntarily

MISCONDUCT

- Conduct prejudicial to good order or service discipline; or
- conduct contrary to the conduct rules, for the time being in force; or
- Conduct unbecoming of an officer and a gentleman; or

MISCONDUCT

- Involvement or participation for gain directly or indirectly, in industry, trade or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons, as may compromise the performance of official duties or functions;
or

MISCONDUCT

- Any act to bring or attempt to bring outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any other authority in respect of any matter relating to the appointment, promotion transfer, punishment, retirement or other conditions of service : or

MISCONDUCT

- **Making appointment or promotion** or having been appointed or promoted on extraneous grounds in violation of any law or rules; or

MISCONDUCT

- Absence from duty without prior approval of leave; or
- Acquittal by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body; or
- Conviction for an offence by a court of law

Grounds for Proceedings and Penalty (section-3)

- ❖ **Inefficient or Ceased to be Efficient**
- ❖ **Guilty of misconduct**
- ❖ **Guilty of Corruption**
- ❖ **Engagement in Subversive Activities**

**Minor
Penalties
Section 4 a**

Censure

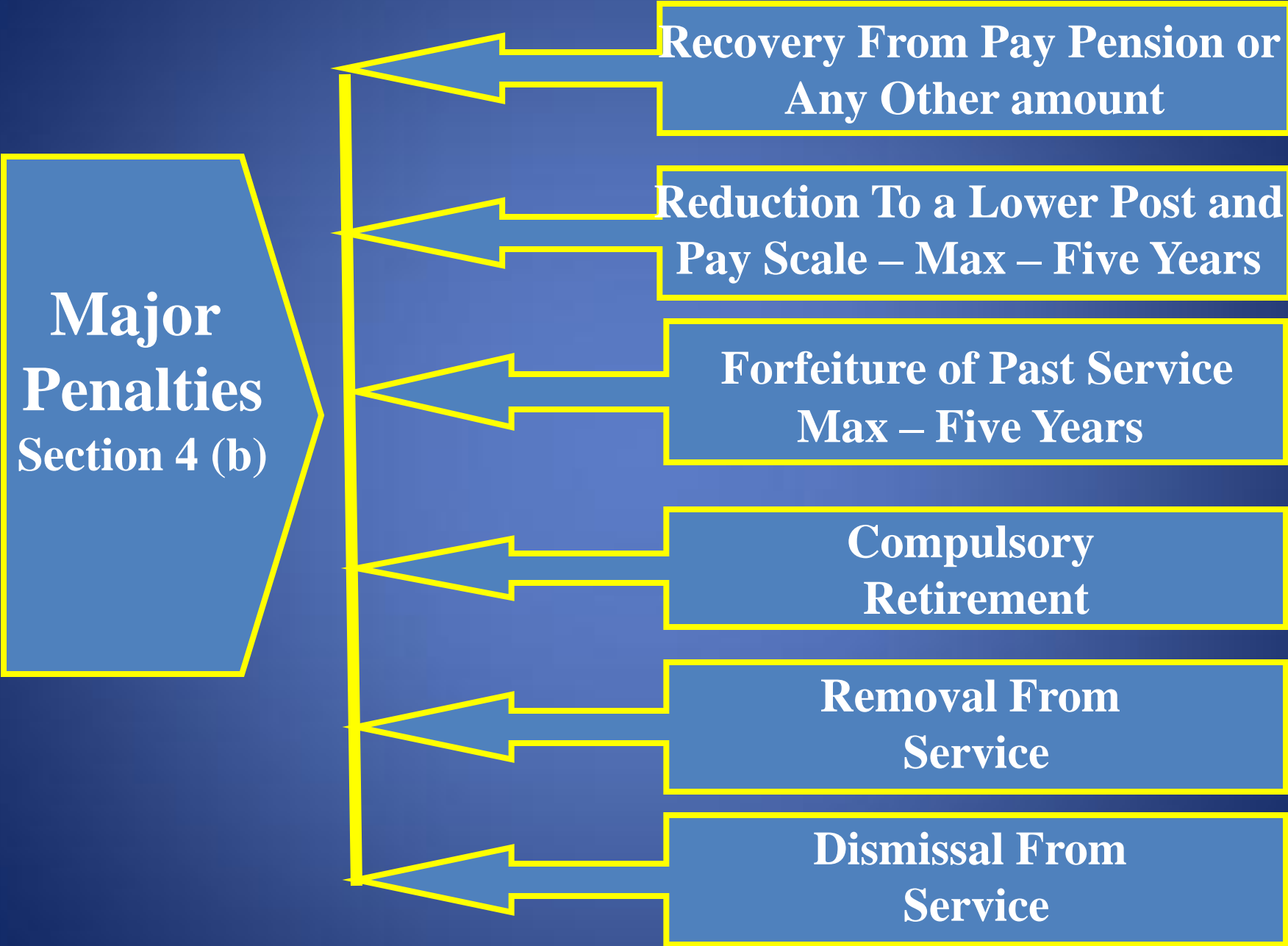
**Withholding of Increment
Max Five Year**

