

**THE LASBELA UNIVERSITY OF AGRICULTURE WATER AND MARINE
SCIENCES (LUAWMS), UTHAL, BALOCHISTAN**

NOTIFICATION

No.0135/Notification/REG-ACAD/LUAWMS/872-889 dated April 7, 2021: In exercise of the powers conferred by sub section (1) (2) of section 28 of the Lasbela University of Agriculture Water and Marine Sciences Act, 2010 (Act No IX of 2010), the University with the approval of the Syndicate is pleased to make the following Revised Efficiency and Discipline Rules to regulate the disciplinary matters of the University employees.

1. Short title, commencement and application.—(1) These rules may be called the LUAWMS Revised Efficiency and Discipline Rules, 2020.

(2) These shall come into force at once.

(3) These shall apply to all employees of the University.

2. Definitions.—(1) In these Rules, unless there is anything repugnant in the subject or context,—

(a) “Absence from duty” means unauthorized absence from duty without prior permission or sanction of leave by the competent authority under the Rules for the time being in force and applicable to the employee concerned;

(b) “Act” means the Lasbela University of Agriculture, Water and Marine Sciences Act 2010 (Act No. IX of 2010);

(c) “Accused” means a person who is or has been an employee and against whom an action is initiated under these rules;

(d) “Authority” means the officer or authority, specified in Section-17 of these rules, competent to take disciplinary action against a University employee, or any officer of the University authorized by such authority to act on its behalf;

- (e) "Appellate Authority" means the officer or authority, specified in Section-17 of these rules, to act as Appellate Authority, or any officer of the University authorized by such authority to act on its behalf;
- (f) "LUAWMS" means Lasbela University of Agriculture Water and Marine Sciences;
- (g) "Chancellor" means Chancellor of the LUAWMS as specified under Section-8 of the LUAWMS Act;
- (h) "Charge" means allegation framed against the accused pertaining to any act of omission and commission, under these rules;
- (i) "Corruption" means_
- i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or forbearing to do any official act; or
 - ii) accept or permit any member of his family (*an employee's wife, legitimate Children and stepchildren, parents, sisters and minor brothers, if residing with and wholly dependent upon him*) to accept, from any person any gift, the receipt of which will place him under any form of official obligation to the donor; or
 - iii) accept a foreign award, title or decoration; or
 - iv) ask for or accept or in any way participate in the fund raising for any of the Organization of any subscription or other pecuniary assistance in pursuance of an object whatsoever; or
 - v) lend money to, or borrow money from, or place himself under any pecuniary obligation to, any person within the local limits of his authority or any person with whom he has any official dealings; or
 - vi) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing University property or resources; or
 - vii) possession of pecuniary sources or property by an employee or any of his dependents or any other person, through him or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or

- viii) maintaining standard of living beyond known sources of income; or
 - ix) having a consistent reputation of being corrupt; or
 - x) entering into plea bargain or voluntarily return under any law for the time being in force and voluntarily returning the assets or gains acquired through corruption or corrupt practices;
- (j) “Duty” means the performance of the functions of an office, the obligations of post and/or a service contract including the activities which the competent authority may consider to be in the interest of the University;
- (k) “Employee” means a person who is in the whole time regular service of the University and draws a regular monthly salary under a scale prescribed by the University;
- (l) “Government” means the Government of Balochistan;
- (m) “Hearing Officer” means an officer, senior in rank to the accused, appointed by the competent authority to afford an opportunity of personal hearing to the accused on behalf of the authority concerned;
- (n) “Inefficiency” means-
- (i) failure to efficiently perform functions/tasks assigned to an employee in the discharge of his duties;
 - (ii) failure to qualify departmental examination in three consecutive attempts;
 - (iii) failure to qualify any written test administered by the authority after due notice to satisfy itself whether the employee or class of employees continue to possess the specialized skills mandatory for the service under the service rules;
 - (iv) failure to complete the inquiry within stipulated period;
 - (v) failure to submit P.E.Rs form face sheet duly filled in within the prescribed time period to the Initiating Officer for initiation of report;
 - (vi) failure to initiate/countersign P.E.Rs of the subordinates of the preceding year within the prescribed time period;

