

(1)

A.

(SPECIMEN)

Government of Pakistan
(Name of the Ministry/Division/Department)

No. _____ Place.....dated....

CHARGE SHEET

WHEREAS the 'Authority' in your case in terms of rule 2 of Government Servants (Efficiency and Discipline) Rules, 1973 is of the opinion that sufficient grounds exist to proceed against you in terms of rule 3 (b) and (c) thereof; and

2. WHEREAS I, _____ (name and designation) _____ as Authorised Officer in your case, have decided to proceed against you under rule 5 of the Government Servants (Efficiency and Discipline) Rules, 1973; and

3. WHEREAS, I, _____ consider that in the light of the facts of the case and in the interest of justice, it is necessary to hold an enquiry through an *Enquiry Officer / *Enquiry Committee; and

4. NOW THEREFORE, you Mr. (Name and designation of the accused) BS-_____ and name of Service/Cadre/Group), presently posted as _____ are hereby charged as under:-

That while posted as _____ you committed the following acts of misconduct and corruption:-

- i.
- ii. (Material in the gist of charges can
- iii. be consulted)

5. By reason of the above you appear to be:-

** (a) inefficient or have ceased to be efficient within the meanings of rule 3(a) of the Government Servants (Efficiency and Discipline) Rule, 1973; and

** (b) guilty of misconduct within the meaning of rules 2(4) and 3(b) of the Government Servants (Efficiency and Discipline) Rules, 1973, for the said commission/ommission on your part; and

** (c) corrupt or may reasonably be considered as corrupt within the meaning of rule 3(c) of the Government Servants (Efficiency and Discipline) Rules, 1973.

* *Strike out whichever is not applicable.*

** *Strike out whichever is not applicable and select the appropriate ground in para 5 after consulting inter alia the material given in the gist of charges.*

6. And Whereas, by reason of the above read with details given in the enclosed statement of allegations, you are liable to disciplinary action under rules 3 of the Government Servants (Efficiency and Discipline) Rules, 1973 which may involve imposition of the penalty of dismissal from service prescribed under rule 4 of the said Rules.

7. Now therefore, you are hereby required to submit your written defence to the above charges within fourteen (14) days of the receipt of this charge sheet, explaining as to why disciplinary action, as aforesaid, should not be taken against you, and stating at the same time, whether you also desire to be heard in person.

8. Please take notice that your written defence should reach within the aforesaid period direct to Mr. _____, who has been appointed as Enquiry Officer, failing which it shall be presumed that either you have no defence to offer or you have declined to offer the same and accept the charges and in that case action shall be taken ex-parte.

(name designation)
Authorised Officer.

Mr. (the accused) _____

+ (1) Copy with a copy of Statement of Allegations is forwarded for information and necessary action to the Enquiry Officer (Mr. _____) The Inquiry may please be conducted on day to day basis without interruption and your findings and grounds thereof be submitted to the authorised officer within 10 days of the conclusion of the proceedings.

+2. Secretary, Ministry of Interior, Islamabad/Secretary, Ministry of (name of the concerned Ministry) and Chairman, Ehtisab Cell, P.M. Sectt. each with the request to detail a departmental Representative well conversant with the facts of the case alongwith relevant records to assist the Inquiry Officer during inquiry.

(Name, designation)
Authorised Officer.

+ *Not to appear on the original Charge Sheet to be served on the accused officer.*

(3)

(SPECIMEN)
(STATEMENT OF ALLEGATIONS)

Government of Pakistan
(Name of the Ministry / Division / Department)

STATEMENT OF ALLEGATIONS

Mr. _____ formerly _____

(Designation, Ministry / Division / Department)

presently posted as _____
(Designation, Ministry / Division / Department)

is accused of inefficiency / corruption / misconduct / subversion / arising out of the
(write whatever is applicable)

following acts of omission and commission.

That while posted as _____ in

_____ you: -

(i)

(ii) (Full details of the charges contained briefly in the charge sheet may
be given here)

(iii)

(iv)

(Name, designation)
(Authorized Officer)

(4)

SPECIMEN INQUIRY ORDER

NAME OF MINISTRY/DIVISION/OFFICE

No. _____

Islamabad the _____, 2014.

