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**The Pakistan Wapda Employees
(Efficiency And Discipline) Rules, 1978**

(AS AMENDED UPTO JANUARY 2014)

**PAKISTAN
WATER AND POWER DEVELOPMENT AUTHORITY**

Telephone: 69911/423
Telegrams: WAPDA, LAHORE
No. S/SO(RCM)24(E&D)2273-23331

304-Wapda House,
Lahore
11th February, 1978

In exercise of the powers conferred by Section 18 of the Pakistan Water and Power Development Authority Act, 1958, (West Pakistan Act No. XXXI of 1958), the Pakistan Water and Power Development Authority is pleased to make the following rules, namely:

**THE PAKISTAN WAPDA EMPLOYEES (EFFICIENCY
AND DISCIPLINE) RULES, 1978**

1. Short Title, Application and Commencement

1. These rules may be called The Pakistan Wapda Employees (Efficiency and Discipline) Rules, 1978.
2. They shall apply to all Wapda Employees except those on probation and those borne on workcharged establishment.
3. They shall come into force at once.

2. Definitions

In these rules, unless there is anything repugnant in the subject or context:

1. "Authority" means the Pakistan Water and Power Development Authority.
2. "Appointing authority" means the officer designated as such by any rules or by any orders of the Authority.
3. ^{*1}"Competent authority" means the Authority or the appointing authority, or an officer to whom the appointing authority is subordinate, or an officer designated by the Authority to exercise powers of the competent authority.

^{*2} Competent Authority who had once initiated disciplinary action under the Rules then he alone should continue with the proceedings till final disposal.

^{*2} Explanation:- Added vide O.M. No. D. (R)/07456/20/IX/16547-17847, dated 13-05-1998.

4. "Employee" means a person who has been directly recruited by the Authority or who has been absorbed in the service of the Authority on transfer from, or on termination of his lien in his parent department/ organization.

^{*3}4a "Enquiry Committee" means the Enquiry Committee appointed by the "Competent authority" and includes the Special Enquiry Committee.

^{*1}Added vide No. D/DD (Rules)/07474/Vol-V/20705-21304 dt. 21-11-81 (Annex-VI)

^{*2}Deleted vide O.M. No. GM(A)/D/DD(R)/07456/20/XI/2337-986, dated. 03-02-2000 (Annex-XL)

^{*3}Added vide No. GM(A)/DD(R)/07456/20/32513-33813 dated 03-07-1995. (Annex-XXXII)

Note : The competent authorities notified from time to time given at (Annex-LIII to LXXXVII)

5. **"Misconduct" includes:**

- (i) Breach of service discipline or instructions issued by the Authority;
- (ii) Commission of theft, fraud, dishonesty or any other offence involving moral turpitude;
- (iii) Wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior;
- (iv) Wilful damage to or loss of the Authority's goods or property;
- (v) Habitual absence without leave or habitual late attendance;
- (vi) Riotous or disorderly behaviour during working hours;
- (vii) Habitual negligence or neglect of work;
- (viii) Striking work or inciting others to strike work in contravention of the provisions of any law or rule having the force of law;
- (ix) Participation in, or subscribing in aid of any political movement in Pakistan or relating to the affairs of Pakistan;
- (x) Canvassing or otherwise interfering or using influence in connection with or participating in any election to a legislative body, whether in Pakistan or elsewhere, except to the extent of exercising the right to vote, if otherwise qualified to do so, but without giving any indication of the manner in which it is proposed to vote;
- (xi) Failure to repay house building or any other loans and advances
- (xii) Conduct prejudicial to good order or service discipline or contrary to Wapda Employees (Conduct) Rules or unbecoming of an employee and a gentleman and includes any act on the part of a Wapda employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Authority or any officer of the Authority in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Wapda employee.
- *¹(xiii) Non initiation / countersigning of ACRs in accordance with the time frame specified in para 18 of the Guidelines for Completion of ACR.
- *¹ (xiv) Non dispatching of ACRs to next reporting officer within seven days of its receipt.

6. "Penalty" means a penalty which may be imposed under these rules.

