

XXII. PAKISTAN INSTITUTE OF FASHION AND DESIGN LAHORE EMPLOYEES
(EFFICIENCY AND DISCIPLINE) STATUTES 2012

PRELIMINARY

In pursuance of provisions of section 4.(xxix) read with section 25.(1)(k) of the Pakistan Institute of Fashion and Design Act, 2011, the following Statutes are made as under¹:

1. Short title, commencement and application:-

These Statutes may be called 'Pakistan Institute of Fashion and Design Lahore Employees (Efficiency and Discipline) Statutes 2012'. They shall come into force at once and apply to all Institute employees except holders of such posts, as may be specified by the Chancellor.

2. Definitions:

(1) In these Statutes, unless the context otherwise requires:-

- (a) "Accused" means an employee of the Institute against whom action is to be taken under these Statutes;
- (b) "Authorized Officer" means a person authorized by the Competent Authority to perform functions of an authorized officer under these Statutes;
- (c) "Competent Authority" means an officer or Authority, competent to appoint the accused;
- (d) "Institute Employee" includes a teacher and an officer other than Chancellor, Deputy Chairperson or Vice-Chancellor or other such persons appointed under Sections 12, 13, and 14 of the Act.
- (e) "Misconduct" means conduct prejudicial to good order of service, discipline or conduct unbecoming of an officer and a gentleman and includes any act on the part of a Institute employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Chancellor, the Vice-Chancellor, or any Officer/Authority of the Institute in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of his service; and
- (f) "Penalty" means a penalty which may be imposed under these Statutes.

(2) In case two or more Institute employees are to be proceeded against jointly, the competent authority or, as the case may be, the authorized officer for such an employee senior-most in rank, shall be the Competent Authority or, as the case may be, the Authorized Officer in respect of all such accused.

(3) Words and expressions used but not defined shall bear the same meanings as they bear in the Pakistan Institute of Fashion and Design, Lahore Act, 2011.

3. Grounds for penalty: An Institute employee, who:-

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because:-
 - (i) he is, or any of his dependents or any other person through his behalf, is in possession of pecuniary resources or of property disproportionate to his known sources of income which he cannot reasonably account for; or
 - (ii) he has assumed a style of living beyond his ostensible means.

¹ Approved in the First Meeting of the Senate held on April 20, 2011

- (d) 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, prejudicial to the interest of the Institute or national security; shall be liable to be proceeded against under these Statutes and one or more of the penalties hereinafter mentioned may be imposed on him.

4. Penalties:

- (1) The following are the minor and major penalties, namely:

(a) Minor Penalties:-

- (i) Censure;
- (ii) With-holding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the Statutes or orders pertaining to the service or post;
- (iii) Stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than unfitness to cross such bar;
- (iv) Recovery of the whole or any part of any pecuniary loss caused to the Institute by negligence or breach of orders.

(b) Major Penalties:-

- (i) Reduction to a lower grade or post or time-scale or to a lower stage in a time-scale;
 - (ii) Compulsory retirement;
 - (iii) Removal from service; and
 - (iv) Dismissal from service.
- (2) Removal from service does not, but dismissal from service does, disqualify for further employment.
- (3) In these Statutes, removal or dismissal from service does not include the discharge of an Institute employee:
- (a) appointed on probation, during the period of 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 name of contract.

5. Initiation of proceedings:

If, in the opinion of the Competent Authority, there are sufficient grounds for proceeding against an Institute employee, it shall direct the Authorized Officer to proceed against the said Institute employee.

6. Inquiry procedure to be observed by the Authorized Officer:

The following procedure shall be observed by the Authorized Officer when an Institute employee is proceeded against under these Statutes:-

- (i) In case where an Institute employee is accused of subversion, corruption or misconduct, the Authorized Officer may require him to proceed on leave, if due, or, with the approval of the Competent Authority, suspend him, provided that any continuation of such leave or suspension shall require approval of the Competent Authority after every three months;

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- (ii) The Authorized Officer shall decide whether in 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, he shall appoint an Inquiry Officer or Inquiry Committee consisting of two or more persons who or one of whom shall be of the rank senior to the accused or all of the co-accused.
- (iii) If the Authorized Officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall:-
 - (a) by order, in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and
 - (b) give him a reasonable opportunity of showing cause against that action:
Provided that no such opportunity shall be given where the 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.
- (iv) On receipt of the explanation of the accused, if any, the Authorized Officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty, he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the Competent Authority along with the explanation of the accused, and his own recommendations regarding the penalty to be imposed.

7. Procedure to be observed by the Inquiry Officer and Inquiry Committee:

Where an Inquiry Officer or Inquiry Committee is appointed, the Authorized Officer shall:-

- (i) Frame a charge and communicate it to the accused together with statement of allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.
- (ii) Require the accused, within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defense of the accused, as may be considered necessary, and the accused shall be entitled to cross-examine the witness against him.
- (iii) The Inquiry Officer or the Committee, as the case may be, shall enquire into the charge and examine such oral or documentary evidence in support of the charge or in defense of the accused, as may be considered necessary, and the accused shall be entitled to cross-examine the witness against him.
- (iv) 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 thereof, shall be reported forthwith to the Authorized Officer. Normally no adjournment shall be for more than a week.
- (v) 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 enquiry, 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 enquiry in such manner as he or it thinks best suited to do substantial justice.
- (vi) If the accused absents him from the enquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the enquiry unless medical leave, applied for by him is sanctioned on the recommendation of a Medical Board. Where, in view of the serious condition of the accused, it may not be possible for him to appear before the Medical Board, the Board shall examine him at his residence of

which complete address must always be given in the leave application and at which he must be available.

