

REGISTERED NO. M-302

The Gazette of Pakistan

EXTRAORDINARY

PUBLISHED BY AUTHORITY

KARACHI, MONDAY, MARCH 3, 2015

PART II

Statutory Notifications containing Rules and Orders issued by all Ministries and Divisions of the government of Pakistan and their Attached and subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

MINISTRY OF INDUSTRIES AND PRODUCTION

NOTIFICATION

Islamabad, the 26th February, 2015

S.R.O. 26(KE)/2015:

As Amended by:

EXTRAORDINARY

PUBLISHED BY AUTHORITY

KARACHI, SATURDAY, DECEMBER 26, 2015

GOVERNMENT OF PAKISTAN

MINISTRY OF INDUSTRIES AND PRODUCTION

NOTIFICATION

Islamabad, the 1ST September, 2015

S.R.O. 124(KE)/2015:

The Gazette of Pakistan

EXTRAORDINARY

PUBLISHED BY AUTHORITY

KARACHI, SATURDAY, DECEMBER 26, 2015

PART II

Statutory Notifications containing Rules and Orders issued by all Ministries and Divisions of the Government of Pakistan and their Attached and Subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

MINISTRY OF INDUSTRIES AND PRODUCTION

NOTIFICATION

Islamabad, the 1st September, 2015

S.R.O. 124(KE)/2015 :

In continuation of this Ministry's SRO No. 26(KE)/2015, dated 26th February, 2015, the following amendments are made in the SMEDA Employees Service Rules-2015 :

- i) In Rule 3(j) the words "level 3 to level 8" is substituted with the words "level 4 to level 8";
- ii) In Rule 3(m), the word "MOLP" is substituted with "MOIP";
- iii) In Rule 3(p), the word "Departmental" is deleted;
- iv) In Rule 3(p), the words "level 3 to 7" are substituted with the words "level 2 to 7";
- v) Rule 3(t), is substituted as under:
"Recommendation Committee" means the Committee of the Board constituted to make recommendations for appointment in level 1 as prescribed in Recruitment Regulations issued under Section 37 of the Ordinance".

(1083)

Price : Rs. 2.00

- vi) Rule 4(2) is deleted;
- vii) Rule 4(3) be re-numbered as Rule 4(2) and the words "level 3 to 8" is replaced with the word "level 4 to 8";
- viii) Rule 4(4) and 4(5) be renumber as 4(3) and 4(4) respectively;
- ix) Rule 9(1) is deleted;
- x) In Rule 9(2), the words "level 8 to level 3" is replaced with "level 8 to level 4";
- xi) In Rule 9(5), the words "level 7 to 3" are replaced with the words "level 7 to 4";
- xii) Rules 9(2), 9(3), 9(4) and 9(5) be renumbered as Rules 9(1), 9(2), 9(3) and 9(4) respectively;
- xiii) In Rule 16(v), the word "Personal" is substituted with the word "performance";
- xiv) In Rule 16(vi) the 'parenthesis' appearing before the word "professionalism" is deleted ;
- xv) In Rule 17(1), the word "Departmental" is deleted;
- xvi) Rule 26(1) is deleted;
- xvii) Rule 26(2) be re-numbered as 26(i) and titled as "Termination of Employment on Abolition of Post" instead of "Termination of Employment by the Authority";
- xviii) In Rule 27, the word "/She" is added after the word "He";
- xix) In Rule 41(1), the words "set forth" are substituted with the words "set forth";
- xx) In Rule 47, the title "Discharge of" is substituted with the words "Discharge on";
- xxi) In Rule 47, the word "/her" is inserted after the word "his";
- xxii) In Rule 50, the word "sprit" is substituted with the word "spirit".

[No. 15(1)/2003-ES/ME-I].

SAIF-UR-REHMAN,
Section Officer (ME-I).