**Fine Not Exceeding
1 Month Pay**

**Reduction To a Lower Stage in
Pay Scale – Max – Five Stages**

**Withholding of Promotion
Maximum Five Years**

**Major
Penalties
Section 4 (b)**



**Recovery From Pay Pension or
Any Other amount**

**Reduction To a Lower Post and
Pay Scale – Max – Five Years**

**Forfeiture of Past Service
Max – Five Years**

**Compulsory
Retirement**

**Removal From
Service**

**Dismissal From
Service**

Penalties After Retirement

Section 4(c)

- Withholding of pension or any part thereof;

- Withdrawing of pension or any part thereof; and

- Recovery from pension or any other amount payable to the accused, and if the amount cannot be wholly recovered - under the law for the time being in force.

Initiation of Proceedings (Section-5)

Competent Authority

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graph TD; A[Competent Authority] --> B[Proceed itself against the accused by issuing a show cause notice under section 7 and, for reasons to be recorded in writing, dispense with the enquiry, or]; A --> C[Get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under section 10:];
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Proceed itself against the accused by issuing a show cause notice under section 7 and, for reasons to be recorded in writing, dispense with the enquiry, or

Get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under section 10:

**The
competent
authority
shall
dispense
with
inquiry
where-**

the

An employee has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or

An employee is or has been absent from duty without prior approval of leave:

Possession of sufficient documentary evidence or, for reasons to be recorded in writing, he is satisfied that - no need to hold an inquiry.

**No opportunity
of showing
cause or
personal
hearing shall
be given
where-**

An employee has entered into plea bargain under any law for the time being in force or convicted of the charges of corruption which have led to a sentence of fine or imprisonment;

The competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity;

**An employee is involved
in subversive activities;
or**

SUSPENSION

An employee may be placed under suspension for an initial period of ninety days

The employee - deemed to be reinstated, if the period is not extended for a further ninety days within thirty days of the expiry of initial period of suspension

The continuation of suspension period with the prior approval of the competent authority for each period of extension.

Procedure where inquiry is dispensed with Section 7

- Inform the accused by an order in writing of
 - ✓ the grounds for proceeding against him
 - ✓ clearly specifying the charges therein,
 - ✓ along with apportionment of responsibility and
 - ✓ the penalty or penalties proposed to be imposed upon him;

• Give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within extended period

