

**PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY**

Telephone: 69911/423
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No. S/SO(RCM)24(E&D)2273-23331

304-Wapda House,
Lahore
11th February, 1978

In exercise of the powers conferred by Section 18 of the Pakistan Water and Power Development Authority Act, 1958, (West Pakistan Act No. XXXI of 1958), the Pakistan Water and Power Development Authority is pleased to make the following rules, namely:

**THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY
AND DISCIPLINE) RULES, 1978**

1. Short Title, Application and Commencement

1. These rules may be called The Pakistan Wapda Employees (Efficiency and Discipline) Rules, 1978.
2. They shall apply to all Wapda Employees except those on probation and those borne on workcharged establishment.
3. They shall come into force at once.

2. Definitions

In these rules, unless there is anything repugnant in the subject or context:

1. "Authority" means the Pakistan Water and Power Development Authority.
2. "Appointing authority" means the officer designated as such by any rules or by any orders of the Authority.
3. *1"Competent authority" means the Authority or the appointing authority, or an officer to whom the appointing authority is subordinate, or an officer designated by the Authority to exercise powers of the competent authority.

*2 Competent Authority who had once initiated disciplinary action under the Rules then he alone should continue with the proceedings till final disposal.

*2 Explanation:- Added vide O.M. No. D. (R)/07456/20/IX/16547-17847, dated 13-05-1998

4. "Employee" means a person who has been directly recruited by the Authority or who has been absorbed in the service of the Authority on transfer from, or on termination of his lien in his parent department/ organization.

*3 4a "Enquiry Committee" means the Enquiry Committee appointed by the "Competent authority" and includes the Special Enquiry Committee.

*1 Added vide No. D/DD (Rules)/07474/Vol-V/20705-21304 dt. 21-11-81 (Annex-VI)

*2 Deleted vide O.M. No. GM(A)/D/DD(R)/07456/20/XI/2337-986, dated. 03-02-2000 (Annex-XL)

*3 Added vide No. GM(A)/DD(R)/07456/20/32513-33813 dated 03-07-1995. (Annex-XXXII)

Note : The competent authorities notified from time to time given at (Annex-LIII to LXXXVII)

5. **"Misconduct" includes:**

- (i) Breach of service discipline or instructions issued by the Authority;
- (ii) Commission of theft, fraud, dishonesty or any other offence involving moral turpitude;
- (iii) Willful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;
- (iv) Willful damage to or loss of the Authority's goods or property;
- (v) Habitual absence without leave or habitual late attendance;
- (vi) Riotous or disorderly behaviour during working hours;
- (vii) Habitual negligence or neglect of work;
- (viii) Striking work or inciting others to strike work in contravention of the provisions of any law or rule having the force of law;
- (ix) Participation in, or subscribing in aid of any political movement in Pakistan or relating to the affairs of Pakistan;
- (x) Canvassing or otherwise interfering or using influence in connection with or participating in any election to a legislative body, whether in Pakistan or elsewhere, except to the extent of exercising the right to vote, if otherwise qualified to do so, but without giving any indication of the manner in which it is proposed to vote;
- (xi) Failure to repay house building or any other loans and advances
- (xii) Conduct prejudicial to good order or service discipline or contrary to Wapda Employees (Conduct) Rules or unbecoming of an employee and a gentleman and includes any act on the part of a Wapda employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Authority or any officer of the Authority in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Wapda employee.
- *¹(xiii) Non initiation / countersigning of ACRs in accordance with the time frame specified in para 18 of the Guidelines for Completion of ACR.
- *¹ (xiv) Non dispatching of ACRs to next reporting officer within seven days of its receipt.

6. "Penalty" means a penalty which may be imposed under these rules.

3. Grounds for Penalty

Where an employee, in the opinion of the competent authority;

- (a) is inefficient or has ceased to be efficient, or
- (b) is guilty of misconduct; or
- (bb) is guilty of laxity in control over his subordinates, which facilitated or encouraged the commission of misconduct or other offences by them;
- (c) 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

*¹Added vide OM No. DG(S&GA)/D(Rules)/07456/20/XIV/27021-28321 dt. 05.07.2001 (Annex-XLIV)

- (ii) He has assumed a style of living beyond his ostensible means; or
 - (iii) He has a persistent reputation of being corrupt; or
- (d) (a) Is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of 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.
- *¹(b) "Provided that an employee is found involved in leakage of secret information regarding tenders/bids, evaluation report and the proceedings for award of contracts, the competent authority shall impose penalty not less than compulsory retirement/removal from service as mentioned under Rule 4 (1) (b) ii & iii of these Rules"
- (e) The competent authority may impose on him one or more penalties. *²"Provided that where an employee is found involved in theft of energy as envisaged by Section 39 of the Electricity Act, 1910, the competent authorities shall impose penalty not less than dismissal from service as mentioned under Rule 4 (1) (b) IV of these Rules."
- *³(f) Serving officers who have failed to initiate / countersign and forward ACRs as per schedule for completion of ACRs may be proceeded against under the Pakistan WAPDA (E&D) Rules, 1978 and penalty imposed shall not be less than the major penalty. In cases of deputationists the report shall be made to their parent department to proceed against them appropriately.

*⁴ 4. Penalties

1. The following are the minor and major penalties namely:

(a) Minor Penalties

- (i) censure;
- *⁵(ii) withholding for a specified 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) deleted Vide O.M. No. S/DD (R)/07456/20/Vol. VI/96845-97624 dated 19-11-1983.
- (iv) recovery from pay of the whole or any part of any pecuniary loss caused to Wapda 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.

*¹ Added vide O.M. No. DG(S&GA)/DD (R)/07456/20/XI/19719-20318, dated 15-06-99. (Annex-XXXVIII)

*² Added vide O.M. No. DG (S&GA)/D (R)/07456/20/X/27337-28637, dated 25-06-98. (Annex-XXXV)

*³ Added vide O.M No. DG(S&GA)/DD(Rules)/07456/20/XIV/25720-27020 dt. 05.07.2001 (Annex-XLIII)

*⁴ Instructions regarding uncommon Penalties-Exoneration of accused found guilty in enquiries issued vide O.M No. GM (A)/DG (S&GA)/D(Rules)/07456/20/18343-993 dt 8/9 -3-2006 (Annex-XLVII)

*⁵ Instructions regarding stoppage of increment issued vide O.M No. DG (S&GA)/DD (Rules)/07456/20/3403-4362 dt 19-01-1987 (Annex-XXV)

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) appointed 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. No officer subordinate to the appointing authority, and no officer subordinate to that specifically designated by the Authority as the competent authority to exercise powers under these rules shall be competent to impose a penalty on an employee.

***¹ 5. Inquiry Procedure**

The following procedure shall be observed when a Wapda employee is proceeded against under these rules:-

- (i) In case where a Wapda employee is accused of subversion, corruption or misconduct, the competent authority may require him to proceed on leave or suspend him, provided that any continuation of such leave or *²suspension shall require approval of the next higher authority after every three months.
- *³ (ii) While under suspension, as aforesaid, the employee shall inform the appointing authority about his movements and shall not leave his station/place of posting without permission in writing of the appointing authority.
- *³ (iii) The competent authority shall decide whether in the light of facts of the case or the interest 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 (iv) If the competent authority 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
 - *⁴(b) give him an opportunity to submit a written explanation against the action proposed to be taken, within a period of not more than 14 days from the day the explanation letter has been communicated to him, and will also require the accused to state at the same time in his written explanation whether he desires to be heard in person.

*¹Detailed instructions for Competent authorities and Inquiry officers are issued vide o/o No. D/DD (Rules)/07456/21/7193-7542 dt 14-05-1981 (Annex-IV).

*²Guidelines for suspension from service issued vide o/o No. GM (A)/DD (R)/07456/3/82364-83483 dated 18/20.06.1988 (Annexure-XXVII)

*³ Added and renumbered vide O/O No. SO(R)24(E&D)/4285-4884 dt. 14.02.1980. (Annexure-II)

*⁴Substituted Vide O.M. No. S/DD (Rules)/07456/20/86113-86933 dated 5-11-1985 (Annexure-XXIII)

Provided that no such opportunity shall be given where the competent authority is satisfied that in the interest of the security of Pakistan or any part thereof it is not expedient to give such opportunity.

- *¹ (v) a. On receipt of the report of Enquiry Officer or Enquiry Committee; the competent authority shall consider the same and if on such consideration he is of the tentative opinion that a penalty be imposed upon the accused he shall provisionally determine penalty to be imposed, and shall so inform the accused, supply him a copy of the report, and call upon him to show cause within a reasonable time not less than seven days and not more than fourteen days from the day the notice has been served on him, why the penalty proposed be not imposed. The competent authority shall take into consideration the cause shown by the accused, hear him in person, and determine whether charge has been proved and then notwithstanding anything contrary in any other rule, office order or instructions shall pass such orders as he may deem proper.

*²**Note :** Competent authority have the power to accept or reject the report of Enquiry Officer exonerating the accused official and order fresh enquiry. There is no prohibitory provision in the rules express or implied to bar fresh enquiry on the same facts. The Enquiry officer will be substituting the Competent authority if formers report was held to be final and binding on the later.

- b. The above procedure of determining provisionally penalty to be imposed, asking the accused to show cause, and affording him an opportunity of personal hearing shall also apply to cases where the accused was issued Explanation Letter under Rule 5(iv) and the explanation submitted by him was found unsatisfactory.

5.A Procedure for dealing with-inefficient and habitual malingerers

If an employee does not perform his duties diligently or is an inefficient worker, or is a habitual malingerer, that is, a late comer, a willful absentee from duty, or avoids his duties on false pretences a written warning shall be given to him by his immediate superior and if he fails to reform himself, a report shall be made within a period of two months from the date of the notice of warning to the officer named below, who may, without prejudice to the provisions of Rules 5 and 6 after obtaining his explanation, impose on him the penalty of stoppage of increment, for a period of one year, without cumulative effect:-

- (a) For officials of Grade 1 to 15 by the superior officer, of Grade-17 and higher grades.
- (b) For officers of Grade-16 and above by the superior officer, who is two steps higher in grade to the employee.

***³6. Procedure to be observed when an Inquiry Officer or an Inquiry Committee is to be appointed**

Where an Inquiry Officer or an Inquiry Committee is to be appointed, the competent authority shall:-

*¹Substituted vide O.M. No. S/DD (Rules)/07456/20/86113-86933 dated 5-11-1985 (Annex-XXIII)

*²Instruction issued vide O.M No. D (Rules)/07474/Vol-V/21310-21909 dt. 23-11-1981

*³Clarified vide O/O No. GM (Admn) DD (Rules)/07474/Vol-III/13838-14337 dated 16-08-81 (Annex-V), O.M No. D/DD (Rules)/07474/Vol-III/26385/26984 dt. 15-12-81 (Annex-IX), O.M. No. D/DD (Rules)/07456/21/7193-7542 dt 18-1-83 (Annex-XIV)

- (1) 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.
- (2) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day of 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.
- (3) The Inquiry Officer or the Committee, as the case may be, shall inquire into the charge/or circumstances and may examine such oral or documentary evidence in support of the charge/plea or in defence of the accused, as may be considered necessary, and the accused shall be entitled to cross-examine the witness evidence against him.
- (4) 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. However, every adjournment with reasons therefore shall be reported forthwith to the competent authority. Normally, no adjournment shall be for more than a week.
- (5) 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 thereafter he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record 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.
- (6) 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 competent authority submit his or its findings and the grounds thereof to the competent authority.

***1 6.A. Procedure for service of show cause notice or charge-sheet in certain eventualities.**

"The letter calling for explanation of the accused under Rule 5 or the letter communicating the charges*² to the accused under Rule 6, shall be sent to him at the last known address through courier service if such service is not available at the place of sender or addressee, then under Registered Cover, acknowledgement due. In case the letter is received back with a report of refusal, or with a report that it has been received by a member of the family or it is not returned within a period of 10 days from the date of its issue, it shall be presumed that the notice has been duly served on the accused."

7. Powers to order medical examination as to mental or bodily infirmity

1. Where it is proposed to proceed against an employee on the ground of inefficiency by reason of infirmity of mind or body, the competent authority may, at any stage, require, an employee to undergo a medical examination by a Medical Board or the Medical Officer of the Authority. The competent authority may remove or retire an employee

*¹Amended vide O.M. No. DG (S&GA)/D(Rules)/07456/20/XI/17919-18568, dated 26-5-99 (Annexure-XXXVI)

*²Detailed instructions regarding serving letter under (E&D) Rules issued vide O/O No. S/SO (R)24/Vol-I/18144-18743 dt. 10.07.80 (Annexure-III)

from service on the report of the Medical Board or the Medical Officer by giving him a reasonable opportunity of showing cause, within a period of not less than seven days and not more than fourteen days. A copy of the medical report will form part of such proceedings.

2. If the employee refuses to undergo of such an examination, his refusal may, subject to any grounds that 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.

8. Rule 5 not to apply in certain cases

Nothing in Rule 5 shall apply to a case:

- (a) Where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of fine or of imprisonment; or
- (b) 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 Officer lent to Provincial/Central Government etc.

1. Where the services of a Wapda employee to whom these rules apply are lent to a Provincial/Central Government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the competent 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 the Wapda before taking any action under these rules against a Wapda employee of BPS-17 or above.