3. **Grounds for Penalty**

Where an employee, in the opinion of the competent authority;

- (a) is inefficient or has ceased to be efficient, or
- (b) is guilty of misconduct; or
- (bb) is guilty of laxity in control over his subordinates, which facilitated or encouraged the commission of misconduct or other offences by them;
- (c) is corrupt or may reasonably, be considered corrupt because:-
 - (i) He is, or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or

*¹Added vide OM No. DG(S&GA)/D(Rules)/07456/20/XIV/27021-28321 dt. 05.07.2001 (Annex-XLIV)

- (ii) He has assumed a style of living beyond his ostensible means; or
- (iii) He has a persistent reputation of being corrupt; or
- (d) (a) 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 therefore prejudicial to national security.
- *¹(b) "Provided that an employee is found involved in leakage of secret information regarding tenders/bids, evaluation report and the proceedings for award of contracts, the competent authority shall impose penalty not less than compulsory retirement/removal from service as mentioned under Rule 4 (1) (b) ii & iii of these Rules"
- (e) The competent authority may impose on him one or more penalties. *²"Provided that where an employee is found involved in theft of energy as envisaged by Section 39 of the Electricity Act, 1910, the competent authorities shall impose penalty not less than dismissal from service as mentioned under Rule 4 (1) (b) IV of these Rules."
- *³(f) Serving officers who have failed to initiate / countersign and forward ACRs as per schedule for completion of ACRs may be proceeded against under the Pakistan WAPDA (E&D) Rules, 1978 and penalty imposed shall not be less than the major penalty. In cases of deputationists the report shall be made to their parent department to proceed against them appropriately.

*⁴ 4. Penalties

1. The following are the minor and major penalties namely:

(a) Minor Penalties

- (i) censure;
- *⁵(ii) withholding for a specified 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) deleted Vide O.M. No. S/DD (R)/07456/20/Vol. VI/96845-97624 dated 19-11-1983.
- (iv) recovery from pay of the whole or any part of any pecuniary loss caused to Wapda by negligence or breach of orders.

(b) Major Penalties

- (i) reduction to a lower 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.

*¹ Added vide O.M. No. DG(S&GA)/DD (R)/07456/20/XI/9719-20318, dated 15-06-99. (Annex-XXXVIII)

*² Added vide O.M. No. DG (S&GA)/D (R)/07456/20/X/27337-28637, dated 25-06-98. (Annex-XXXV)

*³ Added vide O.M No. DG(S&GA)/DD(Rules)/07456/20/XIV/25720-27020 dt. 05.07.2001 (Annex-XLIII)

*⁴ Instructions regarding uncommon Penalties-Exoneration of accused found guilty in enquiries issued vide O.M No. GM (A)/DG (S&GA)/D(Rules)/07456/20/18343-993 dt 8/9 -3-2006 (Annex-XLVII)

*⁵ Instructions regarding stoppage of increment issued vide O.M No. DG (S&GA)/DD (Rules)/07456/20/3403-4362 dt 19-01-1987 (Annex-XXV)

2. Removal from service does not, but dismissal from service, does disqualify for future employment.
3. In this rule removal or dismissal from service does not include the discharge of a 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.
4. No officer subordinate to the appointing authority, and no officer subordinate to that specifically designated by the Authority as the competent authority to exercise powers under these rules shall be competent to impose a penalty on an employee.

***¹ 5. Inquiry Procedure**

The following procedure shall be observed when a Wapda employee is proceeded against under these rules:-

- (i) In case where a Wapda employee is accused of subversion, corruption or misconduct, the competent authority may require him to proceed on leave or, suspend him, provided that any continuation of such leave or ^{*2}suspension shall require approval of the next higher authority after every three months.
- ^{*3} (ii) While under suspension, as aforesaid, the employee shall inform the appointing authority about his movements and shall not leave his station/place of posting without permission in writing of the appointing authority.
- ^{*3} (iii) The competent authority shall decide whether in the 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, the procedure indicated in Rule 6 shall apply.
- ^{*3} (iv) If the competent authority 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
 - ^{*4} (b) give him an opportunity to submit a written explanation against the action proposed to be taken, within a period of not more than 14 days from the day the explanation letter has been communicated to him, and will also require the accused to state at the same time in his written explanation whether he desires to be heard in person.

^{*1}Detailed instructions for Competent authorities and Inquiry officers are issued vide o/o No. D/DD (Rules)/07456/21/7193-7542 dt 14-05-1981 (Annex-IV).

^{*2} Guidelines for suspension from service issued vide o/o No. GM (A)/DD (R)/07456/3/82364-83483 dated 18/20.06.1988 (Annexure-XXVII)

^{*3} Added and renumbered vide O/O No. SO(R)24(E&D)/4285-4884 dt. 14.02.1980. (Annexure-II)

^{*4} Substituted Vide O.M. No. S/DD (Rules)/07456/20/86113-86933 dated 5-11-1985 (Annexure-XXIII)

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.