- (vii) failure to disclose while initiating/ countersigning of P.E.Rs of the relatives;
 - (viii) obtaining below average grade in Annual Performance Evaluation Report or getting special adverse Performance Evaluation Report;
 - (ix) Indulged in use of personal remarks and biased/evasive while writing of P.E.Rs;
 - (x) Failure to communicate Adverse Remarks to the concerned staff within stipulated time period;
 - (xi) failure to declare Assets annually by 31st December every year;
- (o) "Inquiry Committee" means a committee of two or more officers, headed by a Chairman, as may be appointed as such by the competent authority under these rules;
- (p) "Inquiry Officer" means an officer appointed as such by the competent authority under these rules;
- (q) "Inquiry Documents" means the Order of Inquiry, Statement of Allegations, Show Cause Notice, Personal Hearing Notice, Inquiry Report or any other Letter, Order , Notification which forms part of the inquiry proceedings under these rules.
- (r) "Joint Inquiry" means an inquiry where two or more employees are to be proceeded against;
- (s) "Misconduct" means_
- (i) conduct prejudicial to good order or service discipline; or
 - (ii) conduct unbecoming of an officer and a gentleman; or
 - (iii) involvement or participation directly or indirectly, in industry, trade or speculative transactions by abuse or misuse of official position to gain or attempt to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons, as may compromise the performance of official duties or functions; or

- (iv) any act to bring or attempt to bring outside influence directly or indirectly to bear on the Chancellor, Senate, Syndicate, Vice Chancellor or any other authority or officer of the university in respect of any matter relating to the appointment, promotion, transfer, deputation, awards, punishment, retirement, training, alteration in date of birth, financial, administrative or other conditions of service; or
- (v) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
- (vi) absence from duty without prior approval of leave; or
- (vii) conviction for an offence by a court of law; or
- (viii) frivolous litigation against the University, Government or Government functionaries without availing remedy of departmental appeal/ representation e.g. on promotion, seniority, alteration in date of birth and accommodation allotment etc; or
- (ix) violation/deviation from prescribed University or Government policy or rules; or
- (x) direct interaction with print or electronic media or holding a press conference or making any statement of fact or opinion or acting in a manner which is the cause of embarrassment for the University or Government; or
- (xi) call, attempt, threat or induce for strike or interrupt in smooth functioning of University; or
- (xii) engage, take part, assist, aid, convince or interfere in any political activity and election other than discreetly casting vote; or
- (xiii) un-authorized communication of official documents or information or contents of any official documents to a person not authorized to receive it, or to a non-official person, or to the Press; or
- (xiv) in any document published, or in any public utterance or in any media programme attended by him, make any statement of fact or opinion

- or act in a manner which is capable of embarrassing the University or Federal or Provincial Government; or
- (xv) subletting of residential accommodation or any part thereof, sharing accommodation allotted by the University or refuse to vacate residential accommodation on a vacation order, seeking remedy from court without availing such remedy from the next higher authority of the allotting authority; or
 - (xvi) An un-authorised occupant of University Accommodation; or
 - (xvii) become a defaulter of rent/utility bills etc of the University accommodation; or
 - (xviii) engage or undertake any employment or work or private practice other than his official duties without previous sanction of University authority; or
 - (xix) take part in the promotion, registration or management of any bank or company or stock exchange etc; or
 - (xx) live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies; or
 - (xxi) indulge in insolvency and habitual indebtedness; or
 - (xxii) take part in, subscribe in aid or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan or permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or indirectly to be, subversive of University or Government as by law established in Pakistan or canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere or issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body or give evidence before a public committee; or

