



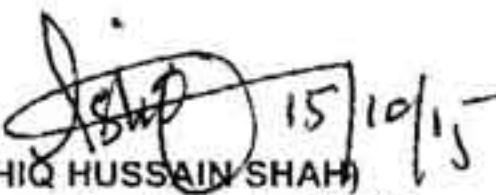
No.SORI(S&GAD)1-30/2003(P-II)
GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT (REGULATIONS WING)
Dated Lahore, the 15th October, 2015

To

1. The Senior Member, Board of Revenue, Punjab.
2. The Chairman, Planning & Development Board, Lahore.
3. The Principal Secretary to Governor of the Punjab.
4. The Principal Secretary to Chief Minister, Punjab.
5. All the Administrative Secretaries in the Punjab.
6. The Provincial Police Officer, Punjab.
7. The Chairman, TEVTA Punjab, Lahore.
8. All Commissioners in the Punjab.
9. All Heads of Attached Departments in the Punjab.
10. All District Coordination Officers in the Punjab.
11. The Secretary Provincial Assembly, Punjab.
12. All Heads of Autonomous Bodies in the Punjab.
13. The Secretary, Punjab Public Service Commission, Lahore.
14. The Secretary, Provincial Ombudsman Punjab, Lahore.
15. The Registrar, Lahore High Court, Lahore.
16. The Registrar, Punjab Service Tribunal, Lahore.
17. The Secretary, Chief Minister's Inspection Team, Lahore.
18. The Accountant General, Punjab, Lahore.
19. All District Accounts Officers in the Punjab.

Subject: **GAZETTE NOTIFICATION GUIDE BOOK OF PEEDA ACT, 2006**

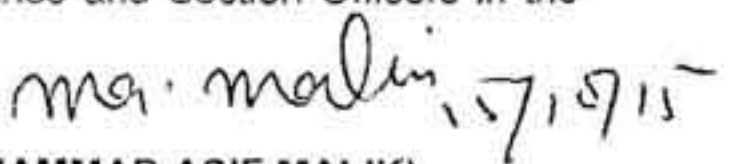
I am directed to refer to the subject noted above and to find enclosed herewith a copy of Gazette Notification regarding Guidebook for conducting inquiry under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 notified vide No.SORI(S&GAD)1-30/2003(P-II) dated 13-08-2015 for information and necessary action.


(SYED ASHIQ HUSSAIN SHAH)
Deputy Secretary (Regulations), S&GAD

No. & Date Even

A copy is forwarded for information to:-

1. PS to Chief Secretary / Addl. Chief Secretary / Secretary (Services / I&C / Regulations / Archives), S&GAD.
2. All Addl. Secretaries, Deputy Secretaries and Section Officers in the S&GAD.


(MUHAMMAD ASIF MALIK)
Section Officer (Regulations-I), S&GAD



The Punjab Gazette

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LAHORE TUESDAY AUGUST 18, 2015

**GOVERNMENT OF THE PUNJAB
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT**

**NOTIFICATION
(25 of 2015)**

17th August 2015

The following notification regarding Guidebook for conducting inquiry under the Punjab Employees Efficiency, Discipline and Accountability Act 2006, notified vide No. SORI(S&GAD)1-30/2003 (P-II) dated 13.08.2015, is published for general information.

DR SYED ABUL HASSAN NAJMEE
Secretary
Government of the Punjab
Law and Parliamentary Affairs
Department

**GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT
(REGULATIONS WING)**

Dated Lahore, the ~~17th~~ August 2015

NOTIFICATION

No.SORI(S&GAD)1-30/2003(P-II). The Competent Authority is pleased to approve the following Guidebook for conducting Inquiry under the Punjab Employees Efficiency, Discipline and Accountability Act 2006 to eliminate, as far as possible, chances of delay by removing bottlenecks in inquiry proceedings:

(1) Deficiencies in departmental inquiries under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006

Punjab Employees Efficiency, Discipline and Accountability Act, 2006 was promulgated with a view to promote efficiency in the public service and to inculcate discipline in the state functionaries. However, delay to finalize departmental inquiries generally occurs due to the following reasons:

- (i) inadequacy of the relevant information and material made available to Authority;
- (ii) delay in:
 - (a) the appointment of inquiry officer or inquiry committee;
 - (b) issuing of enquiry order containing charges against the accused; and
 - (c) nomination of departmental representative;
- (iii) failure of the inquiry officer to hear the case on day to day basis;
- (iv) failure to promptly dispose of the objections raised by the accused on procedural or technical points;
- (v) failure to show the relevant record to the accused, if he so desires;
- (vi) ignorance of the inquiry officers about the proceedings related to the departmental inquiries;
- (vii) improper production of the prosecution evidence before the inquiry officer or inquiry committee by the departmental representatives;
- (viii) delay in finalization of enquiry by the competent authority after receipt of inquiry report;
- (ix) non-maintenance of record of inquiries or probes in the departments to enable the administrative secretaries to supervise and monitor the proceedings of departmental inquiries;
- (x) resultant effects of leaving the legal or procedural lacunae in the departmental enquiries necessitating de novo proceedings thereby prolonging enquiries for months and years endlessly; and

- (xi) ultimate reversal of the effects of disciplinary actions through Court orders on account of legal and procedural lapses in the conduct of departmental proceedings.

(2) **Objective of the Guidebook**

The objectives of guidebook are as follow:

- (I) to improve the understanding of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (cited as "PEEDA Act 2006"); and
- (II) to facilitate the task of completion of inquiry under the PEEDA Act 2006.

(3) **Feature of the Guidebook**

- (i) It must, however, be clearly borne in mind that model drafts cannot be used as "fill in the blanks" formats. These shall have to be suitably adapted to suit the requirements of each case. Hence, the Guidebook may be adopted according to the suitability of case.
- (ii) The Guidebook is not a substitute for the substantive law which should invariably be studied at every stage of the proceedings.
- (iii) The Guidebook is Intended merely to be an aid to better understanding of the law.
- (iv) The Guidebook contains the detail of officers who can exercise the powers of competent authority as per delegation of powers under the PEEDA Act 2006.

(4) **Points to be considered for proceeding under the PEEDA Act 2006**

The following points should be kept in mind while conducting proceeding under the PEEDA Act 2006;

(i) **Scope of the PEEDA Act 2006**

- (a) The PEEDA Act 2006 is applicable upon the employees in Government service, corporation service and retired employees but proceedings shall only be initiated against the retired employee within one year from his retirement.

(b) **Limitation:**

The PEEDA Act 2006 does not apply to:

- i) a Judge of a Higher Court; or
- ii) a subordinate officer or official of the High Court; or
- iii) a employee of such Courts as well as police employees.