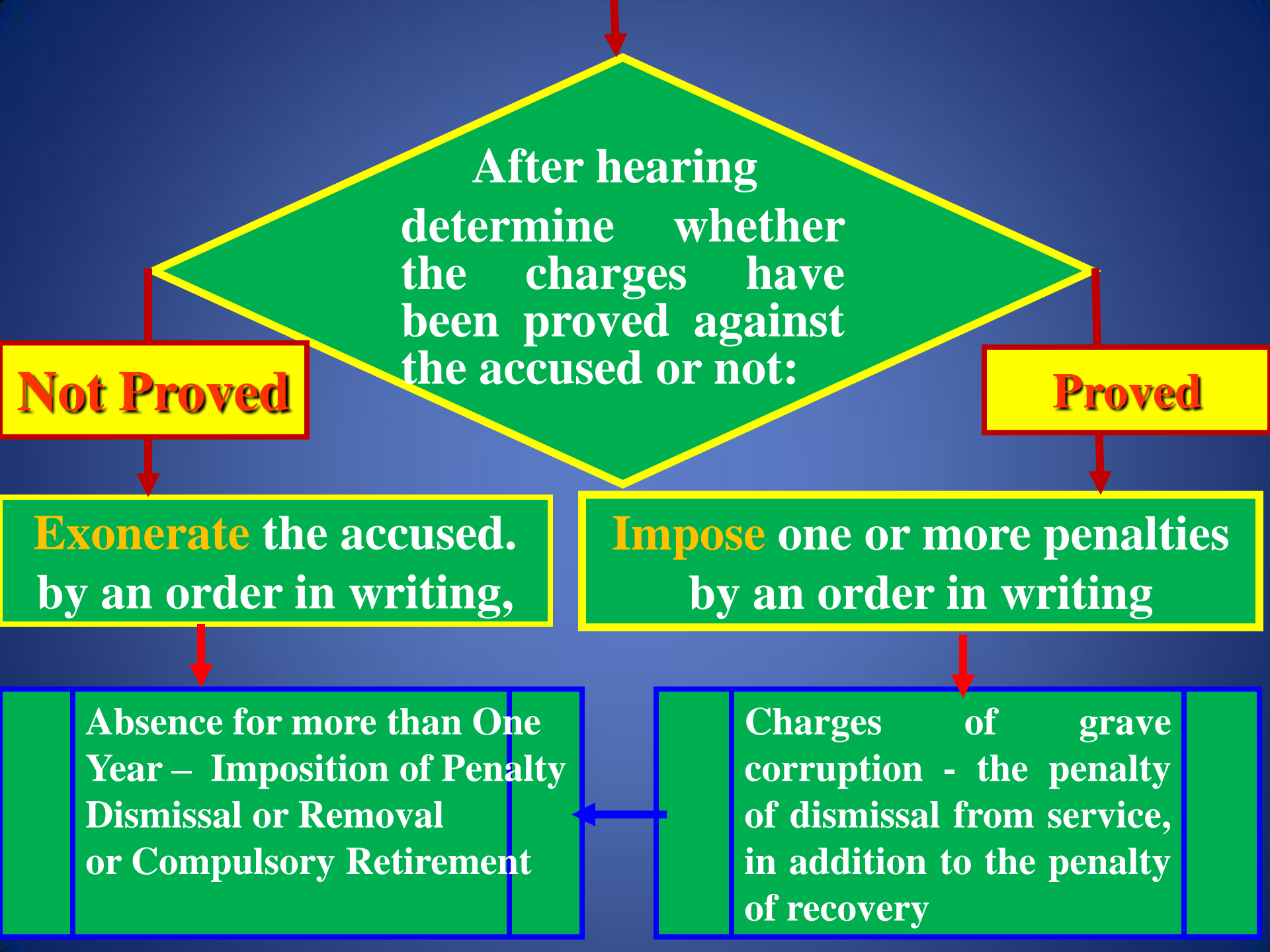
On receipt of Reply
determine whether
the charge or charges
have been proved
against the accused
or not:

Not Proved

Proved

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

Affording an opportunity
of personal hearing either
itself or through the
hearing officer, before
passing any order of
penalty



**MODEL SHOW CAUSE NOTICE U/S 7 (b) READ WITH SECTION 5(1)(a)
OF PEEDA ACT 2006 TO BE ISSUED BY THE AUTHORITY**

Subject: SHOW CAUSE NOTICE

WHEREAS, the undersigned as Competent Authority, under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, in due consideration of the facts of this case is of the view that you, Mr. _____ While posted as _____ during the period from _____ to _____ have committed the following irregularities and there are sufficient grounds to proceed against you:

- _____ (give full description of the allegations)
- _____ -do-

2. AND WHEREAS, the undersigned is of the opinion that it is not necessary to hold an inquiry into the matter in view of the provisions contained in Section 5 (1)(b) of the Act *ibid*. It is, therefore, proposed to proceed against you under Section 7(b) read with Section 5(1)(a) of Punjab Employees Efficiency, Discipline and Accountability Act, 2006

3. NOW, THEREFORE, you are hereby called upon to show cause in writing within seven days (or within such period as may be extended by the competent authority) of the receipt of this notice as to why one or more of the penalties as prescribed in Section 4 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 should not be imposed upon you.

