

# The Punjab Employees Efficiency, Discipline and Accountability Act 2006

## Objectives:

By the end of session, participants will be able to;

- Describe the concept of accountability in nature.
- Define the kinds of complaints and evidence.
- Differentiate between a preliminary inquiry / probe and a regular inquiry.
- Describe the distribution and physical jurisdiction of the PEEDA Act.
- Understand the categories of employees as subjects of the Act
- Describe the categories and grounds for penalties.
- Apply the methods of proceedings.
- Describe the powers of inquiry officer / inquiry committee.

## Overview & Concepts

### PEEDA Act

The Punjab Government Act to provide for proceedings against the employees in government and corporation service in relation to their efficiency, discipline and accountability is known as **The Punjab Employees Efficiency, Discipline and Accountability Act 2006**. It is commonly called the PEEDA Act 2006.

Note: The material given at the following pages is meant only for training purposes. No part of the given material can be used as reference for any academic / legal matter before any forum and any court of law.

### Title / Name of the Act

It is called the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (Act Xii Of 2006), published in gazette Notification on 17 October 2006

### Purpose and Commencement

To provide (for good governance) measures for improvement of efficiency, discipline and accountability of employees in government and corporation service. It was published in the Punjab Gazette on 17 October, 2007, and came into force at once.

### Jurisdiction and Application

It extends to the whole of the Punjab.

It shall apply to—

- (i). Employees in government service;
- (ii). Employees in corporation service; and



- (iii). Retired employees of government and corporation service; provided that proceedings under this Act are initiated against them during their service or within one year of their retirement.

After one year of retirement, proceedings against a retired employee may be initiated under the Punjab Civil Services Pension Rules 1955 1.8 (a) & (b)

### Definitions:

- **Accused:** A person who is or has been an employee and against whom action is initiated under this Act;

"Co-accused" - when one or more officers/officials committed irregularities in connivance of each other.

- **Appellate authority:** The authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- **Appointing authority:** The authority declared or notified as such by an order of the Government or organization or under the rules, etc., as may be applicable to such employee or class of employees;
- **Charge:** Allegations framed against the accused pertaining to acts of omission or commission cognizable under this Act;
- **Chief Minister** The Chief Minister of the Punjab;
- **Competent Authority:**
  - (i). the Chief Minister; or
  - (ii). in relation to any employee or class of employees, any officer or authority authorized by the Chief Minister to exercise the powers of competent authority under this Act; provided that such officer or authority shall not be inferior in rank to the appointing authority prescribed for the post held by the employee against whom action is to be taken; or
  - (iii). in relation to an employee of a tribunal or court functioning under the Government, the appointing authority or the chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of competent authority under this Act:

Provided that where two or more employees are to be proceeded against jointly, the competent authority in relation to senior most employee in rank shall be the competent authority in respect of all the accused:

Provided further that where the competent authority, other than the Chief Minister, has any interest in the result of proceedings under this Act, and does not desire to act as competent authority due to personal reasons, he shall not proceed with the case and shall report the matter to the next higher authority who shall authorize another officer of the corresponding rank and status to act as the competent authority in a specific case;



- **Corruption:**

- (i). accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or
- (ii). dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
- (iii). possession of pecuniary sources or property by an employee or any of his dependents or any other person, through him or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
- (iv). maintaining standard of living beyond known sources of income; or
- (v). having a reputation of being corrupt; or
- (vi). entering into plea bargain under any law for the time being in force and return the assets or gains acquired through corruption or corrupt practices, voluntarily;

- **Employee:** A person

- (i). in the employment of a corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution set up, established, owned, managed or controlled by the Government, by or under any law for the time being in force or a body or organization in which the Government has a controlling share or interest and includes the chairman and the chief executive, and the holder of any other office therein; and
- (ii). in Government service or who is a member of a civil service of the province or who holds a civil post in connection with the affairs of the province or any employee serving in any court or tribunal set up or established by the Government but does not include—

(aa) a Judge of the Lahore High Court or any court subordinate to that Court or an employee of such courts; and

(bb) an employee of Police.”

Employee mentioned against (aa) and (bb) were excluded from the preview of PEEDA Act 2006 w.e.f 30.07.2012

- **Government:** Government of the Punjab;
- **Hearing officer:** An officer, senior in rank to the accused, appointed by any authority competent to appoint hearing officer, to afford an opportunity of personal hearing to the accused on behalf of the authority concerned;



Administrative Secretary and above competent authority may appoint hearing officer to afford opportunity of personal hearing to the accused (s) but competent authority below the rank of administrative secretary will provide opportunity of personal hearing by himself.

