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APPENDIX 24

Rules framed by the Punjab Government under the proviso to article 309 and clause (b) of article 318 read with clause (3) of article 187 of the Constitution of India in consultation with the Speaker of the Punjab Vidhan Sabha, in so far as such consultation is necessary under the aforesaid provisions.

**THE PUNJAB CIVIL SERVICES (PUNISHMENT AND APPEAL)
RULES, 1970**

1. Short Title and Commencement—(1) These rules may be called the Punjab Civil Services (Punishment and Appeal) Rules, 1970.
2. They shall come into force at once.
2. Definitions.— In these rules, unless the context otherwise requires—
 - (a) “appointing authority” in relation to a Government employee means—
 - (i) the authority empowered to make appointments to the Service of which the Government employee is for the time being a member or to the grade of the Service in which the Government employee is for the time being included, or
 - (ii) the authority empowered to make appointments to the post which the Government employee for the time being holds, or
 - (iii) the authority which appointed the Government employees to such Service, grade or post, as the case may be, or
 - (iv) where the Government employee having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post whichever authority is the highest authority;
 - (b) “Commission” means the Punjab Public Service Commission;
 - (c) “Government” means the Government of the State of Punjab;
 - (d) “Government employee” means any person appointed to any Civil Service or post in connection with the affairs of the State of Punjab.

Explanation:—A Government employee whose services are placed at the disposal of a company, corporation, organisation or a local authority by the Government shall, for the purposes of these rules be deemed to be a Government employee serving under the Government notwithstanding

that his salary is drawn from sources other than the Consolidated Fund of the State;

(e) "Governor" means the Governor of Punjab;

(f) "punishing authority" means the authority competent under these rules to impose on a Government employee any of the penalties specified in rule 5;

(g) "Service" means a civil service of the State of Punjab.

3. **Application:**— (1) These rules shall apply to every Government employee, but shall not apply to—

(a) any member of the All-India Services;

(b) any person in casual employment;

(c) any person subject to discharge from service on less than one month's notice;

(d) any person for whom special provision is made in respect of matters covered by these rules by or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the Governor before or after the commencement of these rules, in regard to matters covered by such special provisions.

(2) Notwithstanding anything contained in sub-rule (1), the Governor may by order exclude any class of Government employees from the operation of all or any of these rules;

(3) Notwithstanding anything contained in sub-rule (1), these rules shall apply to every Government employee temporarily transferred to a Service or post coming within clause (d) of sub-rule (1) to whom, but for such transfer these rules would apply;

(4) If any doubt arises whether these rules or any of them apply to any person, the matter shall be referred to the Governor, who shall decide the same.

PART II

4. **Suspension:**—(1) The appointing authority or any other authority to which it is subordinate or the punishing authority or any other authority empowered in that behalf by the Governor by general or special order, may place a Government employee under suspension—

(a) where a disciplinary proceeding against him is contemplated or is pending, or

- (b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial;

Provided where the order of suspension is made by authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

- (2) A Government employee shall be deemed to have been placed under suspension by an order of appointing authority—

- (a) with effect from the date of his detention, if he is detained in custody whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
- (b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation.—The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent period of imprisonment, if any, shall be taken into account.

- (3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

- (4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the punishing authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

- (5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

- (b) Where a Government employee is suspended or is deemed to have been suspended whether in connection with any disciplinary proceeding or otherwise, and any other disciplinary proceeding is commenced against

him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing direct that the Government employee shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

PART III

5. Penalties—The following penalties may, for good and sufficient reasons, and as hereinafter provided, be imposed on a Government employee, namely :—

Minor Penalties

- (i) Censure ;
- (ii) withholding of his promotions;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;
- (iv) withholding of increments of pay;

Major Penalties

- (v) reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;
- (vi) reduction to a lower time-scale of pay, grade, post or Service which shall ordinarily be a bar to the promotion of the Government employee to the time-scale of pay, grade, post or Service from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or Service from which the Government employee was reduced and his seniority and pay on such restoration to that grade, post or Service;
- (vii) compulsory retirement;
- (viii) removal from service which shall not be a disqualification for future employment under the Government;

- (ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

Explanation— The following shall not amount to a penalty within the meaning of this rule, namely—

