

EXTRAORDINARY ISSUE

REGISTERED NO.L-75

The Punjab Gazette
PUBLISHED BY AUTHORITY

LAHORE MONDAY SEPTEMBER 18, 2000

GOVERNMENT OF THE PUNJAB
LAW & PARLIAMENTARY AFFAIRS DEPARTMENT

NOTIFICATION

18th September, 2000

No. Legis. 1(IV)/2000 - The following Ordinance promulgated by the
Governor of the Punjab is hereby published for general information: -

THE PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE 2000

PUNJAB ORDINANCE NO.IV OF 2000.

AN
ORDINANCE

to provide for dismissal, removal, compulsory retirement from service, reduction to a lower post or pay scale and other penalties in respect of corrupt and inefficient persons in Government service and persons in Corporation service:

WHEREAS it is expedient to provide for dismissal, removal, compulsory retirement from service, reduction to a lower post or pay scale and other penalties in respect of corrupt and inefficient persons in Government service and persons in Corporation service:

AND WHEREAS the Provincial Assembly stands suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999:

AND WHEREAS the Governor of the Punjab is satisfied that circumstances exist which renders it necessary to take immediate action:

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution (Amendment) Order No.9 of 1999, on the instructions of the Chief Executive and in exercise of all powers enabling him in that behalf, the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

1. Short title, extent, commencement and application:-
 - (1) This Ordinance may be called the Punjab Removal from Service (Special Powers) Ordinance, 2000.
 - (2) It extends to the whole of Punjab.
 - (3) It shall come into force at once and the provisions of sub-clause (iv) of clause © of sub-section (1) of Section 3 and sub-section (5) shall be deemed to have taken effect from the 18th September, 2000.
 - (4) It shall apply to persons in Government service and Corporation service.

2. Definitions:-

In this Ordinance, unless there is anything repugnant in the subject on context.

- (a) "Governor" means Governor of the Punjab;
- (aa) "competent authority" means, the Governor and where, in relation to any person or class of persons, the Governor authorizes any officer or authority, not being inferior in rank to the appointing authority prescribed for the post held by the person against whom action is proposed to be taken, to exercise the powers of competent authority under this Ordinance that officer or authority, and, in relation to an employee of a Court or a Tribunal functioning under the Punjab Government, the appointing authority or the Chairman or Presiding Officer of the Court or the Tribunal on being authorized by the appointing authority to exercise the powers of competent authority under this Ordinance.
- (b) "misconduct" includes conduct prejudicial to good order or service discipline or conduct unbecoming of an officer and a gentleman or involvement or participation for gain either directly or indirectly in industry, trade or speculative transactions or abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private instructions or persons as may cause embarrassment in the performance of official duties or functions;
- (c) "persons in corporation service" means every person in the employment of a corporation, corporate body, authority, statutory body or other organization or institution set up, established, owned managed or controlled by the Punjab Government, or by or under any law for the time being in force or a body or organization in which the Punjab Government has a controlling share or interest and includes the Chairman and the Managing Director, and the holder of any other office there and
- (d) "person in Government service" includes every person who is a member of a Civil Service of Punjab Province or who holds a civil post in connection with the affairs of the Province or any employee serving in any Court of Tribunal set up or established by the Punjab Government but does

not include a Judge of the High Court or any Court subordinate to the High Court, or any employee of the said Courts thereof.

3. Removal from service:

- (1) Where in the opinion of the competent authority, a person in Government or Corporation service is:
 - (a) inefficient or has ceased to be efficient for any reason; or is guilty of being habitually absent from duty without prior approval of leave; or
 - (b) guilty of misconduct; or
 - (c) corrupt, or may, reasonably be considered as corrupt, because;_
 - (i) he, or any of his dependents or any other person, through him or on his behalf, is in possession of pecuniary resources of property, for which he cannot reasonably account for, and which are disproportionate to his known sources of income; or
 - (ii) he has assumed a style of living, beyond he the known sources of income, or
 - (iii) he has a reputation of being corrupt.
 - (iv) he has entered into plea-bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily; or
 - (d) engaged, or is reasonably believed to be engaged in subversive activities, and his retention in service is prejudicial to national security or he is guilty of disclosure of official secrets to any unauthorized person; or
 - (e) found to have been appointed or promoted on extraneous grounds in violation of law, the competent authority, after inquiry by the Inquiry Officer or Committee constituted under section 5, may, notwithstanding anything contained in any law or the terms and conditions of service of such

person by order in writing dismiss or remove such person from service, compulsorily retire from service or reduce him to lower post or pay scale, ¹[order recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders], or impose one or more minor penalties as prescribed in the Punjab Civil Servants (Efficiency & Discipline) Rules, 1999.