EXTRAORDINARY
PUBLISHED BY AUTHORITY

KARACHI, MONDAY, MARCH 9, 2015

PART II

Statutory Notifications containing Rules and Orders issued by all Ministries
and Divisions of the Government of Pakistan and their Attached and
Subordinate Offices and the Supreme Court of Pakistan

GOVERNMENT OF PAKISTAN

MINISTRY OF INDUSTRIES AND PRODUCTION

NOTIFICATION

Islamabad, the 26th February, 2015

S.R.O. 26(KE)/2015 :

In exercise of the powers conferred by Section 36 of the Small and medium
Enterprises Development Authority (SMEDA) Ordinance, 2002 (XXXIX of 2002),
the Federal Government is pleased to make the following rules, namely:-

CHAPTER-I

1. **Short title and Commencement.**—(1) These Rules may be called the
SMEDA (Employees Service) Rules, 2015.
(2) They shall come into force at once.
2. **Applicability.**—These rules shall apply to all employees of Small and
Medium Enterprises Development Authority.

CHAPTER-II

3. **Definitions.**—(1) In these Rules, unless there is anything repugnant in the

subject or context, the following expressions shall have the meanings hereby assigned to them:-

- (a) "Appellate Authority" means the officer or the authority next above the authority competent to conduct disciplinary action proceedings as prescribed under Rule 39 of these Rules;
- (b) "Appointing Authority" means the authority(ies) referred to in Chapter III, Part I of these Rules;
- (c) "Authority" means the Small and Medium Enterprises Development Authority (SMEDA) established under section 3 of the Ordinance;
- (d) "Board" means the Board of Directors of the Authority;
- (e) "Chief Executive Officer (CEO)" means the Chief Executive Officer of the Authority;
- (f) "Competent Authority" means, in relation to maintaining discipline and conducting disciplinary action proceedings, the officer(s) designated as such under Rule 31 of these Rules;
- (g) "Demotion" means any movement of an employee to a level lower than the level being held by such employee at the time of such demotion;
- (h) "Employee" means any officer or servant of the Authority;
- (i) "HR Department" means the Department of Human Resources of the Authority;
- (j) "HR Committee" means the committee constituted for recruitment for level 4 to level 8¹ as per the Regulations issued under section 37 of the Ordinance
- (k) "Initial Appointment" means an appointment in accordance with these Rules other than an appointment by transfer and/or promotion, as the case may be.
- (l) "Level" means the employment level in the Authority as prescribed in sub-rule (5) of Rule 4 of these rules;
- (m) "MOIP"² means Ministry of Industries & Production, Government of Pakistan;
- (n) "Ordinance" means the Small and Medium Enterprises Development Authority Ordinance, 2002;
- (o) "Post" means a position designated for employment within a level;
- (p) "³Promotion Committee" means the committee(s) constituted for making promotion for level 2 to 7⁴ as per the Regulations issued under section 37 of the Ordinance.
- (q) "Rules" means the Small and Medium Enterprises Development Authority (Employees Service) Rules, 2015.

¹ In Rule 3(j) words "level 3 to level 8" substituted with "level 4 to level 8" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

² In Rule 3(m), the word "MOLP" substituted with "MOIP" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

³ In Rule 3(p), the word "Departmental" is deleted vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

⁴ In Rule 3(p), the words "level 3 to 7" substituted with "level 2 to 7" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

- (r) "Salary" means the amount of monetary compensation, as approved by the Board from time to time for all employment levels (L-8 TO L-1) of the Authority, to which an employee is entitled in lieu of his/her employment with the Authority;
- (s) "Salary Range" means the salary prescribed by the Authority for a level from time to time and approved by the SMEDA Board;
- (t) "Recommendation Committee" means the Committee of the Board constituted to make recommendations for appointment in level 1 as prescribed in Recruitment Regulations issued under Section 37 of the Ordinance.⁵
- (2) All other words, terms and expressions used but not defined herein shall have the same meanings as are assigned to them under the Ordinance.

