

THE SINDH CIVIL SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1973¹

Karachi, the 8th September, 1973

No. SOVII (S&GAD) -1/123/73:- In exercise of the powers conferred by section 25 of the Sindh Civil Servants Ordinance, 1973, the Government of Sind are pleased to make the following rules, namely:—

1. Short title, commencement and application.-(1) These rules maybe called the Sindh Civil Servants (Efficiency & Discipline) Rules, 1973.

(2) They shall come into force at once and shall apply to every civil servant wherever they may be ²[:]

³[Provided that the civil servants of such category or ⁴[Basic Scale of Pay] as may be specified by the Chief Minister shall be excluded from purview of these rules.]

[Notes:- These rules mainly concern with the matters relating to efficiency and discipline, in respect of civil servants.

These rules come into force at once on the very day of proclamation and are applicable to all the civil servants throughout the province of Sind.]

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

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

⁵[(2) "authority" means the Chief Minister or any officer or authority designated by him to exercise the powers of the authority under the rules ⁶[:]

⁷[Provided that the “authority” in the case of a member of the Sindh Judicial Service shall be the Chief Justice or a judge of the High Court appointed by him;]

(3) “authorised officer” means an officer ⁸[Chief Secretary or] an officer authorised by the authority to perform functions of an authorised officer under these rules;

(4) “misconduct” means conduct prejudicial to good order of service discipline or contrary to ⁹West Pakistan Government Servants (Conduct)Rules, 1966or 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 Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a civil servant; and

(5) “Penalty” means a penalty which may be imposed under these rules.

¹Published in the Sind Govt. Gaz. Pt. IV-A, Extra-ordinary, dated 10-9-1973

²In sub-rule (2), at the end full stop substituted by the Notification No. SOIX-REG(A&GAD)2/E/1-75, the Sind Govt. Gaz., Part IV-A, dated 28-8-1975

³In sub-rule (2), proviso added by the Notification No.SOIX-REG(A&GAD)2/E/1-75, the Sind Govt. Gaz., Part IV-A, dated 28-8-1975

⁴In the proviso, substituted for “grade” by the Notification No. SOIX-REG (S&GAD)2/B/1-73 Part I, dated 8-1-1985

⁵Clause (2) substituted by the Notification No.SOIX-REG (S&GAD) 2/E//1-75, dated 21-8-1975, the Sind Govt. Gaz., Part IV-A, dated 28-8-1975

⁶In rule 2, in clause (2), at the end semi colon substituted by colon by the Notification No. SOR-I (S & GAD) 2-3/93, dated 7-4-1999

⁷In rule 2, in clause (2), at the end, proviso added by the Notification No. SOR-I (S & GAD) 2-3/93, dated 7-4-1999

⁸In rule 2, in clause (3) inserted by the Notification No. SOIX-REG (S&GAD)2/E/1-175, dated 21-8-1975, Sind Govt. Gaz., Part IV-A, dated 28-8-1975

⁹See now the Sindh government Servants (Conduct) Rules, 1966

⁴In rule 2, in clause (2), at the end semi colon substituted by colon and there after proviso added by the Notification No. SOR-I (S & GAD) 2-3/93, dt:7/4/1999

[Notes:- Rule 2 (1) Accused- A civil servant against whom any disciplinary action is taken under these rules, is called an accused person.

Rules 2(2) “Authority”- it means the Chief Minister of Sindh or any officer or authority authorised by him to exercise the powers specified in these rules.

Rules 2(3) “Authorised Officer”– An officer empowered by the Government or Chief Minister to act according to these rules is called an authorised officer.

Rules 2(4) “Misconduct”- it is an act of an individual which is against the good order of service discipline and which is not approved by a gentleman officer and is contrary to the Sindh Government Servants (Conduct) Rules 1966.

An Act to bring political or any kind of influence from outside, in respect of any matter regarding civil servants shall also be treated as an act of misconduct.