4. Your reply to this show cause notice should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer.

5. In case you desire to consult any record, on which the aforesaid charges are based or is relevant to the aforesaid charge(s) you may do so with prior arrangement with the undersigned within____ days of the receipt of this notice.

**SIGNATURE OF THE
COMPETENT AUTHORITY
NAME & DESIGNATION**

MODEL DRAFT OF PERSONAL HEARING NOTICE U/S 7(d) OF PEEDA ACT, 2006

To _____ (name of the accused)

Subject: PERSONAL HEARING NOTICE UNDER SECTION 7(d).

WHEREAS, inquiry proceedings were initiated against you by the undersigned as competent authority under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, on the charge(s) of (inefficiency, misconduct, corruption and engagement in subversive activities) and it was decided to dispense with the inquiry in terms of Section 5(1)(b).

2. AND WHEREAS, a show cause notice was served upon you in terms of Section 7(b) read with Section 5(1)(a) of the Act ibid, bearing No.dated_ _____ to submit your written reply within _____ days.

3. AND WHEREAS, your reply to the said show cause notice has been considered and it has been determined that the following charge(s) as contained in the show cause notice has/have been proved against you:

Sr. No.	Charge No.	Extent to which charge proved
1.		(Fully proved or partially proved)
2.		(Fully proved or partially proved)

Hence, it is proposed to impose to impose the following penalty/penalties upon you in terms of Section 4 of the Act *ibid*: i. _____ (specific penalty/penalties)

ii. _____ -do-

4 . NOW, THEREFORE, you are afforded an opportunity of personal hearing in terms of Section 7(d) of the Act and directed to appear before the undersigned {or before Mr. _____ Hearing Officer appointed by the competent authority (in case competent authority is Secretary to the Government of Punjab or above)} on _____ for this purpose.

SIGNATURE OF THE COMPETENT AUTHORITY
NAME & DESIGNATION

Action in Conviction or Plea Bargain

Section 8

Where an employee is

Convicted by a court of law or entered into plea bargain

Dismiss - charges of corruption or entering into plea bargain and has returned the assets or gains

Convicted on charges other than Corruption

Proceed under section 7, where convicted of charges other than corruption; or

Acquitted by a court of law as a result of compounding of an offence moral turpitude or affecting human body

Proceed under section 9, where acquitted by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body.

PROCEDURE WHERE INQUIRY IS NECESSARY

(SECTION 9)

If the competent authority decides that it is necessary to hold an inquiry, it shall pass an order of inquiry in writing, which shall include-

- i. Appointment of an inquiry officer or an inquiry committee
- ii. The grounds for proceeding Clearly specifying the charges
- iii. Appointment of the DR by designation; and
- iv. Direction to the accused to submit written defense to the Inquiry Officer or the IC, **within seven days of the date of receipt of orders** or within extended period

MODEL ORDER OF INQUIRY UNDER PEEDA ACT 2006

WHEREAS, the undersigned as Competent Authority under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 is of the opinion that there are sufficient grounds to proceed against Mr./M/s. _____ (name/names and designation of the accused) under Section 3 of the Act ibid on the charges (of inefficiency, misconduct, corruption and engagement in subversive activities). I, therefore, order initiation of disciplinary proceedings against the accused under the Punjab Employees Efficiency, Discipline and Accountability Act 2006.

2. AND WHEREAS, I consider that in the light of facts of the case and in the interest of justice, it is necessary to hold an inquiry. I, therefore, appoint Mr. _____ (name & designation) as inquiry officer/ inquiry committee consisting of the following:

Mr. _____ (Name & Designation/Convener)

to proceed against the accused in terms of Section 5 read with Section 9 of the Act ibid and to conduct inquiry into the following charge(s):

i. _____ (give full description of the charge)

li _____ -do-

3. The accused official/officials is/are directed to submit his/their written defence to the Inquiry Officer/the Inquiry Committee, within seven days of the date of receipt of this order (or within such extended

period as may be determined by the Competent Authority). If he/they fail to submit his/their written defence within the prescribed period, it shall be presumed that either he/they have no defence to offer or he/they have declined to offer the same and he/they have accepted the charge(s).