- (2) Before passing an order under sub-section (1), the competent authority shall, by order in writing, inform the accused of the action proposed to be taken with regard to him and the grounds of the action; and
- (a) give him a reasonable opportunity of showing cause against that action within seven days or within such extended period as the competent authority may determine;
- (b) provided that no such opportunity shall be given where the competent authority is satisfied that in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity:

Provided further that no such opportunity shall be given where the accused is to be punished or removed from service or reduced in rank on the ground of having been convicted for an offence involving moral turpitude or financial irregularity which has led to a sentence of fine or of imprisonment or where the competent authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to give the accused an opportunity of showing cause.

- (3) The dismissal or removal or premature retirement from service, or reduction to lower post or pay scale of a person under sub section (1) shall not absolve such person from liability to any punishment to which he may be liable for an offence under any law committed by him while in service.

4. Suspension -

A person against whom action is proposed to be taken under sub-section (1) of Section 3 may be placed under suspension if, in the opinion of the competent authority suspension is necessary or expedient;

¹ Added Vide Ordinance dated 28-02-2002

Provided that the competent authority may in an appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him from such date as may be specified by the competent authority.

5. Power to appoint an Enquiry Officer or Inquiry Committee:-

²[(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 convener, shall be of a rank senior to that of the accused, to scrutinize the conduct of a person in Governments service or a person in corporation service who is alleged to have committed any of the acts 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. The Inquiry officer or, as the case may be, the Inquiry Committee shall];

- (a) communicate to the accused the charges and statement of allegations specified in the order of inquiry passed by the competent authority;
- (b) require the accused within seven days from the day the charge is communicated to him to put in a written defence;
- (c) 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; and
- (d) hear the case from day to day and no adjournment shall be given except for special reasons to be recorded in writing and intimated to the competent authority.

(2) Where the Inquiry Officer or as the case may be, the Inquiry Committee is satisfied that the accused is hampering, or attempting to hamper, the progress of the inquiry he or it

² Para (1) of S.5 replaced Vide Ordinance dated 04-12-2001

shall record a finding to that effect and proceed to complete the inquiry in such manner as he, or it, deems proper in the interest of justice.

- (3) The Inquiry Officer or, as the case may be, the Inquiry Committee shall submit his, or its findings and recommendations to the competent authority within twenty-five days of the initiation of inquiry -
- (i) The competent authority may dispense with the inquiry under sub-section (1) if it is in possession of sufficient documentary evidence against the accused or for reasons to be recorded in writing, it is satisfied that there is no need of holding an inquiry;
 - (ii) Where a person who has entered into plea bargaining under any law for the time being in force, and has returned the assets or gains acquired through corruption or corrupt practices voluntarily, the inquiry shall not be ordered:

Provided that show cause notice shall be issued on the basis of such plea bargaining to such person informing him of the action proposed to be taken against him and the grounds of such action requiring him to submit reply within fifteen days of the receipt of the notice. On receipt of the reply, the competent authority may pass such orders as it may deem fit.

6. Powers of the Inquiry Officer or Inquiry Committee -

- (1) For the purpose of an inquiry under this Ordinance, 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; and

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

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

7. Procedure to be followed by the Inquiry Officer or Inquiry Committee. –

The Inquiry Officer or Inquiry Committee shall, subject to any rules made under this Ordinance, have power to regulate its own procedure, including the fixing of place and time of its sitting and deciding whether to sit in public or in private, and in the case of a corporate committee, to act notwithstanding the temporary absence of any of its members.

³[7-A. Procedure of enquiry against officers lent to other Governments etc.

(1) Where the services of a Government employee to whom this Ordinance applies are lent to any other Government or to a local or other authority, in this Ordinance referred to as the borrowing authority, the borrowing authority shall have the powers of Competent Authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under this Ordinance:

Provided that the borrowing authority shall forthwith inform the Authority which has lent his services, hereinafter in this Ordinance 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 Punjab before taking any action under this Ordinance 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 civil servant in terms of sub-section (1) above, the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority

³ Added Vide Ordinance dated 28-02-2002

the record of the proceedings and thereupon the lending authority shall take action as prescribed in this Ordinance.

