

GOVERNMENT OF PAKISTAN
MINISTRY OF DEFENCE.

NOTIFICATION.

Rawalpindi, the 25th July, 1961.

S.R.O. 59(R).- In pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf the President is pleased to make the following rules, namely :-

CHAPTER 1. - GENERAL.

1. Short title, application and commencement.--(1) These rules may be called the Civilian Employees in Defence Services (Classification, Control and Appeal) Rules, 1961.

2. They shall come into force at once.

3. They shall apply to every person holding a post connected with Defence and paid from the Defence Services Estimates, other than those subject to the Pakistan Army Act, 1952, the Pakistan Navy (Discipline) Act, 1934, and the Pakistan Air Force Act, 1953, who is in the whole time employment of the Central Government under the Ministry of Defence, except :-

- (a) Persons who, for the purpose of application of the Factories Act, 1934 (XXV of 1934) and Workmen's Compensation Act, 1923 (VIII of 1923), come within the meaning of "worker" or "workman" as defined in those Acts; extra temporary establishments; extra temporary artificers and casual personnel employed in various installations of the Defence Services, including those employed against Service vacancies and on Form 497.
- (b) Members of Pakistan Military Lands and Cantonments Services and Military Accounts Services;
- (c) Persons in respect of whose conditions of service, pay and allowances, pensions, discipline and conduct, or any one of them, special provisions have been made by agreement entered into before the commencement of these rules or by agreement entered into under sub-rule (7).

Provided that in respect of any matter not covered by the provision special to him, his service or his post, these rules shall apply to any person coming within the scope of clause (c).

4. Notwithstanding anything contained in the preceding sub-rules, the Government may by a notification published in the Gazette of Pak. declare in respect of any person or class of persons that these rules shall not apply in whole or in part to such person or class of persons and these rules shall thereupon cease to apply accordingly.

5. If any doubt arises as to whether these rules apply to any person, the matter shall be referred to the appointing authority and the decision of that authority shall be final.

6. Nothing in these rules or in any rules made thereunder shall operate to deprive any person of any right or privilege to which he is entitled -

- (a) by or under any law, or
- (b) by the terms of any contract or agreement subsisting between such person and the Government on the date these rules come into force.

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7. Where in the opinion of the Government it is necessary to make any special provision relating to the conditions of service of any person subject to these rules, it shall be lawful for the Government to make such provision in an agreement entered into with such person,

8. All proceedings pending at the commencement of these rules shall be deemed to be proceedings under these rules, and shall be progressed under these rules as far as may be,

2. Definitions- In these rules, unless there is anything repugnant in subject or context-

- (1) "accused" means a Government servant against whom disciplinary action is contemplated under these rules ;
- (2) "appointing authority" means the authority shown as such in the schedule or authority notified as such in accordance with the schedule ;
- (3) "designated authority" means the authority shown as such in the schedule or authority notified as such in accordance with the schedule ;
- (4) "Government" means the Central Government in the Ministry of Defence ;
- (5) "misconduct" means conduct prejudicial to good order or service discipline or unbecoming of an officer as a gentleman ;
- (6) "notify" means publication of a notification in the Official Gazette ;
- (7) "penalty" means a penalty which may be imposed under these rules ;
- (8) "Schedule" means schedule to these rules.

CHAPTER 2 CLASSIFICATION.

3. (i) All posts to which these rules apply shall be classified as follows :-

- (a) Defence Services (Civilian) Class-I (hereinafter referred to as Class-I Services).
- (b) Defence Services (Civilian) Class-II (hereinafter referred to as Class-II Services).
- (c) Defence Services (Civilian) Class-II (Non-Gazetted) (hereinafter referred to as Class-II Non-Gazetted Services).
- (d) Defence Services (Civilian) Class-III (hereinafter referred to as Class-III Services).
- (e) Defence Services (Civilian) Class-IV (hereinafter referred to as Class-IV Services).

(2) For the purpose of this rule, civilian posts under the Ministry of Defence which so far have been notified by the Government as belonging to the Services mentioned in Column I below shall be deemed to be classified as Services mentioned in Column 2 below :-

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	Present Designation 1	New Designation 2
1.	General Central Service Class-I (Gazetted).	Class-I Services.
2.	General Central Service Class-II (Gazetted).	Class-II Services.
3.	General Central Service Class-II (Non-Gazetted).	Class-II (Non-Gazetted) Services.
4.	General Central Services Class-III	Class-III Services.
5.	General Central Service Class-IV	Class-IV Services.