2. If, in the light of the findings in the proceedings taken against the Wapda employee in terms 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. Reinstatement

1. Reinstatement in service after suspension shall be regulated by such rules, orders or instructions as issued by the Authority from time to time.
2. If an employee proceeding on leave, in pursuance of an order issued under sub rule (i) of Rule 5, is exonerated from the allegations or charges levelled against him, he shall be reinstated in service, or as the case may be, restored to his rank or given an equivalent rank, and the period of such leave shall be treated as duty on full pay.

***¹ 11. Appeal**

1. "An employee, on whom a penalty is imposed, shall have a right to appeal to the authority next above the competent authority Appellate authority may enhance, remit or reduce the penalty imposed by the competent authority. An employee, on whom the appellate authority has imposed higher penalty than the one appealed against, shall have a right of further appeal to the next higher officer and, in the absence of the next higher officer, to the Authority."

2. The appeal shall comply with the following requirements:

- (a) It shall contain all material statements and grounds relied upon, and shall be complete in itself.
- (b) It shall specify the relief desired.
- (c) It shall be submitted through proper channel.
- (d) It shall be made within two months of the date on which orders were passed under Rule 5.

3. The appeal shall be forwarded, as soon as possible, to the appellate authority with all relevant records and with the comments of the officer against whose order the appeal has been filed.

4. The appellate authority shall consider:

- (a) Whether the facts on which the orders were based have been established;
- (b) Whether the facts established afford sufficient ground for taking action;
- (c) Whether the penalty imposed is excessive, adequate or inadequate; and
- (d) There has been substantial compliance of these rules and after such consideration shall pass such orders as it thinks proper.

^{*2} Note: In cases where the appellate authority decides to enhance the penalty imposed by the competent authority, a Show Cause Notice will be issued and the accused/appellant will be given an opportunity of being heard in person."

5. Subject to the provisions of Rule 12, an order passed on appeal shall be final.

***^{3,4} 12. Revision**

"The following authorities may, either on receipt of a specific reference or of their own motion, at any time, call for any case in which proceedings may have been instituted under these rules, and pass such orders including orders reversing acquittal or enhancing the penalty imposed as they may deem fit, and orders so passed shall be final :

- a. Authority Disciplinary cases relating to General Managers, Chief Engineers, Superintending Engineers, Senior Engineers and Officers of equivalent status.

^{*1}Substituted vide O.M. No. MD(A)/DD(R)/07456/47/811-1929 dated 16-1-1990 (Annex-XXX)
^{*2}Added vide O.M No. S/DD (Rules)/07456/20/Vol. VI/48975-49944, dt. 11.6.1986 (Annex-XXIV)
^{*3}Substituted vide O.M No. MD(A).DD (R)/07456/20/IV/9820-10925 dt. 11.3.1991. (Annex-XXXI)
^{*4}Clarification on WAPDA E&D Rule 12 Issued Vide office order No. D/DD/(Rules)/07456/21/V/22211-260 dt.08-10-10 (Annex-LI)

- b. Respective Disciplinary cases concerning Junior Engineers and Officers of
Members/ equivalent status and all employees in BPS-1-16.
Managing
Directors

***1Note :** In cases where the above authorities decide to enhance the penalty imposed by the competent authority, a Show Cause Notice will be issued and the accused given an opportunity of being heard in person.

***2.13.** Notwithstanding anything contained in these Rules orders and instructions issued from time to time, the Chairman, Member or Managing Director may at his discretion at any time refer any case to a Special Enquiry Committee regarding misconduct of any employee irrespective of grade and in that case, shall exercise all the powers of the "competent authority".

Note

"For appeal purposes Rule 11 will be applicable. However, if any penalty is imposed by the Chairman as competent authority the appeal shall lie before the Authority whose decision shall be final."

Repeal

14. The Pakistan Wapda Employees (Efficiency and Discipline) Rules 1975 as amended from time to time, are hereby repealed, but the repeal thereof shall not affect any action taken or anything done or suffered there under.

BY ORDER OF THE AUTHORITY

**Sd/-
(Kazim Ali Khan)
Section Officer (R&CM)**

*1 Added vide O.M. No. S/DD(R)/07456/20/Vol-VI/148975-49944 dt 11-06-86 (Annex XXIV)

*2 Added vide No. (A)/DD (R)/07456/20/32513-33813 dated 3.7.1995 (Annex-XXXII)

Copy of Office Order No. SO (R) 6 (44) R&R/2982

Dated 29-4-1969

Subject : INTERPRETATION OF THE TERM 'APPOINTING AUTHORITY'

A case has been referred to the Authority as to whether disciplinary action can be taken by the Chief Engineer against a Junior Engineer who is working under his administrative control, but has not been appointed by him. In this connection it is clarified that as per Section 15 of the General Clauses Act (VI of 1956) read in conjunction with West Pakistan Wapda Act, 1958, Chief Engineer under whom a Junior Engineer is working whether appointed by himself or is a transferee from another Division, exercises all administrative powers of the appointing authority and is competent to take disciplinary action against him provided the Junior Engineer to be proceeded against is a direct Wapda Employee.

**(Shafiq-ur-Rahman Khan)
Section Officer (Rules)
for Secretary Wapda**

PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY

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No.SO(R)24(E&D)/4285-4884

Dated : 14.02.1980

OFFICE MEMORANDUM

Subject:- AMENDMENT IN THE WEST PAKISTAN WAPDA EMPLOYEES (E&D) RULES, 1978.

The Authority is pleased to make the following amendment in the West Pakistan Wapda Employees (Efficiency & Discipline) Rules 1978 promulgated vide Office Order No. S/SO(R&CM) 24 (E&D) 22731/23331 dated 11th February, 1978 :-

1) To add the following as sub rule (ii) after sub rule (i) of Rule 5,

“(ii) while under suspension, as aforesaid, the employee shall inform the appointing authority about his movements and shall not leave his station/place of posting without permission in writing of the appointing authority”.

2) To re-number existing sub rules (ii) and (iii) under rule 5 as sub rules (iii) and (iv) under Rule 5.

Sd/-
(FARMAN ALI SHAH)
Deputy Secretary (R&CM)
WAPDAI

DA/Nil

Distribution :

As per list 'D'.

OFFICE ORDER

Subject :- PROCEEDINGS UNDER THE WEST PAKISTAN WAPDA EMPLOYEES (E&D) RULES

Under the amended Rule 5, the 'competent authority' is empowered to decide, at the initial stage, whether an enquiry should be conducted through an Enquiry Officer or an Enquiry Committee. If it is decided that no Enquiry is to be conducted, an order in writing informing the accused of the action proposed to be taken against him and the grounds of the action is to be issued. The competent authority is also required to give the accused an opportunity to submit an explanation, against the action proposed to be taken and to give him personal hearing, if the accused so desires.

2. If the competent authority decides that an inquiry through an Enquiry Officer or Enquiry Committee shall be conducted, a proper charge-sheet is to be drawn up and communicated to the accused alongwith a statement of the allegations as per Rule 6 of the E&D Rules. The competent authority will then require the accused to put in written defence within a period of not less than seven days and not more than 14 days and also to state whether he desires to be heard in person or not.

3. It some times happens that letters issued under Rule 5 calling for the explanation of the accused, or the letters under Rule 6 communicating the charges to the accused, are not received personally and are returned with the following reports:

- (a) The Addressee has refused to accept it.
- (b) A member of the addressee's family has received it, as the addressee was not available.

4. In all these cases, if the letter was despatched through Registered Post it shall be presumed under Section 114 (f) of the Evidence Act, that it was duly delivered. If the letter is not returned with any report and the accused on the due date does not appear before the, Enquiry Officer, Enquiry Committee or the competent authority, the same presumption of due delivery can be raised and ex-parte action may be taken without issuing other notice to him.

5. Some times such letters are received with the report that whereabouts of the addressee are not known and, therefore, the letters could not be delivered to him. In all such cases a notice may be issued in the Wapda 'Khabarnama' or any other newspaper, in the prescribed form, informing the accused of the proceedings and calling upon him to attend the proceedings on the date fixed for this purpose.

6. Wapda E&D Rules 1978 are being amended to this extent to avoid any legal objections. The procedure laid down in the above-mentioned Rules should be read carefully and strictly followed.

**Colonel
(Idrees Mohsin)
Secretary, Wapda**

OFFICE ORDER

Subject:- THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY AND DISCIPLINE) RULES, 1978.

1. The Authority has observed with deep concern that quite a few officers are disregarding the provisions of E&D Rules, while dealing with disciplinary cases, which may be due to the lack of knowledge of these rules or for want of their correct interpretation or for fear of reaction from the employees, particularly where the officer concerned has Weaknesses which are known to the employees.

2. The following common irregularities have come to the notice of the Authority in dealing with the disciplinary cases under the Pakistan Wapda Employees (Efficiency and Discipline) Rules of 1978:

- a. **Extension of Suspension Period:** Under Rule 5 (i) of the Pakistan Wapda Employees (E&D) Rules 1978, it is the 'competent authority' (as defined under sub-rule (3) of rule 2 of the said Rules) who can require an accused to proceed on leave or suspend him where the accused is being proceeded against for subversion or corruption or misconduct, provided that any continuation of such leave or suspension shall require prior approval of the next higher authority after every 3 months.

It has been noticed that either approval of the next higher authority for continuation of suspension period beyond 3 months is not obtained in time or the competent authority which had initially ordered suspension, approves continuation of suspension beyond 3 months which is in violation of the above rule. All competent authorities should, therefore, ensure that enquiry cases in which an accused employee has been placed under suspension or has been allowed to proceed on leave, are finalized within 3 months. In case the enquiry proceedings are not finalized within the stipulated period, then approval of the next higher authority for continuation of suspension or leave beyond 3 months should be obtained well in advance, so that the enquiry proceedings are not challenged in a Court of Law for non-compliance of the provisions of the E&D Rules.

- b. **Difference in Procedure for Charge-sheet Cases and 'Explanation':** Rule 5 (iii) makes it incumbent upon the 'competent authority' to decide whether in the light of the facts of the case or in the interest of justice an enquiry should be conducted through an Enquiry Officer/Enquiry Committee. If he so decides, the procedure indicated in Rule 6 shall apply i.e. a charge-sheet will be served and the enquiry will be conducted by an Enquiry Officer / Enquiry Committee in the presence of the accused and the accused will be provided an opportunity to cross-examine the witnesses. It has been noticed that in some cases either this decision was taken by a person other than the 'competent authority' or the 'competent authority' did not apply its mind judiciously. It is, therefore necessary that the competent authority should decide in writing in the light of the facts of the case whether an enquiry should be conducted through an Enquiry Officer/ Enquiry Committee or the employee is to be served with an 'Explanation' letter. In the first case i.e. if the decision is taken to refer the case to an Enquiry Officer/ Enquiry Committee, then the accused employee will be served with a charge-sheet alongwith a statement of the allegations but if the competent authority decides to dispense with the enquiry then the employee will be asked to submit his explanation under Rule 5 (iv).

- c. **Explanation Procedure:** In case the 'competent authority' decides to issue explanation letter to the accused Wapda Employee, under Rule 5 (iv), then it should be issued under his signatures. It has been noticed that in a large number of cases the explanation letter was issued under the signatures of an officer other than the 'competent authority' which is illegal. It has also been noticed in a number of cases that the action proposed to be taken against the accused and grounds thereof are not stated in the explanation letter. The competent authorities refer cases to enquiry officers in which an accused employee was served with an explanation letter which is not correct. It should be kept in mind that in cases in which an accused employee has been served with an explanation letter, then the competent authority is not required to refer the case to an Enquiry Officer or Enquiry Committee. On the receipt of the reply to the explanation letter and after giving a personal hearing, if the competent authority feels that the ends of justice in a particular case could be met with more appropriately if the case is entrusted to an Enquiry Officer or Enquiry Committee, it may issue a fresh charge-sheet and statement of allegations and follow the procedure laid down in sub-para (d) below.
- d. **Procedure when Charge-sheet is served:** In case the 'competent authority' decides to hold an enquiry through an Enquiry Officer / Enquiry Committee it may pass an order to this effect in writing, then the accused employee should be charge-sheeted and supplied with a 'statement of the allegations'. Once an employee has been charge-sheeted, then the competent authority cannot drop the case after obtaining defence reply from the accused or after giving him personal hearing unless the findings of the Enquiry Officer/Enquiry Committee were obtained. In this connection attention is invited to sub-rule 5 (v) *ibid* in which it is clearly mentioned that the 'competent authority' will determine whether the charge has been proved, after the receipt of the report of Enquiry Officer or Enquiry Committee. Competent authorities should pay special attention to this aspect and should not drop enquiry cases in which charge-sheet has been served, without obtaining the findings of Enquiry Officer/ Enquiry Committee.
- e. **Contents of Charge-sheet-preparation of** Under Rule 6 (1) a competent authority is required to frame a charge-sheet and prepare 'Statement of the Allegations' for service on the accused employee. It has been observed in some cases that the charge-sheet/statement of allegations was signed by an officer other than the competent authority which is not correct. In some cases the charge sheet/statement of allegations is vague and verbose. This gives chance to the accused to indulge in vague replies and wastes time.
- f. **Enquiry Procedure:** Under Rule 6 (4), the Enquiry Officer or the Enquiry Committee, as the case may be, is required to hear the case from day to day and no adjournment is to be given except for reasons to be recorded in writing. However, every, adjournment with reasons therefore are to be reported forthwith to the competent authority. No adjournment is to be for more than a week. In spite of clear provisions of this rule, following irregularities have been observed:
- (a) Enquiry proceedings are not conducted by the Enquiry Officers on day to day basis;
 - (b) Reasons of adjournment, if any, are not regularly reported to the competent authority;
 - (c) The period of adjournment goes beyond a week; and