- **Inefficiency:** Its failure to—
  - (i). efficiently perform functions assigned to an employee in the discharge of his duties; or
  - (ii). qualify departmental examination in three consecutive attempts;
- **Inquiry committee:** A committee of two or more officers, headed by a convener, as may be appointed by the competent authority under this Act;

Convener of the inquiry committee should be senior in rank to the senior most co-accused

- **Inquiry officer:** An officer appointed by the competent authority under this Act;

The Inquiry officer (s) should be senior in rank, sound minded, sound health, unbiased, impartial, well versed of inquiry procedure. More over male inquiry officer for male accused (s) and female for female should be appointed.

- **Misconduct:** It includes—
  - (i). conduct prejudicial to good order or service discipline; or
  - (ii). conduct contrary to the conduct rules, for the time being in force; or
  - (iii). conduct unbecoming of an officer and a gentleman; or
  - (iv). involvement or participation for gain directly or indirectly, in industry, trade or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons, as may compromise the performance of official duties or functions; or
  - (v). any act to bring or attempt to bring outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any other authority in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service; or
  - (vi). making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
  - (vii). absence from duty without prior approval of leave; or
  - (viii). acquittal by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body; or
  - (ix). conviction for an offence by a court of law;

The Punjab Government Servants (Conduct ) Rules, 1966 may be also be considered.

- **Prescribed:** prescribed by rules made under this Act; and
- **Section:** means section of this Act.



## Grounds for Proceedings & Penalties

An employee shall be liable to be proceeded against under this Act, if he is—

- (i). Inefficiency,
- (ii). Misconduct,
- (iii). Corruption,
- (iv). Subversive activities,
- (v). Disclosure of official secrets

**Categories of Penalties (Section-4):** The competent authority may, notwithstanding anything contained in any law or the terms and conditions of service of the accused, by an order in writing, impose one or more of the following penalties, namely:-

### o Minor penalties—

- (i). censure;
- (ii). withholding of increment or increments, for a specific period, subject to a maximum of five years;

According to clarification made by S& GAD only 01 increment can be stopped for maximum 5 years.

- (iii). fine not exceeding basic pay of one month;
- (iv). reduction to a lower stage or stages in pay scale, subject to a maximum of five stages, for a specific period;
- (v). withholding of promotion for a specific period, subject to a maximum of five years; provided that this period shall be counted from the date when a person junior to the accused is considered for promotion and is promoted on regular basis for the first time;

### o Major penalties—

- (i). recovery from pay, pension or any other amount payable to the accused, the whole or a part of any pecuniary loss caused to the Government or the organization in which he was employed, and if the amount due from any such person cannot be wholly recovered from the pay, pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force;

- (ii). reduction to a lower post and pay scale from the substantive or regular post for a specific period subject to a maximum of five years;

In case of reduction, the pay shall be fixed at maximum of the reduced pay scale

- (iii). forfeiture of past service for a specific period subject to a maximum of five years;
- (iv). Compulsory retirement;



At least 10 year qualifying service ..... entitled to all pensionary benefits

(v). Removal from service;

Does not disqualify from future employment

(vi). Dismissal from service;

Disqualify from future employment

### ➤ Penalties after retirement—

- (i). withholding of pension or any part thereof, for a specific period keeping in view the loss caused to the Government ;
- (ii). withdrawing of pension or any part thereof, for a specific period keeping in view the loss caused to the Government
- (iii). recovery from pension or any other amount payable to the accused, of pecuniary loss caused to the Government or the organization in which he was employed, and if the amount due from any such person cannot be wholly recovered from the pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force.

### ➤ Note:

- o Dismissal from service under this Act shall disqualify the employee for future employment under the Government or under any organization to which the provisions of this Act apply.
- o Any penalty under this Act shall not absolve an employee or accused from liability to any punishment to which he may be liable for an offence, under any law, committed by him while in service.

### Initiation of proceedings (Section 5)

(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against an employee under this Act, it shall either—

- a) proceed itself against the accused by issuing a show cause notice under section 7 and, for reasons to be recorded in writing, dispense with the inquiry:
  - o Provided that no opportunity of showing cause or personal hearing shall be given where—
    - (i). the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity;
    - (ii). an employee has entered into plea bargain under any law for the time being in force or has been convicted of the charges of corruption which have led to a sentence of fine or imprisonment;
    - (iii). an employee is involved in subversive activities;



(iv). it is not reasonably practicable to give such an opportunity to the accused; or,

b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under section 10:

➤ Provided that the competent authority shall dispense with the inquiry where—

(i). an employee has been convicted of any offence other than corruption by a court of law under any law for the time being in force;

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

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

(2) The orders of inquiry or the show cause notice, as the case may be, shall be signed by the competent authority; provided that where the Chief Minister is the competent authority, the same shall be signed by such officer as may be authorized by him in this behalf.