CHAPTER - III

4. Appointments within the Authority –^{6, 7, 8}

- (1) Subject to provision contained in Chapter V Section 12, 13 and 14 of the Ordinance appointment in the authority to level 1, shall be made by the Federal Government on the recommendation of the Board as provided in Section 7 Sub-Section xxxvii of the Ordinance.
- (2) Subject to Rule 5 and Rule 9 hereof all appointments within the Authority to the level 4 and 8 shall be made by the Chief Executive Officer in accordance with these Rules.
- (3) Appointments within the Authority shall only be made as per the methods of appointments prescribed in these Rules and not otherwise.
- (4) The Authority shall consist of following employment levels within which the employees shall be placed:

LEVEL	JOB TITLE (S)
1	Chief Executive Officer
2	General Managers
3	Deputy General Managers
4	Managers
5	Assistant Managers
6	Management Associates, Senior Officers, Regional Business Coordinators
7	Technical Staff/Officers/ Secretaries/Assistants/Coordinators
8	Semi-Technical Staff/Support Staff/Drivers (Admin Officer)

⁵ Rule 3(t) is substituted from "Selection Board" means the Board constituted for making selection for appointment in level 2 within the authority" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

⁶ Rule 4(2) "Subject to Rule 5 and Rule 9 hereof, appointment in the authority to level 2 shall be approved by the Minister for Industries & Production on the recommendation of selection Board consisting of Secretary, MOI&P as Chairman and concerned Joint Secretary, MOI&P as well as CEO, SMEDA as members" is deleted vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015.

⁷ Rule 4(3) be re-numbered as 4(2) and the words "level 3 to 8" is replaced with "level 4 to 8" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

⁸ Rule 4(4) and 4(5) be renumbered as 4(3) and 4(4) respectively vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

5. **Constitution of Committees for Recruitment of Employees.** – There shall be constituted such committees as may be prescribed by the Board in the Regulations issued under section 37 of the Ordinance for the purposes of making recommendations for appointments at different levels in the Authority.
6. **Creation and abolition of Posts.** – (1) The Board may create or abolish any post and/or level in the interest of the Authority, subject to such conditions as the Board may impose from time to time.

Part – II

7. **Eligibility for Appointment.** - (1) subject to the provisions contained in the Ordinance and herein, a person, who is Pakistani National, shall be eligible for appointment to a post in the Authority. Provided that in case a Pakistani National is not available for appointment to any particular post, a person other than a Pakistani National may be appointed on such post on such terms and conditions and for such period as the Government may determine.
- (2) To become eligible for appointment to a particular post, a candidate must possess such educational and other qualifications regarding experience, age limit and competency as may be prescribed for such post by the Board in the Regulations issued under section 37 of the Ordinance.
- Provided that keeping in view the educational qualifications exceptions can be made for suitable candidates regarding experience and age limit on a case to case basis upon recommendation of the HR or Selection Committee competent to make recommendations for appointment to a particular level.
- (3) Vacancies in the Authority shall be filled on all Pakistan basis in accordance with open merit.
8. **Qualification for appointment of CEO-** The Chief Executive Officer shall be selected from amongst persons having knowledge and not less than 18 years post qualification relevant experience and possessing Masters / Bachelors Degree (minimum sixteen years of education) in Business Administration, Management, Marketing HR, Public Administration, Public Policy, Economics & Engineering, Finance & Accounts, Law, Social Science or Equivalent from a reputable foreign or HEC recognized institute / university.
9. **Initial Appointment-**^{9, 10, 11, 12}
- (1) Initial appointments to posts in level 8 to level 4 shall be made by the Chief Executive Officer on the recommendation of the relevant committee.

⁹ Rule 9(1) "Initial appointment to posts in level 2 shall be approved by the Minister for Industries & Production on the recommendation of the Selection Board" is deleted vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

¹⁰ In Rule 9(2), the words "level 8 to level 3" is replaced with "level 8 to level 4" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

¹¹ In Rule 9(5), the words "level 7 to 3" are replaced with the words "level 7 to 4" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

¹² Rules 9(2), 9(3), 9(4) and 9(5) be renumbered as Rules 9(1), 9(2), 9(3) and 9(4) respectively vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