(ii) **Procedural under the PEEDA Act 2006**

The PEEDA Act 2006 contains step-wise chronological detail of the procedure of departmental inquiry along with following model drafts:

- (a) Order of appointment of inquiry officer or committee; **(Annex-I)**
- (b) Show cause-cum-personal hearing notice under section 13(4); **(Annex-II)**

- (c) Show cause notice under section 7 (Annex-III)
(b) read with section 5(1)(a); and
 - (d) Personal hearing notice under (Annex-IV)
section 7(d)
- (iii) Competent authorities under the PEEDA Act 2006
- (a) As per section 2 (f) of the PEEDA Act 2006, competent authority means "the Chief Minister" or any officer or authority authorized by the Chief Minister to exercise the powers of competent authority under the PEEDA Act 2006.
 - (b) The Chief Minister has declared competent authorities to exercise powers against different classes of employees vide notification No.SORI(S&GAD)1-30/03 dated 13-02-2013 (Annex-V).
 - (c) For the purpose of determining competent authority, original pay scale sanctioned with the post shall matter and the higher pay scale granted on account of temporary arrangements i.e. officiating, acting, current charge shall not be considered.
 - (d) The Chief Minister has also declared the competent authorities to exercise powers under PEEDA Act, 2006 against the employees placed in surplus pool, S&GAD, retired employees of Government and autonomous bodies, corporation etc., vide notification No.SORI (S&GAD)1-30/2003 dated 06-02-2007 (Annex-VI).
- (iv) Grounds for proceeding and penalties
- (a) An employee can be proceeded against under PEEDA Act 2006 on the charges of inefficiency, misconduct, corruption and on being engaged in subversive activities. These terms have been defined in section 2 and clause (iv) of section 3 of the PEEDA Act 2006.
 - (b) On completion of proceedings, the employee may be awarded minor or major penalties under the section 4 of the PEEDA Act 2006. However, the following factors may be kept in mind while imposing any penalty:
 - (i) penalty should be commensurate with the gravity of charges;
 - (ii) punishments to contract employees will be specific such as censure, stoppage of increments, fine, recovery, removal and dismissal from service;
 - (iii) one increment is earned in a calendar year, therefore, punishment of withholding one increment may be awarded for a period of one year;
 - (iv) in case more than one increments are to be withheld then the same should correspond to the number of years. For example penalty of withholding of five increments may be awarded as under:

"withholding of annual increments for a period of five years.";

- (v) in the case of regular civil servants or employees of autonomous bodies, punishment of reduction to a lower post and pay scale can only be imposed upon the accused, if he has been appointed by promotion to the post;
 - (vi) punishment of compulsory retirement should be imposed only if the accused has ten years of service or more to his credit; and
 - (vii) for retired employees, only punishments mentioned in clause (c) of section 4 of the PEEDA Act 2006 can be awarded within two years of their retirement as provided in section 21 of the of the PEEDA Act 2006.
- (v) Detail of charges or allegations
- In previous disciplinary law or rules, charge sheet was prepared separately while in the PEEDA Act 2006, the detail of charges has to be reflected in the order of enquiry, issued by the competent authority. However, charges should be specific and give all necessary details. Sometimes it happens that complete charges are not reflected in the original enquiry order, hence, the cases are remanded to reframe the charges which create administrative as well as legal complications. Therefore, in the original enquiry order, complete charges should be included apportioning the responsibility in case of joint enquiry.
- (vi) Suspension
- (a) Section 6 of the PEEDA Act, 2006 provides that the competent authority may place the employees under suspension for a period of 90 days if an action is proposed to be initiated against him and suspension is considered necessary.
 - (b) After suspension, the enquiry should be initiated immediately, and there should be no gap. In case the competent authority does not intend to reinstate the concerned employee, prior approval of the competent authority should be obtained for extension in suspension period. In case no extension in suspension is granted by the competent authority, the concerned officer shall be deemed to be reinstated.
 - (c) The officer shall be deemed to be reinstated into service on the expiry of 120th day after initiation of his suspension period and reinstatement is to be made with immediate effect.
- (vii) Dispense with regular enquiry
- (a) As per section 5 of the PEEDA Act 2006, if the competent authority determines that there are sufficient grounds for initiating proceedings against an employee, it can proceed by issuing a show cause notice dispensing with the enquiry.
 - (b) Clauses (a) and (b) of subsection (1) of section 5 read with section 7 of the PEEDA Act 2006, give detailed grounds and procedure for summary proceedings against an accused. However, proviso to Clauses (b) of subsection (1) section 5 makes it mandatory upon the

competent authority to dispense with the enquiry in following cases:

- (i) 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
- (ii) an employee is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, he is satisfied that there is no need to hold an inquiry.

- (c) The orders of inquiry or the show cause notice, as the case may be, shall be signed by the competent authority but where the Chief Minister is competent authority, the same shall be signed by such officer as may be authorized by him in this behalf.
- (d) In the case of charges of grave corruption having been proved, the penalty of dismissal from service and recovery shall be imposed in the light of the clause (f) of section 7 of the PEEDA Act 2006.
- (e) In the case of absence from duty for more than one year, the penalty of compulsory retirement, removal or dismissal from service shall be imposed upon the accused in the light of the clause (f) of section 7 of the PEEDA Act 2006.
- (f) Summary proceedings should be decided very carefully by the competent authority. The superior courts in most of the cases set-aside the orders of penalty on the grounds that sufficient or sound reasons have not been incorporated in the order to proceed against the accused through show cause notice dispensing with the regular inquiry.
- (g) Where it is required that the charges could be established through a detailed inquiry, then the competent authority should avoid summary trial and hold regular inquiry instead of issuing show cause notice.

(viii) Action In case of conviction or plea bargain

- (a) As per section 8 of the PEEDA Act 2006 if an employee is convicted by a court of law or has entered into plea bargain or acquitted by a court of law as a result of compounding of an offence, action may be taken against employee.
- (b) Without issue of show cause: If the employee has been convicted of charges of corruption or entered into plea bargain, he shall be dismissed from his service. In such cases, there is no need to issue show cause notice.
- (c) Issuance of show cause: If the employee is convicted other than charges of corruption then procedure provided in section 7 of the PEEDA Act 2006 may be followed and the accused may be proceeded through issuance of show cause notice and dispensing with the inquiry.

- (d) In case, an employee is acquitted from the court of law as a result of compounding of an offence then procedure provided in section 9 of the PEEDA Act, 2006 may be adopted i.e. a regular inquiry may be held against the accused to substantiate the charges.

(ix) Appointment of inquiry officer

Under clause (a) of subsection (1) of section 9 of the PEEDA Act 2006 an inquiry officer shall be senior in rank to the accused. Rank means official position or standing and not the basic scale.

For example: an Administrative Secretary who is in BS-20 and a Director General of his attached department who is also in BS-20, for the purpose of appointment of an inquiry officer, the Secretary shall rank senior to the Director General.