INQUIRY ORDER

In pursuance of Rule 5(1)(ii) read with Rule 6 of the Government Servants (Efficiency & Discipline) Rules, 1973, the Authorized Officer is pleased to appoint Mr. _____, as Inquiry Officer to conduct inquiry proceedings against Mr. _____.

2. The inquiry shall be conducted in accordance with the provisions of the Government Servants (Efficiency & Discipline) Rules, 1973 and the report shall be submitted to the Authorized Officer within 30 days of the conclusion of the proceedings.

3. Copies of the charge sheet served upon the accused officer and statement of allegation are enclosed.

Encl. As Above

Name & Designation
of the Authorized Officer

Name & Designation/address
of the Inquiry Officer.

Copy to:-

- i) The accused officer
- ii) Departmental Representative (if nominated) in the case.
- iii) Establishment Division.

Specimen where Inquiry is conducted

Government of Pakistan

No. -----

Islamabad, the -----

SHOW CAUSE NOTICE

Whereas you Mr. ----- (Group/ BS----) while serving as the ----- allegedly committed an act of "Misconduct" and were proceeded against under Rule 5(1)(b) and Rule 6 of Government Servants (Efficiency & Discipline) Rules, 1973 vide Charge Sheet of even number dated -----

2. Whereas Mr. ----- was appointed as Inquiry Officer who has submitted the inquiry report in which the charge/allegation stands proved against you (copy of the Inquiry Report is enclosed).

3. And whereas the undersigned in his capacity as the "Authorized Officer", on considering the findings of the Inquiry Officer/Committee, has reached the conclusion that the charge/allegation contained in the aforesaid Charge Sheet has been established.

4. Now therefore, you Mr. ----- are called upon to show cause in writing within 7 days of the date of receipt of this notice as to why a penalty, including the major penalty of "dismissal from service" as provided in Rule 4(1)(b)(iv) of Government Servants (Efficiency & Discipline) Rules, 1973, may not be imposed upon you. You are also required to indicate in your reply if you want to be heard in person.

5. In case no reply is received within the specified period, it would be presumed that you have no defence to offer or you have declined to offer the same and accept the charges and in that case action against you shall be taken ex-parte.

Signature
Authorized Officer

Mr.----- (Accused Officer)

observing the requirements of Government Servants (Efficiency and Discipline) Rules, 1973 (Sl.No. 85) in taking disciplinary action against civil servants. In this case, what was published was merely a notice or a warning that if the clerk did not resume duty, action under Government Servants (Efficiency and Discipline) Rules, 1973 would be taken. However, on his failure to resume duty as directed, order of dismissal was straightway passed without initiating disciplinary action on the ground of misconduct.

3. In this connection, a reference is also invited to the Establishment Division O.M. No. 4/18/83-D.2, dated 15th February, 1984 (Sl.No. 114), bringing out the requirement of rule 8, clause (b) and the circumstances in which that rule can be involved. According to rule 8(b), nothing in rule 5 (containing inquiry procedure) will apply to a case where the competent authority is satisfied that for reasons to be recorded, in writing, it is not reasonably practicable to give the accused an opportunity or showing cause. If all efforts to communicate with the accused through normal channels (like sending him the notice or charge sheet by registered post to his known addresses) fail, that may induce the authority to be so satisfied. For this purpose, publication of charge sheet or show cause notice, as the case may be, in the national press is certainly not required. However, if in rare cases, the competent authority is unable to satisfy itself that it is not reasonably practicable to communicate with the accused, the competent authority may publish the notice *i.e.* show cause notice in terms of rule 5 (1) (iii) of the Government Servants (E&D) Rules, 1973 or rule 5 (1) (iv) or charge sheet in terms of rule 6 (as the case may be) in the newspapers and any lack of response to it may satisfy the competent authority that it is not reasonably practicable to give the accused an opportunity of showing cause.

[Authority:- Estt. Division O.M No.4/18/83-D.2, dated 9-7-1985].

Sl. No. 116

Disciplinary Action - Need to Observe Strictly the Rules and Procedure Relating to Check List

It has been observed that in dealing with disciplinary cases, care is not generally taken to observe the procedure laid down in the Government Servants (Efficiency and Discipline) Rules, 1973 (Sl.No. 85). Such omissions vitiate the case and if the government servant concerned goes in appeal to the Services Tribunal, the appeal is sometime accepted on this account. It is, therefore, necessary that extreme care is taken to ensure that the cases are dealt with according to the prescribed rules and procedure.