- (xxiii) propagate such sectarian creeds or take part in such sectarian controversies or create feelings of discontent or displeasure amongst the University employees in particular and amongst the people in general; or
- (xxiv) express views detrimental to the ideology or integrity of Pakistan; or
- (xxv) take part in, or in any manner assist, any public demonstration directed against a University decision or policy or permit any member of his family dependent on him to do so; or
- (xxvi) indulge in provincialism, parochialism, nepotism, favouritism, victimization, or wilful abuse of office; or
- (xxvii) have recourse to any Court or to the press for the vindication of his public acts or character from defamatory attacks; or
- (xxviii) approach, directly or indirectly, a foreign Mission in Pakistan or any foreign aid-giving agency in Pakistan or abroad to secure for himself invitations to visit a foreign country or to elicit offers of training facilities abroad; or
- (xxix) regularly imparting studies/teaching in any other University/ Institution without proper NOC; or
- (xxx) submit joint application/appeals or contained disrespectful or improper language; or
- (xxxi) loss sustained by University through fraud or negligence on his part and for any loss arising from fraud or negligence on the part of any other University officer to the extent to which it may be shown that he contributed to the loss by his own action or negligence or have not reported of the subordinate of any loss/fraud well in time; or
- (xxxii) author of anonymous communications containing, as they usually do, false allegations against University employees/ officers;
- (xxxiii) defiance of orders of the higher/Competent authority which are as per law; or
- (xxxiv) Involve in Mal-administration; or



- (xxxv) wilfully concealing anything essential or by giving false evidence through wilful or reckless mis-statement; or
 - (xxxvi) hamper or attempt to hamper any investigation/enquiry; or
 - (xxxvii) deliberately avoiding service of summons/notice/letter etc.; or
 - (xxxviii) having dual Local/ Domicile Certificates; or
 - (xxxix) marriage with Foreign Nationals without prior permission of the Competent Authority; or
 - (xl) disobeys any lawful order given in the course of such employment, or attempts to persuade any person to disobey any such order, or without reasonable grounds absents himself from work; or
 - (xli) uses drugs or smokes cigarette on the university premises; or
 - (xlii) Crosses the established official channels of communication, and approaches other offices (in writing / or verbal) without securing prior approval of the competent authority.
 - (xliii) conviction on the charges of moral turpitude; or
 - (xliv) alter or attempt to alters official date of birth or any official record; or
 - (xlv) failure to defend University cases in court of law to protect the University's interest; and
 - (xlvi) In violation of law, with intent to cause injury to any person or Public servant framing/filing a bogus document with intent to cause injury.
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- (t) "Penalty" means a penalty which may be imposed under these rules;
 - (u) "Prescribed" means prescribed by rules;
 - (v) "Registrar" means Registrar appointed under Section 13 of the Act of the University;
 - (w) "Rules" means the LUAWMS Revised Efficiency and Discipline Rules, 2020 framed under sub-section (1) (2) of Section 28 of LUAWMS Act, 2010.
 - (x) "Section" means section of these rules;
 - (y) "Senate" means the Senate established under Section 16(1)(a)(i) of the Act of University;
 - (z) "Service" means the service in the University under these statutes.

- (aa) "Syndicate" means the Syndicate established under Section 16(1)(a)(ii) of the Act of the University;
- (bb) "University" means the Lasbela University of Agriculture, Water and Marine Sciences established under section 3(1) of the Act; and
- (cc) "Vice Chancellor" means Vice-Chancellor of the Lasbela University of Agriculture, Water and Marine Sciences appointed under Section 10 (1) of the Act;

(2) Terms, words and expressions used but not defined herein above in sub-section (1), unless the context otherwise requires, shall have the same meanings as assigned to them under the LUAWMS Act, 2010, as amended from time to time.

3. Grounds for imposing Penalty.—

Sufficient grounds for imposition of penalties will be deemed to exist, where in the opinion of the Vice Chancellor or the authority, a University employee:-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption or is reasonably believed to be corrupt; or
- (d) engaged or is reasonably believed to be engaged in subversive activities, and his retention in service is prejudicial to national integrity and security, or is guilty of disclosure of official secrets to any unauthorized person.

4. Penalties.—

(1) The competent authority may after satisfying itself, notwithstanding anything contained in any law or the terms and conditions of service of the accused, by an order in writing, impose one or more of the following penalties, namely:

- (a) **Minor penalties-**
 - (i) censure;



- (ii) withholding of increment or increments, for a specific period, subject to a maximum of five years;
- (iii) fine not exceeding basic pay of one month;
- (iv) ban on holding any position involving financial responsibilities; and
- (v) withholding of promotion for a specific period, subject to a maximum of five years:

Provided that the penalty shall stand but this period shall be counted from the date when a person junior to the accused is promoted on regular basis against the higher post; and