- (i) withholding of increments of pay of a Government employee for his failure to pass any departmental examination in accordance with the rules or orders governing the Service to which he belongs or post which he holds or the terms of his appointment;
- (ii) stoppage of a Government employee at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
- (iii) non-promotion of a Government employee, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;
- (iv) reversion of a Government employee officiating in a higher Service, grade, or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct ; or
- (v) reversion of a Government employee appointed on probation to any other Service, grade or post, to his permanent service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;
- (vi) compulsory retirement of a Government employee in accordance with the provisions relating to his superannuation or retirement;
- (vii) termination of the services—
 - (a) of a Government employee appointed on probation, during or at the end of the period of his probation in accordance with the terms of his appointment or the rules and orders governing such probation; or
 - (b) of a temporary Government employee appointed otherwise than under contract, on the expiration of the period of the appointment, or on the abolition of the post or before the due time in accordance with the terms of his appointment ; or

(c) of a Government employee under an agreement, in accordance with the terms of such agreement.

- Notes* :—(1) Punishing authorities have full discretion to publish in the Punjab Government Gazette reasons for dismissal where such publication is considered desirable in the public interest.
- (2) In order to guard against the inadvertent re-employment of persons dismissed from service, the authority passing an order of dismissal shall intimate to the Deputy Inspector General of Police, Punjab, Criminal Investigation Department, the Deputy Commissioner and the Superintendent of Police of the district of which the person concerned is a permanent resident the name of such a person and any other particulars required for purpose of identification, unless the dismissal has been notified in the Punjab Government Gazette. Similarly, if a person happens to be a resident of another State, the aforesaid officers of that State should be informed accordingly.
- (3) The provisions of this rule shall not be construed to derogate from the provisions of section 36 of the Punjab Courts Act, 1918, the Payment of Wages Act, 1936, or any other law authorising the imposing of fines on the ministerial establishment governed by these laws and the authority competent to award the punishment of fine may do so in addition to the punishments mentioned in this rule.
- (4) The discharge of a person appointed to hold a temporary appointment, otherwise than in accordance with the provisions of Explanation (vii) (b) amounts to removal or dismissal and is, therefore, appealable under these rules.
- (5) The distinction between censure, the withholding of promotion and non-selection to a selection post is of considerable importance. Both censure and the withholding of promotion are appealable under these rules. On the other hand, non-selection for a selection post is not appealable. If a Government employee, because of an unsatisfactory record and unfavourable confidential reports, is not selected for a selection post and some other Government employee junior to him is selected in preference this does not amount to the withholding of promotion. If any enquiry is held against a Government employee and an order of censure is passed on him, it is open to him to appeal; if he does not appeal or his appeal is rejected, and is subsequently because of the existence of this censure in his record, he is not selected for a selection post, and some other Government employee junior to him is selected in preference, this also does not amount to the withholding of promotion. If, however, an inquiry is held against a Government employee and an order is passed that he should not be promoted to a selection post for a

definite period or until he has obtained good reports this order would amount to the infliction of the penalty of withholding promotion. This distinction between non-selection for a selection post and withholding of a promotion may be summed up as being, that in the former case the Government employee in question is considered for selection but some other Government employee is preferred on his merits, while in the latter case the Government employee in question has been declared beforehand as a disciplinary measure, to be ineligible for selection irrespective of the merits of the other Government employees available.

(6) (i) While reduction of a seniority as an independent penalty is not provided for in rule 5 and cannot be imposed as such, the loss of seniority as a result of an order of reduction to a lower post or time-scale being inherent in the order of reduction cannot be avoided.

(ii) The seniority on repromotion of a Government employee reduced to a lower post or time-scale should be determined by the date of such repromotion in accordance with the orders issued by the competent authority on the subject of seniority. Such a Government employee should not be restored to his original position unless this is specifically laid down at the time the order of punishment is passed or revised on appeal.

(iii) A Government employee in respect of whom one of the penalties included in rule 5(vi) was imposed, will on repromotion count previous service in the higher grade under rule 4.4 of the Punjab Civil Services Rules, Volume I, Part I, unless the order of punishment or the order passed on appeal directs otherwise.

(iv) An order debaring a Government employee from counting his past service in the grade from which he is reduced if and when reappointed to it, amounts to an order of reduction to a stage of the grade lower than that admissible under rule 4.4 of the Punjab Civil Services Rules, Volume I, Part I, and does not, therefore, fall outside the scope of rule 5.