- ^{*1} (v) a. On receipt of the report of Enquiry Officer or Enquiry Committee; the competent authority shall consider the same and if on such consideration he is of the tentative opinion that a penalty be imposed upon the accused he shall provisionally determine penalty to be imposed, and shall so inform the accused, supply him a copy of the report, and call upon him to show cause within a reasonable time not less than seven days and not more than fourteen days from the day the notice has been served on him, why the penalty proposed be not imposed. The competent authority shall take into consideration the cause shown by the accused, hear him in person, and determine whether charge has been proved and then notwithstanding anything contrary in any other rule, office order or instructions shall pass such orders as he may deem proper.

^{*2} **Note :** Competent authority have the power to accept or reject the report of Enquiry Officer exonerating the accused official and order fresh enquiry. There is no prohibitory provision in the rules express or implied to bar fresh enquiry on the same facts. The Enquiry officer will be substituting the Competent authority if formers report was held to be final and binding on the later.

- b. The above procedure of determining provisionally penalty to be imposed, asking the accused to show cause, and affording him an opportunity of personal hearing shall also apply to cases where the accused was issued Explanation Letter under Rule 5(iv) and the explanation submitted by him was found unsatisfactory.

5.A Procedure for dealing with-inefficient and habitual malingerers

If an employee does not perform his duties diligently or is an inefficient worker, or is a habitual malingerer, that, is, a late comer, a wilful absentee from duty, or avoids his duties on false pretences a written warning shall be given to him by his immediate superior and if he fails to reform himself, a report shall be made within a period of two months from the date of the notice of warning to the officer named below, who may, without prejudice to the provisions of Rules 5 and 6 after obtaining his explanation, impose on him the penalty of stoppage of increment, for a period of one year, without commulative effect:-

- (a) For officials of Grade 1 to 15 by the superior officer, of Grade-17 and higher grades.
- (b) For officers of Grade-16 and above by the superior officer, who is two steps higher in grade to the employee.

^{*3}**6. Procedure to be observed when an Inquiry Officer or an Inquiry Committee is to be appointed**

Where an Inquiry Officer or an Inquiry Committee is to be appointed, the competent authority shall:-

^{*1}Substituted vide O.M. No. S/DD (Rules)/07456/20/86113-86933 dated 5-11-1985 (Annex-XXIII)

^{*2}Instruction issued vide O.M No. D (Rules)/07474/Vol-V/21310-21909 dt. 23-11-1981

^{*3}Clarified vide O/O No. GM (Admn) DD (Rules)/07474/Vol-III/13838-14337 dated 16-08-81 (Annex-V), O.M No. D/DD (Rules)/07474/Vol-III/26385/26984 dt. 15-12-81 (Annex-IX), O.M. No. D/DD (Rules)/07456/21/7193-7542 dt 18-1-83 (Annex-XIV)

- (1) Frame a charge and communicate it to the accused together with statement of the 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 fourteen days from the day of charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person.
- (3) The Inquiry Officer or the Committee, as the case may be, shall inquire into the charge/or circumstances and may examine such oral or documentary evidence in support of the charge/plea or in defence of the accused, as may be considered necessary, and the accused shall be entitled to cross-examine the witness evidence against him.
- (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 competent authority. 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 inquiry, 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 inquiry in such manner as he or it thinks best suited to do substantial justice.
- (6) 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 competent authority submit his or its findings and the grounds thereof to the competent authority.

***¹6.A. Procedure for service of show cause notice or charge-sheet in certain eventualities.**

"The letter calling for explanation of the accused under Rule 5 or the letter communicating the charges*² to the accused under Rule 6, shall be sent to him at the last known address through courier service if such service is not available at the place of sender or addressee, then under Registered Cover, acknowledgement due. In case the letter is received back with a report of refusal, or with a report that it has been received by a member of the family or it is not returned within a period of 10 days from the date of its issue, it shall be presumed that the notice has been duly served on the accused."

7. Powers to order medical examination as to mental or bodily infirmity

1. Where it is proposed to proceed against an employee on the ground of inefficiency by reason of infirmity of mind or body, the competent authority may, at any stage, require, an employee to undergo a medical examination by a Medical Board or the Medical Officer of the Authority. The competent authority may remove or retire an employee

*¹Amended vide O.M. No. DG (S&GA)/D(Rules)/07456/20/XI/17919-18568, dated 26-5-99 (Annexure-XXXVI)

*²Detailed instructions regarding serving letter under (E&D) Rules issued vide O/O No. S/SO (R)24/Vol-I/18144-18743 dt. 10.07.80 (Annexure-III)

from service on the report of the Medical Board or the Medical Officer by giving him a reasonable opportunity of showing cause, within a period of not less than seven days and not more than fourteen days. A copy of the medical report will form part of such proceedings.

2. If the employee refuses to undergo of such an examination, his refusal may, subject to any grounds that 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 unfavourable to him.

8. Rule 5 not to apply in certain cases

Nothing in Rule 5 shall apply to a case:

- (a) 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
- (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.