(x) Role of inquiry officer

- (a) As per subsection (2) of section 9 of the PEEDA Act 2006, timely provision of record and list of witnesses to the inquiry officer be ensured by the competent authority for concluding the inquiry proceeding within the stipulate time.
- (b) To expedite the inquiry, day to day proceedings should be held by the inquiry officer or the inquiry committee.
- (c) No adjournment may be given unnecessarily in the inquiry proceedings.
- (d) To facilitate the accused, he should be provided relevant record and, if not possible, then he should be allowed to peruse the relevant record and submit his reply within time.
- (e) An Inquiry format/pattern may be adopted containing charges, examination of evidence and its analyses, rebuttal of the charges by the departmental representative.
- (f) Clear findings should be given and specific recommendations may be made by the inquiry officer on each charge.
- (g) Recommendations of the inquiry officer should be commensurate with the quantum of guilt and appropriate penalties be imposed upon the accused.
- (h) Before awarding penalties of stoppage of increments etc., the length of service and date of retirement of the accused may also be kept in view by the inquiry officer and competent authority.

Note: In most of the cases, the penalties recommended by the inquiry officer or inquiry committee and awarded by the competent authorities are set-aside by the courts on the grounds that such penalties are not commensurate with the charges leveled against the accused.

- (i) The inquiry officer may submit his recommendations within 60 days to the competent authority. Extension in time beyond 60 days can be sought from the competent authority with cogent reasons by the inquiry officer.

Note: Instructions in this regard have been issued by the Regulations Wing, S&GAD for timely completion of inquiry so that it may not prolong unnecessarily which may affect career progression of the accused i.e. promotion, posting, transfer and training etc.

- (j) The competent authorities have to, as per instructions bearing No.SORI(S&GAD)1-86/2014 dated 11-08-2014 (Annex-VII), ensure that enquires initiated under the PEEDA Act, 2006 are completed by the relevant authorities or enquiry officers within the stipulated timeframe provided in section 7(c), 10(6) and 13(7) of the PEEDA Act 2006.
- (xi) Joint enquiry where one accused is absent.
- (a) Subsection (2) of section 10 of PEEDA Act, 2006 provides that if the accused fails to furnish his reply within the stipulate period of time, the inquiry officer or inquiry committee after completing codal formalities may decide ex-parte. Moreover, the inquiry officer has specific powers to summon the accused. If one accused is absconder, he may be proceeded ex-parte and the enquiry against other co-accused can be completed or finalized.
- (b) Where one or more of the accused challenge the enquiry proceeding in a court and obtained orders of status quo from the court, the enquiry proceeding shall also be suspended against the remaining accused.
- (c) It is responsibility of the department concerned to get the stay orders vacated at the earliest so that the process of enquiry proceeding is completed expeditiously.
- (xii) Role and responsibility of the departmental representative
- (a) Clause (c) of subsection (1) of section 9 of the PEEDA Act 2006 provides that departmental representative should be appointed by designation because in case of his transfer or retirement etc., his substitute can assist the inquiry officer or competent authority to expedite the inquiry proceedings as to:
- (i) eliminate the delay caused due to appointment of a new departmental representative; and
- (ii) departmental representative, who is available at present, may easily assist to the inquiry officer as well as hearing officer or competent authority inquiry as the proceedings are usually followed on the basis of availability of record.
- (b) Duties of departmental representative have been provided in section 12 of the PEEDA Act 2006, hence, the departmental representative should work as a prosecutor; he should be a responsible official.
- (c) It is the duty of departmental representative to fully substantiate the charges leveled against the accused, relevant necessary material or copies may be provided to the accused to prepare his reply.

- (d) The accused may apply to the competent authority for copies of record and the competent authority should decide on kind of papers necessary to be provided to the accused. These normally relate to the record, on which the charges are based.

(xiii) Action to be taken by the competent authority on receipt of enquiry report

- (a) On receipt of inquiry report the competent authority shall determine whether:

- (i) inquiry has been conducted in accordance with the provisions of the PEEDA Act 2006., or
 (ii) enquiry has not been conducted in accordance with the provisions of the PEEDA Act 2006.

- (b) The competent authority, in case of situation at sub-clause (i) of clause (a), shall further determine whether:

- (i) charges have been proved; or
 (ii) charges have not been proved.

- (c) Following actions will be taken by the competent authority:

- (i) If charges are not proved Exonerate the accused under section 13(3) of the PEEDA Act 2006

- (ii) If charges are proved (a) Issue show cause notice including the proposed penalties along with enquiry report and give seven days to reply;

- (b) Indicate date of personal hearing before himself or hearing officer.

Note: Officer of the rank of a Secretary to Government or above only can appoint a hearing officer on his behalf.

- (c) Direct the departmental representative to appear at the time of hearing; and

- (d) Pass final orders under subsection (5) of section 13 of the PEEDA Act 2006 after affording personal hearing.

- (d) As per section 9 of the PEEDA Act 2006, recommendations of the inquiry officers are not binding on the competent authority. However, it does not mean that the competent authority may exclusively use its discretion. It should have valid or sound reasons to disagree with the recommendations of the inquiry officer.
- (e) It happened in most of the cases that the superior courts have set-aside or modified the penalties where the inquiry officers have recommended minor penalties against the accused and the competent authorities disagreeing with the inquiry officers, imposed major penalties upon the accused. Instructions issued by the Regulations Wing, S&GAD vide No. SORI (S&GAD)1-37/2014 dated 10-09-2014 are relevant (**Annex-VIII**).
- (f) In case of situation at sub-clause (ii) of clause (a) where inquiry has not been held in accordance with law:
- (i) remand the enquiry to inquiry officer or inquiry committee for rectification of lapses or formalities in the proceedings; or
- (ii) order a de novo enquiry.
- (g) As per instructions bearing No.SORI (S&GAD) 17-10/2015 dated 30-04-2015 (**Annex-IX**) where the officer has been allowed leave for the study purpose his case for extension of leave has to be decided on merit expeditiously and on time or at the very outset of the course or programme like Ph.D. All the cases of extension in leave for study purposes may be decided on merit in timely manner to avoid administrative inconvenience.
- (xiv) Role of hearing officer
- (a) As per clause (d) of section 7 of the PEEDA Act 2006 where the competent authority is Secretary to the Government or above and it is determined that charges have been proved against the accused, it may appoint a hearing officer to afford personal hearing on his behalf.
- (b) The role of hearing officer is to give opportunity of personal hearing to the accused, record his statement and its rebuttal from the departmental representative.
- (c) At the time of hearing, the concerned accused may submit his additional evidence which can be analyzed and recorded by the hearing officer.
- (d) The hearing officer shall submit to the competent authority findings of the Inquiry, the statement of the accused and rebuttal of the departmental representative.
- Provided that the hearing officer will not submit his opinion about the proceedings.
- (e) The hearing officer should follow the instruction issued by the Regulations Wing S&GAD vide circular letter No.SORI(S&GAD)4-46/2013 dated 09-10-2013 (**Annex-X**) which provide that the hearing officer shall:
- (i) be required to provide an opportunity of personal hearing to the accused and to record his

submissions during these proceedings and submit for consideration of the competent authority;

- (ii) confine himself strictly to preparation of record of personal hearing; and
- (iii) not comment upon the conclusions, findings and recommendations of the inquiry officers since the competent authority is responsible for taking a final decision on merits of the case without any influence or bias which such unauthorized comments may create.