4. Mr. (name & designation) is appointed as DR in terms of Section 9(1)(c) read with Section 12 of the Act *ibid*.

5. In case the accused official/officials desires/desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charge(s), he/ they may do so with prior arrangement with the undersigned or the Departmental Representative within ____ days of the receipt of this order.

6. The Inquiry Officer or Inquiry Committee shall submit his/its report and recommendations to the undersigned within sixty days of the initiation of inquiry in terms of Section 10 (6) of the Act *ibid*.

SIGNATURE OF THE COMPETENT AUTHORITY

NAME & DESIGNATION

Procedure by Inquiry Officer or Committee


Section 10




On receipt of reply of the accused. the inquiry officer or committee shall inquire into the charges




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 such witness.
- 



Ex parte proceedings if the accused fails to furnish his reply within the stipulated period, or extended period, if any.






The inquiry officer or the inquiry committee, as the case may be, shall hear the case from day to day basis





Where the accused is hampering or attempting to hamper the progress of the inquiry, the Inquiry Officer shall:-

- ❖ Administer a warning and if, thereafter,
 - ❖ The accused is acting in disregard to the warning, then It shall record a finding to that effect and
 - ❖ Proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.
- 

- 
- 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;
 - provided that the competent authority may, in its discretion, sanction medical leave up to **seven days** without recommendation of the Medical Board
- 



The inquiry officer or the inquiry committee, shall submit report containing:-

- Clear findings as to whether the charge or charges have been proved or not and
- Specific recommendations regarding **exoneration or; imposition** of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:





Provided further that

- ✓ where the inquiry cannot be completed within sixty days -- extension for specific period from the competent authority, for reasons to be recorded in writing:
- ✓ the recommendations of the inquiry officer or the inquiry committee, as the case may be, shall not be binding on the competent authority.
- ✓ the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of inquiry:

Order To Be Passed By The Competent Authority

Section - 13

On receipt of the report, the competent authority shall examine the report and the relevant case material and

Determine whether the inquiry has been conducted in accordance with the provisions of this Act.

In accordance with provisions of Act

Not in accordance with provisions



- Remand to E.O. to Rectify or
- Order De-novo Inquiry

Determine whether the charge or charges have been proved against the accused or not:

Not Proved

Proved

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

- 
- **inform the accused of the charges proved against him and**
 - **the penalty or penalties proposed to be imposed upon him by the inquiry officer or inquiry committee;**
 - **Give him reasonable opportunity *of* showing cause against the penalty or penalties proposed to be imposed upon him**
 - **Submit as *to* why one or more *of* the penalties as provided in section 4 may not be imposed upon him and submit additional defence in writing, if any, within seven days *of* the receipt *of* the notice.**
 - **Indicate the date *of* personal hearing or**
 - **Appoint a Hearing Officer**
 - **Provide a copy *of* the inquiry report to the accused; and .**
 - **Direction to the departmental representative to appear before the hearing officer.**
- 

After hearing
Determine whether the
charge or charges have
been proved against
the accused or not:

Not Proved

Proved

Exonerate the accused. by an
order in writing,

Impose anyone or more
penalties by an order in
writing

Absence for more than One
Year – Imposition of Penalty
Dismissal or Removal
or Compulsory Retirement

Charges of grave
corruption are proved - the
penalty of dismissal from
service, in addition to the
penalty of recovery

MODEL DRAFT SHOW CAUSE-CUM-PERSONAL HEARING NOTICE UNDER SECTION 13 (4)

• To _____ (name of the accused)

Subject:-SHOW CAUSE-CUM-PERSONAL HEARING NOTICE U/S 13(4) OF PEEDA ACT, 2006

• WHEREAS, disciplinary proceedings were initiated against you by the undersigned /competent authority under the provisions of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, on the charge(s) of (inefficiency, misconduct, corruption and engagement in subversive activities) vide Order No. _____ dated _____.

