



ZIAUDDIN UNIVERSITY
EXAMINATION BOARD

**ZIAUDDIN UNIVERSITY
EXAMINATION BOARD
EMPLOYEES
(EFFICIENCY & DISCIPLINARY)
RULES, 2020**



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The purpose of these Rules is to improve performance of the Ziauddin University Examination Board employees and to maintain discipline in their working.

ZU/Legis/03/2020- In exercise of powers conferred by sub-section (a) of Section 30 of Ziauddin University Act, 1995, the Chancellor of Ziauddin University is pleased to make the following rules, for Examination Board:

1. Short title, commencement and application. - (1) These Rules may be called the Ziauddin University Examination Board Employees (Efficiency & Disciplinary) Rules, 2020.

(2) They shall come into force at once and shall apply to all board employees.

2. Definition. - In these rules, unless the context otherwise requires: -

(1) "board" means Ziauddin University Examination Board;

(2) "employee" mean employee appointed in the Ziauddin University Examination Board on regular or temporarily (likely to be continued indefinitely) basis, but not appointed on daily wages basis, part time basis, contract basis, or otherwise;

(3) "accused" means a board employee against whom the disciplinary proceeding is initiated under the rules;

(4) "controlling authority" means the Chancellor, Ziauddin University, or the case may be;

(5) "competent authority" the Chairman of the board or any officer or authority designated by the chairman, not being inferior in rank to the appointing authority, prescribed for the post held by the person against whom action is proposed to be taken, to exercise the powers of the competent authority under the rules;

(6) "appellate authority" means Controlling Authority;

(7) "misconduct" means conduct prejudicial to good order of service, such as unbecoming of an officer /official and a gentleman or involvement or participation for gain either directly or indirectly in industry, trade or speculative transactions or abuse or misuse of the official position to gain undue advantage or assumption of financial or other obligations to private institutions or persons as may cause embarrassment in the performance of official duties or functions;

(8) "Penalty" which may impose under the rules.

3. Ground for penalty. - (1) Where a board employee, in the opinion of the authority:

(a) inefficient or has ceased to be efficient for any reason or is guilty of being habitually absent from duty without prior approval or leave, despite repeated warnings; or

(b) is guilty of misconduct; or

(c) is corrupt, or may reasonably be considered corrupt because –

(i) he / she or any of his / her dependents or any other person through him / her or in his / her behalf is, in possession of pecuniary sources or of property, acquired during the board service for which he / she cannot reasonably account for, and which are disproportionate to his / her known resources of income; or

(ii) he / she has persistent reputation of being corrupt.

(d) engaged or is reasonably believed to be engaged, in subversive activities, and his / her retention in service is prejudicial to national security or he / she is guilty of disclosure or hand over the official secrets of the board to any unauthorized person; or

(e) has caused financial damages or defamation of board reputation with false allegation made through printing and electronic media or public speech etc.; or

(f) convicted by any court of law on criminal cases or accused of any criminal charge / case, in which the law enforcing agency has sufficient proof / evidence of his / her involvement.

(2) Penalties: - The competent authority, after inquiry by the Inquiry Officer or Inquiry Committee constituted under section 5, may, notwithstanding anything contained in any law or the terms and conditions of service of such person, by order in the writing impose:

(a) major penalties such as dismiss such person from service or reduce him to lower post or pay scale; or

(b) Impose one or more minor penalty, such as:

(i) Censure;

(ii) with-holding, for a specific period, promotion or increment, otherwise than for unfitness for promotion of financial advancement, in accordance with the rules or orders pertaining to the service or post;

(iii) Recovery from pay of the whole or any part of any pecuniary loss caused to the board by negligence or breach of orders.

Provided that in this rule, dismissal from service does not the discharge of a person, appointed on probation, during the probation period or in accordance with the probation or training rules applicable to him.

(3) Before passing an order under sub-rule (1), the competent authority shall:

(a) by order in writing, inform the accused official of the action proposed to be taken in regard to him and the grounds of the action; and

(b) give him / her a reasonable opportunity of showing cause against that action within fifteen days or writing such extended period as the competent authority may determine, or give second & final opportunity of showing cause, if deemed appro-

appropriate and personal hearing to the accused person, so as to exhaust justice;

Provided, that no such opportunity shall be given where the competent authority is satisfied that in the interest of security of country or any part thereof or the board, it is not expedient to give such opportunity.

Provided further, that no such opportunity shall be given where the accused is dismissed from service or reduced in rank on the ground of conduct which has led to a sentence of fine or of imprisonment or where the competent authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to give the accused an opportunity of showing cause.

4. Suspension. - A person against whom action is proposed to be taken under Rule 3 may be placed under suspension with immediate effect, if in the opinion of the competent authority; suspension is necessary or inevitable, for period of one month or a period, as determined by the authority concerned, which may be extended for further period with the reasons recorded thereon. The suspension period shall however, not be extended beyond two months. No pay shall be given to the employee during the suspension period or as determined by the competent authority.

Provided that the competent authority, may in an appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him, from such date, as may be specified by the competent authority.

5. Inquiry Procedure. – (1) Subject to the provisions of sub-rule (2), the competent authority shall, before passing an order under sub-rule 2 of Rule 3 appoint an Inquiry Officer or Inquiry Committee to scrutinize the conduct of person in board service, who is allegedly to have committed any of the act or omission specified in Rule 3. The Inquiry Officer or, as the case may be, the Inquiry Committee shall:

(a) communicate to the accused the charge and statement of allegations specified in the order of inquiry passed by the competent authority;

(b) require the accused within seven days from the day the charge is communicated to him / her to put in a written defence;

(c) inquiry into the charge and may 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 his / her; and

(d) hear the case from day to day basis and no adjournment shall be given except under special reasons to be recorded in writing and intimated to the competent authority.