(b) Major penalties-

- (i) recovery from pay, pension or any other amount payable to the accused, the whole or a part of any pecuniary loss caused to the University, and if the amount due from any such person cannot be wholly recovered from the pay, pension or any other amount payable to him, such amount shall be recovered under the laws for the time being in force;
- (ii) reduction to a lower post and or pay scale from the substantive or regular post for a specific period subject to a maximum of five years;
- (iii) forfeiture of past service for a specific period subject to a maximum of five years;
- (iv) forfeiture of pay and allowances for specific period not exceeding two months;
- (v) compulsory retirement;
- (vi) termination from service;
- (vii) removal from service; and
- (viii) dismissal from service;

(c) Penalties after retirement-

- (i) withholding of pension/ gratuity or any part thereof;
- (ii) forfeiture of pension/gratuity or any part thereof; and



- (iii) recovery from pension or any other amount payable to the accused, of the pecuniary loss caused to University, and if the amount due from any such person cannot be wholly recovered from the pension or any other amount payable to him, such amount shall be recovered under any other law for the time being in force.
- (2) Dismissal from service under these Rules shall disqualify the employee for future employment under the University or under any organization to which the provisions of these Rules apply.
- (3) Any penalty under these Rules shall not absolve an employee or accused from liability to any punishment by a Court of Competent Jurisdiction, to which he may be liable for an offence under any law for the time being in-force, committed by him while in service:
- Provided that the competent authority may impose any other penalty prescribed by any other law or rules for the time being in force;
- Provided further that no penalty by the competent authority under these Rules or any other law for the time being in force, shall be imposed without affording the opportunity of showing cause, personal hearing and inquiry made in this respect, if the decision of the inquiry committee or officer is against the accused employee.
- (4) In this rule, removal or dismissal from service does not include the discharge of person:-
- (a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
 - (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
 - (c) engaged under a contract, in accordance with the terms of the contract.

5. Initiation of Proceedings.—

- (1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against an employee under these rules, it shall either-
- (a) proceed itself against the accused by issuing a show cause notice under

Section 7;

Provided that no opportunity of showing cause shall be given where:

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
 - (ii) an employee has entered into plea bargain or has voluntarily returned all or a part of the assets gained or acquired through corruption or corrupt practices under any law for the time being in force or has been convicted of the charges of corruption which have led to a sentence of fine or imprisonment or both;
 - (iii) an employee is involved in subversive activities; or
 - (iv) it is not reasonably practicable to give such an opportunity to the accused; or
- (b) get an inquiry conducted into the charge or charges against the accused by appointing an inquiry officer or an inquiry committee, as the case may be, under Section 9:

Provided further that the competent authority may dispense with the inquiry where there is sufficient documentary evidence against the accused, or for reasons to be recorded in writing, the competent authority is satisfied that there is no need to hold an inquiry.

(2) The orders of inquiry or the show cause notice, as the case may be, shall be signed by the competent authority, or any officer of the university, duly authorized by the authority.

6. Suspension.—

(1) An employee against whom action is proposed to be initiated under section 5 may be placed under suspension for a period of ninety days if in the opinion of the competent authority, suspension is necessary or expedient:

Provided that the continuation of the period of suspension shall require the prior approval of the competent authority for each period of extension;

Provided further that during suspension period the employee shall be entitled to the usual pay and allowances.

(2) An employee who is arrested in any criminal charge shall be deemed to be suspended from the date of his arrest.

7. Procedure where inquiry is dispensed with.—

(1) If the competent authority decides that it is not necessary to hold an inquiry against the accused under section 5, it shall-

- a) inform the accused, in writing, of the grounds for proceeding against him, clearly specifying the charges therein, along-with apportionment of responsibility and the penalty or penalties proposed to be imposed upon him/her;
- b) give him/her a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the Notice or within such extended period as the competent authority may determine;
- c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chancellor himself is competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons;

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which shall direct the competent authority to decide the case within a specified period.

- d) afford an opportunity of personal hearing either itself or through the hearing officer, before passing any order of penalty here under clause (f), if it is determined that the charge or charges have been proved against him/her:



- e) exonerate the accused, by an order in writing with reasons thereof, if it is determined that the charge or charges have not been proved against him; and
- f) impose any one or more penalties mentioned in section 4, by an order in writing with reasons thereof, if the charge or charges are proved against the accused:

Provided that-

- (i) where charge or charges of corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; And
- (ii) where charge of unauthorized absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal from service shall be imposed upon the accused.