(7) Unauthorised desertion of his post by a Government employee in face of enemy action, or threat of enemy action clearly amounts to grave misconduct and would, therefore, constitute a 'good and sufficient' reason within the meaning of rule 5, for removal or dismissal in addition to any penalty provided in the East Punjab Essential Services (Maintenance) Act, 1947. Loss of pension would then follow automatically by virtue of the Provisions of rule 2.5 of Punjab Civil Service Rules, Volume II and it would also be possible to forfeit the Government contribution, if any, to the individual's Provident Fund.

6. **Punishing authorities**—Subject to the provisions of clause (1) of Article 311 of the Constitution of India, the punishing authority shall be such as may be specified in the rules regulating the appointment and conditions of service of the employee concerned.

7. **Authority to institute proceedings**—(1) The Governor or any other authority empowered by him by general or special order may—

- (a) institute disciplinary proceedings against any Government employee;
- (b) direct a punishing authority to institute disciplinary proceedings against any Government employee on whom that punishing authority is competent to impose under these rules any of the penalties specified in rule 5.

(2) A punishing authority competent under these rules to impose any of the penalties specified in clauses (i) to (iv) of rule 5 may institute disciplinary proceedings against any Government employee for the imposition of any of the penalties specified in clauses (v) to (ix) of rule 5 notwithstanding that such punishing authority is not competent under these rules to impose any of the latter penalties.

PART IV

8. Procedure for imposing major penalties—(1) No order imposing any of the penalties specified in clauses (v) to (ix) of rule 5 shall be made except after an inquiry held, as far as may be in the manner provided in this rule and rule 9 or in the manner provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850), where such inquiry is held under that Act.

(2) Whenever the punishing authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government employee, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Explanation—Where the punishing authority itself holds the inquiry, any reference in sub-rules (7) to (20) and in sub-rule (22) to the inquiring authority shall be construed as a reference to the punishing authority.

(3) Where it is proposed to hold an inquiry against a Government employee under this rule and rule 9, the punishing authority shall draw up or cause to be drawn up;

- (i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charges;
- (ii) a statement of imputations of misconduct or misbehaviour in support of each article of charge, which shall contain—

- (a) a statement of all relevant facts including any admission or confession made by the Government employee;
- (b) a list of documents by which and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(4) The punishing authority shall deliver or cause to be delivered to the Government employee a copy of the articles of charge, the statement

of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require the Government employee to submit, within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person.

(5) (a) On receipt of the written statement of defence, the punishing authority may itself inquire into such of the articles of charge as are not admitted or, if it considers it necessary so to do, appoint under sub-rule (2) an inquiring authority for the purpose, and where all the articles of charge have been admitted by the Government employee in his written statement of defence, the punishing authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 9.

(b) If no written statement of defence is submitted by the Government employee, the punishing authority may itself inquire into the articles of charge or may, if it considers it necessary to do so, appoint under sub-rule (2), inquiring authority for the purpose.

(c) where the punishing authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order appoint a Government employee or a legal practitioner, to be known as the 'Presenting Officer' to present on its behalf the case in support of the articles of charge.

(6) The punishing authority shall, where it is not the inquiring authority, forward to the inquiring authority—

- (i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
- (ii) a copy of the written statement of defence, if any submitted by the Government employee;
- (iii) a copy of the statement of witnesses, if any, referred to in sub-rule (3) ;
- (iv) evidence proving the delivery of documents required to be delivered to the Government employee under sub-rule (4);
- (v) a copy of the order appointing the "Presenting Officer".

(7) The Government employee shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of the imputations of misconduct or misbehaviour as the inquiring authority may, by a notice in writing, specify in this behalf, or within such further time not exceeding ten days, as the inquiring authority may allow.

(8) The Government employee may take the assistance of any other Government employee to present the case on his behalf, but may not engage a legal practitioner for the purpose unless the Presenting Officer appointed by the punishing authority is a legal practitioner, or the punishing authority having regard to the circumstances of the case, so permits.

(9) If the Government employee who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of the defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of the charges, the inquiring authority shall record the plea, sign the record and obtain the signatures of the Government employee thereon.

(10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the Government employee pleads guilty.

(11) The inquiring authority shall if the Government employee fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days after recording an order that the Government employee may, for the purpose of preparing his defence—

- (i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents, specified in the list referred to in sub-rule (3); and
- (ii) submit a list of witnesses to be examined on his behalf;

Note :—If the Government employee applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-rule (3) the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the punishing authority.