Rules 2(5) “Penalty” – Any kind of punishment inflicted upon the accused civil servants, according to these rules, is called penalty.]

3. Grounds for penalty.-Where a civil servant, in the opinion of the authority-

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

(b) is guilty of misconduct; or

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

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

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

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

(d) is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is, therefore prejudicial to national security, the authority may impose on him one or more penalties.

[Notes:- The basis for penalty have been enumerated under the rule 3, that if a civil servant becomes inefficient or cease to be efficient; or commits any act of misconduct; or is corrupt due to the fact that he or any of his dependents is in possession of any property not proportionate to his visible sources of income or his standard of living is beyond his sources of income, or he indulges himself with other destructive activities or is guilty of disclosing the official secrets, resulting his presence in the service becomes against the national interest, the concerned authority may penalize the accused with one to more penalties at the same time.]

4. Penalties.- (1) The following are the minor and major penalties, namely-

(a) Minor Penalties:

(i) Censure;

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

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

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

(b) Major Penalties:

(i) reduction ¹[for a specific period] to a lower post or time-scale, or to a lower stage in a time-scale;

(ii) compulsory retirement;

(iii) removal from service; and

(iv) dismissal from service.

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

(3) In this rule, removal or dismissal from service does not include the discharge of a person-

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

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

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

[Notes:- There are two kinds of penalties to be imposed upon the accused civil servant, as specified under rule 4 of these rules.

Under sub-heading of “Minor Penalties” a civil servant may be disapproved, his promotion or increment may be withheld for a certain period, or he may be disallowed to cross an efficiency bar in a time scale, or any financial loss caused to the Government due to his carelessness may also be recovered from his salary.

Under the sub-heading of “Major Penalties” an accused civil servant may be reduced to a lower post or time scale or he may be retired under compulsion or removed or dismissed from service.

By virtue of sub-rule (2) of rule 4, if a civil servant is removed from service, he is qualified to get employment anywhere in future, but on the contrary, if he is dismissed from service, he is disqualified for future employment.

Sub-Rule (3) of rule 4 differentiates removal and dismissal from that of discharge.

The discharge of a person during the period of probation if appointed on probation, or on the expiry of the period of appointment if appointed against temporary post, or in accordance with the terms of the contract if appointed under contract, does not amount to removal or dismissal within the meaning of this rule.]

²[4-A-(1) If in the opinion of the authorized officer there are sufficient grounds for proceeding against the civil servant under the rules, he shall take action in accordance with rule 5.

(2) Notwithstanding anything contained in these rules the authority may in any case exercise all powers of authorised officer or give any direction to the authorised officer as it may deem fit.

Provided that such directions shall be given by the Chief Minister alone if Chief Secretary is the authorised officer.]

¹In sub-clause (i), inserted by the Notification No. SOIX-REG (S&GAD)2/B/1-173 (Part I), dated 25-2-1980, the Sind Govt. Gaz., 20-3-1980

²Rule 4-A inserted by the Notification No. SOIX-REG (S&GAD)2/E/1-75, dated Karachi, the 21st August, 1973, the Sind Govt. Gaz., Pt. IV-A, dated August 28, 1975

5. Inquiry Procedure.- The following procedure shall be observed when a civil servant is proceeded against under these rules-

(1) In case where a civil servant is accused of subversion, corruption or misconduct, the authorised officer may require him to proceed on leave or, with the approval of the authority, suspend him, provided that any continuation of such leave or suspension shall require approval of the authority after every three months.

(2) The authorised officer shall decide whether in the light of facts of the case or the interests of justice, an inquiry should be conducted through an Inquiry Committee. If he so decides, the procedure indicated in rule 6 shall apply.