8. Action in case of conviction or plea bargain or voluntary return under any law.—

(1) Where an employee is convicted by a court of law or has entered into a plea of bargain or has voluntarily returned the assets or gains acquired through corruption or corrupt practices under any law for the time being in force, the competent authority, after examining the facts of the case, shall-

- a) dismiss the employee, where he has been convicted of charges of corruption or has entered into plea bargain or/and has returned the assets or gains acquired through corruption or corrupt practices voluntarily; or
- b) proceed against the employee under section 7, where he has been convicted of charges other than corruption.

9. Procedure to be followed by competent authority where inquiry is necessary.—

(1) If the competent authority decides that it is necessary to hold an inquiry against the accused under section 5, it shall pass an order of inquiry in writing, which shall include-

- a) appointment of an inquiry officer or an inquiry committee; provided that the inquiry officer or the Chairman of inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are

proceeded against jointly, the inquiry officer or the Chairman of the inquiry committee shall be of a rank senior to the senior most accused;

- b) intimation to the Inquiry Officer or Inquiry Committee, as the case may be, of the grounds for proceeding clearly specifying the charges along with apportionment of responsibility;
- c) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within seven days of the date of receipt of orders or within such extended period as the competent authority may determine.

(2) The Order of Inquiry shall be served with a Statement of Allegations by the competent authority intimating the accused employee of the grounds for proceeding, clearly specifying the charges.

(3) The faculty concerned, or the administrative Unit of the University shall appoint a departmental representative, who shall be responsible for communicating the record of the case and the list of witnesses, if any, to the inquiry officer or the inquiry committee, as the case may be.

10. Procedure to be followed by inquiry officer or inquiry committee.—

(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charge or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, or in extended period, if any, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex-parte.

(3) The inquiry officer or the inquiry 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, in which case it shall not be of more than seven days.

(4) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(5) If an accused employee intentionally avoid inquiry proceeding despite service of notice or refuses to take notice or remains absent or causes delay in the proceedings then the inquiry officer or the inquiry committee, as the case may be, shall in such circumstances proceed ex-parte;

(6) If the accused absents himself/herself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board or Medical Officer as may be appointed by the competent authority:

Provided that the competent authority may, after satisfying itself, sanction medical leave up-to seven days without recommendation of the Medical Board or Medical Officer, as the case may be.

(7) The inquiry officer or the inquiry committee, as the case may be, shall submit his/her or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within thirty days of the initiation of inquiry:

Provided that where the inquiry cannot be completed within thirty days, the inquiry officer or the inquiry committee, as the case may be, shall for reasons to be recorded in writing seek one time extension for specific period from the competent authority;

Provided further that the inquiry shall not be vitiated merely on the grounds of nonobservance of the time schedule for completion of inquiry;

11. Powers of the inquiry officer or inquiry committee.—

(1) The inquiry officer/ committee shall have the power in respect of the following:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;

- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

12. Duties of the faculty/departmental representative.—

- (1) The faculty/ departmental representative shall perform the following duties, namely-
 - a) render full assistance to the inquiry officer or the inquiry committee or hearing officer or the authority concerned, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
 - b) cross-examine the witnesses produced by the accused and with permission of the inquiry officer or inquiry committee, as the case may be, the prosecution witnesses in case of their turning hostile; and
 - c) rebut the grounds of defense offered by the accused before the hearing officer or the authority concerned.
 - d) produce any additional evidence, oral or documentary, if the situation so warrants.

13. Order to be passed by the competent authority on receipt of report from the inquiry officer or inquiry committee.—

- (1) On receipt of the report from the inquiry officer or inquiry committee, as the case may be, the competent authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.
- (2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.
- (3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing.
- (4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-



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- a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him by the inquiry officer or inquiry committee;
- b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in section 4 may not be imposed upon him and to submit additional defense in writing, if any, within seven days of the receipt of the notice, before itself or the hearing officer, as the case may be;
- c) indicate the date of personal hearing or appoint a hearing officer to afford an opportunity of personal hearing on his behalf;
- d) provide a copy of the inquiry report to the accused; and
- e) direct the departmental representative to appear, with all the relevant record, on the date of hearing before himself or the hearing officer, as the case may be.