- (iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3)

Note :—The Government employee shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

(12) The Inquiring Authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the document by such date as may be specified in such requisition:

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are in its opinion not relevant to the case.

(13) On receipt of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority;

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall on being so informed, communicate the information to the Government employee and withdraw the requisition made by it for the production or discovery of such documents.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the punishing authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government employee. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(15) If it shall appear necessary before the close of the case on behalf of the punishing authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government employee or may itself call for new evidence or recall and re-examine any witnesses and in such case the Government employee shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusively of the date of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Government employee an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the Government employee to produce new evidence if it is of the Opinion that the production of such evidence is necessary in the interest of justice.

Note—New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the punishing authority is closed, the Government employee shall be required to state his defence orally or in writing as he may prefer. If the defence is made orally it shall be recorded and the Government employee shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the presenting Officer, if any, appointed.

(17) The evidence on behalf of the Government employee shall then be produced. The Government employee may examine himself in his own behalf if he so prefers. The witnesses produced by the Government employee shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the punishing authority.

(18) The inquiring authority may, after the Government employee closes his case, and shall, if the Government employee has not examined himself, generally question him on the circumstances, appearing against him in the evidence for the purpose of enabling the Government employee to explain any circumstances appearing in the evidence against him.

(19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Government employee or permit them to file written briefs of their respective cases, if they so desire.

(20) If the Government employee to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex-parte.

(21) (a) Where a punishing authority competent to impose any of the penalties specified in clauses (i) to (iv) of rule 5 but not competent to impose any of the penalties specified in clauses (v) to (ix) of rule 5 has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (ix) of rule 5 should be imposed on the Government employee, that authority shall forward the records of the inquiry to such punishing authority as is competent to impose the last mentioned penalties.

(b) The punishing authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice recall the witness and examine and re-examine the witnesses and may impose on the Government employee such penalty as it may deem fit in accordance with these rules.

(22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry, ceases to

exercise jurisdiction therein, and is succeeded by another inquiring authority which has and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself :

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross examine and re-examine any such witnesses as hereinbefore provided.

(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain—

- (a) the articles of charge and the statement of the imputations of misconduct or misbehaviour ;
- (b) the defence of the Government employee in respect of each article of charge ;
- (c) an assessment of the evidence in respect of each article of charge;
- (d) the findings on each article of charge and the reasons therefor.

Explanation—If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge:

Provided that the findings on such article of charge shall not be recorded unless the Government employee has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority where it is not itself the punishing authority shall forward to the punishing authority the records of inquiry which shall include—

- (a) the report prepared by it under clause (i);
- (b) the written statement of defence, if any, submitted by the Government employee;
- (c) the oral and documentary evidence produced in the course of the inquiry;
- (d) written briefs, if any, filed by the Presenting Officer, or the Government employee or both during the course of the inquiry; and
- (e) the orders, if any, made by the punishing authority and the inquiring authority in regard to the inquiry.

9. Action on the inquiry report—(1) The punishing authority if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of rule 8 as far as may be.

(2) The punishing authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for each disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the punishing authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 5 should be imposed on the Government employee, it shall, notwithstanding anything contained in rule 10, make an order imposing such penalty :

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the punishing authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the Government employee.

(4) (i) If the punishing authority having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 5 should be imposed on the Government employee, it shall—

(a) furnish to the Government employee a copy of the report of the inquiry held by it and its findings on each article of charge or where the inquiry had been held by an inquiring authority, appointed by it, a copy of the report of such authority and a statement of its findings on each article of charge together with brief reasons for its disagreement, if any, with the findings of the inquiring authority;

(b) give the Government employee a notice stating the penalty proposed to be imposed on him and calling upon him to submit within fifteen days of receipt of the notice or such further time not exceeding fifteen days, as may be allowed, such representation as he may wish to make on the proposed penalty on the basis of the evidence adduced during the inquiry held under rule 8.

(ii) (a) In every case in which it is necessary to consult the commission the record of the inquiry, together with a copy of the notice given under clause (i) and the representation made in pursuance of such notice, if any, shall be forwarded by the punishing authority to the Commission for its advice.

(b) The punishing authority shall after considering the representations any made by the Government employee, and the advice given by

the Commission determine what penalty, if any, should be imposed on the Government employee and make such order as it may deem fit.

(iii) Where it is not necessary to consult the Commission the punishing authority shall consider the representation, if any, made by the Government employee in pursuance of the notice given to him under clause (i) and determine what penalty, if any, should be imposed on him and make such order as it may deem fit.