2. The Establishment Division has been issuing instructions from time to time drawing attention of all concerned to specific requirements of rules and procedure or to omissions generally noted in disciplinary action. In this connection

a reference is invited to the Establishment Division O.M. No. 7/2/79-D-I, dated 18th November, 1979 with which a check list for guidance of authority, authorized officer and inquiry officer was circulated to ensure that all procedural requirements are met. This was followed by a circular d.o. letter No D-553/80-JS (Rev & D) dated 22nd October, 1980 (Sl. No. 118) from Establishment Secretary to all Secretaries, drawing attention to some irregularities noticed in the disciplinary cases submitted to the Establishment Division. In Establishment Division O.M. No. 4/20/82-R.I, dated 20th July, 1982 (Sl. No.119), it was further laid down that, in future, after the authorized officer has considered the inquiry report and arrived at a provisional conclusion as to the penalty to be imposed on the accused, the accused should be supplied with a copy of the inquiry report and asked to show cause, within a specified time, as to why the particular penalty should not be imposed on him and any representation submitted by the accused in his behalf should be taken into consideration before final orders are passed.

3. It is requested that the instructions issued from time to time and particularly the instructions in the Office Memoranda quoted in para 2 may strictly be followed in future by the Ministries/Divisions and by departments and offices under their administrative control. For facility of reference, the instructions contained in the three office memoranda quoted in para 2 have been consolidated in a fresh check list, which is attached to this letter as **Annex**. It should always be consulted while processing disciplinary cases.

[Authority.- Estt. Secretary's d.o. letter No.3/1/85-D.2, dated 26-3-1985].

(ANNEX)

(See Sl. No. 116)

**CHECK-LIST OF REQUIREMENTS TO BE NOTED WHILE
TAKING ACTION UNDER GOVERNMENT SERVANTS
(EFFICIENCY & DISCIPLINE) RULES, 1973 (Sl. No. 85)**

➤ Authority.- To ensure that:-

The President has been pleased to designate the officer or authority to exercise his powers as Authority under rule 2(2).

➤ Authorized Officer.- To ensure that:-

1. The officer exercising the powers of Authorized Officer has been authorized by the Authority to act as such in terms of rule 2(3).
2. The Authorized Officer while exercising his discretionary powers of suspension under rule 5(1) (i) has obtained prior approval of the Authority in writing before issuing orders suspending the accused officer. The summaries for authority seeking its approval for suspension or extension of suspension period are signed by the authorized officer and not by any other officer. Further, an officer can be suspended only if he is accused of subversion, corruption or misconduct rule 5 (1) (i).

3. Formal approval of the Authority is available for continuation of the suspension period after every three months rule 5 (1) (i).
4. Formal approval of the authority is available for extending the period of forced leave after every three months rule 5 (1) (i).
- ✓ 5. No officer other than the Authorized Officer has decided that in the light of the facts of the case or in the interest of justice an inquiry should be conducted through an Inquiry office or Inquiry Committee, rule 5(1)(ii).
6. Considering the nature of charges and other facts, the decision not to hold an inquiry has been taken judiciously and not arbitrarily. Before taking such a decision, the authorised officer has taken into consideration the nature of charges and other facts and has satisfied himself that the allegations against the accused could be decided without holding an enquiry. [Rule 5(1)(iii)]. (Though it is not a requirement of the rule that the reasons for not holding an inquiry be recorded, yet the check-point is necessary to ensure that the decision is in the interest of justice as required by rule and that there is no violation of the law of natural justice).
7. The procedure prescribed in rule 6 is followed in case the Authorized Officer in exercise of his discretionary power under rule 5 (1) (ii) has decided to hold an inquiry through an Inquiry Officer or Inquiry Committee.
8. Formal order regarding appointment of Inquiry Officer or Inquiry Committee, as the case may be, has been issued by the Authorized Officer and not by any other officer. [Rule 6 read with rule 5 (1) (ii)].
- ✓ 9. A formal charge-sheet together with a statement of allegations has been framed and communicated to the accused officer by the Authorized Officer under his signature. (The statement of allegations should also be authenticated by the authorized officer). [Rule 6 (1)].
10. The charge sheet requires the accused:
 - (i) to put in written defence within a reasonable time which is not less than 7 days or more than 14 days from the day the charge has been communicated;
 - (ii) to state whether he desires to be heard in person, [Rule 6 (2)].
11. The procedure laid down in Rule 5 (1) (iii) is followed in case the Authorized Officer in exercise of his discretion has decided to dispense with holding an inquiry through an Inquiry Officer or Inquiry Committee.

