

# UNIVERSITY OF TURBAT

Tradition, Innovation, Excellence



## EMPLOYEES EFFICIENCY AND DISCIPLINE (E&D) RULES 2023

University of Turbat  
Turbat Kech Balochistan

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**UNIVERSITY OF TURBAT  
TURBAT, KECH, BALOCHISTAN**

Dated: 28 September, 2023

**NOTIFICATION**

**No. UoT/Reg. 1129-8/2023.** In pursuance of Section 24 (2) Clause (h) of Balochistan Universities Act (Act No. XII of 2022), the draft of the Efficiency and Discipline Rules 2023 of University of Turbat, having been approved by the University of Turbat Senate on 8<sup>th</sup> August, 2023, is hereby published as the University of Turbat Efficiency and Discipline Rules 2023.

**THE UNIVERSITY OF TURBAT EMPLOYEES EFFICIENCY AND DISCIPLINE  
(E&D) RULES 2023**

***1. Short title, Commencement and Application: -***

- (a) These rules, framed in pursuance of Chapter-VI (Statutes, Regulations and Rules), Sections 35 (1), 43 and 44 of Balochistan Universities Act 2022, shall be called, “*The University of Turbat Employees Efficiency and Discipline (E&D) Rules 2023*”.
- (b) They shall come into force at once and apply to all University Employees (administrative and academic staff) except for the Vice Chancellor and Pro-Vice Chancellor appointed by the Chancellor.

***2. Definitions:***

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

- (a) "**Accused**" means an employee of the University against whom action is taken under these Rules;
- (b) "**Authorized Officer**" means an official authorized by the competent authority to perform functions of an Inquiry

Officer under these rules;

- (c) **"Competent Authority"** means Vice Chancellor;
- (d) **"University Employee"** "Employee" means an employee (administrative or academic) of the University of Turbat;
- (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 University employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the authority of the University 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 rules.

(2) In case two or more University 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 Balochistan Universities Act 2022.

3. ***Grounds for penalty- A University 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/she is, or any of his/her dependents or any other person through him/her or on his/her behalf, is in possession of pecuniary resources or of property disproportionate to his/her known sources of income, which he/she cannot reasonably account for; or
  - (ii) he/she has assumed a style of living beyond his/her

ostensible means; or

- (iii) he/she has a persistent reputation of being corrupt;
- (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/her retention in service is, prejudicial to the interest of the University or national security; shall be liable to be proceeded against under these Rules and one or more of the penalties hereinafter mentioned may be imposed on him.
- (e) Is involved in political or sectarian activities within the campus or found provoking the students or other employees of the university on political, sectarian, ethnic, tribal or caste and creed basis.

#### **4. Penalties:**

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

(a) ***Minor Penalties: -***

- (i) Censure;
- (ii) Withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the Rules or orders pertaining to the service or post;
- (iii) Stoppage, for a specific period, at an efficiency bar in the time-scale, other-wise than unfitness to cross such bar;
- (iv) Recovery of the whole or any part of any pecuniary loss caused to the University 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 future employment under the University.

(3) In this statute, removal or dismissal from service does not include the discharge of a University employee:

- (a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him/her; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
- (c) engaged under a contract, in accordance with the terms of the contract.

5. ***Initiation of proceedings.*** Where, in the opinion of the competent authority, there are sufficient grounds for proceeding against a University employee, it shall direct the authorized officer to proceed against the said University employee.

6. ***Inquiry procedure to be observed by the authorized officer.*** The following procedure shall be observed by the authorized Officer when a University employee is proceeded against under these rules: -

- (1) In case where a University 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;

- (2) The authorized officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through an Inquiry Officer or Inquiry Committee. If he so decides 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 and the procedure indicated in Rules 7 and 8 shall apply.
- (3) If the authorized officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall --
  - (a) by order, in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and
  - (b) give him a reasonable opportunity of showing cause against that action;  
 Provided that no such opportunity shall be given where the 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.
- (4) 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:***

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Where an Inquiry Officer or Inquiry Committee is appointed by the Competent Authority, the authorized officer shall: -

- (1) 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.
- (2) Require the accused, within a reasonable time, which shall

not be less than seven days or more than fifteen days from the day the charge has been communicated to him/her, to put in a written defence and to state, at the same time, whether he/she desires to be heard in person.

- (3) 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 defence of the accused, as may be considered necessary, and the accused shall be entitled to cross-examine the witness against him/her.
- (4) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment, with reasons therefore, shall be reported forthwith to the authorized officer. Normally no adjournment shall be for more than a week.
- (5) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the enquiry, he/she or it shall administer a warning and if, thereafter, he/she or it is satisfied that the accused is acting in disregard of the warning, he/she or it shall record a finding to that effect and proceed to complete the enquiry in such manner as he/she or it thinks best suited to do substantial justice.
- (6) If the accused absents himself from the enquiry on medical grounds, he/she shall be deemed to have hampered or attempted to hamper the progress of the enquiry unless medical leave, applied for by him/her 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/her to appear before the Medical Board, the Board shall examine him/her at his residence of which complete address must always be given in the leave application and at which he/she must be available.  
Provided that the authorized officer may, in his/her discretion, sanction medical leaves upto seven days without the recommendation of the Medical Board.
- (7) The Inquiry Officer or the Committee, as the case may be shall, within ten days of the conclusion of the proceedings or

such longer period as may be allowed by the authorized officer, submit his/her or its findings and the grounds thereof to the authorized officer.