(xv) Inquiry against the employees posted outside cadre

- (a) Section 15 of the PEEDA Act 2006 provides about the disciplinary action against the employees who are posted outside their cadre and only the competent authority can impose penalty upon the accused whether he is working in the department or outside his cadre.
- (b) In case of non-gazetted employee, it is not necessary for borrowing organization to get prior approval from his competent authority in the lending organization. However, in the case of Gazetted officer, prior approval of the competent authority, in the lending organization is mandatory before proceeding against him. In both the situations, after completion of inquiry proceedings, the record of material is required to be sent to the lending organization for final decision/ imposition of penalty by the competent authority, in accordance with law.
- (c) In case of joint inquiry, where an employee belong to one department and a co-accused to the other department or autonomous body (on deputation or otherwise), the penalty can only be imposed by the competent authority of each one of such co-accused.

(xvi) Appeal or review

- (a) As per section 16 of the PEEDA Act 2006, an accused can submit appeal against the penalty awarded by the competent authority to the next authority or appellate authority directly within 30 days of the order of penalty.
- (b) In case appellant files an appeal before wrong forum, it should be transmitted to the actual appellate authority; by the authority other than the appellate authority who happens to receive that appeal.
- (c) It is mandatory for the appellate authority to call for the record and comments from the concerned department before deciding the appeal of the appellant.
- (d) Opportunity of personal hearing to the accused may not be afforded, if the appellate authority intends to uphold the order of penalty or reject the appeal or review petition.
- (e) The appellate authority can remand the inquiry to the inquiry officer through the competent authority where it is satisfied that the proceedings by the competent authority or the inquiry officer have not been conducted in accordance with the provisions of the PEEDA Act 2006.

- (f) In case of enhancement of penalty by the appellate authority, issuance of show cause and provide opportunity of personal hearing to the accused are mandatory pre-requisites.
- (g) In case of upholding the order of penalty and rejecting the appeal or review petition, opportunity of personal hearing to the accused may not be afforded.
- (h) In case of setting-aside the order of penalty and exoneration the accused or modifying the order and reducing the penalty, opportunity of personal hearing to the accused may not be afforded.

(xvii) Revision

- (a) The powers of revision under section 17 of the PEEDA Act 2006 can be exercised within one year of the order of the penalty or exoneration.
- (b) The competent authority while deciding the inquiry or imposing the penalty, may inform the concerned appellate authority about its decision and accused cannot claim or file revision under section 17 of the PEEDA Act 2006 to any authority.
- (c) Section 17 of the PEEDA Act 2006 does not provide any provision to reduce the penalty by the appellate authority or other authority

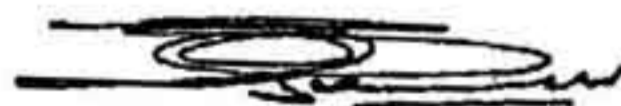
(xviii) Appeal before the Punjab Services Tribunal

- (a) As per section 19 of the PEEDA Act 2006, only civil servants can file appeal in the Punjab Service Tribunal against the order of penalty, hence, in case no decision is made by the appellate authority within 90 days, the accused may file appeal to the Punjab Service Tribunal.
- (b) As per amendment made in section 19 of the Act vide notification No. SORI(S&GAD) 1-04/2011 dated 26.08.2014 (**Annex-XI**), the employees of autonomous bodies have been excluded to file appeal in the Punjab Service Tribunal against the penalty awarded by the competent authority or appellate authority. However, they have right to approach any other relevant forum for remedy.

(xix) Inquiry against retired employees

- (a) As per section 21 of the PEEDA Act 2006, a retired employee can be proceeded against under PEEDA Act 2006 within one year of his retirement, provided that inquiry has already been initiated during his service under PEEDA Act 2006 and it should be finalized within two years of his retirement.
- (b) On retirement, only the penalties provided in clause (c) of subsection (1) of section 4 of the PEEDA Act 2006 can be imposed upon the accused i.e. withholding of pension, withdrawing of pension and recovery etc.
- (c) on completion of two years from the date of retirement, the proceedings under the PEEDA Act, 2006 abate and no penalty can be imposed under PEEDA Act 2006.

- (d) Penalty of withholding of increments may, as per instructions bearing No.SORI(S&GAD)1-50/2003(P-III) dated 24-02-2007 (**Annex-XII**), be imposed by the competent authority after considering all aspects of the case.
- (e) As sometimes penalty of withholding of increment is imposed when the employee is drawing pay at the maximum of his pay scale. Moreover, an employee may be at the fag end of his career and imposition of penalty of withholding of increments may cause undue hardship and eventually it may have a bearing upon his pension case.
- (f) As per instruction bearing No.SORI(S&GAD)1-50/2003(P-III) dated 10-12-2010 (**Annex-XIII**) provided that only one increment is earned in a calendar year, therefore, withholding of one increment may be awarded for a period of one year.
- (g) In case more than one increment are to be withheld then the same should correspond to the number of years. For example penalty of two increments may be awarded as under:
"withholding of annual increments for a period of two years."
- (h) As per instructions bearing No.SORI(S&GAD)1-111/2005 dated 10-07-2006 (**Annex-XIV**) in order to circumvent the delays by re-nominating Inquiry or hearing officers, the competent authorities may resort to nominations of inquiry or hearing officers by designation rather than by name.
- (i) As per instructions bearing No.SORI(S&GAD)1-3/90 dated 20-07-1991 (**Annex-XV**) there is no bar for taking proceedings under the Efficiency & Disciplinary Rules against a Government servant who is also facing trial in the Court of Special Judge, Anti-Corruption. This is for the reason that the jurisdiction of the inquiry officer and that of the Anti-Corruption Judge is mutually exclusive and that result of the findings in the disciplinary proceedings and in the criminal case could be different.



(DR. MUHAMMAD SALEH TAHIR)
SECRETARY (REGULATIONS)
GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT

(U)

MODEL DRAFT ORDER OF APPOINTMENT OF INQUIRY OFFICER / COMMITTEE TO BE SIGNED / ISSUED BY THE COMPETENT AUTHORITY UNDER SECTION 9 READ WITH SECTION 5(1)(b) OF THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006

ORDER OF INQUIRY

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:

- 1) Mr. _____ (Name & Designation/Convener)
- 2) Mr. _____ (Name & Designation /Member)
- 3) Mr. _____ (Name & Designation/Member)

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)
- ii. _____ -do-
- iii. _____ -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 Departmental Representative 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*.

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

Note: Model is only for guidance and may be modified keeping in view the requirements of the case.