12. In the show cause notice issued under Rule 5 (1) (iii), the proposed action and the grounds of the action including particular or particulars of charges and substance of evidence in support of the charges has been specified; the grounds for penalty in terms of rule 3 have been specifically mentioned; the penalty or penalties which would be called for if the charges are established have been specified and no general mention has been made by reference to all minor or major penalties. The description of penalties should conform to the description given in the rules. The show cause notice must be signed by the authorized officer.
- ✓ 13. On receipt of the report of the Inquiry Officer or Inquiry Committee or on receipt of explanation of the accused officer under rule 5 (1) (iii), the Authorized Officer has determined whether the charge or charges against the accused officer has been proved or not [rule 5 (1) (iv)].
14. After the authorised officer has considered the inquiry report and arrived at a provisional conclusion as to the penalty to be imposed, the accused shall be supplied with a copy of the inquiry report and asked to show cause, within a specified time, which should not be less than 7 days and more than 14 days from the date of receipt of inquiry report, against the particular penalty to be imposed and any representation submitted by the accused in this behalf shall be taken into consideration before final orders are passed.
- ✓ 15. In case the Authorized Officer has proposed imposition of a major penalty on the accused officer, he has referred the case to the Authority with his recommendation and with all the documents mentioned in the rule [rule 5 (1) (iv)].
16. When the accused has desired to be heard in person, the authorized officer has duly heard him in person before deciding to impose a minor penalty or make recommendations to the authority for a major penalty. [rule 6 (2)].
17. In case the authorized officer in respect of civil servants holding posts in basic pay scales 17 and above decides to forward a disciplinary case to the President*, where he is the authority, he should invariably submit his proposal to the Establishment Division in the form of a "summary for the President**" marked to the "COS to the President" through Establishment Secretary" alongwith complete CR dossier. The summary should also contain the following information:-
 - (i) date of the birth of the accused;

* Prime Minister.

** Principal Secretary to Prime Minister.

- (ii) date of his entry into service; and
- (iii) the length of qualifying service for pension as on the date on which summary is forwarded.

➤ Inquiry Officer/Committee.- To ensure that:-

1. The procedure laid down in rule 6(3) to (6) is strictly adhered to during the inquiry proceedings.
2. The inquiry proceedings being of judicial nature in terms of rule 7, the Inquiry Officer has recorded the statement of witnesses on oath [Rule 7 (a)].
3. The accused officer is allowed to cross-examine the witnesses produced against him during the proceedings. [Rule 6 (3)].
4. The accused officer is afforded a reasonable opportunity to produce his defence. [Rule 6 (3)].
5. The case is heard from day to day and no adjournment is given except for reasons to be recorded in writing which should be reported to the authorized officer. No adjournment should exceed a week. [Rule 6 (4)].
6. The findings are recorded after due analysis and appreciation of evidence on record.

Sl. No. 117

Approval for Placing a Government Servant under Suspension

A detailed check-list stands circulated to all the Ministries/Divisions vide Establishment Secretary's D.O. letter No. 3/1/85-D.2, dated 26-3-1985 (Sl.No.116) which is required to be strictly followed while taking action under the Government Servants (Efficiency and Discipline) Rules, 1973 (Sl.No. 85). This check-list has been carefully prepared and provides detailed guidance to the authorities concerned regarding the various stages/aspects of the E&D proceedings, including preparation of charge-sheet, statement of allegations, etc. to avoid what may otherwise lead to such proceedings being declared totally or partially irregular at a later stage by the competent authority/forum.

2. Despite these detailed instructions, however, instances are not lacking where due to serious lapses on the part of the authorities concerned, the accused civil servants have escaped punishment or where such proceedings had to be re-initiated. All this is avoidable if the detailed instructions on the subject are strictly followed.