- (d) In many cases the Enquiry Officers go on to the side of the accused and do not do justice to their job. These delays must be avoided, particularly in cases in which the employee is under suspension as the delay in enquiry proceedings, apart from causing hardship to the accused employee, also requires prior approval of the next higher authority for the continuation of suspension beyond 3 months.
- g. Recommendations by Enquiry Officers:** It has been generally found that Enquiry Officers, at times, also make their recommendations regarding the imposition of a major or minor penalty which is not proper. This should be left to the discretion of the competent authority.
- h. Personal Hearing:** Under Rules 5 (iv) (b) and 6 (2), the competent authority has to afford the opportunity of personal hearing to the accused employee, if such opportunity is claimed, before deciding to impose one or more of the minor/major penalties or before referring the case to Enquiry Officer / Enquiry Committee as the case may be. It has been observed that this opportunity of personal hearing is confused with the hearing given by the Enquiry Officer/ Enquiry Committee during the course of enquiry proceedings. These are the two separate hearings to which the accused is entitled.
- j. Ex-parte Action:** Under Rule 5 (iv) (b) and 6 (2), an accused employee is required to furnish his defence reply to the explanation letter or charge-sheet, as the case may be, within a period of not more than 14 days of the receipt thereof. In case the accused employee does not furnish his defence reply within the stipulated period, then he is to be proceeded against ex-parte and this is made amply clear to the accused employee in the explanation letter/charge-sheet. It has been noticed that the competent authorities keep on reminding the accused employee for the submission of his defence reply after the expiry of the prescribed period which is not correct and results in unnecessary delay in the finalization of enquiry cases. The competent authorities are, therefore, advised to proceed ex-parte against the accused employee if he fails to furnish his defence reply within the period laid down in the explanation letter/charge-sheet without plausible reasons.
- k. Refusal to receive explanation letter/charge-sheet.** Sometimes explanation letter/charge-sheet is not received by the accused or cannot be delivered to him for any of the following reasons:
- (a) the accused employee has refused to receive it; or
 - (b) the accused employee was not available at his given/last known address and a member of his family received it.

In all these cases, if the letter was despatched through Registered Post, it should be presumed under section 114 (f) of the Evidence Act that it was duly delivered. If the letter sent through Registered Post is not returned with any report and the accused employee does not furnish his defence reply on the due date, the same presumption of due delivery can be raised and ex-parte action may be taken without resorting to issuing fresh explanation letter/charge -sheet.

Some times such letters are received with the report that whereabouts of the accused employee are not known and, therefore, the letter could not be delivered to him. In all such cases a notice may be published in the 'Wapda Khabarnama'/ 'Wapda News' or any other newspaper, in the prescribed form, informing the accused employee of the

allegations and calling upon him to furnish defence reply by the date fixed for this purpose. If an accused employee still fails to furnish his defence reply within the stipulated period, then the competent authorities should not hesitate in proceeding ex-parte against him as their action will be covered by law. Attention is drawn to Authority's Office Order No. S/SO (R) 24/ Vol. 1/18144-18743, dated 10-7-1980.

I. Role of Directorate of Complaints and Investigations in Relation to Disciplinary Cases under Wapda Employees (Efficiency and Discipline) Rules, 1978:-

- (a) Framing of charge-sheet and the drawing up of statement of allegations to be served on official desired to be proceeded against under the Pakistan Wapda Employees (Efficiency and Discipline) Rules, 1978, is primarily the responsibility of the "competent authority", as defined in these Rules. The "competent authority" may, however, seek the assistance of the Directorate of Complaints and Investigations or its representative who had held initial investigation, for checking of charge-sheet and statement of allegations to ensure its completeness;
- (b) Practice of asking Director (Complaints and Investigations) or his representative to offer his comments on the reply filed by the accused official shall be discontinued forthwith; and
- (c) The practice of associating prosecuting Deputy Superintendent of Police with the enquiry proceedings to assist the Enquiry Officer may continue to be followed in accordance with the instructions contained in the Authority's Office Memorandum No. S/SO(1)-4(67) G/75/30213-320 dated 29-7-1975.

3. The irregularities mentioned above are of grave nature and failure to comply with the requirements of the Pakistan Wapda Employees (Efficiency and Discipline) Rules 1978, vitiate the disciplinary proceedings and the order imposing a penalty on an accused is likely to be set aside on appeal or if challenged in a Court. These irregularities are, the frequent causes to set aside the penalties awarded by competent authorities when the case is taken before the Courts / Tribunals.

4. All the competent authorities are, therefore, required to have clear understanding and a thorough knowledge of the Pakistan Wapda Employees (Efficiency and Discipline) Rules 1978. The Rules are brief, clear and easy to understand; all that one is required to do is to apply ones mind ardently before taking a decision. The Authority can ill afford the reversal of decisions by Civil Courts, which are important for maintaining the efficiency and discipline of this organization.

5. In future if it is found that an accused, against whom serious charges exist or are beyond doubt proven, and the competent authority or the Enquiry Officer has erred, he will be proceeded against under the E&D Rules and he will have to face the consequences. Discipline is very important function of Administration and Management and we cannot allow to close our eyes to this vital aspect any longer.

**Brig. General Manager (Admn.)
(Asad Ullah Khan)**

OFFICE ORDER

Subject : THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY AND DISCIPLINE) RULES 1978.

Ref: In continuation of Office Order No. DD (C)/AD (E.IB)/24/R&R/Vol.III/ 7697 -8196, dated 14th May 1981.

It has been observed that enquiry proceedings against Wapda employees under E&D Rules tend to be unduly protracted for various avoidable reasons, causing hardship to the effected employees on the one hand, and defeating the purpose of speedy disposal of cases, on the other hand.

2. The Authority has, therefore, decided that in all disciplinary cases, in addition to strict observance of the provisions of Rule 6 of the Wapda Employees (E&D) Rules, 1978 and the instructions already issued vide Office Order referred to above, the following measures should be strictly observed:-

- a. The Enquiry Officer, if appointed from within the Office/Division, should be carefully selected for his competence and capability to hold the enquiry.
- b. A time limit should also be prescribed for the Departmental Enquiry Officers nominated by the competent authorities for the completion of the enquiry.
- c. Until the enquiry is completed, the Departmental Enquiry Officer, the accused, as well as the witnesses concerned should not be permitted to proceed on leave, training or transfer.
- d. A check-list, recording the day to day process, should be maintained by the Departmental Enquiry Officer and annexed with the proceedings.
- e. On receipt of the enquiry, the case should be processed expeditiously by the competent authority concerned.
- f. It should be impressed upon the Departmental Enquiry Officer that the quality of work produced by him will reflect on his efficiency which will be recorded in his ACR.
- g. The competent authority should record its assessment of the Enquiry Officer's performance in the ACR, if he happens to be his IO, TRO, SRO or NSRO.

(A. H. NASEEM)

Actg. General Manager (Admn.) Wapda

OFFICE ORDER**Subject:- E&D RULES - CLARIFICATION**

"Competent Authority" as defined in Rule 2 (3) of Pakistan Wapda Employees (E&D) Rules, 1978 means the Authority, or the appointing authority, or an officer to whom the appointing authority is subordinate or an officer designated by the Authority to exercise powers of the competent authority. A question has been raised whether the appointing authority ceases to act as "competent authority" if the employee to be proceeded against, at the time of initiation of disciplinary action against him under the said Rules, is serving under administrative control of another officer designated as "competent authority". In amplification of Office Order No. SO (R) 6 (44) R&R/2982, dated 29th April 1969, (Annex-I) it is clarified that any of the competent authorities as per above definition is equally empowered to initiate proceedings under Rule 5 or Rule 6 of the E&D Rules as the case may be. The fact that the employee to be proceeded against was serving under the administrative control of an officer also designated as "competent authority" does not thus by itself bar the appointing authority to proceed against him. However, the competent authority who had once initiated disciplinary action under the Rules, then he alone should continue with the proceedings till final disposal.

(S. M. Kamal)
Director (Rules), Wapda

OFFICE MEMORANDUM

Subject:- PAKISTAN WAPDA EMPLOYEES (E&D) RULES, 1978

This is to inform all officers empowered to act as "Competent Authority" under Rule 2 (3) of the Pakistan Water and Power Development Authority (Efficiency & Discipline) Rules 1978, that under Rule 5 (v) they have the powers to accept or reject the report of Enquiry Officer exonerating the accused official and order fresh enquiry. There is no prohibitory provision in the rules express or implied to bar fresh enquiry on the same facts. The Enquiry Officer will be substituting the "Competent Authority" if former's report was held to be final and binding on the latter.

(S.M. Kamal)
Director (Rules),
Wapda

OFFICE MEMORANDUM

Wapda Employees charged with misconduct as defined in Rule 2 (5) of the Wapda Employees (E&D) Rules 1978 can only be awarded one or more of the penalties enumerated in Rule 4 of these Rules. Order imposing penalty of termination of service or any other penalty which is not covered by Rule 4 is, therefore, illegal.

2. Officers exercising the powers of 'competent authority' in terms of the Wapda Employees (E&D) Rules 1978 are advised that punishment to be inflicted under the Wapda Employees (E&D) Rules 1978 should be one or more of the penalties included in Rule 4 as facts of the case and the nature of the charge may demand.

3. It is, however, further clarified that as per Authority's Office Order No. SO (E-II) 1 (89-B) Admn/19212-772, dated 13-2-1978, the appointment of a Wapda Employee may be terminated:

- a. Without notice during the initial or extended period of his probation, if appointed direct against a regular post, in accordance with his letter of appointment;
- b. On one month's notice or pay in lieu thereof and without assigning any reason in case of a direct recruit appointed against a temporary post in accordance with his letter of appointment; and
- c. On one month's notice or pay in lieu thereof without assigning any reason and without any financial liability on the part of the Authority in case of an employee appointed on contract basis in accordance with his letter of appointment.

(S. M. Kamal)
Director (Rules) Wapda

OFFICE MEMORANDUM

Subject :- GUIDELINES FOR HOLDING FORMAL ENQUIRY BY AN ENQUIRY OFFICER/ ENQUIRY COMMITTEE UNDER WAPDA EMPLOYEES (E&D) RULES, 1978.

Reference:- In continuation of this Office Order No. GM (Admn)/DD (Rules)/07474/ Vol-III/13838-14337, dated 16-8-1981.

1. When a case is referred to an Enquiry Officer or an Enquiry Committee for holding formal enquiry under Rule 6 of the WAPDA (E&D) Rules, 1978, it may be ensured that:

- a. The charge-sheet served on the accused employee and the statement of allegations were duly signed by the competent authority and served upon the accused employee;
- b. Defence reply of the accused was received except in the case where ex-parte action is to be taken;
- c. The accused employee was given personal hearing if requested by him; and
- d. *¹Enquiry Officer, or in the case of Enquiry Committee, the Convener of the Enquiry Committee, is not inferior in rank and is also senior in length of service to the accused employee.

2. Enquiry Officer or Enquiry Committee, on receipt of reference from the competent authority for holding a formal enquiry, will also ensure that the following documents have been supplied to him:

- a. A copy of the charge-sheet and statement of allegations duly signed by the competent authority;
- b. Defence reply to the accused, except in ex-parte proceedings;
- c. List of prosecution witnesses with a gist of their statements and their present addresses;
- d. List of documents to be relied upon and to be proved/tendered in evidence in support of the charge; and
- e. Name of departmental representative deputed to assist the Enquiry Officer/Enquiry Committee in case, where preliminary investigation/enquiry was conducted departmentally.

In case, where preliminary investigation was held by C&I Directorate, request will be sent to the Director by the competent authority well in time to depute an officer from his prosecution branch to assist the Enquiry Officer in the enquiry proceedings.

3. After the Enquiry Officer or Enquiry Committee has ensured that the requisite formalities as laid down in the E&D Rules were observed and that the requisite documents have been made available as per details above, the Enquiry Officer/Enquiry Committee will proceed as under:

- a. Summonses will be issued to the accused, witnesses and departmental representative or an officer from the prosecution branch of C&I Directorate as the case may be, to appear before the Enquiry Officer/Enquiry Committee on a given time and date. The authority entrusted with the service of summonses shall be asked to return the summonses duly

*¹Substituted Vide O.M. No. GM (A)/DD(R)/07456/20/III/3266-4266 dt 19-01-1982.

served by a date well ahead of the date fixed for proceedings before the Enquiry Officer/Enquiry Committee. Interim date for return of summonses will be noted on the file for scrutiny of summonses received back. Process will be repeated to the witnesses for the date already fixed for evidence whose summonses were returned un-served. The reasons for non-service of witnesses will be notified to the competent authority;

- b Evidence will be recorded in the presence of the accused (except in ex-parte proceedings) and the accused will be given an opportunity to cross-examine the prosecution and Court witnesses, if any.