(3) If the authorised officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall-

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

(b) give him a reasonable opportunity of showing cause against that action:

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

(4) On receipt of the report of the Inquiry Officer or Inquiry Committee or where no such officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorised officer shall determine whether the charge has been proved, and-

(a) If it is proposed to impose a minor penalty, he shall pass orders accordingly;

(b) If it is proposed to impose a major penalty, he shall forward the case to the authority along with the charge and statement of allegations served on the accused, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed, and the authority shall pass such orders as it may deem proper ¹;

²[Provided that the authorised officer shall, subject to proviso to the sub-rule (3) before imposing minor penalty or recommending imposition of a minor penalty as the case may be, intimate the accused of the aforesaid penalty and grounds there for and call upon him to show cause within a fortnight of the notice why the proposed penalty should not be imposed or, as the case may be, recommended and the reply, if any, to the said notice shall be taken into consideration before imposing or recommending a penalty.]

⁴[(c) if it is proposed to drop the proceedings, the authorized officer shall submit the case with all relevant documents to the Authority for appropriate orders.]

³⁴[(5) The orders passed by the authority or the authorized officer shall ⁵[***] be communicated to the accused within fifteen days of such orders.

(6) If two or more civil servants are proceeded against jointly, the authority or authorised officer in respect of the senior most civil servant amongst them shall be the authority or authorised officer as the case may be, in respect of all such civil servants.]

¹In sub-rule (4), at the end full stop substituted by colon by the Notification No. SOIX-REG (S&GAD)II/52/81, dated 9-10-1984, the Sind Govt. Gaz., Part IV-A, dated 1-11-1984

² In sub-rule (4), proviso added by the Notification No. SOIX-REG (S&GAD)II/52/81, dated 9-10-1984, the Sind Govt. Gaz., Part IV-A, dated 1-11-1984

³ Sub-rule (5) & (6) added by the Notification No. SOIX-REG (S&GAD)2/E/175, dated 31-8-1975, Sind Govt. Gaz., Part IV-A, dated 28-8-1975

⁴ Sub-rule (5) further substituted by the Notification No. SOIX-REG (S&GAD)2/B/1-73, dated 17-3-1976

⁵ In sub-rule (5), the words "along with a copy of the enquiry report, if any" omitted by the Notification No. SOIX-REG (S&GAD) II/52/81, dated 9-10-1985, the Sind Govt. Gaz., Part IV-A, dated 1-11-1984

⁴ Clause (c) added by the Notification No. SOR-I (S &GAD) 1-4/98, dt:28/11/1998

[Notes:- Rule 5 provided the detailed procedure of inquiry to be observed against the accused civil servant.

Under sub-rule (1) of rule 5, if a civil servant is found guilty, the authorised officer may direct him to proceed on leave or suspend him with the consent of higher authority.

Sub-rule (2) of rule 5, gives discretionary powers to the authorised officer to entrust the inquiry officer or inquiry committee, in order to meet the ends of justice and the procedure prescribed under rule 6 shall be allowed thereof.

Under sub rule (3) of rule 5, if the authorized officer decided not to entrust the inquiry to an inquiry officer or inquiry committee, he shall personally inform the accused in writing indicating the reasons and the proposed action to be taken, giving him, a reasonable opportunity shall not be given when it is against the security of Pakistan.

By virtue of sub-rule (4) of rule 5, after the detailed inquiry, the authorised officer shall decide whether the charge has been proved and if it has been proved and prosed to inflict minor penalty, he shall pass the order accordingly. On the other hand if the recommendation is to inflict major penalty, he shall forward the whole case to the higher authority, with his own views in respect of penalty to be imposed and the authority shall pass the suitable orders.]

6. Procedure to be observed by the Inquiry Officer and Inquiry Committee.- Where an Inquiry Officer or Inquiry Committee is appointed, the authorised Officer shall-

(a) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;

(b) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him to put in a written defence and to state at the same time whether he desires to be heard in person.

(2) The Inquiry Officer or the Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.

(3) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given:

(a) It shall not be for more than a week; and

(b) The reasons there for shall be reported forthwith to the authorized officer.