• 2. AND WHEREAS, the Inquiry Officer/Committee submitted his/its inquiry report, according to which the following charge/charges have been proved against you:

Sr. No.	Charge No.	Extent to which charge proved
1.		(Fully proved or partially proved)
2.		(Fully proved or partially proved)

The inquiry Officer/Committee has recommended imposition of penalty (give details) upon you in terms of Section 4 of the Act. A copy of the inquiry report is enclosed.

3. AND WHEREAS, after perusal of the inquiry report and other relevant record, I have found no reason to differ/I have reasons to differ (give detailed reasons for differing) with the findings and recommendations of the Inquiry Officer/Committee. Hence the charge/charges leveled vide above referred order have been proved against you for which you are liable to be imposed the following penalty/penalties in terms of Section 4 of the Act:

- i. _____ (specific penalty/penalties)
- ii. _____ -do-

4. NOW, THEREFORE, in exercise of the powers conferred upon me as Competent Authority under Section 13(4) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, you are hereby called upon to show cause within seven days, of the receipt of this notice, as to why the abovementioned penalty/penalties may not be imposed upon you. You are also allowed to submit your additional defence in writing, if any.

5. You are also offered an opportunity of personal hearing and directed to appear before the undersigned {or before Mr. _____ Hearing Officer appointed by the competent authority (in case competent authority is Secretary to the Government of Punjab or above)} on _____ for this purpose.

SIGNATURE OF THE COMPETENT AUTHORITY



NAME & DESIGNATION


Departmental Appeal And Review

(Section-16)

- An accused who has been awarded any penalty may, within thirty days from the date of communication of the order, prefer departmental appeal directly to the appellate authority:

- Review petition if the order has been passed by the Chief Minister, directly to the Chief Minister


- 
- **The authority shall:-**
 - **call for the record of the case and**
 - **comments on the points raised in the appeal from the concerned department or office,**
 - **on consideration of the appeal or the review petition, by an order in writing-**
 - **uphold** the order of penalty and reject the appeal or review petition; or
 - **set aside** the orders and **exonerate** the accused; or
 - **modify** the orders and reduce or enhance the penalty; or
- 


- 
- **set aside** the order of penalty and **remand** the case to the competent authority, with the directions to either to
 - hold a *de novo* inquiry or
 - rectify the procedural lapses or irregularities
 - Provided that where the appellate or review authority proposes to **enhance the penalty**, it shall by an order in writing-
 - inform the accused of the action proposed to be taken against him and the grounds of such action;
 - give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing either itself or through a hearing officer.

Revision

((Section-17))

- The Chief Minister, Chief Secretary or the Administrative Secretary or any other appellate authority may
 - call for the record of any proceedings
 - within one year of the order of exoneration or
 - imposition of a penalty,
 - passed by the competent authority or
 - the order of appellate authority, as the case may be, for the purpose of satisfying himself
 - as to the correctness, legality or
 - propriety of such proceedings or order.

- 
- On examining the record of the case, such authority may-
 - uphold the orders. of the competent authority or the appellate authority, as the case may be; or
 - order the competent authority to hold de novo inquiry; or
 - impose or enhance a penalty or penalties:

- 
- No order, prejudicial to the accused, shall be passed unless the accused has been given a reasonable opportunity of showing cause against the proposed action and an opportunity of personal hearing

Appeal before Punjab Service Tribunal (Section -19)

- **Aggrieved by any final order passed under section 16 or section 17**
 - within thirty days from the date of communication of the order,
 - prefer an appeal to the Punjab Service Tribunal.
- **If no decision on a departmental appeal or review petition, within a period of sixty days:-**
 - The affected employee may file an appeal in the Punjab Service Tribunal within a period of thirty days of the expiry of the aforesaid period,
 - No Action by the authority concerned.