4. All first appointments of Classed I, II(Non-Gazetted), III and IV Services shall be made by the appropriate appointing authority.

5. Government may modify the Schedule by notification from time to time.

6. Recruitment and promotion-(I) Rules of recruitment and promotion for Class-I and II Services shall be made by Government and notified by Government. Rules hitherto in force for these services shall continue to be in force for these services as far as may be, till they are modified or superseded by Government.

(2) Rules for recruitment and promotion for Class-II(Non-Gazetted) Class-III and IV Services shall be made by the following authorities in respect of the services under their respective control :-

Commander-in-Chief, Pakistan Army.

Commander-in-Chief, Pakistan Navy.

Commander-in-Chief, Pakistan Air Force.

Chairman, Pakistan Ordnance Factories Board.

Director General Medical Services, and

Chief Administrative Officer.

The rules hitherto in force for these Services shall continue to be in force for them, as far as may be, till they are modified or superseded.

CHAPTER-3 - CONDUCT AND DISCIPLINE.

7. Grounds for Penalty :- Where a Government servant, in the opinion of the appointing authority or the designated authority.

(1) is inefficient, or has ceased to be efficient, whether by reason of infirmity of mind or body, or otherwise, and is not likely to recover his efficiency; or

(2) is guilty of misconduct; or

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

(a) he, or any of his dependents or any other person

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

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

(4) is engaged, or is reasonably suspected of being engaged in sub-versive activities, or who is reasonably suspected of being associated with others engaged in sub-versive activities and who retention in service is, therefore, considered prejudicial to national security,

the appointing authority may impose on him one or more penalties, or the designated authority may impose on him one or more of the minor penalties.

8. Penalties:- (1) The following are the minor penalties-

(a) censure;

(b) the withholding of increment or promotion, including stoppage at efficiency bar for a specified period;

(c) recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders, provided the amount to be recovered does not exceed six months pay of the accused.

and the following are the major penalties:-

(d) recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders, if the amount to be recovered exceeds six months pay of the accused;

(e) reduction to a lower post or time scale; or to a lower stage in a time scale;

(f) compulsory retirement;

(g) removal from service;

(h) dismissal from service.

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

(3) For misconduct any penalty in sub-rule (1) may be imposed but the penalties to be ordinarily imposed for inefficiency shall be those set out in clause (b), (c), (d), (e) or (f) of the sub-rule and for corruption or sub-version those set out in clause (e), (f), (g) or (h) of the sub-rule.

EXPLANATION:

(i) The discharge of a person

(a) appointed on probation during the period of probation.

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

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

does not amount to removal or dismissal within the meaning of this rule.

(ii) Reversion to the original post during the period of probation or temporary appointment of a person promoted to a higher post, for reasons not connected with discipline, does not amount to reduction.

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9. Procedure for disciplinary action in cases of inefficiency, misconduct and corruption (1) Where a Government servant is to be proceeded against under clauses (1), (2) or (3) of rule 7, the procedure in the following sub-rules shall be observed.

(2) Investigation-(a) The designated authority may, if it think fit, appoint another officer serving in the Office or department of the accused, or a Court of Inquiry, to investigate, to call for explanation and to report on the allegations against the accused, to enable the designated authority to decide whether a formal charge should be framed against the accused. The Officer Commanding the establishment in which the accused is serving, even if he is not the designated authority, may himself investigate and call for the explanation or order another Officer to do it.

(b) The designated authority, after the aforesaid investigation or without such investigation, shall decide whether a formal charge sheet be framed against the accused, and whether, the charge, if proved, would call for a minor penalty or a major penalty.

(3) Limited inquiry for minor penalties-(a) In cases calling for a minor penalty, the designated authority or such officer as may be appointed by it in that behalf, shall frame a charge, and in making it known to the accused, shall call upon him to answer it within a specified time, which shall not be less than seven days nor more than fourteen days, and to state, together with his answer, whether he desires to be heard in person or to lead evidence in defence.

(b) On receiving the answer, the designated authority, or the said officer, shall, if satisfied that there is a prima facie case, and if the accused has so desired, give him the opportunity to be heard in person and to lead evidence in defence; *

(c) If the accused fails to answer within the specified time, or having answered, fails to appear or absents himself from the proceedings, the designated authority or the said officer may proceed with the inquiry and record a finding. After conclusion of the proceedings the designated authority may acquit the accused or inflict on him one or more of the minor penalties. A record of the entire proceedings shall be maintained. If the limited inquiry discloses necessity for a major penalty, and a major penalty is proposed to be inflicted, then the procedure set out in the next rule shall be followed.

