(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, insofar as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

THE GILGIT-BALTISTAN CIVIL SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011

CHAPTER-I

PRELIMINARY

1. **Short title, commencement and application.**—(1) These rules may be called the Gilgit-Baltistan Civil Servants (Efficiency and Discipline) Rules, 2011.

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

2. **Definitions.**— (I) In these rules, unless the context otherwise requires:

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

(b) "Authority" means the Government or an officer or authority, designated by it to exercise the powers of the authority under these rules;

(c) "Enquiry Officer" means an officer appointed by the authority to perform the functions of an Enquiry Officer under these rules;

(d) "Enquiry Committee" means a group of officers (headed by convener) appointed by the authority to perform the functions of Enquiry Committee under these rules;

(e) "Misconduct" means conduct prejudicial to good order or service discipline or contrary to the Government Servants (Conduct) Rules 1964, or conduct unbecoming of an officer and a gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister or any Government Officer in respect

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of, any matter relating to the appointment, promotion, transfer, punishment, retirement or othe conditions of service of a civil servant; and

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

(2) In case two or more civil servants are to be proceeded against jointly, the authority for the civil servant senior-most in rank, shall be the authority in respect of all such accused.

(3) Subject to these rules, the various authorities empowered to award major penalties under the various Delegation of Powers Rules, shall, in respect of the civil servants for whom they are authorized under the said rules exercise the powers of "the authority" under these rules.

(4) Words and expressions used but not defined shall bear the same meanings as they bear in the Civil Servants Act, 1973.

(5) Save in cases where the Government is to act as "the authority" and notwithstanding anything to the contrary contained in rule 2, where the authority would personally be interested in the result of the proceedings under these rules, it shall not proceed with the case and shall report the matter to the appellate authority to which the orders passed by 'the authority' are ordinarily, appealable and such appellate authority shall appoint and authorise another officer of the corresponding rank and status to act as the 'authority'.

CHAPTER-II

PENALTIES

3. **Grounds for penalty.**—A civil servant, who,—

(a) is inefficient or has ceased to be efficient; or

(b) is guilty of misconduct; or

(c) is corrupt, or may reasonably be considered corrupt because;—

(i) he is, or any of his dependents or any other person through him or on his behalf, is in possession of pecuniary resources or of property disproportionate to his know sources of income, which he cannot reasonably account for; or

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(ii) he has assumed a style of living beyond his ostensible, means; or

(iii) he has a persistent reputation of being corrupt; or

(d) is engaged, or is reasonably suspected of being engaged it subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of is disclosure of official secrets to any unauthorized person, and his retention in service is prejudicial to national security;

shall be liable to be proceeded against under there rules and one or more of the penalties hereinafter mentioned may be imposed on him.

4. **Penalties.**—(1) The following are the penalties namely:—

(a) Minor penalties:—

(i) censure;

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

(b) Major penalties:—

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

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

(iii) compulsory retirement;

(iv) removal from service; and

(v) dismissal from service.

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

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

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

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

(c) engaged under a contract, in accordance with the terms of 1 contract.

CHAPTER-III

INQUIRY AND IMPOSITION OF PENALTIES

5. **Initiation of proceedings.**—(1) If, on the basis of its own knowledge or information placed before it, or where the Anti-Corrupt Establishment has under rule 15(1)(b) of the Gilgit-Baltistan Anti-Corrupt Establishment Rules, 1985, recommended departmental action the authority is of the opinion that there are sufficient grounds for action against the accused, it shall either proceed itself or direct the inquiry officer/inquiry committee to proceed against the said accused.

(2) In case the proceedings are to be initiated at the instance of a department/ office or the Anti-Corruption Establishment, the draft charge-sheet, list of witnesses, and other relevant material shall be sent to the authority before initiation of proceedings.

6. **Procedure to be observed by the authority.**—(1) In a case where a civil servant is accused of subversion, corruption or misconduct, he may be placed under suspension by the authority or he may be required by the authority to proceed on leave; provided that the continuation of the suspension or grant of any extension in leave shall require the prior approval of the authority after every 3 months.