- (2) In case of death of an employee of level 8 during the service with the Authority, a widow/widower, one son or daughter fulfilling the prescribed criteria shall be entitled for employment with the Authority on regular basis without advertisement.
- (3) Appointment of an employee to a level may normally be made at the minimum of the salary range of that level. However, in exceptional circumstances, if qualifications and experience of a person so warrant, appointment may be made at such higher stage in the salary range as may be deemed fit by the Appointing Authority on the recommendation of HR or Selection committee to make recommendations for appointment to particular level.
- (4) Provided further that the respective promotion committee as prescribed in Regulations under Section 37 of the Ordinance shall, for level 7 to 4 decide with reasons to be recorded in writing that internally a suitable candidate is not available for a particular position at a particular level and recommend that direct initial recruitment on such level/position may be made as per the applicable procedure.

Part - III

- 10. Appointment / Posting by transfer.** – An employee may be appointed / posted on a particular post in the Authority through transfer from one department or region to another, in consequence of his/her transfer to such post.

Provided that where an employee is required to serve in a post outside his department or level or hometown his terms and conditions of service, as to his pay shall not be less favourable than those to which he/she would have been entitled if he/she had not been so required to serve.

Part - IV

- 11. Appointment on short term basis - (1)** Appointments may be made in the Authority on short term basis to fill in the vacant regular or created post. Provided that no appointment shall be made pursuant to this Rule for a period exceeding eleven months at one time and not exceeding twenty two months

- (1) All short term appointments shall be made and regulated in accordance with the mode and manner prescribed by the Appointing Authority from time to time.

Part - V

- 12. Appointment to be on probation.** – (1) Persons appointed by initial appointment not being on a short term appointment shall be on probation for a period of one year.
- (2) The period of probation may be extended by the appointing authority for another period not exceeding one year in the case of initial appointment.

13. Termination of probation period. – On successful completion of the probation period, an employee will be considered a regular employee within the scope of his terms and conditions of employment unless otherwise informed by the Authority at the completion of his/her probation period.

14. Discharge from Service upon unsatisfactory performance during probation. Where, in the opinion of the Chief Executive Officer or the appointing authority, as the case may be, the conduct or performance of an employee during the original or extended period of probation has not been satisfactory, such employee may be discharged from his/her service by the Appointing Authority without any prior notice, assigning any reason and/or bearing any liability/obligation in this regard.

Part – VI

15. Appointment by promotion. – (1) An employee possessing such qualifications as prescribed herein and fulfilling other conditions, as are laid down by the Board from time to time in the Regulations, issued under section 37 of the Ordinance shall be eligible for appointment through promotion to higher level.

16. Eligibility for Promotion. – (1) Subject to such conditions as may be prescribed in the Regulations issued under section 37 of the Ordinance, promotions shall be given to all employees, while taking into account following prerequisites/eligibility criteria. Fulfillment of these criteria, however, will not render promotion to be a vested right of any employee:

- I. Completion of minimum length of qualifying service required for promotion to next level.
- II. Fulfillment of minimum requirement of educational qualification prescribed for a certain position/level.
- III. Seniority within a level (total time since latest promotion/appointment)
- IV. Total employment period with Authority before latest promotion/appointment.
- V. Average marks obtained in all Performance¹³ Appraisals since latest promotion/appointment.
- VI. Professionalism¹⁴, General conduct, Integrity.
- VII. Promotion shall be considered for eligible employees serving at the time of promotion. In case, an eligible employee is on leave without pay or on deputation at the time of promotion, he/she shall not be considered for promotion during his/her leave/deputation period.

¹³ In Rule 16(v) the word "Personal" is substituted with "performance" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

¹⁴ In Rule 16(vi) the 'parenthesis' appearing before the word "professionalism" is deleted vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

17. Procedure for Promotion. – (1) ¹⁵Promotion Committee(s) as may be constituted by the Board in the Regulations, issued under section 37 of the Ordinance shall consider, evaluate and recommend promotions of employees.

(2) While considering promotions, the Promotion Committee shall follow such procedure and take into consideration such prerequisites/eligibility criteria as may be prescribed in this regard by the Board in Regulations issued under section 37 of the Ordinance from time to time. Fulfillment of such criteria, however, will not render promotion to be a vested right of any employee.