Only competent authority is empowered to initiate inquiry under this Act.

### **Suspension (Section 6)**

An employee against whom action is proposed to be initiated under section 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the employee shall be deemed to be reinstated:

Provided that the continuation of the period of suspension shall require the prior approval of the competent authority for each period of extension.

Suspension is not punishment. An employee placed under suspension is entitled to receive full pay and allowances

### **Procedure where inquiry is dispensed with (Section-7):**

If the competent authority decides that it is not necessary to hold an inquiry against the accused under section 5, it shall—

a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, along with apportionment of responsibility and the penalty or penalties proposed to be imposed upon him;

b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period as the competent authority may determine;

c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been



proved against the accused or not:

- Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:
- Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.
- d) afford an opportunity of personal hearing either itself or through the hearing officer, before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above; and
- e) exonerate the accused, by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- f) impose any one or more penalties mentioned in section 4, by an order in writing, if the charge or charges are proved against the accused:
  - Provided that—
    - (i). where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
    - (ii). where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

Summary trial: Show Cause Notice by leveling charges(s) along with apportionment of responsibility by proposing penalty / Penalties should be served upon the accused (s) and after receiving defence reply, opportunity of personal hearing may be provided before imposition of penalty/ penalties

#### **Action in case of conviction or plea bargain under any law (Section-8):**

Where an employee is convicted by a court of law or has entered into plea bargain or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body under any law for the time being in force, the competent authority, after examining facts of the case, shall—

- a) dismiss the employee, where he has been convicted of charges of corruption or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily; or
- b) proceed against the employee under section 7, where he has been convicted of charges other than corruption; or



- c) proceed against the employee under section 9, where he has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body.

**Procedure to be followed by competent authority where inquiry is necessary (Section-9):**

- (1) If the competent authority decides that it is necessary to hold an inquiry against the accused under section 5, it shall pass an order of inquiry in writing, which shall include:
- a) appointment of an inquiry officer or an inquiry committee; provided that the inquiry officer or the convener of inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
  - b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
  - c) appointment of the departmental representative by designation; and
  - d) direction to the accused to submit written defence to the inquiry officer or the inquiry committee, as the case may be, within seven days of the date of receipt of orders or within such extended period as the competent authority may determine.
- (2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

Please see..... Model draft of appointment of inquiry officer / committee to be signed / issued by the competent authority under section 9 read with section 5 (1) (b) of Act *ibid*.

Availability of sufficient record/ documents for proceedings in support of charges along with list of witnesses be ensured.

**Procedure to be followed by inquiry officer or inquiry committee: (Section 10)**

- (1) On receipt of reply of the accused or on expiry of the stipulated period if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges 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 where any witness is produced by one party, the other party shall be entitled to cross examine such witness.
- (2) If the accused fails to furnish his reply within the stipulated period, or extended period, if any, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry *ex parte*.
- (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, in which case it shall not be of more than seven days.



- (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 to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.
- (5) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without recommendation of the Medical Board.
- (6) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:
- Provided that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:
  - Provided further that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of inquiry:
  - Provided further that the recommendations of the inquiry officer or the inquiry committee, as the case may be, shall not be binding on the competent authority.

Power to regulate its own procedure fixing of place date and time. Inquiry day by day --- Detail of proceedings date wise.

Recording of statements of witnesses on oath in the presence of accused (s), affording opportunity to cross examine on prosecution witnesses by accused(s)

### **Powers of the inquiry officer or inquiry committee: (Section 11)**

- (1) For the purpose of an inquiry under this Act, 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:-
- a) summoning and enforcing the attendance of any person and examining him on oath;
  - b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
  - c) issuing commissions for the examination of witnesses or documents.

Mode of serving Notice / Summon ..... by hand , through registered post, through fax, through any other office/ officers, fixing copy of notice or summon on out or some other conspicuous part of house, or substituted service as such the inquiry officer thinks fit.



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

### **Duties of the departmental representative: (Section-12)**

The departmental representative shall perform the following duties, namely:

- a) render full assistance to the inquiry officer or the inquiry committee or hearing officer or the authority concerned, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- b) cross-examine the witnesses produced by the accused and with permission of the inquiry officer or inquiry committee, as the case may be, the prosecution witnesses in case of their turning hostile; and
- c) rebut the grounds of defence offered by the accused before the hearing officer or the authority concerned.