- (3) Notwithstanding anything to the contrary contained in subsections (1) & (2), Government may, in respect of certain civil servants or categories of civil servants, authorize the borrowing authority to exercise all the powers of authority under these circumstances.

8. Order to be passed upon a finding. -

Every finding recorded by the Inquiry Officer or Inquiry Committee under section 5 shall, with the recommendation 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.

⁴[Provided that where the Competent Authority is satisfied that enquiry proceedings have not been conducted in accordance with the Ordinance or facts and merits of the case have been ignored, it may order initiation of de novo enquiry through a speaking order by giving the reasons thereof within a period of 14 days.

9. Representation and review. -

- (1) A person who has been dismissed or removed or compulsorily retired from service or reduced to a lower post or pay scale or against whom any order has been made under section 3 by the competent authority, may, within fifteen days from the date of communication of the order prefer a representation to the Governor or such officer or authority as the Governor may designate;

Provided that where the order has been made by the Governor, such person may, within the aforesaid period, submit a review petition to the Governor.

- (2) The Governor or such officer or authority, as may, be designated for the purpose by the Governor, may, on consideration of the representation, review petition and any other relevant material, confirm, set aside, vary or modify the order in respect of which such representation or review petition is made within sixty days thereof.

⁴ Added Vide Ordinance dated 28-02-2002

10. Appeal. -

Notwithstanding anything contained in any other law for the time being in force, any person aggrieved by any final order under section 9 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).

11. Ordinance to override other Laws. -

The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Punjab Civil Servants Act, 1974 (VIII of 1974) and the rules made thereunder and any other law for time being in force.

12. Proceedings under this Ordinance. -

All proceedings initiated on the commencement of this Ordinance in respect of matters and persons in service provided for in this Ordinance shall be governed by the provisions of this Ordinance and rules made thereunder:

⁵[Provided that the Provincial Government may, by notification in the official Gazette, exempt any class or classes or employees of a corporation, a corporate body, authority, statutory body or other organization or institution set up, established, owned, managed or controlled by it or a body or organization in which it has a controlling share or interest from the provisions of this Ordinance and such class or classes of employees shall, notwithstanding anything contained in this Ordinance, be proceeded against and dealt with under the laws and rules applicable to such employees before the commencement of this Ordinance.

13. Pending proceedings to continue. -

For the removal of doubts, it is hereby provided that all proceedings pending immediately before the commencement of this Ordinance against any person whether in Government service or corporation service under the Punjab Civil Servants Act, 1974 (VIII of 1974) and rules made thereunder, or any other law or rules, shall continue under the said laws and rules, and as provided thereunder.

14. Pensionary benefits etc. -

Notwithstanding anything contained in this Ordinance the payment of pension or other benefits to a person retired or reduced to a

⁵ Added Vide Ordinance dated 28-02-2002

lower post or pay scale under this Ordinance shall, if admissible be regulated in accordance with the law for the time being in force relating thereto.

⁶[14-A. Indemnity. –

No suit, prosecution or other legal proceedings shall lie against the competent authority or any officer or authority authorized by it for anything which is in good faith done or intended to be done under this Ordinance or the rules, instructions or directions made or issued thereunder.]

⁷[14-B. Jurisdiction barred. –

Save as provided under this Ordinance, no order made or proceedings taken under this Ordinance, or the rules made thereunder by the competent authority or any officer or authority authorized by it shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made or proceedings taken in pursuance of any power conferred by, or under this Ordinance, or the rules made thereunder.]

15. Power to make rules. -

The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

16. Removal of difficulties. -

If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Governor may make such Order, not inconstant with the provisions of this Ordinance, as may appear to him to be necessary for the purpose of removing the difficulty.

GOVERNOR OF THE PUNJAB.

⁶ & ⁷ Added Vide Ordinance dated 28-02-2002

GOVERNMENT OF THE PUNJAB
SERVICED AND GENERAL
ADMINISTRATION DEPARTMENT

Notification

Dated Lahore, the 5th November, 2000

No.SOR.III.1-33/94(A). In supercession of this Department's Notification of Even No. Dated 6.12.2000,Governor of the Punjab in exercise of the powers conferred by Section 2(aa) of the Punjab Removal from Service (Special Powers) Ordinance 2000, has authorized the officer/authorities next above the officers/authorities under Section 2 to exercise the powers of the Competent Authority under Section 9(1) of the said Ordinance.