Part - VII

18. Classification of Employees.– For the purpose of these Rules employees are classified into following categories:

- I. Regular
- II. Short term
- I. Regular: - Regular employee is an employee who shall be employed on regular basis and has satisfactorily completed the probationary period.
- II. Short term: - Short term employee is an employee who shall be engaged for short term contract which is of a temporary nature.

Provided that any benefit conferred under these Rules shall not apply to short term employees, unless otherwise expressly specified in their terms of employment.

Part - VIII

Seniority

19. Seniority on Initial appointment.– (1) The seniority of a regular employee, not being a short term appointment, shall be reckoned in relation to other employees belonging to the same level whether serving in the same department or not.

(2) For proper administration of a certain level of employment, the appointing authority shall cause a seniority list to be prepared of all the regular employees. However, nothing herein contained shall be construed to confer any vested right of an employee to a particular seniority in such level.

(3) Seniority list may be circulated among all employees, as updated from time to time.

20. Seniority on promotion: Seniority in a level to which an employee is promoted shall take effect from the date of promotion of such employee to a post in that level.

¹⁵ In Rule 17(1), the word “Departmental” is deleted vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

CHAPTER-IV

Salary, Allowances / Perquisites / Benefits

21. **Salary on commencement of Service.**—Salary shall accrue to an employee from the day on which he reports for duty in writing at the place and time intimated to him/her.
22. **Annual Increment.**—An increment, if admissible, to an employee, shall be granted by the Authority on the basis of performance appraisal Regulations, issued under section 37 of the Ordinance.
23. **Leave.** Employees shall be entitled to such leave as may be admissible to them under the Regulation, issued under section 37 of the Ordinance.
24. **Allowances/Perquisites/Benefits.**—The employees will be entitled to such allowances, perquisites and or benefits as may be admissible to them under the Regulations, issued under section 37 of the Ordinance.

CHAPTER-V

Resignation and Termination of Service

25. **Resignation.**—(1) Subject to sub-Rule (3) and (4), an employee may resign from his/her employment by giving one month's notice in writing addressed to the appointing authority or surrender one month's pay in lieu of such notice, as the case may be.

Provided that during the notice period the employee shall continue in service, and cannot absent himself/herself from his/her duty without grant of proper leave. Any violation of this provision shall amount to misconduct for the purpose of discipline.

Provided further that the provisions of this Sub-Rule regarding serving a notice shall not be applicable in the case of resignation by an employee during his/her period of probation.

- (2) Notwithstanding and without prejudice to the provisions contained in sub-Rule (1) and subject to sub-Rule (3) and (4) hereof, the appointing authority may, if the employee so request, waive the notice period requirement for acceptance of resignation, on the basis of special circumstances cited by the employee to the satisfaction of the competent authority.
- (3) Acceptance of resignation of an employee shall be subject to recovery of any dues adjudged or otherwise in the opinion of the Authority to be recoverable from such employee.

- (4) If proceedings on a disciplinary action are pending against an employee, the dues, if any, admissible to such employee, will not be paid until the disciplinary proceedings are finalized against him/her.

26. Termination of Employment on Abolition of Post:^{16, 17}

- (i) In case of the abolition of a post or reduction in the number of posts, the service of the junior most employee(s) in that level will be terminated, he/she shall be given one (1) month's pay in lieu of notice period.

CHAPTER - VI

Conduct & Discipline

- 27. Employees to abide by the Rules & Regulations.** - Every employee shall abide by Rules and Regulations of the Authority and obey the orders issued by the competent authority including the authority under whose jurisdiction and supervision he/she¹⁸ is placed.
- 28. Employees to inform if involved or convicted in an offence.** - If any employee is involved or is convicted by a Court of law in an offence involving moral turpitude, he/she shall forthwith bring the fact of such involvement or conviction, as the case may be, to the notice of the Chief Executive Officer of the Authority.
- 29. Un-authorized communication of official documents of information.** - No employee shall communicate directly or indirectly any official document or information to an employee not authorized to receive it, or a non-official person, or to the press, or to any unauthorized person or organization except in accordance with an express order or permission.
- 30. Employees not to be entitled to rights of privacy with respect to anything stored on the Authority's information and data storage and retrieval systems, etc.** - An employee shall not be entitled to any right of privacy with respect to any information, data statistic, message, whether private or official, stored on the Authority's information and data storage and retrieval systems and technology resources.