Departmental enquiry and judicial proceedings are akin in character and nature. All material facts bearing on the veracity or otherwise of the charge against the accused should be brought out in the evidence of witnesses to ensure fairness to both the sides. Examination of evidence should be complete in all respects leaving no room for order remanding the proceedings for further enquiry;

- c. Proceedings shall be held day to day. Adjournment not exceeding a maximum period of one week may, for reasons to be recorded, be allowed for 'sufficient cause'. A copy of the order allowing adjournment shall be sent to the competent authority.

Explanation 'sufficient cause' means that the party had been diligent and was not to blame for the cause of adjournment;

- d. After the conclusion of prosecution evidence, reasonable opportunity will be provided to the accused to produce defence witnesses, if so desired by him.

The order for hearing day to day and the limitation on the ground of adjournment as indicated in the foregoing sub-para (c) shall apply equally at this stage also;

- e. After recording all the evidence, the accused will be asked if he wishes to submit additional written defence statement. If so, he will be given reasonable time not exceeding 7 days, for the submission of additional defence statement; and

- f. After receipt of additional defence statement, if any, the Enquiry Officer / Enquiry Committee will write the 'findings' of the enquiry which must conform to the following:

- (1) A concise resume of the charges levelled against the accused with a proper narrative of background of the case;
- (2) Summary of prosecution and defence evidence;
- (3) Summary of defence reply submitted by the accused initially to the competent authority as well as the additional defence statement, if any, filed during the enquiry; and
- (4) The conclusions arrived at must be unambiguous and specific in relation to each charge, based on a lucid discussion of inferences deducible from the relevant facts and must reveal conscious application of mind and a judicious appreciation of the circumstances for a real and substantial justice to either side.

This issues with the approval of the Authority.

(S. M. Kamal)
Director (Rules), Wapda

OFFICE MEMORANDUM

Subject:- DISMISSAL/REMOVAL FROM SERVICE OR REDUCTION IN RANK ON CONVICTION BY A COURT OF LAW

A question has been raised whether a Wapda Employee who has been convicted by a Court of law (with imprisonment or imposition of fine or both) can be removed or dismissed from service or reduced in rank straightway or it is necessary to give him show cause notice before passing a final order in the matter.

2. After careful consideration the Authority has decided that as a general principle if a Wapda Employee is convicted in a Court of law he does not automatically lose his appointment under the Authority. But if in the opinion of the authority competent to pass orders of dismissal, removal or reduction in rank, grounds which lead to his conviction are good and sufficient for imposing any of these penalties that authority can pass such an order. If, however, the competent authority considers that a lesser penalty or no penalty at all is called for in the circumstances of the case (such as of minor or technical nature) there is no bar to that authority taking a decision accordingly.

3. If it is decided to award the penalty of dismissal, removal or reduction in rank, it is not necessary to give a show-cause notice to the employee concerned. The orders of removal/dismissal or reduction in rank can be passed by the competent authority after taking into consideration the grounds or conduct which lead to the conviction of the Wapda Employee concerned in Court of law, without observing the procedure for a detailed enquiry as laid down in E&D Rules, applicable to the employee. The removal, dismissal or reduction in rank in such cases shall take effect from the date of orders passed by the competent authority and not from the date of verdict passed by the Court of law.

**Colonel
(Idrees Mohsin)
Secretary Wapda**

OFFICE MEMORANDUM**Subject:- PROMOTION OF PERSONS PENALISED UNDER (E&D) RULES**

The following penalties, inter-alia, can be imposed by a competent authority on a Wapda employee under Wapda Employees (E&D) Rules, 1978:

- a. Withholding for a specified 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;
- b. Stoppage, for a specific period, at any efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- c. Reduction to a lower post or time-scale; or to a lower stage in a time-scale.

2. A doubt was expressed by certain quarters as to the effect of the penalty imposed on an employee on his future promotion. The Ministry of Water and Power, Government of Pakistan, was also consulted in the matter and it is clarified that:

- a. If promotion is withheld for a specified period it has got nothing to do with the stoppage of increments and official concerned would continue to draw increments on due dates. Similarly, if increments are withheld for a specified period this does not necessarily entail withholding of promotion if the person concerned is otherwise considered fit by the Departmental Promotion Committee/Selection Board/competent authority. In fact, a person cannot be punished twice for the same offence. Either his promotion can be withheld for a specified period or his increments can be stopped without effecting the increments or promotion and vice-versa.
- b. It is also imperative for the competent authority to specify the period for which any penalty mentioned in Rule 4 (1) (a) (ii) and (iii) and 4 (1) (b) (i) of Wapda Employees (E&D) Rules, 1978, shall be effective under F.R. 29, which reads as under:-

F.R. 29.-If a Government Servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so, to what extent.

- c. *"Where the competent authority has laid down the period for which penalty of withholding of promotion or penalty of reduction to lower post or time scale or to lower stage in the time scale is imposed against an employee, the Selection Board/the Departmental Promotion Committee or the competent authority may not consider such employee for promotion till expiry of the so specified period."

(S. M. Kamal)
Director (Rules), Wapda

*Substituted vide letter dated 07.08.1989.

OFFICE MEMORANDUM

Subject:- SPECIFICATION OF PENALTY IN THE CHARGE-SHEET OR EXPLANATION LETTER UNDER THE PAKISTAN WAPDA EMPLOYEES (E&D) RULES, 1978

It has generally been observed that the accused official is issued a charge-sheet or an explanation letter specifying therein penalty proposed to be imposed on him on the basis of the tentative conclusion derived by the competent authority. While this is correct it has sometime been found that on finalization of the disciplinary proceedings against the accused, the guilt proved against him warranted the imposition of a higher penalty than the one proposed to be imposed in the charge-sheet or in the explanation letter, as the case may be. In that event it does not become legally possible to impose a higher penalty on the accused. It is, therefore, advised that in future while issuing a charge-sheet or an explanation letter to an accused under the Pakistan Wapda Employees (E&D) Rules, 1978, it should be mentioned in the 'charge-sheet' or 'explanation letter', 'as to why one or more of the minor or major penalties as defined in Rule 4 should not be imposed; Once this is done the penalty of the highest order under the Rules can be imposed, and there can be no legal objection to the imposition of a lesser penalty/penalties if subsequently so warranted on finalization of the disciplinary case.

(S. M. Kamal)
Director (Rules), Wapda

OFFICE MEMORANDUM

Subject:- DELEGATION OF POWERS UNDER WAPDA EMPLOYEES (E&D) RULES, 1978.

The Authority is pleased to designate Principals of the following institutes under the Authority:

- a. Wapda Administrative Staff College, Tarbela.
- b. Accounts Training Institute, Lahore.
- c. Training Institute (Electricity) Wapda, Faisalabad.
- d. Line Men Training Institutes.
- e. Junior Wapda Academy, Tarbela.

to exercise powers of the "competent authority" under Rule 2 (3) of Pakistan Wapda (E&D) Rules, 1978, in respect of Wapda Employees lower in rank to the Principals for the period of their stay and training in these Institutions.

2. The Authority is also pleased to designate Medical Superintendent / Incharge of a Wapda Hospital to exercise powers of "competent authority" under Rule 2 (3) of the said Rules in respect of Wapda Employees lower in rank to the Medical Superintendent/Incharge of Wapda Hospital for the period of their stay in the Hospital for indoor treatment.

**Colonel
(Idrees Mohsin)
Secretary Wapda**

OFFICE MEMORANDUM

Subject:- ENQUIRY UNDER RULE 5(v) OF PAKISTAN WAPDA EMPLOYEES (EFFICIENCY AND DISCIPLINE) RULES, 1978.

It has been observed that a large number of disciplinary cases are pending in various formations awaiting enquiry by the Enquiry Officers to be appointed by the competent authorities. The matter was discussed at length during the Administration Conference held on 5th October, 1982 by General Manager (Admn). It was suggested by some quarters that cases in which competent authority feels that the charges are of minor nature may be disposed of without following the enquiry procedure. Attention is invited to para 2 (d) of this Office Order No. DD(C)/AD(E-IB)/24/ R&R/Vol-111/7697-8196, dated 14-5-1981, which reads as under:-

“2(d). Procedure when charge-sheet is served.

In case the 'competent authority' decides to hold an enquiry through an Enquiry Officer/Enquiry Committee it may pass an order to this effect in writing, then the accused employee should be charge-sheeted and supplied with a 'statement of the allegations'. Once an employee has been charge-sheeted, then the competent authority cannot drop the case after obtaining defence reply from the accused or after giving him personal hearing unless the findings of the Enquiry Officer/Enquiry Committee are obtained. In this connection attention is invited to Rule 5 (v) ibid in which it is clearly mentioned that the 'competent authority' will determine whether the charge has been proved, after the receipt of the report of Enquiry Officer or Enquiry Committee. Competent authorities should pay special attention to this aspect and should not drop enquiry cases in which charge-sheet has been served, without obtaining the findings of Enquiry Officer / Enquiry Committee.

It is clear from the above that once the charge-sheet and statement of allegations have been issued, the competent authority can only decide the case after the receipt of report of the Enquiry Officer or Enquiry Committee.

2. The charge-sheet can be withdrawn by the competent authority at the time of granting personal hearing if the competent authority is of the opinion that charge-sheet suffered from technical flaw which goes to the root of the case, or it appeared from the defence reply filed by the accused or from the points raised by him during personal hearing that the charge was penatly not substantiated or the question of innocence of the accused was clear from the record/documents, or the case was that of mistaken identity.

3. With a view to clear the back-log of cases, competent authority may appoint Directors or Technical Officers/Senior Engineers as Enquiry Officers ensuring at the same time that Enquiry Officer is not inferior in the rank and is also senior in length of service to the accused employee. In cases involving technical points for determination of veracity or otherwise of the charges against the accused, Technical Officer/Engineer should preferably be the Enquiry Officer.

4. It is re-iterated that instructions contained in Office Order dated 14.5.81 as amended from time to time referred to above and Office Memorandum No. D/DD(Rules)/07474/ Vol-111/26385-26984, dated 15-12-81, as modified from time to time etc. be please strictly followed in disposing of enquiry cases.

(S. M. Kamal)
Director (Rules), Wapda

No. D/DD(R)/07456/21/32392-741

6th April, 1983.

OFFICE MEMORANDUM

Subject:- ENQUIRY UNDER RULE 5 (v) OF PAKISTAN WAPDA EMPLOYEES (E&D) RULES, 1978

Para 3 of this Office Memorandum No. D/DD (Rules)/07456/21/7193-7543, dated 18-1-1983, may please be read with Authority's Office Order No. SO(E) 4 (103)/G/79/ 53718-898, dated 15-11-1979, which means that "competent authority" may appoint Directors or Technical Officers/Senior Engineers as Enquiry Officers in cases of officials of Grades -12 and below. The cases of officials and officers in Grades 13 to 18 be referred to Director (Enquiries) Wapda for enquiry in accordance with the procedure laid down in Office Order No. SO (E) 4 (103)/G/79/53718-898, dated 15-11-1979.

(S. M. Kamal)
Director (Rules), Wapda

No. D/DD(Rules)/07456/20/Vol. VI/35204-983

28th March, 1984

1. The Chief Engineer (Admn) Power.
2. The Chief Engineer (Coord) Water.
3. The Manager Finance (Coord).
4. The Director (Establishment) S&GA.

Subject:- PROMOTION OF PERSONS PENALISED UNDER THE E&D RULES.

A competent authority is empowered to impose, inter alia, the following penalties on a Wapda employee in accordance with the procedure laid down in the Pakistan Wapda Employees (E&D) Rules, 1978.

- a. Withholding for a specified 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; and
- b. Reduction to a lower post or time-scale; or to a lower stage in a time-scale.

2. While awarding any such penalty it is imperative for the competent authority to specify the period for which the penalty shall be effective; and in case of penalty pertaining to the increment, it is essential for the competent authority to indicate in the order whether on restoration it shall operate to postpone future increments, and if so, to what extent.

3. The instructions contained in this O.M. NO. D/DD(Rules)/07456/Vol. IV/4895- 5495, dated 24-1-82 (Annexure-IX to Pakistan Wapda Employees (E&D) Rules 1978-II-Edition) Publication No.1 of Directorate of Rules (S&GA) WAPDA are, therefore, reiterated for the guidance of all competent authorities.

4. It is, therefore, suggested that as and when any punishment awarded by the competent authority under the above rules comes to your notice it may please be checked and ensured that the competent authority has awarded the above penalties in accordance with the instructions referred to in paras 2 & 3 above.