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

(5) The Inquiry Officer or the Committee, as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submit his or its findings and the ground thereof to the authorized officer.

[Notes:- Under rule 6, different stages and aspects of inquiry procedure to be adopted by the inquiry officer and the committee has been explained.

For the purposes of sub-rule (1) of rule 6, an authorised officer is required to frame a charge and inform the accused civil servant alongwith the statement of allegations with interpretation of the charge and other any important factor to be taken into consideration.

The accused is required to submit his defence in writing and to state whether he wishes to be heard in person, within a time limit of not less than seven days or more than fourteen days.

Sub-rule (2) of rule 6 entitles the accused to cross examine the witnesses against him, after the inquiry officer or the committee has enquired into the charge and the oral or written evidence in support or against the accused has been examined.

Sub-rule (3) of rule 6 minimizes the powers of the inquiry officer or the Committee that regular hearing of the case shall be made day by day, and that postponement shall not be made for more than a week for which the reasons to be recorded in writing shall be forwarded to the concerned authority.

By virtue of sub-rule (4) of rule 6, inquiry officer or the committee has been given additional powers, that of the accused causes any interruption to the progress of inquiry he shall be given warning and in case he neglects the warning, the inquiry shall be completed in such a manner best suited to meet the ends of justice.

Under sub-rule (5) of rule 6, the judgment of the case and the reasons thereof are to be submitted to the concerned authority within ten days of the conclusion of the inquiry or such longer period as may be allowed by the competent authority.]

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

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1960).

[Note:-Rule 7 extends the powers of civil court under Civil Procedure Code, 1908 to the inquiry officer and inquiry committee for the purpose of an inquiry, in respect of the matters, mentioned thereof in clause (a), (b), (c), and (d), which are covered by the rules of Civil Procedure Code reproduced below-

Rule 1 of order XVI of C.P.C. – “Summons to attend to give evidence or produce documents. – At any time the suit is instituted, the parties may obtain an application to the court or to such officer as it appoints in this behalf, summons to persons whose attendance is required either to give evidence or to produce documents.

Rule 12 of Order XI of C.P.C – “Application for discovery of documents.– Any party may without filing affidavit to the court for an order directing any other party to any suit to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question therein on the hearing of such application the court may either refuse or adjourn the same, if satisfied that such discovery is not necessary, or not necessary at that stage of the suit, or make such order, either generally or limited to certain classes of documents, as may, in its discretion, be thought fit; provided that discovery shall not be ordered when and so far as the court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.”

Rule 13 of Order XI of C.P.C. – Affidavit of documents. – “The Affidavit to be made by a party against whom such order is as mentioned in the last preceding rule has been made, shall

specify which (if any) of the documents therein mentioned the objects to produce, and it shall be in form No. 5 in appendix C, with such variation as circumstances may require.”

Rule 14 of Order XI of C.P.C. – “Production of documents. – It shall be law full for the court at any time during the pendency of any suit, to Order the production by any party thereto, upon oath, of such documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the court may deal with such documents, when produced in such manner as shall appear just.”

Rule 1 of Order XXVI of C.P.C. – “Cases in which court may issue Commission to examine witness. – Any Court may in any Suit issue a commission for the examination on interrogatories or otherwise of any person resident within the local limits of its jurisdiction who is exempted under this Code from attending the court or who is from sickness or infirmity unable to attend it.”

Rule 2 of Order XXVI of C.P.C. – “Order for Commission – An order for issue of a commission for the examination of a witness may be made by the Court either of its own motion or on the application, supported by affidavit or otherwise, of any party to the suit or of the witness to be examined.”

Extra cover to the proceedings taken under these rules has also been provided by sub-rule (2) of rule 7, within meaning of section 193 and 228 of the Pakistan panel code , (Act XLV of 1860) which are reproduced hereunder.-

Section 193 of Pakistan Penal Code – “Whoever intentionally gives false evidence in any stage of a Judicial proceedings, or fabricates false evidence for the purpose of being used in any stage of judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of their description for a term which may extend to three years and also be liable to fine.”