Action Against Retired Employees

Section - 21

- All proceedings initiated against the employees having retired or in service, shall be governed by the provisions of this Act and the rules made there under:
- Provided that in case of retired employees, the proceedings so initiated shall be finalized not later than two years of his retirement.
- If the charge or charges are proved the competent authority may, by an order in writing:-
 - impose one or more penalties specified in clause (c) of section 4,

Duties Of The Departmental Representative


- To render full assistance during the proceedings to the
 - inquiry officer or the Inquiry committee or
 - hearing officer or
 - the authority concerned,
- He shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing:
- To cross-examine
 - the witnesses produced by the accused and with, permission of the inquiry officer ,
 - the prosecution witnesses in case *of* their turning hostile: and
- To rebut the grounds *of* ,defence offered *by* the accused before the hearing officer or the authority concerned,

Personal Hearing (Section- 14)

The authority affording personal hearing or the hearing officer shall,

- call the accused and**
- the DR, with relevant record of the case, to appear before him for personal hearing on the fixed date and time.**

After affording personal hearing to the accused, the authority, in relation to the case and the contention of the accused during the hearing, shall record his remarks in writing and,

- 
- In case of hearing officer, he shall submit a report to the authority so appointed him which shall include-
 - summary of the inquiry report where inquiry was conducted under section 10, or summary of the defence offered by the accused to the show cause notice under section 7, or grounds of appeal or review filed under section 16, as the case may be;
 - summary of defence offered by the accused during the hearing, If any; and
 - views of the departmental representative, if any.


Procedure Of Inquiry Against Officers Lent To Other Governments

Section-15

Where the services of an employee are transferred or lent to any other government, the Competent Authority for the post against which such employee is posted in the borrowing organization may:-

- suspend him under section 6; and
- initiate proceedings against him

- Information to the lending organization of the circumstances leading to his suspension and the commencement of the proceedings:

- 
- **Prior approval of the lending organization before taking any action against employee holding a post in BPS 17 or above.**
 - **If, in the light of the findings of the proceedings taken against the accused, the borrowing organization is of the opinion that any penalty may have to be imposed on him, it shall**
 - **transmit the record of the proceedings to the lending organization, and**
 - **the competent authority in the lending organization shall thereupon take action against the accused under section 13.**

Questions If Any

THANK YOU




Procedure Where Inquiry Is Necessary

Section 9

- If the competent authority decides that it is necessary to hold an inquiry, it shall pass an order of inquiry in writing, which shall include—
 - Appointment of an inquiry officer or an inquiry committee:

The inquiry officer or the convener of inquiry committee shall be of a rank senior to the accused and

