

**THE SASO EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1999.**

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**GOVERNMENT OF SINDH**

**SIND AGRICULTURAL SUPPLIES ORGANIZATION.**

**NOTIFICATION**

Karachi, dated the 29<sup>th</sup> April, 1999.

NO.SASO/ADMN/RULES/8-243/8058/1999. In exercise of the powers conferred by Subsection (1) of section 19 of SASO Act 1973, SASO is pleased to make the following rules, namely:-

1. Short title, commencement and application:

- (1) These rules may be called "THE EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1999."
- (2) They shall come into force at once and shall apply to all SASO Employees wherever they may be.

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

- (1) "accused" means a SASO employee against whom action is taken under these rules;
- (2) "authority" means the Chairman or any officer or authority designated by him to exercise the powers of the authority under these rules;
- (3) "authorized officer" means the Managing Director or an officer authorized by the authority to perform functions of an authorized officer under these rules;
- (4) "misconduct" means conduct prejudicial to good order of service discipline or contrary to West Pakistan Government Servants(Conduct) Rules, 1966 or unbecoming of an officer and a gentleman and includes any act on the part of a SASO employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Chairman or any officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of SASO Employee; and
- (5) "penalty" means a penalty which may be imposed under these rules.

3. **Ground for penalty:** Where a SASO employee, in the opinion of the authority:

- (1) is inefficient or has ceased to be efficient; or
- (2) is guilty of misconduct; or
- (3) is corrupt, or may reasonably be considered corrupt because-

- (i) he is, or any of his dependents or any other person through him or on his behalf is, in possession ( for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or
  - (ii) he has assumed a style of living beyond his ostensible means: or
  - (iii) he has a persistent reputation of being corrupt; or
  - (iv) he has defalcated SASO stocks or property; or
  - (v) he has connived with the defaulter in misappropriation of SASO stocks or property; or
  - (vi) he has provided opportunity to a SASO employee in misappropriation of SASO stocks or property; or
  - (vii) he has misreported of the stock position in a course of inspection or checking of stocks and scrutiny of record.
- (4) is engaged, or is reasonably suspected of being engaged, in subversive activities, or is reasonably suspected or being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is, therefore, prejudicial to national security, the authority may impose on him one or more penalties.

**4. Penalties:**

- (1) The following are the minor and major penalties, namely:-
  - (a) Minor penalties:
    - (i) censure;
    - (ii) with holding, for a specific period, promotion or increment, otherwise than for unfitness, for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;
    - (iii) Stoppage for a specific period at Moreover, in the time scale, otherwise than for unfitness to allow Moveover.
    - (iv) Recovery from pay or sureties and securities of the whole or any part of any pecuniary loss caused to SASO stocks or

property by negligence or breach of orders;

(b) Major Penalties:

- (i) reduction to a lower post or time-scale, or to a lower stage in a time-scale;
- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

- (2) Removal from service, does not, but dismissal from service does, disqualify for future employment.
- (3) In this rule, removal or dismissal from service does not include the discharge of a person-
  - (a) Appointment on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
  - (b) Appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
  - (c) Engaged under a contract, in accordance with the terms of the contract.
- (4) If in the opinion of the authorized officer, there are sufficient grounds for proceeding against the SASO Employee under these rules, he shall take action in accordance with rule 5;
- (5) Notwithstanding anything contained in these rules the authority may in any case exercise all powers of authorized officer or give any direction to the authorized officer as it may deem fit.

5. **Inquiry procedure:** The following procedure shall be observed when a SASO employee is proceeded against under these rules:-

- (1) In case where a SASO Employee is accused of subversion, corruption or misconduct, the authorized officer may require him to proceed on leave or, with the approval of the authority, suspend him, provided that any continuation of such leave or suspension shall require approval of the authority after every three months.
- (2) The authorized officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. If he so decides, the procedure indicated in rule 6 shall apply.

- (3) If the authorized Officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry committee, he shall-
- (a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and
  - (b) give him a reasonable opportunity of showing cause against that action:

Provided that no such opportunity shall be given where the authority is satisfied that in case of mis-appropriation of SASO stocks or any part thereof it is not expedient to give such opportunity.

- (4) On receipt of the report of the Inquiry Officer or Inquiry Committee or where no such Officer or Committee is appointed, on receipt of the explanation of the accused, if any, the authorized officer shall determine whether the charge has been proved and-
- (a) if it is proposed to impose a minor penalty, he shall pass orders accordingly;
  - (b) if it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge and statement of allegations served, on the accused, the explanation of the accused the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed, and the authority shall pass such orders as it may deem proper.
- (5) The orders passed by the authority will be communicated to the accused by the authorized officer.
- (6) If two or more SASO employees are proceeded against jointly, the authority or authorized officer in respect of the senior most SASO employee amongst them shall be the authority or authorized officer, as the case may be, in respect of all such SASO employees.