¹⁶ Rule 26(1) is deleted vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

¹⁷ Rule 26(2) be renumbered as 26(i) and titled as "Termination of Employment on Abolition of Post" instead of "Termination of Employment by the Authority" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

¹⁸ In Rule 27, the word "/She" is added after the word "He" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

31. **Competent Authority.**—For the purposes of maintaining discipline and conducting disciplinary action proceedings on behalf of the Authority; the following officers are referred to as Competent Authority:

1.	For CEO	Federal Government
2.	For GM	Secretary, MOIP
3.	For DGM	Chief Executive Officer
4.	For Manager	Chief Executive Officer
5.	For Assistant Manager	Chief Executive Officer
6.	For Management Associates, Senior Officers, Regional Business Coordinators	Chief Executive Officer
7.	For other employees	Chief Executive Officer

32. **Misconduct.**—For the purposes of this Rule misconduct includes the following:

- Any conduct that is prejudicial to good order or service discipline or is unbecoming of an officer or gentleman;
- Involvement or participation for gains either directly or indirectly in industry, trade or speculative transactions without permission of the Authority;
- Abuse or misuse of the official position to gain undue advantage;
- Assumption of financial or any other obligations to private institutions or persons that may cause embarrassment in the performance of official duties and functions.
- Absence from duty without proper authorization of the Authority.

33. **Inquiry.**—(1) The Competent Authority may appoint an inquiry officer or constitute an inquiry committee to scrutinize the conduct of an employee who is guilty of misconduct or is alleged to have committed any of the acts or omissions constituting the misconduct.

- (2) Provided that the competent authority may, if the circumstances so require and for reasons to be recorded in writing, dispense with the conduct of inquiry and proceed with the adjudication of matter on the basis of a show cause notice and after providing personal hearing to an employee and pass such orders as deemed appropriate including imposition of penalty (ies) under Rules 36 & 37 as the case may be.

34. **Powers of the Inquiry Officer or Committee.**—For the purposes of holding an inquiry under these Rules, the inquiry officer or Committee, as the case may be, shall exercise following powers:

- Summon and enforce attendance of any person and examine him on oath;
- Ask for the production and discovery of a documents;
- Receive evidence on affidavits;
- Record evidence.

35. **Procedure to be followed by the Inquiry Officer/Committee.**—(1) The inquiry Officer/Committee will be independent in regulating its own procedure, including fixing of time and place of its sitting and deciding whether to sit in public or private and in the case of the Committee to act notwithstanding the temporary absence of any of its members.

- (2) On scrutinizing the conduct of an employee no finding shall be recorded by the inquiry Officer or the Committee, as the case may be, unless such employee has been provided a reasonable opportunity of hearing.

Provided that the opportunity of hearing may not be given where the committee is satisfied that such circumstances exist that it is not expedient to provide such an opportunity in the interest of the security of Pakistan or a part thereof.

- (3) The inquiry Officer/Committee shall complete the inquiry, record its findings and make recommendations to the Competent Authority, ordinarily within 30 days of the reference made by the Competent Authority for holding the inquiry.

36. **Imposition of Penalties.**—Where in the opinion of the Competent Authority an employee is;

- (a) Guilty of misconduct; or
- (b) Inefficient, or has ceased to be efficient for any reason; or
- (c) Engaged, or is reasonably believed to be engaged in subversive activities and his retention in service is prejudicial to national security; or
- (d) Guilty of disclosure of official secrets to an unauthorized person; or
- (e) Corrupt, or may be reasonably considered corrupt;

The Competent Authority, after holding inquiry into the allegation(s) against such employee, may, by an order in writing, take any or more of the following major penal actions against such employee:

- i. Demotion.
- ii. Termination from Service.