5. This issues with the approval of General Manager (Admn)

(S. M. Kamal)
Director (Rules), Wapda

OFFICE MEMORANDUM

Subject:- ROLE OF DIRECTOR, COMPLAINTS AND INVESTIGATION IN RELATION TO DISCIPLINARY CASES UNDER THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1978

In continuation of this Office Memorandum No. D/DD (Rules) 07456/20/2461-3061, dated 16-1-1982 with regard to role of Director Complaints and Investigation in relation to disciplinary cases under Wapda Employees E&D Rules, 1978, it has been decided that following points should invariably be kept in view by the competent authorities while dealing with such cases:

1. The present strength of staff of Director (Complaints and Investigation) is not sufficient enough to detail a police officer to lead prosecution in each and every case, even when the initial investigation was conducted by them. They may, be called upon to lead the prosecution evidence in important cases only, in consultation with Director/SP (Complaints and Investigation). The C&I staff will however, provide all possible assistance to the formation concerned in proper presentation of the case before the Enquiry Officer/Enquiry Committee by the officer who is leading the prosecution evidence.
2. It falls within the jurisdiction of a competent authority to clear his Formation of negligent and incorrigible employees and it is his responsibility to see that proceedings under (E&D) Rules are carried out properly and expeditiously against the defaulter even if the case was initially investigated by Director (Complaints and Investigation). The competent authority should also ensure that proper evidence is laid before the Enquiry Officer to establish the case against the accused employees. Where in his opinion, the evidence recorded is incomplete or the reliance has been placed on hearsay, he should either return the proceedings to the Enquiry Officer for the recording of additional evidence or order a de novo enquiry.

**Brig. (Retd)
(Asad Ullah Khan)
General Manager (Admn)**

OFFICE MEMORANDUM

Subject:- ENQUIRY UNDER SUB-RULE (V) (A) OF RULE 5 OF THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1978

While carrying out O&M Studies in the Field, particularly in Area Electricity Boards, it was observed that at times, "competent authorities" after passing orders under sub-rule (v) (a) of Rule 5 of the Pakistan Wapda Employees (Efficiency and Discipline) Rules, 1978, review their orders subsequently on a reference or appeal. The matter was referred to the Legal Advisor Wapda who has clarified that it is not open to competent authority to recall or rescind or modify the orders passed by him, which were subsequently made subject matter of appeal or some other reference. This means that once the orders are passed they become effective and the irrevocable for 'competent authority'

In view of the above, all the 'competent authorities' are advised to refrain from reviewing their orders, subsequently on a reference or appeal.

**Lt. Col.(Retd)
(Bashir Ahmad Kaif)
DG (S&GA) Wapda**

OFFICE MEMORANDUM**Subject:- THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1978**

The Authority has taken serious view of the delays that occur in finalization of the disciplinary cases and has directed that the procedure should be streamlined to ensure expeditious disposal of such cases. In this connection attention is invited to the instructions issued vide Office Order No. GM (Admn)/DD (Rules)/07474/Vol-III/13838-14337, dated 16-8-1981 (Annexure-III). It is imperative that these instructions should be strictly followed in dealing with disciplinary cases of the officers/employees.

2. The competent authority should ensure that no avoidable delay occurs during any stage of disciplinary cases. While appointing the Enquiry Officer, the competent authority should specifically direct the former to complete the enquiry within the prescribed period. After the enquiry report is submitted, the competent authority should finalize the case quickly. In no case it should take more than 3 months to pass final orders as prescribed by the Authority.

**Lt. Col. (Retd)
(Bashir Ahmad Kaif)
Director General (S&GA),
Wapda**

No. DE/16525/Vol.II/110/

Dated: 17.1.1985

Subject: GUIDELINES FOR HOLDING FORMAL ENQUIRY BY AN ENQUIRY OFFICER/ENQUIRY COMMITTEE UNDER WAPDA EMPLOYEES (E&D) RULES, 1978

It has been observed that enquiry proceedings against Wapda Employees under E&D Rules particularly conducted by Junior Engineers who are generally not well conversant with the procedure/techniques of conducting enquiries are unnecessarily delayed in their finalization besides entailing certain legal flaws likely to be challenged in the Service Tribunal. This not only defeats the purpose of speedy disposal of case but also affects the state of discipline in an organization. To overcome these shortcomings, a comprehensive format / guidelines for holding formal enquiry by an enquiry officer/enquiry committee under Wapda E&D Rules, 1978 is circulated for guidance and compliance.

**Lt Col (Retd)
(Syed Ali Tahir Bokhari)
(Director Enquiries) Wapda**

**FORMAT FOR HOLDING A FORMAL DEPARTMENTAL ENQUIRY AGAINST THE ACCUSED
UNDER WAPDA E&D RULES 1978**

Questionnaire to the accused (without oath)

On first appearance, a questionnaire is put to the accused with regard to charge sheet (see questionnaire attached as Appendix-A).

PROCEEDINGS AGAINST THE ACCUSED

1. Statement of *PW1 on solemn affirmation

Name, designation and present address.

I am SDO Chiniot _____

2. Examination-in-chief by the Enquiry Officer

3. Cross-examination by the accused

Q. _____ (in case of no question, it may be recorded as "Nil".

Opportunity A. _____ given ")

**RO&AC

Enquiry Officer
Date

4. Statement of PW2 on S.A. In the same manner as above

RO&AC

Enquiry Office
Date

5. Statement of PW 3,4,5-In the same manner as above

RO&AC

Enquiry Officer
Date

6. Statement of PDSP/C&I / FIA (if any)
In the same manner as above.

7. Statement of DWI on SA. (if any) In the same manner as above.

RO&AC

Enquiry Officer
Date

* PW - means prosecution witness.

** RO&AC Means Read over & accepted correct.

8. Additional defence written statement duly signed by the accused
(This statement is to be taken on separate sheet as per format attached at Appendix–B)

Note: If the accused wishes to make oral statement, it should be recorded by the Enquiry Officer.

In conclusion of my findings, I proceed to hold that charges No.1 & 2 stand proved/ not proved against the accused whereas charges No.3 & 4 have been/not have been proved against the accused.

Enquiry Officer
Date

Certified that this enquiry report contains fifteen pages and that each page has been duly signed by me.

Enquiry Officer
Date

Note:

1. Day to day proceedings may be recorded on a separate Order sheet as per specimen attached at Appendix-C.
2. Attach list of exhibits produced by the PWs, DWs and accused etc. in the following manner ;
 - (i) Charge sheet - Exh-PA
 - (ii) Defence reply - Exh-PB
 - (iii) Documents produced by PW -1- Exh-PW1/1, 2, 3, _____
 - (iv) Documents produced by PW.2 - Exh-PW2/1, 2, 3, _____
 - (v) Documents produced by DW.1 - Exh-DW1/1, 2, 3, _____
 - (vi) Documents produced by the accused Exh-D1/1, 2, 3, _____

FINDINGS OF THE ENQUIRY OFFICER

Findings of the enquiry must conform to the following:

- (1) A concise resume of the charge levelled against the accused with a proper narrative of the background of the case.
- (2) Summary of prosecution and defence evidence. Example:

CHARGE NO.1

- (i) PW -1 has stated that (give gist of his statement).
- (ii) PW -2 has stated that (give gist of his statement).
- (iii) In rebuttal, DW -1 has deposed that the accused officer/official was (give gist of his statement).
- (iv) The accused has denied the charges levelled against him and has put forward the following pleas in his defence:
 - a. }
 - b. }
 - c. }Give summary of defence reply to the charge sheet submitted by the accused as well as additional defence statement if any.

CHARGE NO.2

In the same manner as above.

(3) I have carefully examined the evidence and the record produced by the prosecution as well as defence. Keeping in view the principles of equity, fair play and natural justice, my findings in this case are as under:

- (1)
- (2)
- (3)
- (4)

NOTE:

- (i) The conclusions arrived at must be unambiguous and specific in relation to each charge, based on lucid discussion of inferences deducible from the relevant facts.
- (ii) Enquiry Officer are not to express their recommendations regarding imposition of a major or minor penalty. They may, however, pin point and apportion blame for omission and commission of an offence.

CONCLUSION

As a result of above discussion, I am of the view that the prosecution has been/not been able to establish this charge against the accused. I, therefore, proceed to hold the accused guilty/not guilty of the charge.

STATEMENT OF MR. -----

Question: Have you received the charge sheet dated
Exh_____?

Answer _____

Question: Did you submit the required explanation dt. _____ Exh_____
In reply to the charge sheet?

Answer _____

Question: Does it bear your signature?

Answer _____

Question: Do you admit the charges?

Answer _____

Question: Do you want to add anything to your previous statement Exh_____ at this stage

Answer _____

Question: Will you produce defence witnesses?

Answer _____

Read over and accepted correct.

Enquiry Officer
Date

Signature of accused

STATEMENT OF THE ACCUSED (NAME & DESIGNATION)

I wish/do not wish to produce witness and to submit/do not submit additional defence written statement.

Signature of the accused.

Enquiry Officer
Date

COURT QUESTION (if any)

Signature of the accused.

Enquiry Officer
Date

No. _____
(as per allotted number for each Wing)

Accused: Mr. _____
(Name)

(Designation)

ORDER SHEET

The dates of hearing of the above case have been fixed for _____
(here mention date and year)

Notices be issued to the accused Officer(s)/Official(s) as well as to the witnesses/departmental representative for the fixed dates through their respective heads. Director C&I Chief Auditor Wapda also be requested to detail an officer well conversant with the case to assist the undersigned
(only in the case where preliminary investigations are carried out by C&I / Auditor staff)

Enquiry Officer
Date

Statement of _____ prosecution witnesses
(write No. of witness (s))
namely _____ have been recorded. The case is adjourned to
(here mention names)
_____ for recording the statement of _____
(date and year) (mention names)

Enquiry Officer
Date

(Record any further development/adjournment and reasons thereof)

Enquiry Officer
Date

Statements of prosecution, defence and court witnesses have been recorded. The accused officer/official do/does not wish to produce any witness in his defence nor any additional written defence statement. The case is mature for writing final report.

Enquiry Officer
Date

OFFICE MOMORANDUM

Subject:- COMPETENT AUTHORITY IN CASE OF EMPLOYEES WHO ABSENT THEMSELVES AFTER HAVING BEEN RELIEVED FROM ONE FORMATION ON TRANSFER TO THE OTHER.

Instances have come to the notice of this office, when an employee was relieved from one formation on transfer but failed to join the new formation even after the expiry of the joining time allowed to him by the transferring authority. The relieving office did not initiate disciplinary action on the plea, that the employee was not on their strength any longer, whereas the new office did not initiate action as the employee had not reported for duty. After taking into consideration different aspects of the case, it has been decided that in such a case the transferring authority, if he himself is the competent authority, shall initiate action against such employee and in case the transferring authority is not the competent authority, then he shall bring it to the notice of the latter, who shall initiate disciplinary action against the employee for being absent without permission.

(MUHAMMAD MAQBOOL)
Director General (Rules)
Wapda

OFFICE MEMORANDUM

Subject:- DISCIPLINARY ACTION UNDER PAKISTAN WAPDA EMPLOYEES (EFFICIENCY AND DISCIPLINE) RULES 1978.

It has been noticed that the "competent authorities" had in a number of cases of proceedings under the Pakistan Wapda Employees (Efficiency and Discipline) Rules 1978 passed orders for "termination of services" or "warning" to the accused employee. Penalties have been defined in Rule-4 of the aforesaid rules. Minor penalties are:-

- (a) Censure;
- (b) With-holding for a specified period promotion or increment; and
- (c) Recovery from the pay of the whole or any part of any loss caused to Wapda for negligence or breach of orders.

Major penalties include:

- (a) Reduction to lower post or time scale; or to a lower stage in a time scale;
- (b) Compulsory retirement;
- (c) Removal from service; and
- (d) Dismissal from service:-

2. It will be seen that "termination of service" or "warning" are not included in the penalties to be awarded under the said rules. Courts/Tribunals had in appeals set aside the orders of "termination of service" etc. for the reason that the penalty awarded was not included in the rules. Such wrong orders are detrimental to the interests of the administration and also frustrate the very object of holding proceedings against, the delinquents.

3. In amplification of Para-1 of Office Memorandum No. D/DD(Rules)/07474/Vol. V/23946-24545, dated 6-12-1981 it is again emphasized that the "competent authorities" should keep in mind the penalties awardable under the Efficiency and Discipline Rules while passing orders in consequence of their findings up-holding the charges against the accused officials.

**Brig (Retd)
General Manager (Admn)
(Asad Ullah Khan)**

PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY

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Telegrams: WAPDA Lahore

740-Wapda House,
Lahore.

No. S/DD (Rules)/07456/20/86113-86933

5th November, 1985.

OFFICE MEMORANDUM

Subject: **THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1978-AMENDMENTS.**

The Authority has decided that for the existing Rule 5(iv) (b) and 5(v) (a), the following shall stand substituted:-

5 (iv) b

Give him an opportunity to submit a written explanation against the actions proposed to be taken, within a period of not more than 14 days from the day the explanation letter has been communicated to him, and will also require the accused to state at the same time in his written explanation whether he desires to be heard in person.

5 (v) a

On receipt of the report of Enquiry Officer or Enquiry Committee, the competent authority shall consider the same and if on such consideration he is of the tentative opinion that a penalty be imposed upon the accused he shall provisionally determine penalty to be imposed, and shall so inform the accused, supply him a copy of the report, and call upon him to show cause within a reasonable time not less than seven days and not more than fourteen days from the day the notice has been served on him, why the penalty proposed be not imposed. The competent authority shall taken into consideration the cause shown by the accused, hear him in person, and determine whether charge has been proved and then notwithstanding anything contrary in any other rule, office order or instructions shall pass such orders as he may deem proper.