(2) The authority, in the light of the facts of the case, shall decide, whether in the interest of justice an inquiry is necessary.

(3) If the authority decides that it is not necessary to have an inquiry conducted against the accused, it shall:—

(a) inform the accused forthwith by an order, in writing of the action proposed to be taken in regard to him and the grounds of the action; and

(b) give him a reasonable opportunity of showing cause against that action within a period of 14 days from the date of receipt of order under clause (a);

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(c) the accused may make a representation to the authority against the summary procedure adopted against him, within seven days of the receipt of the orders. In case the representation is preferred, the authority shall decide the same within seven days and communicate decision to the accused. In case of rejection of the representation, the accused shall be given seven days to show cause against the proposed action:

Provided that no such opportunity as is referred to in clauses (b) and (c) shall be given where, in the interest of the security of Pakistan or any part thereof, it is not expedient to do so, the authority may proceed with the case but before denying the opportunity, the authority shall obtain prior approval of the Government, where the authority is not itself the Government.

(4) Within seven days of the receipt of the explanation, if any, of the accused, the authority shall determine whether the charges have been proved. If it is proposed to impose any of the penalties mentioned in rule 4, the authority shall, after affording the accused an opportunity of personal hearing against the proposed action, pass orders accordingly.

(5) If under sub-rule (2) or (3)(c) the authority considers that an inquiry is necessary it shall appoint an inquiry officer who or an inquiry is committee whose convener shall be of a rank senior to that of the accused or P re more than one accused senior to all the accused.

(6) Where an Inquiry Officer of an Inquiry Committee is appointed rule (5), the authority shall communicate necessary record to the officer or the inquiry committee enabling the Inquiry Officer or the Committee to frame a charge and communication it to the accused alongwith the list of witness/documents, if any, to be taken into consideration and require the accused, within a reasonable time which shall not be less than 7 days or more than 14 days from the day, the charge has communicated to him, to put in a written defence before the Inquiry Officer or the Inquiry Committee, as the case may be.

(7) The authority while sending the record appoint a suitable officer a departmental representative to assist the inquiry officer. The departmental representative shall be responsible for the following:—

(i) He shall assist, the enquiry officer or the enquiry committee as the case may be on each day of hearing, as may be fixed by the inquiry officer or the inquiry committee, as the case may be. He shall be personally present fully prepared, with all the relevant material on which the charge sheet is based.

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(ii) He shall render all other assistance to the inquiry officer/inquiry committee during the inquiry proceedings against the accused.

(iii) He shall cross-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile, if so permitted by the inquiry officer/inquiry committee.

7. **Procedure to be observed by the inquiry officer or committee.—** (1) On receipt of the explanation of the accused the or Y of the stipulated period if there is no defence reply from the Inquiry Officer or the Inquiry Committee, as the case may be, shall into the charges and may examined such oral or documentary in support of the charge or in defence of the accused, as may be necessary, and where any witness is produced by one party, the other party shall be entitled to cross-examine that witness.

(2) If the accused fails to furnish his explanation within the period' the Inquiry Officer or the Inquiry Committee as the case may be, shall proceed with the inquiry.

(3) The Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day-to-day and no adjournment shall be given, except for reasons to be recorded in writing. However, every adjournment, with reasons therefore, shall be reported forthwith to the authority. Normally, no adjournment shall be for more than a week.

(4) Where the Inquiry Officer or the Inquiry Committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the Inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) If the accused absents himself from the enquiry on medical grounds he shall be deemed to have hampered or attempted to hamper the progress of the enquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board. Where, inview of the serious condition of the accused, it may not be possible for him to appear before the Medical Board, the Board shall examine him at his residence of which complete address must always be given in the leave application and at which he must be available:

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

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(6) The Inquiry Officer or the Inquiry Committee, as the case may be, shall complete the inquiry proceedings within a period of sixty days, commencing from the last date of submission of the written defence by the accused or within such further period as may be allowed by the authority.