Provided that no employee shall be demoted from a level lower than the level of his initial appointment.

Provided further that no action against an employee shall be taken under this Rule, unless such employee has been given an opportunity of hearing by the Competent Authority.

Provided further that imposition of any one of the above mentioned penalties against an employee shall not absolve such employee from liability to any punishment to which he/she may be liable for an offence committed by him under any other law while he/she is in employment of the Authority.

37. **Minor Penalties.**—Notwithstanding and without prejudice to the above, the Competent Authority may also impose one or more of the following minor penalties against an employee:

- i. Censure.
- ii. Withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement.
- iii. Recovery from pay of the whole or any part of any pecuniary loss caused to the Authority or the Government by negligence or breach of orders.

CHAPTER - VII

Right of Appeal and Review

38. **Review of orders.**—(1) An employee aggrieved by a decision given or an order passed by the Competent Authority imposing upon him/her a penalty may apply to such Competent Authority for review of the decision given or order passed against him/her within fifteen (15) days of passing of such decision or order.

Provided that the Competent Authority may entertain a review application after fifteen days where a sufficient reason has been given by the applicant for not making the said application within the prescribed time.

(2) The Competent Authority shall either accept or reject the review application ordinarily within fifteen days of the filing of such application.

39. **Appeal against orders.**—(1) An employee (level 2 to 8) aggrieved by a decision given or order passed by the Competent Authority under Rule 38 shall be entitled to appeal to the Appellate Authority within a period of thirty (30) days from the date of communication of the order to such employee.

(2) An employee (level 2 to 8) aggrieved by a decision given or order passed by the Appellate Authority shall be entitled to file second appeal to the Board within a period of thirty (30) days from the date of communication of the order to such employee.

(3) An employee aggrieved by a decision given or order passed in an appeal by Chief Executive Officer pursuant to sub-Rule (1) may file second appeal to Secretary MOIP within thirty (30) days of the communication of the order passed in appeal.

Provided that the Appellate Authority may entertain an appeal after thirty days where a sufficient reason has been given by the appellant for not making the said appeal within the prescribed time.

40. Employee to make separate appeal. - (1) Every employee preferring an appeal shall do so separately and in his own name.

(2) No appeal shall lie for any joint or collective grievance under these Rules.

41. Procedure for appeal. - (1) Every appeal shall be preferred in the form of a memorandum in writing signed by the employee making it and shall set forth¹⁹ concisely the grounds of objection to the decision appealed against and shall not contain disrespectful or improper language.

(2) Every appeal shall be accompanied by a copy of the decision or order on which it is founded and any other document or evidence to which the appellant rely in his/her favor.

(3) Every appeal shall be submitted through the HR department within the period prescribed for filing the appeal.

(4) The HR department may obtain comments, if any, from the authority who has passed the order and forward the same along with the appeal within seven (07) days from the date of receipt of appeal to the Chief Executive Officer or the other Appellate Authority, as the case may be.

(5) When considering the appeal, the Appellate Authority, shall ordinarily within thirty (30) days of the filing of appeal, confirm, set aside, or modify the decision or order appealed against and the aggrieved employee shall be informed in writing of the reasons for passing such an order.

Provided that no order in appeal shall be passed against the appellant unless a reasonable opportunity of hearing is provided to him/her.

42. Rejection of appeal. - An appeal may be rejected by the Appellate Authority for, inter alia, the following reasons: -

- i. It is an appeal in a case in which no appeal lies under these Rules; or
- ii. It does not comply with provisions of Rule 41;
- iii. It is not preferred within the time specified in Rule 39 and no reasonable or plausible cause is shown for the delay; or
- iv. It is addressed to an authority to which no appeal lies under these Rules; or
- v. It is repetition of a previous appeal which has already been decided, and no new facts, circumstances or reasons have been adduced which afford grounds for a reconsideration of the case:

Provided that in every case in which an appeal is rejected, the aggrieved employee shall be informed of the fact and the reasons for it within thirty (30) days of it being so rejected.