10. Procedure for imposing minor penalties—(1) Subject to the provision of sub-rule (3) of rule 9, no order imposing on a Government employee any of the penalties specified in clause (i) to (iv) of rule 5 shall be made except after—

- (a) informing the Government employee in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;
- (b) holding an inquiry in the manner laid down in sub-rules (3) to (23) of rule 8, in every case in which the punishing authority is of the opinion that such inquiry is necessary;
- (c) taking the representation, if any, submitted by the Government employee under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
- (d) recording a finding on each imputation of misconduct or misbehaviour; and
- (e) consulting the Commission where such consultation is necessary.

(2) The record of the proceeding in such cases shall include—

- (i) a copy of the intimation to the Government employee of the proposal to take action against him;
- (ii) a copy of the statement of imputation of misconduct or misbehaviour delivered to him;
- (iii) his representation, if any;
- (iv) the evidence produced during the inquiry;
- (v) the advice of the Commission, if any;
- (vi) the findings on each imputation of misconduct or misbehaviour; and
- (vii) the orders on the case together with reasons therefor.

11. Communication of Orders :—Orders made by the punishing authority shall be communicated to the Government employee who shall also be supplied with a copy of the report of the inquiry, if any, held by the punishing authority and a copy of its findings on each article of charge, or, where the punishing authority is not the inquiring authority, a copy of the reports of the inquiring authority and a statement of the findings of the punishing authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority (unless they have already been supplied to him) and also a copy of the advice, if any, given by the Commission and where the punishing authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

12. Common Proceeding :—(1) Where two or more Government employees are concerned in any case the Governor or any other authority competent to impose the penalty of dismissal from service on all such Government employees may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

Note—If the authorities competent to impose the penalty of dismissal on such Government employees are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Any order under sub-rule (1) shall specify—

- (i) the authority which may function as the punishing authority for the purpose of such common proceeding.
- (ii) the penalties specified in rule 5 which such punishing authority shall be competent to impose;
- (iii) whether the procedure laid down in rule 8 and rule 9 or rule 10 shall be followed in the proceedings.

13. Special procedure in certain cases—Notwithstanding anything contained in rules 8, 9, 10, 11 and 12.

- (i) Where any penalty is imposed on a Government employee on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) where the punishing authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or
- (iii) where the Governor is satisfied that in the interest of the State, it is not expedient to hold any inquiry in the manner provided in these rules, the punishing authority may consider the circumstances of the case and make such orders thereon as it deems fit;--

Provided that the Commission shall be consulted, where such consultation is necessary, before any orders are made in any case under this rule.

PART V

(Appeals)

14. Orders against which no appeal lies— Notwithstanding anything contained in this part, no appeal shall lie against—

- (i) any order made by the Governor;
- (ii) any order of an interlocutory nature or of the nature of step-in-aid to the final disposal of a disciplinary proceedings other than an order of suspension;
- (iii) any order passed by an inquiring authority in the course of an inquiry under rule 8.

15. Orders against which appeal lies—Subject to the provisions of rule 14 a Government employee may prefer an appeal against all or any of the following orders, namely:—

- (i) an order of suspension made or deemed to have been made under rule 4;
- (ii) an order imposing any of the penalties specified in rule 5 whether made by the punishing authority or by any appellate or reviewing authority;
- (iii) an order enhancing any penalty imposed under rule 5;
- (iv) an order which—
 - (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement;
 - (b) interprets to his disadvantage the provisions of any such rule or agreement;
- (v) an order—
 - (a) stopping him at the efficiency bar in the time scale of pay on the ground on his unfitness to cross the bar;
 - (b) reverting him while officiating in a higher service, grade or post to a lower service, grade or post, otherwise than as a penalty;
 - (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules;
 - (d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof; or

(e) determining his pay and allowances—

(i) for the period of suspension; or

(ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time scale or stage in a time scale of pay to the date of his retirement or restoration to his service, grade or post or

(f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time scale of pay or stage in a time scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

Explanation—In this rule—

(i) the expression 'Government employee' includes a person who has ceased to be in Government Service ;

(ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefit.

16. **Appellate authorities—**A Government employee, including a person who has ceased to be a Government employee, may prefer an appeal against all or any of the orders specified in rule 15 to the authority specified in this behalf in the rules regulating his appointment and conditions of service.