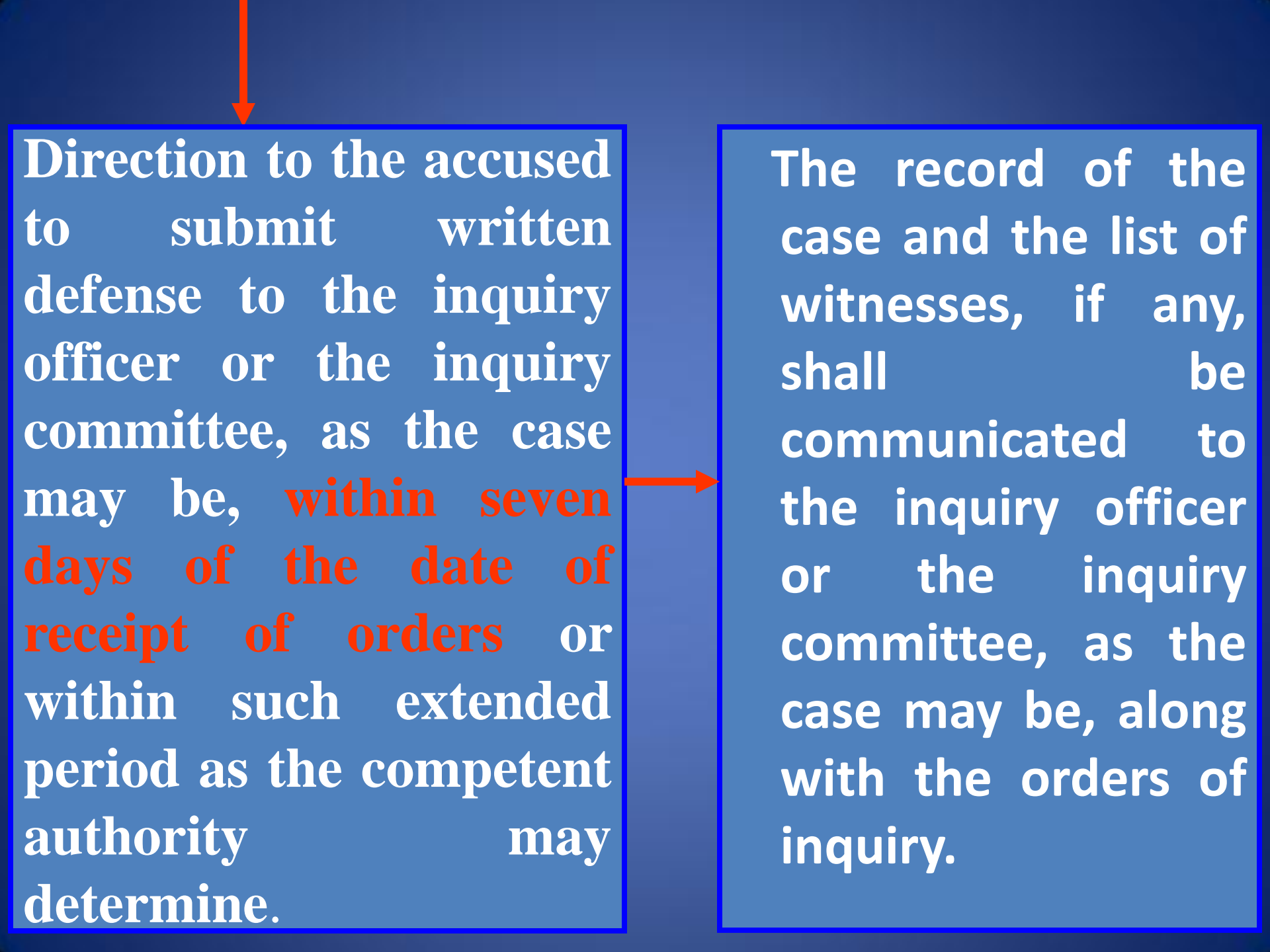


Where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;

**The grounds for proceeding,
Clearly specifying the charges along with
Apportionment of responsibility; .**

Appointment of the DR by designation; and





Direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, **within seven days of the date of receipt of orders** or within such extended period as the competent authority may determine.

The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

Failure of Department in PST/Courts

- Main Causes of Acceptance of Appeal by PST.
 - ✓ Proceedings are not initiated by Competent Authority.
 - ✓ No regular inquiry is conducted where same is necessary.
 - ✓ Non issuance of Final Show Cause Notice.
 - ✓ No Personal hearing before imposing Penalty
 - ✓ Ex-Party proceedings without due process of law.
 - ✓ Inquiry is not conducted by the Concerned IO.
 - ✓ Penalties not commensurate with the gravity of Charges.

General Guidelines

- **Competent Authority cannot be inferior in rank to Appointing Authority.**
- **Dispensation of Inquiry is only in certain cases – Not a discretion of Authority**
- **Show Cause, Inquiry Order, Final Order must be signed by the Authority concerned.**
- **No concept of Statement of Allegation & Charge Sheet.**
- **Ex-Party Proceedings – Due Process of Law is Must.**
- **Issuance of Final Show Cause Notice – Where Inquiry is ordered.**

- **Inquiry Officer is bound to give recommendation to imposition of penalty or exoneration**
- **Competent Authority can differ with Recommendations of Inquiry Officer**
- **Grant of opportunity of Personal Hearing by the Authority concerned itself.**
- **Penalties must commensurate with the gravity of Charges.**
- **Penalty of “Reduction To a Lower Post and Pay Scale”**
- **No Provision of Second Departmental Appeal.**

- **No Review Petition – Its another name of Appeal.**
- **Revision Clause is a tool available to Authorities only - NOT A CHANNEL OF APPEAL FOR THE ACCUSED.**
- **PEEDA is applicable to Retired employees also.**
- **De-novo Inquiry to be conducted under same set of law under which original inquiry**