Section 228 of Pakistan Penal Code– “Whoever intentionally offers any insult or cause any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.”]

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

¹[(a) where the accused has been convicted by a court and sentenced to imprisonment or fine on charge(s) involving more turpitude in which case the competent authority shall on receipt of intimation of the conviction, make an order dismissing or removing the accused from service or reducing him in rank as it deems fit; provided that in case of conviction on charge(s) of corruption on the accused shall be dismissed from service.]

(b) Where the authority competent to dismiss or remove a person from service or to reduce a person in rank, is satisfied that ,for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

[Notes:- Rule 8 gives the provision, that the inquiry procedure under rule 5 shall not apply where the accused after dismissal or removal from Service or reduction in rank due to misconduct ,has finally received the sentence of fine or of imprisonment, or

Where the competent authority is satisfied due to some justifications that it is not practicable to give the accused a chance to show cause against the action to be taken.]

¹Clause (a) substituted by the Notification No. SOIX-REG (S&GAD)2/B/1-73, Part-I, dated 14-10-1978, the Sind Govt. Gaz.,23-11-1978

1[8-A. Treating leave or Suspension as duty on re-instatement.-If a Civil Servant who proceeds on leave or is suspended under sub-rule (1) of rule 5 is exonerated of the charge or charges or no action has been taken against him, he shall be re-instated in service and the period of leave or as the case may be, suspension shall be treated as duty.]

9. Procedure of inquiry against officers lent to other government or authority.-(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 this rule referred to as the borrowing authority, shall have the powers of the authority for the purposes of placing him under suspension or 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, herein after in this rule referred to as the lending authority, of the circumstances leading to the order of his suspension or the Commencement of the proceeding, as the case may be:

Provided further that the borrowing authority shall obtain prior approval of the Government before taking any action under these rules against a member of Class 1 Service or a holder of a Class 1 post.

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

²[(3) Notwithstanding anything contained in these rules, Government may, by an order in writing, authorize the borrowing authority or any sub-ordinate officer to such authority to exercise all or any of the powers of authorised officer, authority or appellate authority in respect of civil servants, whose services have been lent to the borrowing authority.]

[Notes: - Procedure of inquiry against civil servants on deputation or lent other Government or authority has been explained under rule 9.

Sub-Rule (1) of rule 9 empowers the borrowing authority to suspend the accused, to direct him, to proceed on leave and to start proceedings against him under these rules if applicable to him, with the condition that the borrowing authority shall obtain prior permission from the lending Government before taking any action against member of Class-I Service or holder of Class 1 post.

By virtue of sub-rule (2) of rule 9, borrowing authority shall forward to the lending authority, the record of the proceedings and the lending authority shall take appropriate action against the accused in accordance with these rules.]

3[10.- (1) A civil servant aggrieved by an order of the authorised officer or authority may within thirty days from the date of the order appeal to the appropriate authority given in the Schedule.

⁴[Provided that where the penalty is imposed by order of Chief Minister or Chief Justice, as the case may be, there shall be no appeal, but the civil servant or the member of the Sindh Judicial Service may apply for review of the orders.]

¹[**Explanation.**-For the purpose of this sub-rule the period of thirty days shall be reckoned with effect from the days following the day on which the order appealed against is communicated to the Civil Servant.]