(d) In the case of Class-III and Class-IV Services where censure only is to be imposed, the designated authority or an officer appointed by it may, in an appropriate case, in his own discretion, orally communicate the charge and the circumstances to the accused and after hearing him orally may inflict on him through a written order the penalty of censure provided that in that written order a brief mention is made of the charge against the accused, its circumstances; explanation of the accused and the finding. A copy of the order shall be supplied to the accused.

(4) Full inquiry for major penalties-(a) In cases calling for a major penalty the designated authority shall call for an explanation and frame a charge and communicate it after obtaining the approval of the appointing authority to the accused together with a statement of the allegations on which it is based and of any other circumstances which the appointing authority may take into consideration when passing orders on the case.

* Provided that the designated authority or the said officer may, for reasons to be recorded, refuse to call a particular witness or to summon or admit particular evidence.

(b) The designated authority shall require the accused, within a reasonable time, which shall not be less than seven days nor more than fourteen days, from the date the charge has been communicated to him, to put in a written defence stating, at the same time whether he desires to be heard in person.

(c) If the accused so desires, or if the designated authority with the approval of the appointing authority so directs, an Inquiry Officer to be appointed under rule 11 shall hold an oral inquiry at which oral evidence shall be heard as to such of the allegations as are not admitted and the accused shall be entitled to cross-examine the witnesses against him, to give evidence in person and to have such witnesses called in defence as he may wish, provided that the Inquiry Officer may, for reasons to be recorded in writing, refuse to call a particular witness or to summon or admit particular evidence.

(d) The proceedings shall contain a sufficient record of the evidence and the inquiry officer's report of his findings and the grounds thereof.

(e) When the designated authority, having considered the report, he arrived at a provisional conclusion as to the penalty to be imposed, it shall so inform the accused, and supply him with a copy of the report and call upon him to show cause within a reasonable time, which shall not be less than seven days nor more than fourteen days, why the penalty proposed would not be imposed. The designated authority shall complete the case and submit it to the appointing authority for orders. The latter shall take into consideration any cause shown by the accused before passing orders.

EXPLANATION - Notwithstanding the delegation, the appointing authority may, whenever deemed necessary, itself exercise the powers conferred on the designated authority under sub-rules (2), (3) and (4) of this rule and under rule 11.

(5) Charge - For each fault or short coming there will be a separate charge under sub-rules (3) and (4); each charge will be written and specific and will state clearly the nature, time occasion, place, persons, amount etc.; concerning the fault or short coming.

(6) No person shall be represented by any one else at the proceedings under these rules.

10. Exception - Nothing in rule 9 shall apply -

(a) where the accused is dismissed or removed from service or reduced in rank on the grounds of conduct which has led to a sentence or fine or imprisonment; or

(b) where the appointing authority is satisfied that for reasons to be recorded by that authority, it is not reasonably practicable to give the accused an opportunity to showing cause.

11. Appointment and procedure of Inquiry Officer in a Full Inquiry -

(1) Where a Government servant is proceeded against under clause (1), (2) or (3) of rule 7, and it is decided that the case prima facie calls for a major penalty, the designated authority shall appoint with the approval of the appointing authority an officer, being senior in rank, as far as possible, to the person proceeded against, to be an Inquiry Officer and to conduct the proceedings.

(2) The Inquiry Officer shall hear the case from day to day, and no adjournment shall be given except for reasons to be recorded in writing, but when given it shall not exceed a week.

(3) If the Inquiry Officer is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry he shall administer a warning and if thereafter he is satisfied that the accused is acting in dis-regard of the warning, he shall record a finding to that effect, and proceed to complete the inquiry in such manner as he thinks best fitted to do substantial justice.

(4) The Inquiry Officer shall, within ten days of the conclusion of the proceedings, or such longer period as may be allowed by the designated authority, submit his findings with grounds thereof and recommendation for penalty if any, to the designated authority who on receipt of the report shall take further action as laid down in rule 9(4) (e).

12. Suspension -- A Government servant against whom action is proposed to be taken under clause (2) or (3) of rule 7, may be placed under suspension if, in the opinion of the designated authority, suspension is necessary or expedient.

13. Inquiry procedure in cases of sub-version-(1) When a Government servant is to be proceeded against under clause (4) of rule 7; the appointing authority -

- (a) shall call for his explanation and by order in writing, inform him of the action proposed to be taken in regard to him and the grounds of that action; and
- (b) shall give him a reasonable opportunity of showing cause against that action before an Inquiry Committee to be constituted under sub-rule (2) to inquire into the charge -- Provided that no such opportunity shall be given where the President is satisfied that in the interests of security of Pakistan, or any part thereof, it is not expedient to give such opportunity;
- (c) may, by order in writing, require the Government servant concerned to proceed on such leave as may be admissible to him and from such date as may be specified in the order.