GOVERNMENT OF THE PUNJAB
SERVICED AND GENERAL
ADMINISTRATION DEPARTMENT

Notification

Dated Lahore, the 5th November, 2000

No. SOR.III:1-33/94 (B). In supercession of this Department's Notification of Even No. Dated 6.12.2000,Governor of the Punjab in exercise of the powers conferred by Section 2(aa) of the Punjab Removal from Service (Special Powers) Ordinance 2000, has authorized the officer/authorities shown in Col-3 of the following Tables to exercise the powers of the Competent Authority under Section 3 of the said Ordinance in respect of Class of persons shown in col-2 of the tables:

The proceedings initiated on the basis of notification dated 6.12.2000, shall however, be deemed to have been initiated under this notification.

Table-I

- (a) For persons employed in the Punjab Government, in a post, or belonging to a service, group or cadre, in the Secretariat Departments controlled by Punjab Government.

Sr. No.	Class of Persons	Officers
1.	2.	3.
1.	Holders of posts of Deputy Secretaries, Deputy Commissioners, Superintendents of Police in BS.18 and posts in BS.19.	Government of the Punjab
2.	Holders of other posts in BS.18 and posts in BS.16 and 17.	Appointing Authority
3.	Holders of posts in BS.1 to 15 and equivalent.	Appointing Authority or an officer not below the appointing authority to be notified by the Additional Chief Secretary.

TABLE-II

- (b) For persons employed in an attached department or a subordinate office of the Punjab Government.

Sr. No.	Class of Persons	Officers
1.	2.	3.
1.	Holders of posts in BS. 19.	Governor of the Punjab
2.	Holders of posts in BS-16 to BS-18.	Appointing Authority
3.	Holders of posts in BS.1 to 15 and equivalent.	An officer not below the appointing authority to be authorized by the Head of Department.

TABLE-III

For Persons in Corporation Service

Sr. No.	Class of persons	Officers
1.	2.	3.
1.	Holders of posts of in BS-20 and above and equivalent	Appointing Authority
2.	Holders of other posts in BS-19 and equivalent	-do-
3.	Holders of the posts in BS-16 to 18 and equivalent.	-do-
4.	Holding of posts in BS-1 to 15 and equivalent.	-do-

Explanation: BS in all the above tables means the pay scale originally sanctioned for the post and does not include pay scale of a person on account of move-over.

BY ORDER OF THE GOVERNOR OF THE PUNJAB
ADDITIONAL CHIEF SECRETARY

NO.SOR.III.1-22/94
GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT

Dated Lahore, the 6th December, 2000

To

All Administrative Secretaries
Government of the PUNJAB

SUBJECT: GUIDELINES/PROCEDURE FOR TAKING ACTION UNDER THE PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2002

I am directed to refer to the above subject and to say that for the purpose of ensuring expeditious and orderly processing of cases under the Punjab Removal from Service (Special Powers) Ordinance, 2000, the Governor of the Punjab is pleased to lay down the following procedure for processing of cases under the aforesaid Ordinance:-

Initiation of proceedings: The competent authority shall order initiation of proceedings against an officer of a Government Organization or corporation on the basis of his opinion that the Government servant or the corporation employee under him has prima facie, ceased to be efficient or is involved in misconduct or corruption, warranting action against him under the Punjab Removal from Service (Special Powers) Ordinance, 2000. The opinion of the competent authority may be formed on the basis of personal knowledge of the competent authority, or on the basis of information placed before him or recommendation of the anti-corruption establishment.

The subordinate officer/ACE while submitting the case to the competent authority shall submit a report to the competent authority giving full facts of the case along with supporting documentary evidence, provided that in case where the competent authority is the Governor, the report shall be submitted to the Governor through the Secretary of the Administrative Department concerned.

While submitting cases to the Governor for seeking his orders regarding initiation of proceedings under the aforesaid Ordinance, the summary should invariably contain a concise statement giving specific allegations, and proposal in regard to appointment and composition of Inquiry Officer/Committee.

After approval of initiation of proceedings and appointment of Inquiry Officer/Committee under Section 5 of the Ordinance by the competent authority, the accused Government servant or corporation employee, as the case may be, shall be conveyed a statement of allegations and order of appointment of Inquiry Officer/Committee. The Inquiry Officer/Committee shall submit its recommendations within the prescribed time (i.e 30 days) to the competent authority.