17. **Period of limitations of appeal—**No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant:

Provided that the appellate may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

18. **Form and contents of appeal—**(1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain material statements and arguments on which the appellant relies but shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant record to the appellate authority with-

out any avoidable delay and without waiting for any direction from the appellate authority.

19. **Consideration of appeal**—(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 4 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 5 or enhancing any penalty imposed under the said rule, the appellate authority shall consider—

- (a) whether the procedure laid down in these rules has been complied with, and if not, whether such non-compliance has resulted in the violation of any provision of the Constitution of India or in the failure of justice;
- (b) whether the findings of the punishing authority are warranted by the evidence on the record; and
- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe;

and pass orders—

- (i) confirming, enhancing, reducing or setting aside the penalty; or
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that—

- (i) the Commission shall be consulted in all cases where such consultation is necessary;
- (ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 5 and an inquiry under rule 8 has not already been held in the case, the appellate authority shall subject to the provisions of rule 13, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 8 and thereafter, on a consideration of the proceedings of such inquiry and after giving the appellant a reasonable opportunity as far as may be in accordance with the provisions of sub-rule (4) of rule 9 of making a representation against the penalty proposed on the basis of the evidence adduced during such inquiry make such orders as it may deem fit;
- (iii) if the enhanced penalty which the appellate proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 5 and an inquiry under rule 8 has already been held in

the case, the appellate authority shall, after giving the appellant a reasonable opportunity as far as may be in accordance with the provisions of sub-rule (4) of rule 9 of making a representation against the penalty proposed on the basis of the evidence adduced during the inquiry, make such orders as it may deem fit, and

- (iv) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity as far as may be in accordance with the provisions of rule 10 of making a representation against such enhanced penalty.

20. **Implementation of order in appeal**— The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VI

21. **Review**—(1) Notwithstanding anything contained in these rules—

- (i) the Governor; or
- (ii) the appellate authority, within six months of the date of the order proposed to be reviewed; or
- (iii) any other authority, specified in this behalf by the Governor by a general or special order, and within such time as may be prescribed in such general or special order;
 - (a) confirm, modify or set aside the order; or
 - (b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or
 - (c) remit the case to the authority which made the order or to any other authority directing such authority to make further inquiry as it may consider proper in the circumstances of the case; or
 - (d) pass such other orders as it may deem fit;

Provided that no order imposing or enhancing any penalty shall be made by any reviewing authority unless the Government employee concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of rule 5 or to enhance the penalty imposed by the order sought to be reviewed to any of the penalties specified in those clauses no such penalty shall be imposed except after an inquiry in the manner laid down in rule 8 and after giving a

reasonable opportunity to the Government employee concerned of showing cause against the penalty proposed on the evidence adduced during the inquiry and except after consultation with the Commission, where such consultation is necessary.

PART VII MISCELLANEOUS

22. Service of orders, notices, etc—Every order, notice and other process made or issued under these rules shall be served in person on the Government employee concerned or communicated to him by registered post.

23. Power to relax time limit and to condone delay—Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown extend the time specified in these rules for anything required to be done under these rules or condone any delay.

24. Supply of copy of commission's advice—Whenever the Commission is consulted as provided in these rules, a copy of the advice by the Commission and where such advice has not been accepted, also a brief statement of the reasons for such non acceptance, shall be furnished to Government employee concerned with a copy of the order passed in the case, by the authority making the order.

25. Repeal and Saving—The Punjab Civil Services (Punishment and Appeal) Rules, 1952, and any notifications or orders issued in so far as they are inconsistent with these rules, are hereby repealed;

Provided that—

- (a) such repeal shall not affect the previous operation of the said rules or any notifications or order made, or anything done, or any action taken, thereunder; and
- (b) any proceedings under the said rules, pending at the commencement of these rules, shall be continued and disposed of, as far may be in accordance with the provisions of these rules as if such proceedings were proceedings under these rules.

2. Nothing in these rules shall be construed as depriving any person to whom these rules apply of any right of appeal which had accrued to him under the rules, notification or orders in force before the commencement of these rules.

(3) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made in accordance with these rules, as if such orders were made and the appeal was preferred under these rules.

(4) As from the commencement of these rules any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules;

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rule in force before the commencement of these rules.

26. **Removal of doubts:**—If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Governor or such other authority, as may be specified by the Governor by a general or special order, and the Governor or such other authority shall decide the same.