(2) Where an Inquiry Committee is to be constituted in pursuance of clause (b) of sub-rule (1), the following procedure shall be followed:--

- (a) in the case of members of Class-I and Class-II Services, the President shall constitute it of three Secretaries to Government of Pakistan and in the case of members of Class-II (Non-Gazetted) Class-III and Class-IV Services, authority specified in sub-rule(2) of rule 6 shall constitute the Committee of three officers, military or civil(not below the rank of Lieut. Colonel in the former case);
- (b) the Committee shall call for explanation of the accused and inquiry into the charge and submit its findings to the President or the authority who constituted the Committee and the President or the authority shall pass final orders in the case.

14. Reinstatement-(1) If a Government servant proceeding on leave in pursuance of an order under clause (c) of sub-rule(1) of rule 13 is not dismissed, removed, reduced in rank or compulsorily retired, he shall be reinstated in service, or as the case may be, restored to his rank or given on equivalent rank, and the period of such leave shall be treated as duty on full pay.

(2) Reinstatement after suspension shall be governed by the Civil Services Regulations.

15. Power to order medical examination as to mental or bodily infirmity. (1) Where it is proposed to proceed against a Government servant on the ground of inefficiency by reason of infirmity of mind or body the designated authority may at any stage, require a Government servant to undergo a medical examination by a Medical Board or a staff Surgeon, as the designated authority may direct, and the report of the Board or the Staff Surgeon shall form part of the proceedings.

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

16. Compensation pension, gratuity, etc., of Government servants compulsorily retired, removed or dismissed-(1) Subject to any order of the President as to the amount of compensation pension or gratuity to be paid, a Government servant compulsorily retired, except as herein-after provided, be entitled to such compensation pension or gratuity or provided fund benefits as would have been admissible to him on the date of the retirement under the Rules applicable to his service or post if he had been discharged from service on account of the abolition of his post without alternative suitable employment being provided.

(2) Subject to any order of the President made on compassionate grounds, a Government servant who is removed or dismissed shall not be entitled to any compensation pension, gratuity or benefits accruing from Government contribution to a contributory provident fund.

CHAPTER 4. - APPEALS.

17. (1) Every person subject to these rules shall be entitled to only one appeal as hereinafter provided from an order passed by an authority -

- (a) imposing upon him any of the penalties specified in rule 8;
- (b) discharging him in accordance with the terms of his contract if he has been engaged on a contract for a fixed or for an indefinite period and has rendered under either form of contract continuous service for a period exceeding 5 years at the time when his services are terminated;
- (c) reducing or withholding maximum pension, including an additional pension admissible to him under the rules governing pensions.

Provided that a person appointed by the President shall have no right of appeal from an order passed by the President but may apply for a review of the order. An application for review will conform to the conditions prescribed for appeals in rules 19 and 20 and such applications will be dealt with in the manner prescribed for the disposal of petitions to the President.

(2) (a) A member of a Class-I service may appeal to the President from an order passed by a designated authority.

(b) A member of a Class-II Service may appeal to the Secretary from an order passed by the appointing authority except that where Secretary/Joint Secretary is the appointing authority, an appeal against his order shall lie to the President.

(c) A member of Class-II(Non-Gazetted) or Class-III or Class-IV Service may appeal to the appointing authority from an order passed by the designated authority and from an order of the appointing authority to the authority to be notified by the rule making authority specified in sub-rule (2) of rule 6.

Provided that in respect of the Armed Forces Headquarters in the cases in which Chief Administrative Officer is the appointing authority, appeal from his original order shall lie to the Secretary/ Joint Secretary.

(3) An appeal from an order passed by an authority reducing or with-holding the maximum pension, including an additional pension admissible under the rules governing pensions shall lie to the authority immediately superior to the authority which has reduced or withheld the pension.

18. Every person subject to these rules shall be entitled to one appeal to the appointing authority against an order passed by an authority sub-ordinate to it which.

- (a) alters to his disadvantage his conditions of service, pay allowances or pension as regulated in rules or in a contract of service; or
- (b) interprets to his disadvantage the provisions of any rules or contract of service whereby his conditions of service, pay allowances or pension are regulated.