(2)

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

To

(name of the accused)

SUBJECT:- SHOW CAUSE-CUM-PERSONAL HEARING NOTICE UNDER SECTION 13(4) OF THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY 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 ibid:

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

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

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

MODEL SHOW CAUSE NOTICE UNDER SECTION 7 (b) READ WITH SECTION 5(1)(a) OF THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY 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:

- i. _____ (give full description of the allegations)
- ii. _____ -do-
- iii. _____ -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.

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

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

GOVERNMENT OF THE PUNJAB
SERVICES & GEN. ADMN. DEPARTMENT
(REGULATIONS WING)

Dated Lahore, the 13th February, 2013

NOTIFICATION

NO.SORI(S&GAD)1-30/2003. In exercise of the powers conferred on him under sub-clause (ii) of clause (f) of Section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 and in supersession of this department's notification No.SORI (S&GAD)1-30/2003 dated-24-12-2010, the Chief Minister is pleased to authorize the officers / authorities shown in Column No. 4 of the following Table to exercise the powers of the competent authority under the Act *ibid* in relation to an employee or class of employees shown in Column No. 2 of the Table:-

TABLE

S. No.	Employees / Class of Employees	Holder of the Post	Officer / Authority authorized to exercise powers of competent authority
1	2	3	4
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) Post in BS-19 and above.	Chief Minister
		(ii) In BS-16 to 18	Appointing Authority
		(iii) In BS-1 to 15	Appointing Authority in the S&GAD; and in case of other Departments of the Government, Additional Secretary (Administration) of the Department, or in his absence, Administrative Secretary of the Department.
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

Explanation:- The expression "BS" in the Table means the pay scale originally sanctioned for the post and does not include pay scale of a person on account of officiating / current charge appointment.

SHAHNAZ NAWAZ
Secretary (Regulations), S&GAD

GOVERNMENT OF THE PUNJAB
SERVICES & GEN. ADMN. DEPARTMENT
(REGULATIONS WING)

Dated Lahore the 6th Feb. 2007

NOTIFICATION

NO.SOR.I(S&GAD)1-30/2003. In exercise of the powers conferred upon him under Sub- clause (ii) of clause (f) of section 2 of the Punjab Employees Efficiency Discipline and Accountability Act 2006, the Chief Minister is pleased to authorize the officers / authorities shown in column 4 of the following Table to exercise the powers of the competent authority under the Act ibid in relation to an employee or class of employees shown in column-2 of the Table:-

TABLE

S.No.	Employees/Class of Employees	Holder of the Post	Officer/Authority authorized to exercise powers of competent authority
1	2	3	4
1.	Employee placed in the Surplus Pool of S&GAD	(i) In BS-1 to 4 (ii) In BS-5 to 15 (iii) In BS-16 to 18 (iv) In BS-19 & above	Deputy Secretary (Personnel), Services & General Administration Department. Additional. Secretary (Admn), Services & General Administration Department. Additional. Chief Secretary, Services & General Administration Department. Chief Minister
2.	Retired Employee of Government	In BS-1 & above	Appointing Authority at the time of retirement.
3.	Retired Employee of Corporation	In BS-1 & above	Appointing Authority at the time of retirement.

Explanation:

BS in the Table means the pay scale sanctioned for the post and does not include pay scale of a person on account of officiating / current charge appointment.

BY ORDER OF THE CHIEF MINISTER PUNJAB

ADDITIONAL CHIEF SECRETARY

No.SORI(S&GAD)1-86/2014
GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT (REGULATIONS WING)

Dated Lahore, the 11th August, 2014

1. The Senior Member, Board of Revenue, Punjab.
2. The Chairman, Planning & Development Board, Lahore.
3. The Principal Secretary to Governor of the Punjab.
4. The Principal Secretary to Chief Minister Punjab.
5. All the Administrative Secretaries in the Punjab.
6. The Provincial Police Officer, Punjab.
7. The Chairman TEVTA Punjab, Lahore.
8. All Commissioners in the Punjab.
9. All Heads of Attached Departments in the Punjab.
10. All District Coordination Officers in the Punjab.
11. The Secretary Provincial Assembly, Punjab.
12. All Heads of Autonomous Bodies in the Punjab.
13. The Secretary, Punjab Public Service Commission, Lahore.
14. The Secretary Ombudsman, Punjab, Lahore.
15. The Registrar, Lahore High Court, Lahore.
16. The Registrar, Punjab Service Tribunal, Lahore.
17. The Secretary, Chief Minister's Inspection Team, Punjab, Lahore.
18. The Accountant General, Punjab, Lahore.
19. All District Accounts Officers in the Punjab.

SUBJECT: COMPLETION OF DISCIPLINARY PROCEEDINGS WITHIN THE STIPULATED PERIOD

In continuation to this Department's letters No.SORI(S&GAD)1-70/2011 dated 17.09.2011 and No.STO(O&M-M&E)2-1/2013 (Dep'tts) dated 30.08.2013, I am directed to state that the Chief Minister Punjab has desired that while acting in different capacities with reference to disciplinary cases under the PEEDA Act, 2006, the timeframe given in the Act ibid should be observed strictly. It has also been observed by the Chief Minister that unnecessary delay in disposal of disciplinary cases not only benefits the accused persons but at the same time it perpetuates agony of the civil servants who are ultimately declared not guilty.

2. Kind attention is invited towards Section 7(c), 10(6) and 13(7) of the Act ibid which read as under:-

"Section 7 (c)

on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not;

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

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

Section 10 (6)

"The inquiry officer or the inquiry committee, as the case may be, shall submit his or its 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 that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:

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

Section 13 (7)

"After receipt of inquiry report, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons."

3. It is, therefore, requested to ensure that enquiries initiated under the PEEDA Act, 2006 in departments/offices are completed by the relevant authorities/ Enquiry Officers within the stipulated timeframe as provided under the Act *ibid*.
4. The above instructions may be implemented in letter and spirit.

SHAHNAZ NAWAZ
Secretary (Regulations), S&GAD

No.SORI(S&GAD)1-37/2014
GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT (REGULATIONS WING)

Dated Lahore, the 10th September, 2014

To

1. The Senior Member, Board of Revenue, Punjab.
2. The Chairman, Planning & Development Board, Lahore.
3. The Principal Secretary to Governor of the Punjab.
4. The Principal Secretary to Chief Minister Punjab.
5. All the Administrative Secretaries in the Punjab.
6. The Provincial Police Officer, Punjab.
7. The Chairman TEVTA Punjab, Lahore.
8. All Commissioners in the Punjab.
9. All Heads of Attached Departments in the Punjab.
10. All District Coordination Officers in the Punjab.
11. The Secretary Provincial Assembly, Punjab.
12. All Heads of Autonomous Bodies in the Punjab.
13. The Secretary, Punjab Public Service Commission, Lahore.
14. The Secretary, Provincial Ombudsman, Punjab, Lahore.
15. The Registrar, Lahore High Court, Lahore.
16. The Registrar, Punjab Service Tribunal, Lahore.
17. The Secretary, Chief Minister's Inspection Team, Punjab, Lahore.
18. The Accountant General, Punjab, Lahore.
19. All District Accounts Officers in the Punjab.