(2) Where the Inquiry Officer or, as the case may be, the Inquiry Committee is satisfied that the accused is hampering, or attempting to hamper, the progress of

the Inquiry, the Inquiry Officer or Inquiry Committee, as the case may be, shall record a finding to that effect and proceed to complete the inquiry in such manner as deems proper in the interest of justice.

(3) The Inquiry Officer or, as the case may be, the Inquiry Committee shall submit findings and recommendations to the competent authority within fifteen days of the initiation of inquiry.

(4) The competent authority may dispense with the inquiry under sub-rule 1 if it is in possession of sufficient documentary evidence against the accused, or for reasons to be recorded in writing; it is satisfied that there is no need of holding an inquiry.

(5) Where a person who has entered into plea bargaining under any law for the time being in force, and has returned the assets of gains acquired through corruption or corrupt practices voluntarily, the inquiry shall not be ordered:

Provided that show-cause notice shall be served upon the accused on the basis of such plea bargaining to such person informing of the action proposed to be taken against him / her on the grounds of such action requiring him / her to submit reply within fifteen days of the receipt of the notice. On receipt of the reply, the competent authority may pass such orders, as it may deem fit.

6. Powers of Inquiry Officer or Inquiry Committee. - The Inquiry Officer or as the case may be, the Inquiry Committee shall have powers –

(a) to summon and enforce attendance of any person and examine him on oath;

(b) to require the discovery and production of any document;

(c) to receive evidence of affidavits; and

(d) to record evidence.

7. Procedure to be followed by the Inquiry Officer or Inquiry Committee. - The Inquiry Officer or as the case may be, Inquiry Committee shall, subject to any rules made therein, have power to regulate his / her or its own procedure for the fixing of place and time of sitting and deciding whether to sit in public or in private place, to act notwithstanding the temporary absence of any of its members, in case of Inquiry Committee.

8. Order to be passed upon finding. - Every finding recorded by the Inquiry Officer or, as the case may be, Inquiry Committee under Rule 5, shall, with the recommendation provided for in that rule, be submitted to the competent authority and the competent authority may pass such order thereon, as it may deem proper in accordance with the provisions of these rules.

9. Procedure of inquiry against board employee lent to any authority. – (1) Where the services of a board employee to whom these rules apply are lent to any authority other than the place of appointment / posting, as the case may be, in this rule referred to as the borrowing authority shall have the powers of the authority for the

purposes of placing him / her under suspension or requiring him to proceed on leave and of initiating proceedings against him / her under these rules:

Provided that the borrowing authority shall forthwith inform the authority concerned, which has lent his / her services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of his / her suspension or the commencement of the proceedings, as the case may be.

Provided, further that the borrowing authority shall obtain prior approval of the lending authority / board concerned before taking any action under these rules against the board employee, in officer rank.

(2) If in the light of the findings in the proceedings taken against the board employee in terms of sub-rule (1), the borrowing authority is of opinion that any penalty should be imposed on him / her, 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.

(3) Notwithstanding anything contained in these rules, the board may, by an order in writing authority to the borrowing authority, to exercise all power of any of the powers of authority or appellate authority in respect of board employee, whose services have been lent to the borrowing authority.

10. (1) Non-application of Rule 5. – The Rule 5 shall not apply in certain cases, such as,

(a) Where the accused has been convicted by a court of law and sentenced to imprisonment or fine on the charge (s) involving more turpitude in which case the competent authority shall on the receipt of intimation of the conviction, make an order dismissing the accused from the service or reducing him in rank as it deem fit; provided that in case of conviction on charge (s) of corruption on the accused shall be dismissed from service.

(b) Where the authority competent to dismiss 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.

(2) Treating leave or suspension as duty on re-instatement. – If a board employee who proceeds on leave or is suspended under Rule 4 is exonerated of the charge or charges levelled against his / her or no action has been taken against him / her, a board employee shall be re-instated in service and the period of leave or as the case may be, suspension shall be treated as duty.

11. Appeal and Review Petition. - (1) A person who has been aggrieved by order of the competent authority for imposing upon him / her any major or minor penalty made under Rule 3 may, within thirty days from the communication of the order prefer an appeal before the Appellate Authority under relevant rules for.

Provided that where the order has been passed by the Controlling Authority, being competent authority, such aggrieved person may, within the aforesaid period, submit a review petition to the Controlling Authority, as the case may be.

(2) The Controller being an Appellate Authority may, on consideration of Appeal, review petition and any other relevant material, confirm, set aside, vary or modify the order in respect of which such appeal or review petition is made within thirty days thereof.

(3) The order on the appeal or review petition shall be comprehensive and passed after affording the personal hearing to the aggrieved person.

12. Appeal before judiciary forum. - Any person aggrieved by any final order under Rule 11, shall not be eligible to prefer an appeal to the judiciary forum.

13. Repeal. - On the commencement of the Ziauddin University Examination Board Employees (Efficiency & Disciplinary) Rules, 2020, all the relevant rules in force are hereby repealed. The repeal shall, however, not affect the pending disciplinary proceeding before the commencement of such rules, or action taken under the previous rules.

14. Gratuity and other benefits. - Notwithstanding anything contained in these rules, the payment of provident fund or other benefits to a person who dismiss from service or reduced to a lower post or pay scale under these rules shall, if admissible, be regulated in accordance with the law for the time being in force relating thereto.

15. Power to make rules / amendment. – The Chancellor or the Board of Governors of the Ziauddin University or Board of Ziauddin University Examination Board, as the case may be, may make rules and amendment in these rules, as may deem proper.