¹Rule 8-A inserted by the Notification No. SOIX-REG (S&GAD)2/B/1-73, dated 4-1-1977, Sind Govt. Gaz., Pt. IV-A, Pg. No.13, dated 3-2-1977

²Sub-rule (3) of rule 9 added by Notification No. SOIX-REG (S&GAD)2/D/8-78, dated 5-12-1982, the Sind Govt. Gaz., Part IV-A, (P: 5), dated 20-1-1983

³Rule 10 and 10-A substituted by the Notification No. SOIX-REG (S&GAD)2/E/1-73, dated 21-8-1975, the Sind Govt. Gaz., Part IV-A, dated 28-8-1975

⁴ Proviso substituted by the Notification No. SOR-I (S& GAD) 2-3/93 dt:7/4/1999

(2) The appellate authority shall, on receipt of the appeal call for the record of the case from the authorised officer or the authority, as the case may be, and cause notice to be given to the parties, and after perusal of such record and hearing the appellant, if necessary and the representative of the authorised officer or the authority, as the case may be, make such order as it may deem fit:

Provided that if the appellate authority proposes to enhance the penalty, it shall give the appellate reasonable opportunity to show cause against the enhancement of the penalty.

10-A. (1) The Chief Minister or any officer or authority empowered by him may call for and examine the record of any proceeding under these rules for the purposes of satisfying himself as to the correctness, or propriety of any finding, penalty or order in, irregularity of such proceedings.

(2) After examining the record under sub-rule (1), the Chief Minister or any officer or authority, empowered by him, as the case may be, may direct further inquiry into the charges from which the civil servant has been exonerated, or may, exercise any power of the appellate authority:

Provided that an order made under this rule, if prejudicial to the civil servant, shall not be passed unless he has been given opportunity of showing cause:

Provided further that an order imposing penalty shall not be revised after the period of ²[six months] from the date of its communication to the civil servant if no appeal is preferred.

(3) No proceeding under this rule shall be entertained at the instance of the civil servant who has not filed the appeal.

³[(4) The powers conferred on the Chief Minister under this rule, shall in relation to a member of the Sindh Judicial Service, be exercised by the Chief Justice.]

[Notes:- Right of appeal to the accused civil servant has been given under rule 10 & 10-A that a civil servant on whom a penalty is imposed, shall have the right of appeal, within thirty days of the order to the appropriate authority given in the schedule but there shall be no appeal when the penalty is imposed by the Chief Minister where a person concerned can apply for review of order only.]

⁴[10-B. Appearance of counsel.- No Party shall be represented by a lawyer in any proceeding under these rules.]

11. Repeal.- The West Pakistan Government Servants (Efficiency & Discipline) Rules, 1960 in their application to the Civil Servants are hereby repealed, but the repeal shall not effect any action taken or anything done or suffered there-under.

[Notes:-By virtue of rule 11, the West Pakistan Government Servants (Efficiency & Discipline) Rules, 1960 stand abrogated on the day of promulgation of these rules, except that of any action or any penalty imposed, or anything done or suffered thereof.]

⁵[12. Constitution of anti-corruptions council.- There shall be an anti-corruption Council herein after referred to as the Council.

(2) The Council shall consist of the Chief Minister, and two or more Ministers nominated by the Chief Minister.

¹Explanation added by the Notification No. SOIX-REG (S&GAD)2/B/1-73, dated 17-3-1976, the Sind Govt. Gaz., Part IV-A, dated 18-3-1976

²In the proviso, substituted for "three months" by the SOIX-REG (S&GAD)2/B/1-73, dated 26-2-1981, the Sind Govt. Gaz., dated 5-3-1981

³ Sub-rule (4) added by the Notification No. SOR-I (S & GAD) 2-3/93, dt: 7/4/1999

⁴Rule 10-B added vide Notification No. SOIX-REG (S&GAD)2/B/1-75, dated 31-7-1976, the Sind Govt. Gaz., Part IV-A, dated 5-8-1976

⁵Rule 12, 13 & 14 added by the Notification No. SOIX-REG (S&GAD)2/B/1-75, dated 5-2-1976, the Sind Govt. Gaz., Pt. IV-A, Extra-ordinary, dated 11-3-1976

(3) The Council shall be assisted by such Advisors as may be required by the Chief Minister from time to time by a Notification.