**COLONEL
(IDREES MOHSIN)
SECRETARY WAPDA**

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Lahore.

No. S/DD (Rules)/07456/20/Vol-VI/48975-49944

June 11, 1986

OFFICE MEMORANDUM

Subject: PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES 1978 - AMENDMENT

The Authority has decided that the following notes shall be added below Rule 11(4) and Rule 12 of Pakistan Wapda Employees (Efficiency & Discipline) Rules, 1978 :-

(Note to be added below Rule 11(4))

NOTE: In cases where the appellate authority decides to enhance the penalty imposed by the competent authority, a Show Cause Notice will be issued and the accused/appellant will be given an opportunity of being heard in person."

(Note to be added below Rule 12)

NOTE: In case where the Authority decides to enhance the penalty imposed by the competent authority, a Show Cause Notice will be issued and the accused will be given an opportunity of being heard in person."

**Colonel
(Idrees Mohsin)
Secretary Wapda**

Distribution :

As per list 'D'

OFFICE MEMORANDUM

Subject STOPPAGE OF INCREMENT UNDER THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES 1978

Instances have come to the notice of this office where the penalty of stoppage of increment under the Pakistan Wapda Employees (Efficiency & Discipline) Rules 1978 has been imposed on Wapda Employees who have reached the maximum of the pay scales thus making the penalty ineffective. It is, therefore, necessary that the stage of the pay scale at which a Wapda employee is drawing pay is kept in view by the competent authority before imposing the penalty of stoppage of increment under the above Rules.

(MOHAMMAD MAQBOOL)
Director General (S&GA)
Wapda

OFFICE MEMORANDUM

Subject: SENIORITY OF AN OFFICER WHO DECLINES PROMOTION TO SUIT HIS CONVENIENCE

It has been observed with concern that officers, on promotion, if posted out of Lahore/big cities, decline promotions/transfers to new stations of posting on one pretext or the other. Generally, such officers request their superiors for continuation at the same station due to the following reasons:

- a. Parents are of old age and there is no one to look after them.
- b. Children are studying in colleges and it is difficult to shift them from the present station of posting.

2. There is no denying the fact that parents of officers of the rank of Superintending Engineers and Chief Engineers or other officers in their age group would be of old age and that their children would also be grown up and studying in the colleges, but, unfortunately, it is not realized by such officers that the interest of service always remains paramount and that everyone has to bear his share of the hardship. Requests for cancellation of transfer orders, on promotion, on flimsy grounds not only create administrative problems but are tantamount to creating an atmosphere of indiscipline in the organization.

3. In accordance with the terms & conditions of employment, Wapda officers are liable to serve anywhere in Pakistan. Authority has also made this provision in the respective Service Rules of all categories of Wapda employees. By declining promotion to avoid posting, the officer not only suffers a set back but also exposes himself to disciplinary action under E&D Rules for 'misconduct'. It has, therefore, been decided by the Authority that if a person declines promotion/transfer on such grounds, the competent authorities shall invoke E&D Rules to deal with him under Clause (i) and (iii) of Rule 2.5 of "The Pakistan Wapda Employees (Efficiency & Discipline) Rules, 1978".

4. These instructions may be brought to the notice of officers/employees in every formation of Wapda for strict compliance.

**Brig (Retd.)
General Manager (Admn.)
(Asad Ullah Khan)**

OFFICE MEMORANDUM**Subject: GUIDELINES FOR SUSPENSION FROM SERVICE**

It has been brought to the notice of the Authority that a fairly large number of Wapda Employees are under suspension at present, on the instructions of FIA and the Ministry of Interior, Government of Pakistan. These employees are other than those suspended by various competent authorities of Wapda. Some of them have remained suspended for years together and could not be reinstated in service due to conflicting advice of different Ministries of the Federal Government especially in the case of Wapda Employees suspended as a result of arrests in raid Cases by FIA awaiting prosecution sanction orders to be issued by the Ministry of Interior.

2. In order to remove doubts on the subject, the Authority, in supersession of Office Memorandum No. D/DD(Rules)/07456/20/Vol. V/51606.52385 dated 4th June 1983, is pleased to lay down the following guidelines for suspension from service of Wapda employees/deputationists:-

- a. There must be a strong prima facie case against the delinquent.
- b. If the offence is of such a serious nature that dismissal will be the probable punishment, or such that it is inadvisable that the offender should be allowed to continue to perform the duties of his office, pending decision on the case, suspension is justified;
- c. Unless there is some very strong reason to why the offender should not be allowed to continue to work until the case has been decided, suspension should not be resorted to,
- d. No one should be suspended for petty breaches of discipline and for minor departmental offences; and
- e. No one should be suspended unless:-
 - (i) He willfully and obstinately refuses to carry out an order;
 - (ii) During the course of an inquiry, his retention in his appointment would hamper or frustrate such inquiry ;
 - (iii) He is in police custody;
 - (iv) He is charged with an offence of a nature which, if proved against him, would ordinarily result in his dismissal.

3. The power to place a Wapda Employee/deputationist under suspension is derived by the competent authority/"authority" from Wapda (Efficiency & Discipline) Rules/Govt Efficiency and Discipline Rules, as the case may be, subject to the following conditions hereby laid down by the Authority:

- a. Competent / "Authority" shall not release an employee from suspension if his suspension had been approved by the next higher authority, without latter's approval;

Note: For the continuation of suspension for a period exceeding three months prior approval of the next higher authority shall have to be obtained after every three months.

- b. In case where Police including FIA, Anti- Corruption establishment etc. have to intervene and the employee is under arrest, the order of suspension must remain in force until the sentence has been pronounced.

- c. Where the employee is subsequently released on bail, he may be released from suspension with the permission of next higher authority but proceeded against under the relevant Efficiency and Discipline Rules in accordance with the instructions contained in Section-IV of Wapda "Guidelines for Enforcing the Responsibility for Losses Sustained by the Authority through Fraud or Negligence of Individuals"; and
- d. The competent authority can, in case the accused official is no longer detained in Police custody, reinstate him in service unless it decides that he should continue to be under suspension on the consideration that the charges against him are connected with his position as Wapda Employee or are likely to embarrass him in the discharge of his duties as such, or the charges involve moral turpitude.
- e. In case an employee is placed under suspension under the orders of the Ministry of Interior, Government of Pakistan, the employee may simultaneously be proceeded under the relevant Efficiency and Discipline Rules in accordance with Section IV of "Guidelines for Enforcing the Responsibility for Losses Sustained by the Authority through Fraud or Negligence of Individuals, 1982". In case he is found 'not guilty', a copy of the proceeding of the inquiry and the orders of the competent authority thereon may be passed on to the Ministry of Interior, Government of *¹Pakistan through normal channel for such action as they deem necessary. If charges are not proved against the delinquent, the competent authority, in case the accused is no longer in police custody, may provisionally re-instate him in service on the merit of the case without prejudice to the Court's decision.

Sd/-
Brig. (Retd.)
General Manager (Admn.)
(Asad Ullah Khan)

^{*1}Substituted vide OM No. GM ((A)/DD(R)/07456/3/82364-83483 dated 18/26.06.1988

No. GM(M&S)/DE/16525/II/1833-83

5th September, 1988

MD(T&GS), MD (Distr),
AEI GMs, C.AEBs, CEs GSO, CEs GSC
DG (S&GA), DG (O&M)

Subject: PAKISTAN WAPDA EMPLOYEES (E&D) RULES 1978

In the recent past there have been instances where Wapda Employees charged under Wapda (E&D) Rules 1978 were exonerated by the competent authorities in spite of the fact that the charges against them were established by the enquiry officer/enquiry committee.

2. This is a violation of Wapda Employees (E&D) Rules 1978. Disciplinary cases are scrutinized and sifted at various stages before any punishment is awarded to accused persons. Accused persons are asked to submit 'defence reply' on receipt of charge sheet, granted personal hearing by the competent authority and only then cases are sent to the Enquiries Directorate for holding formal enquiry. If the enquiry report also establishes the charges levelled against the accused person then there is no justification for exonerating the accused person.

3. The competent authority is at full liberty to accept or reject findings of the enquiry officer, the accused is exonerated by him, but not otherwise. This is already explained in the Authority's letter No. D(Rules)07474/Vol- V/21310-21909 dated 23 November 1981 attached as Annex-VII to Wapda (E&D) Rules 1978. The above may be kept in mind while deciding disciplinary cases.

**Brig
General Manager (M&S)
(Jan Sardar Gul)**

OFFICE MEMORANDUM**Subject: REINSTATEMENT OF WAPDA EMPLOYEES**

In case a Wapda Employee, who is placed under suspension, on account of some charges, is subsequently re-instated in Service subject to imposition of penalties mentioned in Rule 4 of "the Pakistan Wapda Employees (Efficiency and Discipline) Rules, 1978", after observance of the procedure laid down in the said Rules, the question of treatment of his suspension period is to be decided separately in the light of provision of FR- 54.

3. It has been observed that the competent authorities, defined in Rule 2 (3) of the said Rules generally notify decision on the treatment of suspension period as; a part of the punishment orders, which obviously means that the same is also being treated as a penalty. Due to this reason, the Federal Service Tribunal has held in a case that forfeiture of dues for the suspension period is not a penalty under the Efficiency and Discipline Rules and is, therefore, void and of no legal effect. It is, therefore, directed that in future, forfeiture of dues for suspension period should not form a part of the order of competent authority while imposing penalty/penalties under the Efficiency and Discipline Rules 1978. However, the competent authority should pass a separate order keeping in view the direction laid down under FR- 54, pertaining to the dues during suspension period.

PAKISTAN WATER AND POWER DEVELOPMENT AUTHORITY

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716-WAPDA House,
Lahore

No.MD(A)/DD(R)07456/47/811-1929

16th January 1990

OFFICE MEMORANDUM

Subject:- THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1978-AMENDMENT

Authority has decided to substitute Rule 11(1) of the Rules cited above in the subject by the following, with immediate effect:-

“Rule 11(1)

An employee on whom a penalty is imposed, shall have a right to appeal to the authority next above the competent authority. The appellate authority may enhance, remit or reduce the penalty imposed by the competent authority. An employee on whom the appellate authority has imposed higher penalty than the one appealed against, shall have a right of further appeal to the next higher officer and, in the absence of the next higher officer, to the Authority.”

**(Maj Gen)
Managing Director (Admn)
(Muhammad Latif)**

Distribution

1. As per list 'D'.
2. Assistant Director (E-IA) S&GA.

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716-Wapda House,
Lahore.

No. MD(A)/DD (R)/07456/20/IV/9850-10925

Dated : 11.03.1991

OFFICE MEMORANDUM

Subject:- PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES 1978 - AMENDMENT

The Authority has decided to substitute Rule-12 of the Pakistan Wapda Employees (E&D) Rules, 1978 with the following with immediate effect :-

Revision: "The following authorities may, either on receipt of a specific reference or of their own motion, at any time, call for any case in which proceedings may have been instituted under these rules, and pass such orders including orders reversing acquittal or enhancing the penalty imposed as they may deem fit, and orders so passed shall be final :-

- a. Authority Disciplinary cases relating to General Managers, Chief Engineers, Superintending Engineers, Senior Engineers and Officers of equivalent status.
- b. Respective Members/
Managing
Directors Disciplinary cases concerning Junior Engineers and Officers of equivalent status and all employees in BS-1-16.

Note : In cases where the above authorities decide to enhance the penalty imposed by the competent authority, a Show Cause Notice will be issued and the accused given an opportunity of being heard in person."

**(Maj Gen)
Managing Director (Admn.)
(MUHAMMAD LATIF)**

Distribution :

As per list 'D'
Assistant Director (E-IA) S&GA.
All Officers of S&GA Division & Authority Secretariat.

PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY

General Manager

717-WAPDA House,
Shahrah-i-Quaid-i-Azam,
Lahore.

No. GM(A)/DD(R)/07456/20/32513-33813

3rd July 1995

Subject : THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1978-AMENDMENT

Authority has decided to add the following Rule 2(4-A) and Rule 13 in the Pakistan WAPDA Employees (Efficiency & Discipline) Rules 1978 and re-number the existing Rule 13 as Rule 14:

“Rule 2(4-A)

“Enquiry Committee” means the Enquiry Committee appointed by the “competent authority” and includes the Special Enquiry Committee.

Rule 13

Notwithstanding anything contained in these Rules, orders and instructions issued from time to time, the Chairman, Member or Managing Director may at his discretion at any time refer any case to a Special Enquiry Committee regarding misconduct of any employee irrespective of grade and in that case, shall exercise all the powers of the “Competent Authority”.

Note

For appeal purposes Rule 11 will be applicable. However, if any penalty is imposed by the Chairman as Competent Authority, the appeal shall lie before the Authority whose decision shall be final.”

**Eric Massey
General Manager**

Distribution:

As per list D.

OFFICE ORDER

It has been observed that disciplinary cases initiated by respective competent authorities against the defaulters are not reported to the next higher officers due to which follow up of such cases cannot be done and it results into unnecessary delay in their finalization. This defeats the very purpose of accountability process.