9. Procedure of Inquiry against Officer lent to Provincial/Central Government etc.

1. Where the services of a Wapda employee to whom these rules apply are lent to a Provincial/Central Government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the 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 rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending 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 authority shall obtain prior approval of the Wapda before taking any action under these rules against a Wapda employee of BPS-17 or above.

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

10. Reinstatement

1. Reinstatement in service after suspension shall be regulated by such rules, orders or instructions as issued by the Authority from time to time.
2. If an employee proceeding on leave, in pursuance of an order issued under sub rule (i) of Rule 5, is exonerated from the allegations or charges levelled against him, he shall be reinstated in service, or as the case may be, restored to his rank or given an equivalent rank, and the period of such leave shall be treated as duty on full pay.

***¹ 11. Appeal**

1. "An employee, on whom a penalty is imposed, shall have a right to appeal to the authority next above the competent authority Appellate authority may enhance, remit or reduce the penalty imposed by the competent authority. An employee, on whom the appellate authority has imposed higher penalty than the one appealed against, shall have a right of further appeal to the next higher officer and, in the absence of the next higher officer, to the Authority."

2. The appeal shall comply with the following requirements:

- (a) It shall contain all material statements and grounds relied upon, and shall be complete in itself.
- (b) It shall specify the relief desired.
- (c) It shall be submitted through proper channel.
- (d) It shall be made within two months of the date on which orders were passed under Rule 5.

3. The appeal shall be forwarded, as soon as possible, to the appellate authority with all relevant records and with the comments of the officer against whose order the appeal has been filed.

4. The appellate authority shall consider:

- (a) Whether the facts on which the orders were based have been established;
- (b) Whether the facts established afford sufficient ground for taking action;
- (c) Whether the penalty imposed is excessive, adequate or inadequate; and
- (d) There has been substantial compliance of these rules and after such consideration shall pass such orders as it thinks proper.

^{*2} Note: In cases where the appellate authority decides to enhance the penalty imposed by the competent authority, a Show Cause Notice will be issued and the accused/appellant will be given an opportunity of being heard in person."

5. Subject to the provisions of Rule 12, an order passed on appeal shall be final.

***^{3,4} 12. Revision**

"The following authorities may, either on receipt of a specific reference or of their own motion, at any time, call for any case in which proceedings may have been instituted under these rules, and pass such orders including orders reversing acquittal or enhancing the penalty imposed as they may deem fit, and orders so passed shall be final :

- a. Authority Disciplinary cases relating to General Managers, Chief Engineers, Superintending Engineers, Senior Engineers and Officers of equivalent status.

^{*1} Substituted vide O.M. No. MD(A)/DD(R)/07456/47/811-1929 dated 16-1-1990 (Annex-XXX)

^{*2} Added vide O.M No. S/DD (Rules)/07456/20/Vol. VI/48975-49944, dt. 11.6.1986 (Annex-XXIV)

^{*3} Substituted vide O.M No. MD(A).DD (R)/07456/20/IV/9820-10925 dt. 11.3.1991. (Annex-XXXI)

^{*4} Clarification on WAPDA E&D Rule 12 Issued Vide office order No. D/DD/(Rules)/07456/21/V/22211-260 dt.08-10-10 (Annex-LI)

- b. Respective Disciplinary cases concerning Junior Engineers and Officers of
 Members/
 Managing equivalent status and all employees in BPS-1-16.
 Directors

***¹Note :** In cases where the above authorities decide to enhance the penalty imposed by the competent authority, a Show Cause Notice will be issued and the accused given an opportunity of being heard in person.

***²13.** Notwithstanding anything contained in these Rules orders and instructions issued from time to time, the Chairman, Member or Managing Director may at his discretion at any time refer any case to a Special Enquiry Committee regarding misconduct of any employee irrespective of grade and in that case, shall exercise all the powers of the "competent authority".

Note

"For appeal purposes Rule 11 will be applicable. However, if any penalty is imposed by the Chairman as competent authority the appeal shall lie before the Authority whose decision shall be final."

Repeal

14. The Pakistan Wapda Employees (Efficiency and Discipline) Rules 1975 as amended from time to time, are hereby repealed, but the repeal thereof shall not affect any action taken or anything done or suffered there under.

BY ORDER OF THE AUTHORITY

Sd/-
(Kazim Ali Khan)
Section Officer (R&CM)

^{*1}Added vide O.M. No. S/DD(R)/07456/20/Vol-VI/148975-49944 dt 11-06-86 (Annex XXIV)

^{*2}Added vide No. (A)/DD (R)/07456/20/32513-33813 dated 3.7.1995 (Annex-XXXII)