SUBJECT: IMPROVEMENT OF QUALITY DISPOSAL OF DISCIPLINARY CASES

I am directed to refer to the subject noted above and to state that on a summary, the Chief Minister, Punjab observed that the provisions of Punjab Employees Efficiency, Discipline and Accountability Act, 2006 are not being followed properly. Hence, in number of cases the orders passed against delinquent officers / officials, by the departments in the disciplinary cases are modified by the Punjab Service Tribunal in appeals.

2. The issue was further examined and it has generally been observed that:-

- (a) The Competent Authorities instead of holding regular enquiries as provided in Section 9 of PEEDA Act, 2006, impose the penalties upon the accused after issuing show cause notice which are subsequently set aside/modified either by the appellate authority or by the PST / Supreme Court of Pakistan.
- (b) Enquiry officers do not make specific recommendations to the competent authority as provided in law. They merely rely upon the pleas/defence statement of the accused instead of proper examination of the case with their independent mind.
- (c) In most of the cases, the Punjab Service Tribunal observes that the enquiry officer or the enquiry committee recommended minor penalty to the accused whereas Competent Authority awarded major penalties

without assigning any reason to disagree with the recommendations of the enquiry officer/enquiry committee.

- (d) While disagreeing with the recommendations of the enquiry officer or the committee, the competent authority did not mention in the show cause notices the penalties to be imposed upon the accused. Resultantly, the PST either modified the penalties or set aside the penalties.
- (e) The competent authorities impose the penalties upon the accused which are not commensurate with the quantum of guilt. e.g., in case of absence from duty for more than one year, minor penalty of withholding of one or more increments is imposed and on the other hand in case of absence from duty for one or two months, major penalty of dismissal or removal from service is imposed.

3. It has been decided that following directions may be complied with in letter and spirit:-

- (i) Provisions of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 may be followed strictly by the Competent Authorities / Inquiry officers.
- (ii) Self speaking orders may be issued with reasons to differ with the recommendations of the Enquiry Officer and detail grounds of awarding penalty by the Competent Authorities after fulfilling the necessary formalities and following the provisions of Punjab Employees Efficiency, Discipline and Accountability Act, 2006.
- (iii) Technical Officers who are well conversant with the works of the Technical Departments should defend the cases in the Punjab Service Tribunal / Supreme Court of Pakistan instead of leaving them to law officers who have no technical background.
- (iv) The Administrative Departments may take steps for capacity building of the officers at senior level in administrative matters either at MPDD or in their own training institutes. Training module may be arranged in consultation with the MPDD and it may be ensured that practical exercises are carried out by the officers during training after lectures.

SHAHNAZ NAWAZ
Secretary (Regulations), S&GAD

No.SORI(S&GAD)17-10/2015
GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT (REGULATIONS WING)

Dated Lahore, the 30th April, 2015

To

1. The Senior Member, Board of Revenue, Punjab.
2. The Chairman, Planning & Development Board, Lahore.
3. The Principal Secretary to Governor of the Punjab.
4. The Principal Secretary to Chief Minister, Punjab.
5. All the Administrative Secretaries in the Punjab.
6. The Provincial Police Officer, Punjab.
7. The Chairman, TEVTA Punjab, Lahore.
8. All Commissioners in the Punjab.
9. All Heads of Attached Departments in the Punjab.
10. All District Coordination Officers in the Punjab.
11. The Secretary Provincial Assembly, Punjab.
12. All Heads of Autonomous Bodies in the Punjab.
13. The Secretary, Punjab Public Service Commission, Lahore.
14. The Secretary, Provincial Ombudsman Punjab, Lahore.
15. The Registrar, Lahore High Court, Lahore.
16. The Registrar, Punjab Service Tribunal, Lahore.
17. The Secretary, Chief Minister's Inspection Team, Lahore.
18. The Accountant General, Punjab, Lahore.
19. All District Accounts Officers in the Punjab.

Subject: **EXTENSION IN STUDY LEAVE**

I am directed to refer to the subject noted above and to state that Sections 7(f)(ii) and 13(5)(ii) of the PEEDA Act, 2006 read as under:-

7(f)(ii)

"Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused."

13(5)(ii)

"impose any one or more of the penalties specified in section 4:

Provided that –

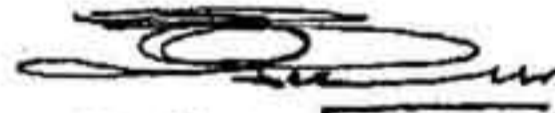
- (i) Where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused."

As per above provisions of law, in case charge of absence from duty for more than one year is proved, no other penalty can be imposed except the penalties of compulsory retirement or removal from service or dismissal from service.

3. It has been observed that the competent authorities grant leave to the officers for one or two years to improve their studies during service like Ph.D., M.Phil, FCPS or other postgraduate qualification either under the Study Leave Rules or EOL (without pay) for the purposes of study. However, extension in leave for study purposes is not timely decided for one or the other reasons. In such cases, the officers submit applications for extension in leave in routine and continue their studies without extension in leave. On the other hand, the authorities do not decide cases timely. Subsequently, such officers are declared absent from duty and proceeded against under PEEDA Act, 2006. They are awarded one of the major penalties provided in sections 7(f)(ii) and 13(5)(ii) of the PEEDA Act, 2006 i.e., compulsory retirement, removal from service or dismissal from service. Due to such situation, professional / technical manpower diminishes and the degrees acquired by them are become no more useful in the public sector. Such persons, after removal from service, join private sector. The public sector suffers on that account.

4. The provisions of awarding one of the three major penalties in the case of absence from duty for more than one year were included in the PEEDA Act, 2006 to enforce the discipline and to make the officers regular and punctual in their duties. However, where the officers have been allowed leave for the study purposes, their cases for extension in leave have to be decided on merit expeditiously and on time or at the very outset of the course or programme like Ph.D is allowed to be undertaken which in no case can be completed within one or two years.

5. The Competent Authority has accordingly directed that in future all cases of extension in leave for study purposes may be decided on merit timely to avoid administrative inconvenience, undue hardship to the scholars and harm to the public interest.



(Dr. Muhammad Saleh Tahir)
Secretary (Regulations), S&GAD
April 30, 2015

No.SORI(S&GAD)4-46/2013
GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT (REGULATIONS WING)

Dated Lahore the 9th October, 2013

To

All the Administrative Secretaries,
Government of the Punjab.

SUBJECT: GUIDELINES FOR ADHERENCE TO LAW / RULES BY THE HEARING OFFICERS, DESIGNATED UNDER DISCIPLINARY LAW / RULES

I am directed to refer to S&GAD's instructions circulated vide letter No.PS/AS(G)2-24/04, dated 20.03.2004 and No.SOEI.1-24/2007, dated 01.09.2008 on the subject noted above and to state that Sections 7(d), 13(4)(c) and 16(2)(d)(ii) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, require that an accused must be given an opportunity of personal hearing by the Authority itself or through the Hearing Officer to be designated by the Authority before the penalty is imposed upon him. The Hearing Officers are required to provide an opportunity of personal hearing to the accused and to record his submissions during these proceedings and submit for consideration of the Authority.