2. Authority has directed that henceforth it would be mandatory on concerned officers initiating disciplinary cases to inform to the next superior officer about the action taken in each such case. This should be done without delay as soon as action is initiated. The next superior officer would be required to take notice of the situation and follow up the progress of each such case till its finalization. Violation of Rules or procedures leading to injustice or unnecessary delay in processing of these cases would warrant necessary steps to be taken accordingly.

3. Any deviation from the above would call for action under Wapda Efficiency and Discipline Rules.

(Ch. Abdul Ghafoor)
Director General (S&GA)

PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY

Telephone: 6302617&99202211/2309
Telegrams: WAPDA LAHORE

309-WAPDA House,
Lahore

No. D/DD(Rules)07456/20/IX/16547-17847

13-05-1998

OFFICE MEMORANDUM

Subject:- THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY AND DISCIPLINE) RULES, 1978-AMENDMENT.

The Authority has decided to add the following explanation below Sub Rule-3 of Rule-2 in the Pakistan WAPDA Employees (E&D) Rules, 1978, with immediate effect:-

Explanation:-

In case where more than one accused employees of various categories/grades are involved in the same offence, the "competent authority" of the accused employee of the highest grade shall also act as the "competent authority" to proceed under "The Pakistan WAPDA Employees (E&D) Rules, 1978" against all other accused employees.

**(Youns Ali Shah)
Director (Rules)**

Distribution

A per list 'D'.

PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY

Telephone: 9202046 & 9202211/2332
Grams : WAPDA LAHORE

Services & General Administration,
332-WAPDA HOUSE,
Lahore

No.DG(S&GA)/D(Rules)/07456/20/X/27337-28637

Dated : 25.06.1998

OFFICE MEMORANDUM

Subject:- THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1978-AMENDMENT

The Authority has decided to supersede with immediate effect the existing Sub Rule "e" of Rule 3 of the Pakistan WAPDA Employees (Efficiency & Discipline) Rules, 1978, introduced vide this office O.M. No. DG(S&GA)/D (Rules)/07456/20/IX/7722-9022 dated 26.02.1988. with the following proviso after the last line of Rule 3 of the said Rules i.e. "The competent authority may impose on him one or more penalties":-

"Provided that where an employee is found involved in theft of energy as envisaged by Section 39 of the Electricity Act, 1910, the competent authorities shall impose penalty not less than dismissal from service as mentioned under Rule 4(1)(b)IV of these Rules".

(Kh. Sajjad Haider)
Director General

Distribution :

As per list 'D'.

PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY

Phones : 99202046 & 99202211/2332
Telefax : 44869 WAPDA PK
44236 WAPDA PK

Services & General (Admn)
332-Wapda House, Lahore.

No. DG (S&GA)/D (Rules)/07456/20/XI/17919-18568

Dated: 26 May 1999.

OFFICE MEMORANDUM

Subject : THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY & DISCIPLINE) RULES, 1978-AMENDEMENT

The Authority has decided to amend with immediate effect the Rule 6-A of "The Pakistan WAPDA Employees (E&D) Rules, 1978" by adding the following words after the words 'last known address' and before the words 'under registered cover':-

"through courier service, if such service is not available at the place of sender or addressee, then"

2. After the above amendment the Rule 6-A of the said rules shall now be read as under:-

6-A Procedure for service of show cause notice or charge-sheet in certain eventualities.

"The letter calling for explanation of the accused under Rule 5 or the letter communicating the charges to the accused under Rule 6, shall be sent to him at the last known address through courier service, if such service is not available at the place of sender or addressee, then under registered cover, acknowledgement due. In case the letter is received back with a report of refusal, or with a report that it has been received by a member of the family or it is not returned within a period of 10 days from the date of its issue, it shall be presumed that the notice has been duly served on the accused."

(Kh Sajjad Haider)
Director General

Distribution
As per list 'C'

OFFICE MEMORANDUM

Subject:- GUIDELINES FOR DEALING WITH WAPDA EMPLOYEES, BEING CHARGED IN CRIMINAL OFFENCE OR DEBT

Reference: In continuation of this office Memo No. GM (A)/DD (R)/07456/3/82364-83483, dated 18/20 June 1988.

In compliance with Cabinet Secretariat, Establishment Division, Government of Pakistan, Office Memo No. 3/1/99-R,3, dated 30-04-1999, it has been decided that in cases of Wapda Employees, who are charged in criminal offence or debt, the instructions of the Government printed at Sr. No. 118 (Pages 542-543 of ESTACODE 1989 edition) and Article 194 of Civil Service Regulation as amended, which are as under, should strictly be followed:

INSTRUCTIONS PRINTED AT SR. NO. 118 OF ESTACODE

- (i) There is no bar to the holding of a departmental inquiry against a Government Servant who is being prosecuted in a criminal court. However departmental inquiry can be deferred till the termination of criminal proceedings where the holding of departmental inquiry may effect of impeding the course of justice or of prejudicing the trial.
- (ii) In case the accused Government Servant has been acquitted from a criminal case on technical grounds the departmental proceedings on the same facts can be started.
- (iii) In case the accused Government Servant cannot be criminally prosecuted in a Court of Law for some reasons or others, it does not bar the Government for inquiring into the truth of a charge against a Government Servant by means of departmental inquiry.

ARTICLE 194 OF CIVIL SERVICE REGULATION AS AMENDED

A Government Servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Government Servant is not arrested or is released on bail, the competent authority may suspend him by specific order, if the charge against him in the discharge of his duties or involves moral turpitude. During suspension period the Government Servant shall be entitled to the subsistence grant as admissible under FR-53.

2. Accordingly all heads of Wapda formations and the offices working under them are requested to follow the above instructions for compliance please.

(Kh. Sajjad Haider)
Director General

PAKISTAN WATER AND POWER DEVELOPMENT AUTHORITY

Telephone : 99202046 & 99202211/2332
Telegram : Wapda Lahore

Service & General Admn
332-Wapda House, Lahore.

No. DG (S&GA)/D (Rules)/07456/20/XI/19719-20318

Dated 15-06-1999

OFFICE MEMORANDUM

Subject : THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY AND DISCIPLINE) RULES, 1978 AMENDMENT

The Authority has decided with immediate effect to add the following as Sub Rule d (b) of Rule 3 in the Pakistan Wapda Employees (Efficiency & Discipline) Rules 1978 and the existing Sub Rule 'd' of the said rule will be read as Sub Rule 'd' (a).:-

Sub Rule d (b)

"Provided that an employee is found involved in leakage of secret information regarding tenders/bids, evaluation report and the proceedings for award of contracts, the competent authority shall impose penalty not less than compulsory retirement/removal from service as mentioned under Rule 4 (1) (b) ii & iii of these Rules".

(Kh. Sajjad Haider)
Director General

Distribution

1. As per list 'C'
2. Secretary Wapda, Wapda House, Lahore,
with reference to his office order No. CCC-5008/999-1148 dated 24-03-1999.

OFFICE MEMORANDUM

Subject:- GUIDELINES FOR DEALING WITH WAPDA EMPLOYEES, BEING CHARGED IN CRIMINAL OFFENCE OR DEBT

As a result of Establishment Division, Cabinet Secretariat, Government of Pakistan, Islamabad's corrigendum No. 311/99-R.3 dated, 8-6-1999, it has been decided to amend the Article - 194 of Civil Service Regulation already issued vide this office O.M. No. DG (S&GA)/D(R)/07456/20/XI/18957-96, dated 05-06-1999, as under:

ARTICLE-194 OF CIVIL SERVICE REGULATION AS AMENDED

A Government Servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Government Servant is not arrested or is released on bail, the competent authority may suspend him, by specific order, if the charge against him **is connected with his position as Government Servant or is likely to embarrass him** in discharge of his duties or involves moral turpitude. During suspension period the Government Servant shall be entitled to the subsistence grant as admissible under FR-53.

(KH. SAJJAD HAIDER)
Director General

OFFICE MEMORANDUM

SUBJECT:- THE PAKISTAN WAPDA EMPLOYEES (E&D) RULES, 1978

The Authority has decided to delete the explanation below sub Rule-3 of Rule-2 in "The Pakistan WAPDA Employees (E&D) Rules, 1978" circulated vide this Office Memorandum No. D/DD (Rules)07456/20/IX/16547-17847, dated 13-05-1998.

2. All the cases which are pending before the "competent authority" of undeleted explanation shall stand transferred to the respective competent authorities, authorized under the Delegation of Administrative Powers and continue the proceedings from the stage where the cases had reached and shall be decided on the basis of evidence on record after hearing the accused except the cases in which personal hearing has been granted by the "competent authorities" under O.M. dated 13-05-1998 (referred to above) shall be decided by them.
3. This shall not effect the orders already passed by any "competent authority" so authorized, under undeleted explanation.
4. This Office Memorandum is effective from the date of issue.

Note: This is issued in relaxation of the last para of Office Order No. D/DD(Rules)/07474/Vol.V/20705-21304, dated 21-11-1981, reproduced herein under:

However, the "competent authority" who had once initiated disciplinary action under the Rules then he alone should continue with the proceedings till final disposal.

**Brig
General Manager (Admn)
(Noor ud Din Ahmed)**

No. DG (S&GA)/D (Rules)07456/20/XI/17285-18585

Dated 2nd May 2000.

OFFICE ORDER

Subject:- ENQUIRY UNDER RULE 6 OF THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY AND DISCIPLINE) RULES, 1978.

- Reference: (i) Office Order No. SO (E) 4 (103)/G/79/53718-898, dated Nov, 15,1979.,
(ii) OM NO. D/DD (Rules)/07456/21/7193-7542,dated 18th January 1983,
(iii) OM NO. D/DD (Rules)/07456/21/32392-741, dated 6th, April 1983.

The Authority has decided that in the cases of formal enquiries under Rule-6 of Wapda E&D Rules, 1978, in respect of employees in BPS-13 to 18, the competent authorities shall appoint Director or Technical Officer/Senior Engineer as Enquiry Officer ensuring at the same time that Enquiry Officer is not junior in rank and also senior in length of service to the accused employee. The cases involving technical points for determination of veracity or otherwise of the charges against the accused, Technical Officer / Engineer should preferably be the Enquiry Officer.

**(Muhammad Junaid Afzal)
Director General (S&GA)**

No. GM (Admn)/D (Rules)/07456/20/XIII/18092-271

Dated: 27/28-04-2001

OFFICE MEMORANDUM

Ref: This office Memorandum No. DG (S&GA)/DD (Rules)/07456/20/103649-104428 dated 19th November, 1984 and Minutes of Chairman's Conference-29 & 30 March 2001 circulated vide No. GM/ACC/2000/17/1370-1430 dated 31 March 2001.

The delay in finalization of disciplinary cases under E&D Rules has been view seriously. It is reiterated that all the pending disciplinary cases should be finalized within the prescribed time limit circulated vide letters under reference.

**Brig.
General Manager (Admn)
(Taj Muhammad Khan)
SI (M)**

No. DG (S&GA)/D (Rules)/07456/20/XIV/25720-27020

Dated: 5th July, 2001

OFFICE MEMORANDUM

Subject:- THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY AND DISCIPLINE) RULES. 1978 – AMENDMENT

Authority has decided to add the following as Sub Rule 'f' under Rule-3 in the Pakistan Wapda Employees (E&D) Rules, 1978, with immediate effect:

Sub Rule 'f'

Serving Officers who have failed to initiate/countersign and forward ACRs as per schedule for completion of ACRs may be proceeded against under the Pakistan Wapda Employees (E&D) Rules, 1978 and penalty imposed shall not be less than the major penalty.

In case of deputationists the report shall be made to their parent department to proceed against them, appropriately.

**(MUHAMMAD AKHTAR CHAUDHARY)
Director General (S&GA)**

OFFICE MEMORANDUM

Subject:- THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY AND DISCIPLINE) RULES, 1978 – AMENDMENT

Authority has decided to add the following as Sub Rules XIII and XIV in sub Rule-5 of Rule - 2 under heading 'Misconduct' in the Pakistan Wapda Employees (Efficiency & Discipline) Rules. 1978:-

XIII Non initiation/countersigning of ACRs in accordance with the time frame specified in para 18 of the Guidelines for Completion of ACRs;

XIV Non-dispatching of ACRs to next reporting officer within seven days of its receipt.

(MUHAMMAD AKHTAR CHAUDHARY)
Director General (S&GA)

No. GM(A)/D(Rules)/07456/20/XIII/34132-317

Dated 22nd July, 2002

OFFICE MEMORANDUM

Subject:- ENFORCEMENT OF REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE 2000 IN WAPDA

Ref: This office order No. DG(S&GA)/D(Rules)/07456/20/XIII/19863-20042 dated 20.04.2002 and letter No. GM(A)/D(Rules)/07456/20/XIII/27136-27786 dated 10/11 Jun, 2002.

1. It is clarified for information of all concerned that after the enforcement of Removal from Service (Special Powers) Ordinance 2000 in WAPDA with effect from 20.04.2002 all the disciplinary actions shall be initiated under the said Ordinance and not under WAPDA E&D Rules which have since been over-ridden after the promulgation of the Removal from Service (Special Powers) Ordinance, 2000.

2. However, all the pending disciplinary cases which were in pipe line before 20.04.2002 shall be finalized under WAPDA Rules, 1978.