Role of DR is like public prosecutor/ government pleader.

### **Order to be passed by the competent authority on receipt of report from the inquiry officer or inquiry committee: (Section-13)**

- (1) On receipt of the report from the inquiry officer or inquiry committee, as the case may be, the competent authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of this Act.
- (2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of this Act, it shall further determine whether the charge or charges have been proved against the accused or not.
- (3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing.
- (4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall:
  - a. inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him by the inquiry officer or inquiry committee;
  - b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in section 4 may not be imposed upon him and to submit additional defence in writing, if any, within seven days of the receipt of the notice, before itself or the hearing officer, as the case may be;
  - c) indicate the date of personal hearing or appoint a hearing officer to afford an opportunity of personal hearing on his behalf; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to the Government of the Punjab or above.
  - d) provide a copy of the inquiry report to the accused; and



e) direct the departmental representative to appear, with all the relevant record, on the date of hearing before himself or the hearing officer, as the case may be.

(5) After affording personal hearing to the accused or on receipt of the report of the hearing officer, the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defence offered by the accused during personal hearing, by an order in writing:

(i). exonerate the accused; or

(ii). impose any one or more of the penalties specified in section 4:

Provided that:

(i). where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and

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

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of this Act or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a *de novo* inquiry.

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

(7a) the Cabinet Committee on legislation may allow further time if it is satisfied that the competent authority could not decide the case within sixty days for the reasons beyond its control

(8) If the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

Remand means to refer back to the same inquiry officer/ inquiry committee to rectify the lapses and *de novo* means to appoint new inquiry officer and conduct the inquiry as fresh case.

#### **Personal hearing: (Section-14)**

(1) The authority affording personal hearing or the hearing officer on receiving an order of his appointment shall, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him for personal hearing on the fixed date and time.



(2) After affording personal hearing to the accused, the authority or the hearing officer shall, in relation to the case and the contention of the accused during the hearing, record his remarks in writing and, in case of hearing officer, submit a report to the authority so appointed him which shall include:

- (i). summary of the inquiry report where inquiry was conducted under section 10, or summary of the defence offered by the accused to the show cause notice under section 7, or grounds of appeal or review filed under section 16, as the case may be;
- (ii). summary of defence offered by the accused during the hearing, if any; and
- (iii). views of the departmental representative, if any.

Hearing officer will also give his views and suggestions in meaningful manner to facilitate the Competent Authority or Appellate Authority to reach a fair decision on merits.

### **Procedure of inquiry against officers lent to other governments, etc: (Section-15)**

- (1) Where the services of an employee are transferred or lent to any other government, department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such employee is posted in the borrowing organization may:
  - a) suspend him under section 6; and
  - b) initiate proceedings against him under this Act:
- Provided that the borrowing organization shall forthwith inform the lending organization of the circumstances leading to the order of his suspension and the commencement of the proceedings:
- Provided further that the borrowing organization shall obtain prior approval of the lending organization before taking any action under this Act, against an employee holding a post in Basic Pay Scale 17 or above.
- (2) If, in the light of the findings of the proceedings taken against the accused in terms of sub-section (1), the borrowing organization is of the opinion that any penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under section 13.
- (3) Notwithstanding anything to the contrary contained in sub-sections (1) and (2), the Chief Minister may, in respect of certain employees or class of employees, authorize any officer or authority in the borrowing organization to exercise all the powers of competent authority under this Act.

### **Departmental appeal and review: (Section-16)**

- (1) An accused who has been awarded any penalty under this Act may, except where the penalty has been imposed by the Chief Minister, within thirty days from the date of communication of the order, prefer departmental appeal directly to the appellate authority:



- Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.
- (2) The authority empowered under sub-section (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing:
- a) uphold the order of penalty and reject the appeal or review petition; or
  - b) set aside the orders and exonerate the accused; or
  - c) modify the orders and reduce or enhance the penalty; or
  - d) set aside the order of penalty and remand the case to the competent authority, where it is satisfied that the proceedings by the competent authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of this Act, or the facts and merits of the case have been ignored, with the directions to either hold a *de novo* inquiry or to rectify the procedural lapses or irregularities in the proceedings:
- Provided that where the appellate or review authority proposes to enhance the penalty, it shall by an order in writing:
    - (i). inform the accused of the action proposed to be taken against him and the grounds of such action; and
    - (ii). give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing either itself or through a hearing officer; provided that the hearing officer shall only be appointed where the appellate or the review authority is of the rank of Secretary to the Government of the Punjab or above.
- (3) An appeal or review preferred under this section shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the impugned order in a proper and temperate language.