2. It has been noticed that the above mentioned instructions are not being followed properly. The Hearing Officers instead of confining themselves to place the record of hearing before the Authority, are admitting additional evidence and commenting upon the conclusions and recommendations of the Inquiry Officers. It is reiterated that the Hearing Officers shall confine themselves strictly to preparation of record of personal hearing. They shall not comment upon the conclusions, findings and recommendations of the Inquiry Officers since the Authority is responsible for taking a final decision on merits of the case without any influence or bias which such unauthorized comments would create.

3. The Chief Minister Punjab has desired that statutory provisions regarding conducting personal hearing under the PEEDA Act, 2006 should be followed by all in letter and spirit, since deviation therefrom causes inordinate delay and potential grounds for unending litigation.

4. The above instructions may also be communicated to all concerned authorities for strict compliance.

CHIEF SECRETARY

No.SORI(S&GAD)1-4/2011
GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT (REGULATIONS WING)

Dated Lahore, the 26th August, 2014

To

1. The Senior Member, Board of Revenue, Punjab.
2. The Chairman, Planning & Development Board, Lahore.
3. The Principal Secretary to Governor of the Punjab.
4. The Principal Secretary to Chief Minister, Punjab.
5. All the Administrative Secretaries in the Punjab.
6. The Provincial Police Officer, Punjab.
7. The Chairman, TEVTA Punjab, Lahore.
8. All Commissioners in the Punjab.
9. All Heads of Attached Departments in the Punjab.
10. All District Coordination Officers in the Punjab.
11. The Secretary Provincial Assembly, Punjab.
12. All Heads of Autonomous Bodies in the Punjab.
13. The Secretary, Punjab Public Service Commission, Lahore.
14. The Secretary, Provincial Ombudsman Punjab, Lahore.
15. The Registrar, Lahore High Court, Lahore.
16. The Registrar, Punjab Service Tribunal, Lahore.
17. The Secretary, Chief Minister's Inspection Team, Lahore.
18. The Accountant General, Punjab, Lahore.
19. All District Accounts Officers in the Punjab.

Subject: **THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY (AMENDMENT) ACT, 2014 (ACT XV OF 2014)**

I am directed to refer to the subject noted above and to state that the Government of the Punjab has made the following amendments in the Punjab Efficiency, Discipline and Accountability Act, 2006 notified by the Law & Parliamentary Affairs Department vide notification No.PAP/Legis-2(27)/2014/1089 dated 29-05-2014 (copy enclosed):-

"Preamble. – Whereas it is expedient further to amend the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (XII of 2006) for purposes hereinafter appearing;

It is enacted as follows:-

1. **Short title and commencement.** – (1) This Act may be cited as the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act, 2014.
(2) It shall come into force at once.
2. **Amendment in section 19 of Act XII of 2006.** – In the Punjab Employees Efficiency and Accountability Act 2006 (XII of 2006), for section 19 of the following shall be substituted:-
 19. **Appeal before Punjab Service Tribunal.**– (1) An employee, other than the employee mentioned in section 2 (h)(i), aggrieved by a final order passed under Section 16 or 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act, 1974 (IX of 1974).
(2) If the Appellate Authority or the Chief Minister does not pass any final order on the departmental appeal or the review petition filed under section 16 within a period of sixty days from the date of filing of the departmental appeal or the review petition, the aggrieved employee, not being the employee mentioned in section 2(h)(i), may prefer an appeal to the Punjab Service Tribunal within ninety days of the filing of the departmental appeal or review petition.
(3) On the exercise of the option in terms of subsection (2), the appeal or, as the case may be, the review pending before the Appellate Authority or the Chief Minister shall abate to the extent of such employee.*

SHAHNAZ NAWAZ
Secretary (Regulations), S&GAD

AD)1-50/2003(P-III)
 T OF THE PUNJAB
 RAL ADMINISTRATION

REGULATIONS WING)

Dated Lahore the 24th February, 2007

To

1. The Senior Member, Board of Revenue, Punjab.
2. The Chairman, P&D Board, Government of the Punjab, Lahore.
3. The Principal Secretaries to Governor and Chief Minister, Punjab.
4. All the Administrative Secretaries to Government of the Punjab.
5. All Heads of Attached Deptts./Regional Heads of Departments in Punjab.
6. The Registrar, Lahore High Court, Lahore.
7. The Secretary, office of Provincial Ombudsman Punjab, Lahore.
8. The Secretary, Punjab Public Service Commission, Lahore.
9. The Secretary, Chief Minister's Inspection, Team, Lahore.
10. The Secretary Provincial Assembly, Punjab, Lahore.
11. The Registrar, Punjab Service Tribunal, Lahore.
12. All District Nazims in the Punjab.
13. All District Coordination Officers in the Punjab.
14. All Heads of Autonomous Bodies in the Punjab.
15. The Accountant General, Punjab, Lahore.
16. All District Accounts Officers in the Punjab.

SUBJECT: IMPOSITION OF PENALTY OF WITHHOLDING OF INCREMENTS UNDER E&D RULES, PRSO 2000 AND PEEDA 2006

Sir,

I am directed to refer to the subject cited above and to state that competent authorities have been empowered to impose one or more of the penalties provided under the E&D Rules, PRSO 2000 and Punjab Employees Efficiency, Discipline and Accountability Act, 2006 (PEEDA). The competent authorities are expected to be cautious enough while exercising powers vested in them under the above mentioned rules/laws in order to discipline the Government employees. However, it has been brought to the notice of the Government that the penalty of withholding of increments is sometimes imposed without considering all aspects of the case, especially when the employee is drawing pay at the maximum of his pay scale. In such a situation, the penalty of withholding of increments cannot be enforced. Moreover, the penalty of withholding of increments remains effective for a specific period and thereafter the withheld increments are restored. An employee may be at the fag end of his career and imposition of penalty of withholding of increments may cause undue hardship and eventually it may have a bearing upon his pension case. The competent authorities should, therefore, foresee that such a penalty expires well before the date of retirement/ superannuation to save the employee from recurring loss.

2. In view of the above, I am directed to request that the penalty of withholding of increments may be imposed by the competent authorities after considering all aspects of the case.