19. Every person preferring an appeal shall do so separately and in his own name.

20. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the applicant, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office, to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

21. In case of an appeal against an order imposing any penalty specified in rule 8, the appellate authority shall consider :-

- (a) whether the facts on which the order was based, have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) whether the penalty imposed is adequate, inadequate or excessive;

and after such consideration pass such order as it thinks proper;

Provided that if the appellate authority proposes to enhance the penalty imposed it shall before passing such order call upon the appellant to show cause why the penalty imposed upon him shall not be enhanced.

22. An authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

23. (1) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred, if -

- (a) no appeal lies under these rules,

- (b) it is not preferred within six months of the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay,
- (c) it is repetition of the previous appeal;
- (d) it is not in accordance with rule 19 or 20;
- (e) it is addressed to an authority to which no appeal lies :

Provided that

- (i) when an appeal is withheld for any of these reasons the appellant shall be informed of the fact and the specific reasons for it ;
- (ii) an appeal withheld on account only of failure to comply with the provisions of rule 19 or 20 may be resubmitted at any time within one month of the date on which the appellant was informed of the withholding of the appeal and, if re-submitted in a form which complies with those provisions, shall not be withheld on that ground.

(2) A list of all appeals from orders imposing major penalties, withheld, together with the reasons for withholding them shall be submitted quarterly by the withholding authority to the appellate authority.

24. No appeal shall lie against the withholding of an appeal under rule 23 by a competent authority.

25. Every appeal which is not withheld under these rules shall be forwarded to the appellate authority by the authority against whose order the appeal is preferred with an expression of opinion.

26. An appellate authority may call for any appeal admissible under these rules which has been withheld by a sub-ordinate authority and may pass such orders thereon as it considers fit.

27. Notwithstanding anything contained in the foregoing provisions the Government or an appellate authority may, of its own motion or otherwise call for the record of any case in which an order has been made by an authority sub-ordinate to it in the exercise of any power conferred on such authority by these rules and -

- (a) confirm, modify or reverse the order, or
- (b) direct that a further enquiry be held in the case; or
- (c) reduce or enhance the penalty imposed by the order; or
- (d) make such other order in the case as it may deem fit;

Provided that where it is proposed to enhance the penalty imposed by any such order, the Government servant concerned shall be given an opportunity of showing cause against the proposed enhancement.

28. Repeal - The following orders, Regulations and Instructions in their application to the Government servants to whom these Rules apply are hereby cancelled :-

- (1) India Army Order No. 1302/45.
- (2) Rule 480-B of the Regulations for the Royal Indian Navy,
- (3) Air Force Order(India) No. 111/1939.
- (4) Government of Pakistan, Ministry of Defence Officer Order No. 1/KLR/56, dated 14th January, 1956.
- (5) Government of Pakistan, Ministry of Defence(Army Branch) letter No. 4102/53/OF-1/B(G)/1322-F/D-6, dated the 13th May, 1958.
- (6) Any other order issued by any authority to regulate any of the matters dealt with in these rules.

SCHEDULE

Classification	Service/ HQ/ Deptt.	Appointing Authority	Designated Authority
Class I Services	All Departments	President	Secretary, Defence.
Class II Services.	Army	PSO, E-in-C, DMS(Army)	Authority to be notified by the appointing Authority.
	Pakistan Navy	D.C.N.S.(P)	-Do-
	P.A.F.	A.C.A.S. (Adm)	-Do-
	P.O.F.	Chairman, P.O.F. Board	-Do-
	Dte General of Medical Services and Inter-Services Medical Units.	D.G.M.S.	-Do-
	A.F.H.Q.	Secretary/Joint Secretary Defence.	
	Army	Authority to be notified by Adjutant General.	Authority to be notified by Adjutant General.
Class II (Non-Gazetted) Services, Class-III Services, and Class-IV Services.	Pakistan Navy	Authority to be notified by DCNS(P).	Authority to be notified by DCNS(P).
	P. A. F.	Authority to be notified by ACAS(Adm).	ACAS (Adm). - do -
	P.O.F.	Authority to be notified by Chairman, P.O.F. Board.	Authority to be notified by Chairman, P.O.F. Board.
	Dte General of Medical Services and Inter-Services Medical.	Authority to be notified by D.G.M.S.	Authority to be notified by D.G.M.S.
	A.F.H.Q.	Authority to be notified by C.A.O.	Authority to be notified by C.A.O.

... commencement of these rules or by agreement entered into under sub-rule (7).

Provided that in respect of any matter not covered by the provision special to him, his service or his post, these rules shall apply to any person concerned with the...