Provided that where the competent authority is the Governor, the Inquiry Officer/Committee shall submit its recommendations to the Governor through the Secretary of the Administrative Department concerned.

2. It is requested that the above instructions may be brought to the notice of all concerned under your administrative control for strict compliance.

SECRETARY (REGULATIONS)

NO.SOR.III.1-13/2000
GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT

Dated Lahore, the 14th May, 2001

To

All Administrative Secretaries
Government of the PUNJAB

SUBJECT: PUNJAB REMOVAL FROM SERVICE (SPECIAL
POWERS) ORDINANCE, 2000

I am directed to say that the above-mentioned Ordinance has come into force w.e.f. 18-9.2000. Section 11 of this Ordinance envisages that the provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Punjab Civil Servants Act, 1974, or the rules made there under and any other Law for the time being in force. Section 12, on the other hand, says that all proceedings initiated after the commencement of this Ordinance in respect of matters and persons in service provided for in this Ordinance shall be governed by the provisions of this Ordinance.

2. It has come to the notice of Government that the competent authorities are still initiating proceedings against the persons under the E&D Rules, 1999, which is violation of the provisions of the said Ordinance. It is, therefore, clarified that initiation of proceedings against persons under E&D Rules, 1999, is violation of the provisions of Punjab Removal From Service (Special Powers) Ordinance, 2000.

3. I am to request you to bring the above provisions of the Ordinance to the notice of all concerned for strict compliance.

SECRETARY (REGULATIONS)

**PUNJAB
REMOVAL FROM
SERVICE
(Special Powers)
2002**



**Amended upto date
EDITION 2004**

Composed by:-

Malik Ghulam Sabir
Coordinator
Department of Law

By order of:-

Prof. Dr. Riaz -ul -Haq –Tariq
Vice-Chancellor
University of Sargodha

University of Sargodha

Adopted By Syndicate in its
Meeting 1/2003
Dated 9th of April 2003

TABLE OF CONTENTS

Sr #	Contents	Section	Pages
1.	Notification	•	I
2.	Adoption by Syndicate	•	II
3.	Preamble, short title extent, Commencement & application	1	1-2
4.	Definitions	2	2-4
5.	Removal from Service	3	4-7
6.	Suspension	4	7-8
7.	Power to appoint an Enquiry officer or Inquiry Committee	5	8-10
8.	Power of the Inquiry Officer or Inquiry Committee	6	10-11
9.	Procedure to be followed by the Inquiry Officer or Inquiry Committee	7	11
10.	Procedure of Inquiry against offices lent to toe other Governments etc	7-A	12-13
11.	Order to be passed upon a finding	8	13-14
12.	Representation & Review	9	14
13.	Appeal	10	14-15
14.	Ordinance to override other laws	11	15
15.	Proceedings under the Ordinance	12	15-16
16.	Pending proceedings to continue	13	16
17.	Pensionary benefits etc	14	16
18.	Indemnity	14-A	16-17
19.	Jurisdiction barred	14-B	17
20.	Powers to make rules	15	17
21.	Removal of difficulties	16	17
22.	Government of Punjab Notification NO SOR III. I-33/94 (A)	•	18
23.	Government of Punjab Notification NO SOR III. I-33/94 (B)	•	19-21
24.	Government of Punjab letter No. SOR III. 1-22/94	•	22-24
25.	Government of Punjab Letter No. SOR III. 1-13/2000	•	25-26

BY THE ORDER OF THE GOVERNOR OF THE PUNJAB

ADDITIONAL CHIEF SECRETARY

GOVERNOR OF THE PUNJAB
SERVICES AND GENERAL
ADMINISTRATION DEPARTMENT

Notification

Dated Lahore the 5th November, 2000

No. SOR.III. 1-33/94 (A): In supersession of 6.12.2000, Governor of the Punjab in exercise of the powers conferred by Section 2(aa) of the Punjab Removal from Service (Special Powers) Ordinance 2000, has authorized the officers/authorities next above the officers/authorities under Section 2 to exercise the powers of the Competent Authority under Section 9(1) of the said Ordinance.

BY THE ORDER OF THE GOVERNOR OF THE PUNJAB

ADDITIONAL CHIEF SECRETARY