Your obedient servant,



(DR. MUHAMMAD SALEH TAHIR)
 ADDL. SECRETARY (REGULATIONS)

No.50R-1(S&GAD)1-50/2013(P-II)
GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT (REGULATIONS WING)

Dated, Lahore the 10th December, 2010

To

1. The Senior Member, Board of Revenue, Punjab.
2. The Chairman P&D Board, Punjab, Lahore.
3. The Additional Chief Secretary, Punjab.
4. All Administrative Secretaries in the Punjab.
5. All Commissioners in the Punjab.
6. The Provincial Police Officer, Punjab.
7. The Registrar, Lahore High Court, Lahore.
8. All District Coordination Officers in the Punjab.
9. All Heads of Autonomous Bodies in the Punjab.
10. All Heads of Attached Departments in the Punjab.
11. The Secretary, Provincial Assembly, Punjab.
12. The Secretary, Punjab Public Service Commission, Lahore.
13. The Secretary, office of Provincial Ombudsman Punjab, Lahore.
14. The Registrar, Punjab Service Tribunal, Lahore.
15. The Secretary, Chief Minister's Inspection Team, Lahore.
16. The Accountant General, Punjab, Lahore.
17. All District Accounts Officers in the Punjab.


SUBJECT: CLARIFICATION REGARDING IMPOSITION OF PENALTIES UNDER THE PROVISIONS OF PEEDA ACT, 2006

Kindly refer to the subject noted above.

2. It has been brought to the notice of the Chief Secretary, Punjab that penalty of withholding of increment/increments is neither being recommended by the Enquiry Officers (EOs) nor awarded by the competent authorities as provided under section 4(a)(ii) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006. Some of the enquiry officers recommend award of penalty of withholding of 2/3 increments for a period of one year. It is worth mentioning that only one increment is earned in a calendar year, therefore, withholding of one increment may be awarded for a period of one year. In case more than one increments are to be withheld then the same should correspond to the number of years. For example penalty of two increments may be awarded as under:-

"withholding of annual increments for a period of two years."

3. In view of the above, competent authorities are requested to award minor penalty of withholding of increment or increments strictly as provided under section 4(a)(ii) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006.


(RUKHSANA NADEED BHUTTA)
Addl. Secretary (Regulations), S&GAD

No.SOR-I(S&GAD)1-111/2005
GOVERNMENT OF THE PUNJAB
SERVICES & GEN. ADMN.DEPARTMENT

(REGULATIONS WING)

Dated Lahore the 10th July . 2006

To

1. The Senior Member, BOR, Govt. of the Punjab, Lahore.
2. The Chairman, P&D Board, Govt. of the Punjab, Lahore.
3. The Principal Secretaries to Governor & Chief Minister, Punjab.
4. All the Administrative Secretaries to Govt. of the Punjab.
5. All the Heads of Attached Departments/Regional Heads of Departments in the Punjab.
6. The Registrar, Lahore High Court, Lahore.
7. The Secretary, Provincial Ombudsman Punjab, Lahore.
8. The Secretary, Punjab Public Service Commissioner, Lahore.
9. The Secretary, Chief Minister's Inspection Team, Lahore.
10. The Secretary Provincial Assembly, Punjab, Lahore.
11. All the District Nazims in the Punjab.
12. All the District Coordination Officers in the Punjab.
13. All Heads of Autonomous Bodies in the Punjab.
14. The Registrar, Punjab Service Tribunal, Lahore.
15. The Accountant General, Punjab, Lahore.
16. All District Accounts Officers in the Punjab.
17. The Superintendent, Govt. Printing Press, Punjab, Lahore.

Subject:- APPOINTMENT OF INQUIRY / HEARING OFFICERS BY DESIGNATION INSTEAD OF BY NAME.

Sir,

I am directed to refer to the subject noted above and to state that Section 5 (1) and Section 8 of the Punjab Removal from Service (Special Powers) Ordinance, 2000 govern the appointment of Inquiry Officer / Hearing Officer by the Competent Authorities, as mentioned hereunder:-

- i. Section 5(1) If the competent authority considers that an inquiry is necessary it shall, before passing an order under Section 3, appoint an Inquiry Officer who, or Inquiry Committee whose convenor, shall be of a rank senior to that of the accused or if there are more than one accused, senior to all accused, to scrutinize the conduct of a person in government service or a person in Corporation service who is alleged to have committed any of the acts of or omissions specified in Section 3. In case two or more accused are to be proceeded against jointly, the competent authority for the accused senior most in rank shall be the competent authority in respect of all such accused for holding the inquiry jointly."
- ii. Section 8 "Every finding recorded by the Inquiry Officer or Inquiry Committee under Section 5 shall, with the recommendations provided for in that section, be submitted to the competent authority and the competent authority may pass such orders thereon as it may deem proper in accordance with the provisions of this Ordinance:
Provided that the Competent Authority, before passing any order under this section, shall, either itself or through any other officer senior in rank to the accused person, afford such person an opportunity of personal hearing:"

2. Both the above provisions of the law are however, silent about the appointment of Inquiry / Hearing Officers by name or by designation. It has been observed that the Inquiry / Hearing Officers are often nominated by name instead of by designation. Resultantly, when an Inquiry Officer or Hearing Officer nominated by

na d his office as a result of his retirement, termination from e.
transfer or death, the inquiry proceedings are considerably delayed.

3. It has, therefore, been decided that in order to circumvent the delays by re-nominating Inquiry / Hearing Officers, the Competent Authorities may resort to nominations of Inquiry / Hearing Officers by designation rather than by name.

4. I am, therefore, further directed to request that the above decision of the Government may strictly be followed by the Competent Authorities in letter and spirit, while appointing Inquiry / Hearing Officers under the relevant provisions of the PRSO, 2000.

Your Obedient Servant,


(SANA ULLAH KHAN)
SECTION OFFICER (REG-I) 10-7-06.

NO. SOPL(ESDAD) 1-3/90
 GOVERNMENT OF PUNJAB
 SERVICES GENERAL ADMINISTRATION AND
 INFORMATION DEPARTMENT
 (REGULATION-I)

Dated Lahore, the 30th July, 1991.

1. All Administrative Secretaries to the Government of the Punjab.
2. All Heads of Attached Departments in the Punjab.
3. All Commissioners in the Punjab.
4. All Regional Heads of the Departments in the Punjab.
5. The Secretary to Governor of the Punjab, Lahore.
6. The Secretary, Chief Minister's Inspection Team, Punjab, Lahore.
7. The Secretary to Chief Minister, Punjab, Lahore.
8. All Deputy Commissioners in the Punjab.

SUBJECT:- CONDUCTING OF SIMULTANEOUS INQUIRIES.

Sir,

I am directed to refer to the subject noted above and to say that the instructions issued vide this Department's letter NO. SOPL(ESDAD) 1-3/90, dated 25.6.1990 are hereby withdrawn.

2. It is now clarified in consultation with the Law and Parliamentary Affairs Department that there is no bar for taking proceedings under the E&D Rules against a Government servant who is also facing trial in the Court of Special Judge, Anti-Corruption. This is for the reason that the jurisdiction of the Inquiry Officer and that of the Anti-Corruption Judge is mutually exclusive and that result of the findings in the disciplinary proceedings and in the original case could be different.

Your obedient servant

J. N. Singh
 (INCHARGE)
 DEPUTY SECRETARY (PUNJAB)