¹⁹ In Rule 41(1), the words "set froth" is substituted with the words "set forth" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

43. Duty to give effect to any order made in appeal. - (1) The Competent Authority against whose order an appeal is preferred under these Rules, shall give effect to any decision made or order passed in appeal by the Appellate Authority, in due course or where time has been specified in such decision or order for given effect thereto, within such time.

(2) Where an appeal in respect of any matter arising out of a decision to impose a penalty is preferred under Rule 39, the Appellate Authority may by an order in writing prohibit continuance of any action, investigation or inquiry in pursuance of such an order against which an appeal has been preferred until the final disposal of appeal.

CHAPTER - VIII

44. Posting on Deputation. - Every employee of the Authority shall be liable to serve in any post, department, office, project outside Authority, any government organization, inter governmental organization/agency or International organizations/agencies on deputation.

45. Training. - In accordance with the Regulations issued under Section 37 and the instructions issued by the competent authority, an employee may be trained or asked to train others within the organization or in any other organization, in order to either gain or deliver expertise in his/her respective field.

46. Overtime. - (1) Notwithstanding any thing contained in these Rules and subject to the Regulations prescribed by the Board in this behalf, an employee may be required to perform overtime duty if and when the exigency of work so demands.

(2) The employees performing the overtime shall be entitled to remuneration at the rate prescribed by the Authority in the Regulations issued under Section 37 of the Ordinance.

(3) Refusal to perform overtime work, if asked for, shall tantamount to misconduct warranting punishment in accordance with these Rules of the Authority.

47. Discharge on²⁰ medical grounds. - An employee may be discharged from the service of Authority for his/her²¹ mental or physical incapability or continued ill-health for which he/she would be required to appear before a Medical Board to be constituted by the Authority.

Provided that a regular employee so discharged as specified above will be entitled to receive one month's extra pay at the time of his/her discharge besides other benefits to which he/she may be entitled to receive under the provisions of these Rules.

48. Deduction from Salary. - (1) The Authority may recover from any employee by deduction from his salary or from any other sums that may be

²⁰ In Rule 47, the title "Discharge of" is substituted with the words " Discharge on" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

²¹ In Rule 47, the word "/her" is inserted after the word "his" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015

due to him, for any loss or damage sustained by the Authority by reasons of negligence or misconduct of such employee, or for adjustment of any dues outstanding against an officer or employee.

- (2) For the purpose of the recovery under sub-rule (1) above, the decision of the Competent Authority in respect of the monetary valuation of the loss or damage or of the outstanding dues shall be final and binding on the employee concerned.

49. Delegation of Powers, Duties and Responsibilities: The Chief Executive Officer of the Authority may, by a general or special order in writing, direct that any of the powers vesting in him under these rules shall in such circumstances and subject to such conditions as may be specified in the order, be exercised by an employee(s) of the Authority specified in the order.

50. Interpretation of Rules. – The Authority shall be competent to interpret the meaning and spirit²² of these rules. In case of confusion or a need for clarification, a reference shall be made to the Government of Pakistan whose opinion shall be final.

51. Employees to be governed by these Rules and subsidiary orders/Regulations. - (1) The terms and conditions of service of an employee shall be governed by the provisions contained in the Ordinance, these Rules and / or in such subsidiary orders or Regulations, under Section 37 of the Ordinance, from time to time.

- (2) Any regulations, or instructions in respect of any terms and conditions of service duly made by, or issued with the approval of the Authority and immediately in force before the commencement of these rules, shall, in so far as such Regulations and instructions are not inconsistent with the provisions of these rules, be deemed to be instructions and regulations issued with the approval of the Authority in terms of sub-rule (1) above.

52. Ratification. - Any rule, order or instructions made or issued by the Authority and enforced before the commencement of these rules shall, in so far as they are not inconsistent with the provisions of these rules be deemed to have been made under these Rules.

[No. 15(1)/2003-ES/ME-I.]

SAIF-UR-REHMAN
Section Officer (ME-I.)

²² In Rule 50, the word "sprit" substituted with the word "spirit" vide Gazette Notification dated Dec. 26, 2015 and S.R.O. 124(KE)/2015