(5) After affording personal hearing to the accused or on receipt of the report of the hearing officer, the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defense offered by the accused during personal hearing, by an order in writing-

- (a) exonerate the accused; or
- (b) Impose any one or more of the penalties specified in section 4:

Provided that:

- (i) Where charge or charges of corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

(6) Where the Competent Authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording



reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry.

(7) After receipt of inquiry report, the competent authority, except where the Chancellor himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

14. Personal hearing.—

(1) The authority affording personal hearing or the hearing officer on receiving an order of appointment shall, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him for personal hearing on the fixed date and time.

(2) After affording personal hearing to the accused, the authority or the hearing officer shall, in relation to the case and the contention of the accused during the hearing, record his remarks in writing and, in case of hearing officer, submit a report to the authority so appointed him which shall include:-

- (i) summary of the inquiry report where inquiry was conducted under Section 9, or summary of the defense offered by the accused to the show cause notice under section 7, or grounds of appeal or review filed under section 18, as the case may be;
- (ii) summary of defense offered by the accused during the hearing, if any; and
- (iii) views of the departmental representative, if any.



15. 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 inefficiency by reason of infirmity of mind or body, the Vice Chancellor may, at any stage, require the University employee to undergo a medical examination by Medical Board, as constituted by the Vice Chancellor, and the report of the Board shall be made part of the proceedings.

(2) If University employee refuses to undergo such examination, his/her refusal may, subject to the consideration of any grounds he/she may give in support of it, be taken into consideration against him/her showing that the he/she had reason to believe that the result of the examination would prove unfavorable to him.

(3) Procedure for imposing any penalty under these rules in such case, shall be as specified under Section-9 of these rules.

16. Re-instatement.—

(1) If a University employee, in pursuance of an order under Rule 13 is not dismissed, removed, reduced in rank or compulsorily retired, he/she be reinstated in service, to be notified by the Registrar.

(2) If any of the minor or major penalty (ies) is imposed, and reinstatement is required after imposition of the same (i.e. not dismissal or removal from service), the period of such discipline proceedings shall be treated as decided by the competent authority.

17. Authority.—

(1) The authority competent to take disciplinary action against a University employee, and the appellate authority for the purpose of implementation of these rules shall be as follows:

S.No.	Class of Employees	Authority to take disciplinary action	Appellate authority
a	b	c	d
01	Vice Chancellor, Pro Vice Chancellor	Chancellor	Senate



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02	Registrar , Controller of Exams and Treasurer/ Director Finance	Pro Vice Chancellor	Vice Chancellor
03	All members of teaching staff and non teaching staff in pay scale 16 & above	Pro Vice Chancellor	Vice Chancellor
04	Non Teaching staff from B-1 to B-15	Registrar	Pro Vice Chancellor

18. Appeal.—

(1) A University employee on whom a penalty is imposed, shall have the right to prefer an appeal, within (7) seven days of the receipt by him / her of the order imposing the penalty, to the appropriate appellate authority specified in Section 17 of these rules.

19. Appearance of counsel.—

(1) The accused, at no stage of the proceedings under this Act shall be represented by an advocate.

20. Power of Senate and Syndicate to issue instructions on discipline matters.—

(1) For the purpose of these Rules, the Senate and Syndicate may from time to time, as the case may be, issue instructions for the maintenance of appropriate standards of efficiency, good conduct, discipline and integrity.

21. Removal of difficulties.—

If any difficulty arises in giving effect to any of the provisions of these Rules, the Chancellor may make such order through a gazette notification, not inconsistent with the provisions of these Rules, as may appear to him to be necessary for the purpose of removing that difficulty.

22. Repeal.—

On enforcement of these rules, any instruction, order, practice, or policy concerning efficiency and discipline related matters of the University employees, which are inconsistent with these rules, shall stand withdrawn and are hereby repealed.

DR. AHMED NAWAZ KHOSA
REGISTRAR
LUAWMS

Registrar
Lasbela University of Agriculture
Water & Marine Sciences UTHAL.