- (8) 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/she shall pass orders accordingly. If it is proposed to impose a major penalty, he /she 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.
- (9) The Inquiry Officer shall be of grade BPS-19 and above nominated by the competent authority, who shall be a university employee.
- (10) The Inquiry Committee shall be formed by the competent authority with the following composition:
  - (a) University employee of BPS-19 or above. Chairman
  - (b) A Senior Faculty member Member
  - (c) A Senior Administrative Staff Member

**8. *Action by the Competent Authority.***

In the case of any proceedings the record of which has been reported for under clause (4) of statute 6 or clause (8) of Statute 7 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 Rules shall apply to a case;

- a) Where the accused has been convicted by a court and sentenced to imprisonment or fine on charges in which case the Authority shall on receipt of intimation of the conviction, make an order dismissing or removing the accused from service whichever is applicable.
- b) Where the Authority competent to dismiss or remove a person from service or to reduce a person in rank, is satisfied that, for reasons to be



recorded in writing by that Authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

**10. *Procedure of Inquiry against officers lent to the Government or other Universities, institutions etc.:***

- (1) Where the services of a University employee to whom these Rules apply are lent to any Government or to other Universities or to a local or other authority, in these Rules referred to as the borrowing competent authority, the borrowing competent authority shall have the powers of competent authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these statutes;

Provided that the borrowing competent authority shall forthwith inform the competent authority which has lent his services, hereinafter in these Rules 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 Rules against a University employee holding a post in Grade 17 or above.

- (2) If, in the light of the findings in the proceedings taken against a University employee in terms of clause (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 a University employee on the ground of in-efficiency 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 University 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 form part of the proceedings.

- (2) If a University 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 or Review against Penalty:***

Any University employee on whom a penalty has been imposed under these statutes, may, within 30 days from the date of the communication of the order, appeal against or apply for review of the order imposing the penalty to the appropriate appellate authority specified in the section 44 (1) of the Balochistan Universities Act 2022:

Provided if the Syndicate or the Chancellor 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.

**13. *Petition of Appeal or Review:***

Every appeal or review petition preferred under these Rules 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 or sought to be reviewed and shall not contain disrespectful or improper language and shall be submitted to the Vice Chancellor/ Registrar who shall place it to the Competent Authority or Chancellor as mentioned in Section 44 (1) of Balochistan Universities Act 2022 within a fortnight.

**14. *Determination of Review Appeal by the Chancellor:***

The Chancellor, while determining the review appeal may, in his discretion, give his decision on the appeal or refer the case to the University Syndicate for further deliberations and decision with intimation to the Chancellor Office.

Provided that it shall not be necessary for the Chancellor to cause

notice to be given to the accused or punishing authority or to afford the accused an opportunity to be heard in person except where the Chancellor proposes to increase the penalty, in which case he shall, be order in writing, inform the accused of the action proposed to be taken and the grounds of the action and give him a reasonable opportunity to show cause against that action.

**15. *Determination of Appeal by the Syndicate referred by the Chancellor:***

1. The Syndicate may hear the appellant and the competent authority or the authorized officer imposing penalty, of the time and place at which such appeal will be heard. After perusing such record and hearing the appellant, the Syndicate may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may:
  - a) reverse the finding and acquit the accused; or
  - b) order and direct that further or fresh inquiry be made; or
  - c) alter the finding maintaining the penalty or with or without altering the finding, reduce the penalty; or
  - d) enhance the penalty by order, in writing, inform the accused of the action proposed the action proposed to be taken and the grounds of the action by giving him/her a reasonable opportunity to show case against the action.
2. In dealing with an appeal, the Syndicate, if it 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.

**16. *No second petition for review 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 orders, apply to the Chancellor for the review of that order:

Provided if the Chancellor is satisfied that there is sufficient ground for extending the time, he may entertain the

application for review at any time.

- (3) The application for review shall be filed in the manner indicated in statute 13 and the Chancellor shall determine the review petition in the manner provided in statute 14 and may, in his discretion, exercise any of the powers in the said statute.

**17. Revision:**

- (1) The Chancellor may call for and examine the record of any proceeding before any authorized officer or competent authority for the purpose of satisfying himself/herself as to the correctness, legality or propriety of any finding, penalty or order recorded or passed and as to the regularity of any proceeding of such competent authority or officer.
- (2) On examining any record under this statute the Chancellor may direct the competent authority or the authorized officer to make further inquiry into the charges of which the accused has been acquitted and discharged and may, in his discretion, exercise any of the powers conferred on the Syndicate under statute:

Provided an order prejudicial to the accused shall not be passed unless he/she has been given an opportunity to show cause against the proposed action:

Provided further that an order imposing punishment shall not be revised *suo-moto* or otherwise after the lapse of a period of three months from the date of its communication to the accused if no appeal is preferred.

- (3) No proceeding by way of revision shall be entertained at the instance of the accused who has a right of appeal or review under these Rules and has not brought the appeal or review or where the order sought to be reviewed was made by the Chancellor.

**Schedule**  
**(see clause 12)**

<b>S. No.</b>	<b>Class of Employees</b>	<b>Authority to take disciplinary action</b>	<b>Appellate Authority</b>
1.	All employees (teaching and administrative) in BPS-17 and above	Vice Chancellor	Chancellor and Senate
2.	All employees in BPS 16 and below.	Pro-Vice Chancellor	Vice Chancellor and Syndicate

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