(4) The Director Anti-Corruption Establishment shall be the Secretary to the Council.

(5) The Council shall meet at least once in three months at each Divisional Headquarters and hold Open Kutchery for receiving complaints against civil servants.

13. Power of the council.- (1) The Council may make an order on the spot that an enquiry be made an Investigation Team on any of the complaints of the nature mentioned in rule 3 received in Open Kutchery under rule 12.

(2) The Council may, constitute one or more Investigation Teams each consisting of Officers of the ¹[basic scale of pay] normally not below ²[basic scale of pay] 18, of whom one shall be Police Officer, one Engineer and one Officer of accounts and one Revenue Officer.

(3) The investigation Team shall have all the powers of Inquiry Officer or Inquiry Committee under rule 7.

(4) The Investigation Team shall, submit its report to the Council within forty eight hours of the entrustment of the enquiry to it.

(5) On our repost submitted under sub-rule (4) the Council may issue or require the Authorised Officer to issue a notice to the accused civil servant calling upon him to show cause within such times as may be specified in the Notice why one or more penalties mentioned in these rules should not be imposed upon him.

(6) The Council may, after receipt of the reply from the accused civil servant directly or through the Authorised Officer pass an order imposing one or more of the penalties under these rules on such Civil Servant.

(7) Any civil servant aggrieved by an order of the Council may within thirty days from the communication of the order prefer review petition to the Council and the order passed by the Council on such petition shall be final.

(8) In the event of disagreement between the Chief Minister and the majority of the members of the Council on any matter under this rule, the order of the chief Minister in such matter shall prevail.

14. Overriding provision.- ³[(1)] The provisions contained in rules 12 and 13 shall not affect the powers of the Chief Minister under other provisions of these rules.]

⁴[(2)] Nothing in rule 12 and 13 shall apply to a member of the Sindh Judicial Service.]

¹In sub-rule (2), substituted for “grade” the Notification No. SOIX-REG (S&GAD) 2/B/1-73 (Part I), dated 8-1-1985

²In sub-rule (2), substituted for “grade” the Notification No. SOIX-REG (S&GAD) 2/B/1-73 (Part I), dated 8-1-1985

³ Rule 14 re-numbered as sub-rule “(1)” by the Notification No. SOR-I (S & GAD) 2-3/93, dated 7/4/1999

⁴ Sub-rule (2) added by the Notification No. SOR-I (S & GAD) 2-3/93, dated 7/4/1999

¹[SCHEDULE

(See Rule 10)

S. No.	AUTHORITY MAKING THE ORDER	AUTHORITY COMPETENT TO HEAR APPEALS AND ENTERTAIN REPRESENTATIONS
1	Officers in ² [Basic Scale of Pay] 16,17,18, and 19	The officer next above under whom the officer making the order is working.
2	Regional Head	Head of attached department concerned and if there is no head of the attached department then secretary of the department concerned.
3	Head of the Attached department	Secretary of the Department unless he is of a lower ³ [Basic Scale of Pay] in which case Chief Secretary through the Secretary of the department.
4	Secretaries of the Department	Chief Secretary
5	Chief Secretary	Chief Minister
⁴ [6	Senior Puisine Judge	Chief Justice.
6A	Chief Justice	Chief Justice for Review]
7	Chief Minister	Chief Minister for Review.]

¹Schedule added by the Notification No. SOIX-REG (S&GAD) 2/E/1-75, dated 21-8-1975, Sind Govt. Gaz., Part IV-A, 28-8-1975

²In the schedule substituted for "grade" by the Notification No. SOIX-REG (S&GAD)2/B/1-73 (Part I), dated 8-1-1985

³In the schedule substituted for "grade" by the Notification No. SOIX-REG (S&GAD)2/B/1-73 (Part I), dated 8-1-1985

⁴Substituted by the notification No. SOR-I (S & GAD) 2-3/93, dt:7/4/1999.