Provided that the Authorized Officer may, in his discretion, sanction medical leave up to seven days without the recommendation of the Medical Board.

- (vii) The Inquiry Officer or the Committee, as the case may be shall, within ten days of the conclusion of proceedings or such longer period as may be allowed by the Authorized Officer, submit his or its findings and the grounds thereof to the Authorized Officer.
- (viii) On the receipt of the report of Inquiry Officer or Inquiry Committee, the Authorized Officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty, he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the Competent Authority along with the charge-sheet, a statement of allegations served on the accused, explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, and his own recommendations regarding penalty to be imposed.

8. Action by the Competent Authority:

In the case of any proceedings, the record of which has been reported for under section 6(iv) or section 7(viii), the Competent Authority shall, after affording the accused an opportunity of being heard in person, pass such order as it may deem fit.

9. Rules not to apply in certain cases:-

Nothing in these Statutes shall apply to a case:-

- (i) 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
- (ii) where the Authority is satisfied that, for reasons to be recorded in writing, it is not reasonably practicable to give the accused an opportunity of showing cause.

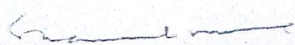
10. Procedure of inquiry against officer lent to the Government or other universities, institutions etc.:

- (1) Where the services of an Institute employee to whom these Statutes apply are lent to any Government or to other institutions or to a local or other authority, in these Statutes referred to as the borrowing competent authority, the borrowing competent authority shall have the suspension or requiring him to proceed on leave and of initiating proceedings against him under these Statutes;

Provided that the borrowing competent authority shall forthwith inform the Competent Authority which has lent his services, hereinafter in these Statutes referred to as the lending competent 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 competent authority shall obtain prior approval of the Syndicate before taking any action under these Statutes against an Institute employee holding a post in Grade 17 or above.

- (2) If, in the light of the findings in the proceedings taken against an Institute employee in terms of subsection (1) above, the borrowing competent authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending competent authority the record of the proceedings and thereupon the lending competent authority shall take action as prescribed in these Statutes.



11. Power to order medical examination as to mental or bodily infirmity:

- (1) Where it is proposed to proceed against an Institute employee on the ground of inefficiency by reasons of infirmity of mind or body, the Competent Authority may, at any stage, whether or not an Authorized Officer has been directed to proceed against him, require the Institute employee to undergo a medical examination by a Medical Board or a Medical Officer/ Superintendent as the Competent Authority may direct, and the report of the Board or the Medical Superintendent shall be the part of the proceedings.
- (2) If an Institute employee refuses to undergo such an examination, his refusal may, subject to the consideration of such grounds as 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 unfavorable to him.

12. Appeal against penalty:

Any Institute employee on whom a penalty has been imposed under these Statutes, may within 30 days from the date of the communication of the order, may file appeal against the order.

Provided that if the Syndicate or the Senate, as the case may be, is satisfied that there is sufficient ground for extending the time, it may entertain the appeal or the review petition at any time.

13. Petition of appeal:

Every appeal, preferred under these Statutes shall be made in the form of a petition in writing and shall set forth concisely the grounds of objection to the order appealed from and shall not contain disrespectful or improper language and shall be submitted to the Vice-Chancellor and he/she shall forward the same along with the comments, within a fortnight, to the Syndicate.

14. Determination of appeal by the Syndicate:

The Syndicate shall cause notice to be given to the appellant and the Competent Authority or the Authorized Officer imposing penalty, of the time and place at which such appeal will be heard. The Syndicate shall send for the record of the case, if such record is not already with it. After perusing such record and hearing the appellant, if he appears and the representative of the punishing authority, if he appears the Syndicate may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may:-

- (1) (a) reverse the finding and acquit the accused; or
 - (b) order and direct that further or fresh inquiry be made; or
 - (c) alter the findings maintaining the penalty or with or without altering the finding, reduce the penalty; or
 - (d) subject to the provisions of subsection (2) below enhance the penalty.
- (2) where the Syndicate proposes to enhance the penalty, it shall:-
 - (a) by order, in writing, inform the accused of the action proposed to be taken and the grounds of the action; and
 - (b) give him a reasonable opportunity to show cause against that action.
- (3) In dealing with an appeal, the Syndicate, if thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by the Authorized Officer and when such evidence has been taken the Syndicate shall thereupon propose to dispose of the appeal.



15. Determination of appeal by the Senate:

The Senate shall cause notice to be given to the appellant and the Competent Authority or the Authorized Officer imposing penalty, of the time and place at which such appeal will be heard. The Senate shall send for the record of the case, if such record is not already with it. After perusing such record and hearing the appellant, if he appears and the representative of the punishing authority, if he appears the Senate may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may:-

- (1) (a) reverse the finding and acquit the accused; or
 - (b) order and direct that further or fresh inquiry be made; or
 - (c) alter the findings maintaining the penalty or with or without altering the finding, reduce the penalty.
- (2) In dealing with an appeal, the Senate, if thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by the Authorized Officer and when such evidence has been taken the Senate shall thereupon propose to dispose of the appeal.

16. No second appeal except in certain cases:

- (1) No appeal shall lie against any order made by the Syndicate except in case the Syndicate enhances the penalty.
- (2) In every case, in which the Syndicate enhances the penalty imposed by the Competent Authority or the Authorized Officer, the accused may, within 30 days of the communication of the order make appeal to the Senate;
Provided if the Syndicate or the Senate, as the case may be, is satisfied that there is sufficient ground for extending the time, it or he may entertain the appeal or the review petition at any time.
- (3) The appeal shall be filed in the manner indicated in section 13 and the Senate shall determine the appeal in the manner provided in section 15 and may, in its discretion, exercise any of the power in the said Statutes.