Departmental Appeal is preferred within 30 days of communication of the order passed by Authority before next higher authority.

In case of order passed by Chief Minister Punjab in the capacity of competent authority, Review Petition is filed instead of departmental appeal directly before the Chief Minister

#### Revision: (Section-17)

- (1) The Chief Minister, Chief Secretary or the Administrative Secretary or any other appellate authority may call for the record of any proceedings within one year of the order of exoneration or imposition of a penalty, passed by the competent authority or the order of appellate authority, as the case may be, for the purpose of satisfying himself as to the correctness, legality or propriety of such proceedings or order.



(2) On examining the record of the case, such authority may—

- (i). uphold the orders of the competent authority or the appellate authority, as the case may be; or
- (ii). order the competent authority to hold *de novo* inquiry; or
- (iii). impose or enhance a penalty or penalties:

- Provided that no order, prejudicial to the accused, shall be passed under this section unless the accused has been given a reasonable opportunity of showing cause against the proposed action and an opportunity of personal hearing.

#### **Appearance of counsel: (Section-18)**

- The accused, at no stage of the proceedings under this Act, except proceedings under section 19, shall be represented by an advocate.

#### **Appeal before Punjab Service Tribunal: (Section-19)**

- (1) An employee, other than the employee mentioned in section 2(h) (i), aggrieved by a final order passed under section 16 or 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunal Act, 1974 (IX OF 1974).
- (2) If the appellate authority or the Chief Minister does not pass any final order on the departmental appeal or the Review petition filed under section 16 within a period of sixty days from the date of filing of, the Departmental appeal or the Review Petition, the aggrieved employee, not being the employee mentioned in section 2(h)(i), may prefer an appeal to the Punjab Service Tribunal within ninety days of the filing of the departmental appeal or review petition.
- (3) on the exercise of the option in terms of sub section (2), the appeal or, as the case may be, the review pending before the Appellate Authority or the Chief Minister shall abate to the extent of such employee.

- **Explanation:** the word "employee", in this section, shall include a "former employee."

Employees who fall in the category of "CIVIL SERVANTS " will file appeal before Punjab Service Tribunal but other categories of employees will file appeal before Lahore High Court or Labour Court, as the case may be, in accordance with their Service Rules.

Aggrieved employee or department may file appeal (CPLA) in Supreme Court of Pakistan within 60 days against judgment / order passed by Service Tribunal

#### **Act to override other laws: (Section-20)**

- The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

#### **Proceedings under this Act: (Section-21)**

- Subject to this Act, all proceedings initiated against the employees having retired or in service, shall be governed by the provisions of this Act and the rules made thereunder:



Provided that in case of retired employee, the proceedings so initiated against him shall be finalized not later than two years of his retirement.

- The competent authority may, by an order in writing, impose one or more penalties specified in clause (c) of section 4, if the charge or charges are proved against the retired employee.

#### **Indemnity:**

- No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under this Act or the rules, instructions or directions made or issued thereunder.

#### **Jurisdiction barred:**

- Save as provided under this Act, no order made or proceedings taken under this Act, or the rules made thereunder, shall be called in question in any court and no injunction shall be granted by any court in respect of any decision so made or proceedings taken in pursuance of any power conferred by, or under this Act, or the rules made thereunder.

#### **Power to make rules:**

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

#### **Removal of difficulties:**

- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing that difficulty.

#### **Repeal:**

- (1) The Punjab Removal from Service (Special Powers) Ordinance, 2000 (Ord. IV of 2000), is hereby repealed.
- (2) Notwithstanding the repeal of the Punjab Removal from Service (Special Powers) Ordinance, 2000 (Ord. IV of 2000), all proceedings pending immediately before the commencement of this Act against any employee under the said repealed Ordinance or under the Punjab Civil Servants Act, 1974 (Pb. Act, VIII of 1974), and the rules made thereunder, or any other law or rules shall continue under that law and rules, in the manner provided thereunder.

#### **Authorities under PEEDA 2006 for School Education Department**

	Designation/ post held	Competent authority (Punishing authority)	Appellate authority
1	Primary School Teacher (PST)	Deputy DEO (EE) Male/ Female concerned	DEO (EE) Male/Female Concerned
2	Elementary School Teachers (ESTs) (All categories)	DEO (EE) Male/Female concerned	EDO (Education) / CEO
3	SST/AEO	EDO (Edu) / CEO	DCO / DC
4	Officers in BS-17 & BS-18	Secretary School Education	Chief Secretary
5	Officers in BS-19 & BS-20	Chief Minister	Chief Minister (review authority)