(7) (a) The Inquiry Officer/Inquiry Committee shall, within 10 days of the conclusion of the proceedings, in terms of sub-rule (6) determine whether the charge has been proved. If it is proposed to impose a minor penalty, the inquiry officer or the inquiry committee, as the case may be. shall, after affording the accused an opportunity of showing cause against the action proposed to be taken against him, pass order accordingly and inform the authority of the action taken by it and send the whole record of the case. The authority, if dissatisfied, with the quantum of the punishment, awarded to the accused, may within 30 days of the receipt of the case, order initiation of de novo inquiry or it may enhance the penalty after affording the accused a chance of being heard in person. If no order is passed within the stipulated period, the minor penalty awarded by the inquiry officer/inquiry committee as the case may be, shall attain finality.

(b) If it is proposed to impose a major penalty, the enquiry officer o the inquiry committee shall, after affording the accused an opportunity to offer explanation against its recommendations for imposition of major penalty, forward the case to the authority along with the charge-sheet, id on the accused, explanation of the accused, the findings of the inquiry officer or inquiry committee, with its recommendations regarding the penalty to be imposed.

(c) In case it is proposed to drop the proceedings, the inquiry officer le inquiry committee shall, submit the case to the authority. The authority may, within a period of 15 days, either accept the recommendations of the inquiry officer or the Inquiry Committee, as the may be, or it many order initiation of a denovo inquiry by passing a king order.

(d) In case of joint inquiry if the Enquiry Officer reaches the conclusion to impose minor penalty/penalties on one or more of the accused recommends imposition of major penalty/penalties in respect of other(s) accused or to drop the proceedings against any of the accused he send the whole case to the authority for taking a final decision.

8. **Appearance of Counsel.**—No party to any proceeding under 3 rules, before the authority, an inquiry officer, an inquiry committee or Hate authority shall be represented by a lawyer.

9. **Expeditious disposal of proceedings.**—(1) In a case where the authority decides not to have an inquiry conducted against the accused, the proceedings must be finalized by him within a period of forty-five days.

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(2) In a case where the authority has appointed an Inquiry Officer Inquiry Committee, the Inquiry Officer/Inquiry Committee should ensue the entire proceedings are completed within a period of ninety days 1 the date of receipt of direction under rule 5 and shall submit a report thereof to the authority.

(3) Where inquiry proceedings are not completed by the inquiry officer or the inquiry committee, as the case may be, within the prescribed ad the Inquiry Officer or the Inquiry Committee, as the case may be, I report the position of the inquiry to the authority intimating the reasons why the inquiry could not be completed within that period and the approximate further time that is likely to be taken in the completion of the dry.

(4) The authority on receipt of report under sub-rules (2) and (3), 1 pass such orders for expeditious finalization of the proceedings as it deem fit.

10. In the case of any proceedings the record of which has been reported for orders under sub-rule 7(b) of rule 7, the authority may pass such orders as it deems fit but before imposing a major penalty, the authority shall afford the accused an opportunity of being heard in person either before himsell or before an officer senior in rank to the accused designated for the purpose, after taking into consideration the record of such personal hearing prepared by the officer so designated:

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

11. **Certain rules not to apply in certain cases.**—(1) Where a civil servant is convicted of an offence involving moral turpitude which has led to a sentence of fine or imprisonment, he may, after being given a show-cause notice, be dismissed, removed from service or reduced in rank without following the procedure laid down in rules 5, 6, 7 and 10.

(2) Where the authority is satisfied that for reason to be recorded it writing, it is not reasonably practicable to give the accused civil servant an opportunity of showing cause it may impose any of the penalties under these rules without following the procedure laid down in rules 5, 6, 7 and 10.

(3) Notwithstanding the other provisions of these rules where the government Authority is satisfied that one or more civil servants, individually or collectively have taken part in agitational and subversive activities, resorted to strike, condoned their official duty or incited others to do so, the Government authority may after serving upon them a notice through a publication in a daily newspaper or in any

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other manner, asking them to resume duty, and on their failure or refusal to resume their duty impose upon the defaulting civil servant the penalty of dismissal or removal from service without following the procedure as laid down in rules 5, 6, 7 and 10.