**Sd/-
General Manager (Admn)
(Taj Muhammad Khan)
SI(M)**

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION

No. 3/9/2004-R-2

Islamabad, the 20, Feb. 2004.

OFFICE MEMORANDUM

Subject:- REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000.

The undersigned is directed to refer to the Ministry of Water and Power's OM No. WAPDA/Misc/2004 dated 09.02.2004 on the above subject and to say that there is no provision for Revision in the Removal from Service (Special Powers) Ordinance, 2000. However, authority to whom a representation is made under Section 9(2) of the Removal from Service (Special Powers) Ordinance, 2000 on consideration of the representation and any other relevant material, confirm set aside, vary and modify the orders in respect of such representation is made.

**Sd/-
(Anjum Bashir Shaikh)
Section Officer**

OFFICE MEMORANDUM

Subject:- UNCOMMON PENALTIES – EXONERATION OF ACCUSED FOUND GUILTY IN ENQUIRIES

1. The discrepancies in awarding punishments is a major weak area which comes to the notice every now and then. The Authority, while handling a few cases of misappropriation/ embezzlements has noticed following lapses:

- a. The competent authorities are unduly lenient in imposing penalties upon the culprits who are found responsible for offences of grave nature.
- b. Accused employees are let off with imposition of very minor penalties although facts of the case warrant imposition of one or more major penalties.
- c. Uncommon penalties are imposed upon where more than one employees of different cadres are involved in a case of embezzlement/fraud.

2. Exoneration of a culprit or imposition of the penalty of "Censure" etc in the following cases not only tantamounts to abetment but also a mockery of the whole system of accountability. It then encourages the following:-

- (a) Damage or loss of WAPDA / Public money through Fraud or embezzlement / misappropriation.
- (b) Illegal Gratification/Bribery.
- (c) Aggravated inefficiency, lethargy, lack of determination.
- (d) Setting of wrong precedences.

3. **Authority has directed** that the respective competent authorities must be firm and deterrent action be taken against corrupt and dishonest elements with iron hands. In this regard following are to be implemented:-

- (a) The final order should give self speaking reasons for exoneration/penalty. In case penalty lesser than the lapse is imposed detailed reasons for the same should also be recorded (words only awarding penalty will be unacceptable).
- (b) If a guilt has been confirmed by an inquiry, or any other evidence, no exoneration will be made. In case of a deviation matter be referred to the authority who ordered the investigation/inquiry giving details seeking advice.

- (c) **In case of exoneration despite clear** fault/charge proved in the enquiry and ignoring the (a & b) above, the respective authority (competent authority) will be proceeded against on account of misconduct, unfair play and damage to the institution, by his competent authority or the authority upon whose orders the case was initiated as the case may be.
- (d) **For all high level inquiries** ordered by Chairman or Members of Authority, required to be decided by different competent authorities, GM (M&S) will ensure monitoring till completion of all codal formalities. In case of injustice to the department or accused, M&S will seek permission of Chairman to initiate enquiry/disciplinary action against the defaulted competent authorities and instruct concerned department accordingly.
- (e) All cases will be decided and punishment awarded within 2 months of endorsement of competent authority on the inquiry report. There will be no relaxation without a special/exclusive request. If a case is to be closed without awarding penalty it should be with the approval of the authority on whose orders the case was initiated.

4. Competent authority wants that the above be implemented in letter and spirit to safeguard interest of the service.

Brig (R)
General Manager (Admn)
(Muhammad Najam us Saqib)

No. M&S/DDC/05002/I/Policy/2007/1411-16

Dated 07.05.2007

Subject:- HOLDING FORMAL INQUIRIES UNDER “REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000”.

1. It is notified for the information of all concerned that investigations conducted by M&S Division are fact finding and are having no binding force on the competent authorities for taking disciplinary action against the delinquent staff. However, the contents of the Authority's OM No. GM(A)/DG(S&GA)/D(Rules)/07456/20/18343-993 dated 8/9.03.2006 with special reference to Para 2 & 3, may be kept in view and as such any decision otherwise would be brought to the notice of the competent authority approving M&S inquiries in the first instance.

2. In view of above, the competent authorities are at full liberty to conduct Formal Inquiries on the same issue if deemed appropriate while keeping the relevant contents of Removal from Service (Special Powers) Ordinance 2000.

**(Ch. Muhammad Siddique)
General Manager (M&S)
Senior Fuel Economy Officer**

OFFICE MEMORANDUM

Subject: REPEALING OF REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000 AND RESTORATION OF THE PAKISTAN WAPDA EMPLOYEES (E&D) RULES, 1978.

This office memo No. DG(S&GA)/D(Rules)/07456/20/XIII/19863-20042 dated 20.04.2002 refers.

1. The Government of Pakistan vide Gazette notification of Act No. III of 2010 dated 06.03.2010, has repealed the Removal from Service Ordinance, 2000 (RFSO). As such The Pakistan WAPDA Employees Efficiency & Disciplinary (E&D) Rules, 1978 are restored with effect from 06.03.2010 for WAPDA Employees.

2. All competent / appellate authorities are, therefore, advised as under:-
- a. All proceedings already initiated under RFSO 2000 upto 05.03.2010 i.e. before the commencement of this Act shall continue as such till finalization.
 - b. The cases already decided under RFSO upto 05.03.2010 shall remain intact.
 - c. All proceedings initiated from 06.03.2010 onward under RFSO shall be withdrawn and be initiated under the Pakistan WAPDA Employees (E&D) Rules, 1978 afresh.

3. WAPDA E&D Rules, 1978 are already available in WAPDA Manual of General Rules and WAPDA Manual of Disciplinary Rules, for consultation and implementation.

**Director (Rules)
(Khalid Hussain)**

CORRIGENDUM

Subject: REPEALING OF REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000 AND RESTORATION OF THE PAKISTAN WAPDA EMPLOYEES (E&D) RULES, 1978.

This office Memo No. D/DD(Rules)/07456/20/XIII/3467-4067 dated 27.03.2010 refers.

1. In pursuance to Establishment Division OM No. 3/10/2010-R-II dated 17.03.2010 conveyed by Ministry of Water and Power vide letter No. 1(17)/2010-I&C dated 19.03.2010, the restoration date of WAPDA E&D Rules, 1978 may be read as 05.03.2010 instead of 06.03.2010. The dates mentioned in para -2 of OM referred above thus stands amended accordingly.

Existing	Revised
<p><u>Para-2</u></p> <p>a. All proceedings already initiated under RFSO 2000 upto 05.03.2010 i.e. before the commencement of this Act shall continue as such till finalization.</p> <p>b. The cases already decided under RFSO upto 05.03.2010 shall remain intact.</p> <p>c. All proceedings initiated from 06.03.2010 onward under RFSO shall be withdrawn and be initiated under the Pakistan WAPDA Employees (E&D) Rules, 1978 afresh.</p>	<p><u>Para-2</u></p> <p>a. All proceedings already initiated under RFSO 2000 upto 04.03.2010 i.e. before the commencement of this Act shall continue as such till finalization.</p> <p>b. The cases already decided under RFSO upto 04.03.2010 shall remain intact.</p> <p>c. All proceedings initiated from 05.03.2010 onward under RFSO shall be withdrawn and be initiated under the Pakistan WAPDA Employees (E&D) Rules, 1978 afresh.</p>

2. Other contents of the letter shall remain the same.

**Director (Rules)
(Khalid Hussain)**

No. D/DD(Rules)/07456/21/V/22211-260

Dated: 8th Oct, 2010.

OFFICE ORDER

Subject: CLARIFICATION – WAPDA E&D Rule -12 ‘Revision’

1. It has been observed that a penalized employee invokes the provision of Rule-12 ‘Revision’ of WAPDA E&D Rules and competent authority entertains it which is totally wrong. Under Rule-11 of WAPDA E&D Rules a penalized employee has a right of appeal against a penalty to the appellate authority. Thereafter one can only go to the Federal Services Tribunal for redressal of grievance.

2. Revision under Rule 12 of E&D Rules is solely a prerogative of Authority and Members / MD. It envisages two positions where revisional power can be exercised namely:

- a. If there is a specific reference (not from the employee);
- b. If the Authority, Members / MD under Rule 12 on its own takes up the matter.

In case an employee makes a reference then both the conditions are not available to consider such a case.

3. The Supreme Court has also taken a serious view of such a lapse on the part of competent authorities in Civil Petition No. 337 of 2010. All concerned officers / offices who process the disciplinary cases are strictly advised not to invoke / process the provision of Revision under Rule 12 of E&D Rules on a reference from a penalized employee. In such cases the competent authorities i.e. Members / MD concerned may be apprised of the provision of the Rule accordingly.

4. It may also be added that from 2001 to 04 March 2010 ‘Removal from Service (Special Powers) Ordinance’ remained operative under which there was no provision of Revision at all. Therefore, Revision of a case decided under RFS Ordinance is totally out of question and under Rule-12 ‘Revision’ of E&D Rules, a decided disciplinary case cannot be opened on a reference from the employee.

5. All concerned are requested to observe strict compliance.

**Sd/-
Director General (HR&A)
(Parvaiz Ahmad)**

**GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
ESTABLISHMENT DIVISION**

No. 7/5/79-D.I.

Rawalpindi, the 4th Feb, 1980

OFFICE MEMORANDUM

Subject: RULES RELATING TO APPOINTMENT, CONDUCT AND DISCIPLINARY ACTION RELATING TO CORPORATIONS OF OTHER BODIES OR ORGANIZATIONS SET UP BY GOVERNMENT UNDER ANY LAW OR WORKING UNDER THE ADMINISTRATIVE CONTROL OF THE FEDERAL GOVERNMENT.

The undersigned is directed to say that instances have come to the notice of the Establishment Division that some of the Corporations and other bodies set up by Government under any law or working under the Federal Government do not have any rules to govern appointment, conduct and discipline of their employees. In the absence of any rules, great difficulty is faced in dealing with proposals for or problems relating to an appointment to a post in such a body or in taking action against an existing employee who has committed breach of good conduct or discipline.

2. Ministries / Divisions are requested to please ensure that all autonomous bodies working under them competently frame rules to regulate appointment / conduct and discipline of their employees if no such rules already exist.

3. Necessary action in the matter may kindly be taken within a month of the date of issue of these instructions. A compliance report may please be sent to the Establishment Division within a week of the expiry of the target date.

**Sd/-
Mashkoor Ahmad Khan
Joint Secretary
4/2**

**No. CDN-3(3)/77-VI
Government of Pakistan
Ministry of Water and Power**

Islamabad, February 10, 1980.

Copy forwarded for information and necessary action to:

1. All the Heads of Attached Departments.
2. Chairman WAPDA, Lahore.
3. All the Managing Directors, Corporations.
4. Section Officers (Admn), (WAPDA), (W-I), (P-II) and (P-III), M/W&I.

It is requested that the instructions as at para-2 of the above O.M may please be carried out and the compliance report be furnished to this Ministry by the 4th March, 1980, positively.

**Sd/-
(Khalid Naseem)
Senior Fuel Economy Officer**

PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY

Telephone: 304488 & 69911/204
Telegrams: WAPDA LAHORE

740-Wapda House,
Lahore.

No. S/DD (Rules)/07456/16/55314-56093

Dated 31st May, 1984.

OFFICE MEMORANDUM

Subject: PAKISTAN WAPDA EMPLOYEES (POWER WING) DELEGATION OF POWERS RULES, 1971-AMENDMENTS.

In exercise of power conferred on it by Sections 18 and 20 of Pakistan Water and Power Development Authority Act 1958, the Authority is pleased to substitute with immediate effect the existing entries in respect of Accounts Officers and Staff in Pakistan Wapda Employees (Power Wing) Delegation of Powers Rules, 1971 and delete columns Nos. 4/5 in the existing orders, by the enclosed Annexure to this Office Memorandum.

Encl: Annexure.

**Colonel
(Idrees Mohsin)
Secretary-Wapda.**

Distribution

As per List 'D'

**PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY**

ANNEXURE-LV

Telephone: 222112 & 69911/204
Telegram WAPDA LAHORE

740-Wapda House
Lahore

No. S/DD(Rules)/07456/16/14215-15174

Dated 10 March 1987

OFFICE MEMORANDUM

**Subject: PAKISTAN WAPDA EMPLOYEES (POWER WING) DELEGATION OF POWERS
RULES 1971-AMENDMENTS**

In exercise of power conferred on it by Sections 18 and 20 of Pakistan Water and Power Development Authority Act 1958, the Authority is pleased to substitute with immediate effect the existing entries in respect of Accounts officers and staff in Pakistan Wapda Employees (Power Wing) Delegation of Powers Rules 1971 and delete columns Nos. 4/5 in the existing orders by the enclosed Annexure to this Office Memorandum.

2. This supersedes this O.M. No. S/DD(Rules)/07456/16/55314-56093 dated 31.5.1984.

Encl: Annexure

**Colonel
(Idrees Mohsin)
Secretary WAPDA**

Distribution
As per List 'D'.

Directorate of Rules (HR&A) WAPDA
Publication No.1
VI (Edition)

Pakistan
Water And Power
Development authority



**The Pakistan Wapda Employees
(Efficiency And Discipline) Rules, 1978**

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