**6. Procedure to be observed by the Inquiry Officer and Inquiry Committee:-**

- (1) Where an Inquiry officer or Inquiry Committee is appointed, the authorized officer shall-
- (a) frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other

relevant circumstances which are proposed to be taken into consideration;

- (b) require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him to put in a written defence and to state at the same time whether he desires to be heard in person.
- (2) The Inquiry Officer or the Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of his charge or in the defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witness against him.
  - (3) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day-to-day and no adjournment shall be given except for reasons to be recorded in writing and where any adjournment is given-
    - (a) it shall not be for more than a week; and
    - (b) the reasons therefore shall be reported forthwith to the authorized officer.
  - (4) Where the Inquiry Officer or the committee, as the case may be, is satisfied that the accused is hampering, or attempting to hamper, the progress of the inquiry, he or it shall administer a warning, and if there-after he or it is satisfied that the accused is acting in disregard of the warning, he or it shall recorded a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.
  - (5) The Inquiry Officer or the Committee as the case may be, shall within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submit his or its findings and the grounds thereof to the authorized officer.

#### **7. Powers of Inquiry Officer and Inquiry Committee:**

- (1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry committee shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:-
  - (a) summoning and enforcing the attendance of any person and examining him on oath;

- (b) requiring the discovery and production of documents;
- (c) receive evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents.

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

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

- (1) where the accused is dismissed or removed from service or reduce in rank, on the ground of conduct which has let to a sentence of fine or of imprisonment; or
- (2) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

**9. Procedure of Inquiry against officers lent to other Government or Authority:**

- (1) Where the service of an employee to whom these rules apply are lent to any other Government or to a local or other authority, in this rule have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule 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 SASO before taking any action under these rules against an Officer of BPS-17 and above holder of the post of BPs-17 and above.

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

**10. Appeal.**

- (1) SASO employee aggrieved by an order of the authorized officer or authority

may, within thirty days from the date of the order appeal to the appropriate authority given in the schedule:

Provided that where the penalty is imposed by order of Chairman there shall be no appeal but the employee may apply for review of the orders.

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

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

- (3) The Chairman or any officer of authority empowered by him may call for and examine the record of any proceeding under these rules for the purpose of satisfying himself as to the correctness, or propriety of any finding, penalty or order in, or irregularity of, such proceedings.
- (4) After examining the record under sub-rule (1), the Chairman or any officer or authority, empowered by him, as the case may be, may direct further inquiry into the charges from which the employee has been exonerated, or may, exercise any power of appellate authority:

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

Provided further that an order imposing penalty shall not be revised after the period of three months from the date of its communication to the employee if no appeal is preferred.

- (5) No proceeding under this rule shall entertained at the instance of the employee who has not filed the appeal.
- (6) No proceeding under this rule shall be entertained at the instance of the SASO employee who has been dismissed or removed from the service on account of mis-appropriation of SASO stocks or property.

**11. Appointment of Authority and Authorised Officer:**

<b>S.NO.</b>	<b>POWER IN RESPECT OF</b>	<b>AUTHORISED OFFICER</b>	<b>AUTHORITY.</b>
01.	Officer in BPS-17 and above	Managing Director	Chairman

02.	Officer in BPS-16.	Deputy Director (Admn)	Managing Director
03.	Staff in the BPS-15 & below at Head Office.	Deputy Director(Admn)	Managing Director
04.	Staff in the BPS-15 and below in the office of Director (IS&R)	Staff Officer (IS&R)	Director (IS&R)
05.	Staff in the BPS-15 and below in the office of Seed Coordinator.	Seed Coordinator.	Director (IS&R)
06.	Staff in the BPS-15 and below in the office of Deputy Director (Division).	Staff Officer (Division)	Deputy Director (Division)
07.	Staff in the BPS-15 and below in the office DASO	DASO	Deputy Director (Division).

SCHEDULE  
(See rule 10)

S.No.	AUTHORITY MAKING THE ORDER	AUTHORITY COMPETENT TO HEAR APPEALS AND ENTERTAIN REPRESENTATION;
01.	Chairman.	Chairman for Review
02.	Managing Director.	Chairman SASO
03.	Director (IS&R)	Managing Director.
04.	Deputy Director (Admn).	Managing Director.
05.	Deputy Director Division.	Managing Director.
06.	Staff Officer (IS&R)/Seed Coordinator.	Director (IS&R).
07.	Staff Officer/DASO.	Deputy Director (Division)

**12.REPEAL:** The Sindh Civil Servants(Efficiency and Discipline) Rules, 1973 as adopted by SASO in their application to SASO employees are repealed, but the repeal shall not affect any action taken or any thing done or suffered thereunder.

THE SINDH GOVERNMENT GAZETTE  
KARACHI, MONDAY, MAY 3, 1999.

YOSUF ALI MIRZA  
Managing Director.