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

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

Provided further that, the borrowing authority shall obtain prior approval of the Government of the Gilgit-Baltistan before taking any action under these rules against a civil servant holding a post in Basic Pay Scale 17 or above.

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

(3) Notwithstanding anything to the contrary contained in sub-rules (1) and (2) Government may, in respect of certain civil servants or categories if civil servants, authorise the borrowing authority to exercise all the powers if authority under these rules.

13. **Power to order Medical Examination as to mental or bodily infirmity.**—Where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, he authority may, at any stage, whether or not an authority has been directed to proceed against him, require the civil servant to undergo a medical examination by Medical Board or a Medical Superintendent as the authority may direct, and the report of the Board or the Medical Superintendent shall form part of the proceedings.

(2) If a civil servant refuses to undergo such an examination, his refusal may, subject to the consideration, of such grounds as he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result of the examination would prove infavourable to him.

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14. **Powers of Inquiry Officer and Inquiry Committee.**—(1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a Civil Court trying a suit under le Code of Civil Procedure, 1908 (V of 1908), in respect of the following tatters, namely:—

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

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits; and

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

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

CHAPTER -IV

APPEALS, REVISIONS, ETC.

15. **Appeal against penalty.**—Any civil servant on whom a penalty has been imposed under these rules, except where the penalty has been impose by the Government, may within 30 days from the date of the communication of the order, appeal to such authority as may be prescribed:

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

16. **Petition of appeal.**—Every appeal preferred under these rules shall be made in the form of a petition, in writing, and shall set-forth concisely the grounds of objection to the order appealed from, and shall not contain disrespectful or improper language and shall be filed with the authority or the inquiry officer who, as the case may be, passed the original orders. The authority or the inquiry officer, receiving the appeal, shall forward the same along with the comments within a fortnight, to the appellate authority.

17. **Determination of appeal.**—(1) The appellate authority shall cause notice to be given to the appellant and the authority or the inquiry officer imposing penalty, of the time and place at which such appeal will be heard. The appellate authority shall send for record of the case, if such record is not already with it. After perusing such record and hearing the appellant, if he appears, and the representative of the punishing authority, if he appears, the appellate authority may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may:—

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(a) reverse the finding and acquit the accused; or

(b) order and direct that further or fresh inquiry be made; or

(c) alter the finding maintaining the penalty or with or without altering the finding, reduce the penalty, or

(d) subject to the provisions of sub-rule (2), enhance the penalty:

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

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

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

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

(3) In dealing with an appeal, the appellate authority, if it thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by the authority officer and when such evidence has been taken the appellate authority shall thereupon proceed to dispose of the appeal.

18. **Review and not appeal in certain cases.**—Where the original order has been passed by the Government, no appeal shall lie, and instead, a review petition shall lie to the Government and the Government may, in its discretion, exercise any of the powers conferred on the appellate authority:

Provided that, it shall not be necessary for the Government to afford the accused an opportunity to be heard in person except where the Government proposes to increase the penalty in which case he shall, by order in writing, inform the accused of the action proposed to be taken and the grounds of the action and give him a reasonable opportunity to show cause against that action.

(2) Where the original order imposing penalty upon a member of the subordinate judiciary, who is or has been working under the administrative control of the Lahore High Court, Lahore, has been passed by the High Court, no appeal shall lie and instead a review petition shall lie to the High Court.

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19. **No second appeal except in certain cases.**—(1) No appeal shall lie against any order made by the appellate authority except in case the appellate authority enhances the penalty.

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

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

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

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

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

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

Provided further that an order imposing punishment or exonerating the accused shall not be revised *suo motu* or otherwise after the lapse of a period of one year from the date of its communication to the accused except in case where appeal is preferred against the punishment.

(3) No proceeding by way of revision shall be entertained at the instance of the accused who has a right of appeal under these rules and has not Drought the appeal.

WAZIR BAIG,
Speaker.

PIR SYED KARAM ALI SHAH,
Governor.

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