

**REMOVAL FROM SERVICE  
(SPECIAL POWERS) SINDH  
ORDINANCE, 2000**

**ORDINANCE IX OF 2000**

*An Ordinance to provide for dismissal, removal, compulsory retirement from service and reduction to lower post or pay scale of certain persons from Government service and corporation service.*

*[Gazette of Sindh, Extraordinary, Part I, 30<sup>th</sup> August, 2000]*

Preamble.--Whereas in view of prevailing circumstances it is expedient and necessary and in the public interest and further for good governance to provide for measures, *inter-alia*, dismissal and removal of certain persons from Government service and corporation service as hereinafter stated;

And whereas it is necessary to provide for speedy disposal of such cases and for matters connected therewith or ancillary thereto;

And whereas the Provincial Assembly stands suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

And whereas the Governor of the Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

Now, therefore, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, instructions of the Chief Executive and in exercise of the powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:-

**1. Short title, extent, commencement and application. - (1)**

This Ordinance may be called the Removal from Service (Special Powers) Sindh Ordinance, 2000.

(2) It extends to the whole of Sindh.

(3) It shall come into force at once.

(4) It shall apply to persons in Government service and Corporation service.

**2. Definitions.-** In this Ordinance, unless there is anything repugnant in the subject or context:-

- (a) “competent authority” means, the Governor and where, in relation to any person or class of persons, the Governor authorizes any officer or authority, 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 competent authority under this Ordinance, that officer or authority, and, in relation to an employee of a Court or a Tribunal functioning under the Provincial Government, the appointing authority or the Chairman or Presiding Officer of the Court or the Tribunal.

**“GOVERNMENT OF SINDH  
SERVICES, GENERAL ADMINISTRATION  
AND COORDINATION DEPARTMENT  
(REGULATION WING)**

**Karachi, dated the 3<sup>rd</sup> May, 2001**

**N O T I F I C A T I O N**

**NO.SOR-I(S&GAD)/3-2/ordi-2000:-** In pursuance of the provisions contained in section 2(a) of the Removal from Service (Special Powers) Sindh Ordinance, 2000, the Governor is pleased to authorise the officer competent to appoint the person against whom action is proposed to be taken to exercise the powers of the Competent Authority in respect of such person under the said Ordinance.

**CHIEF SECRETARY  
GOVERNMENT OF SINDH”**

**“GOVERNMENT OF SINDH  
SERVICES, GENERAL ADMINISTRATION  
AND COORDINATION DEPARTMENT  
(REGULATION WING)**

**Karachi, dated the 21<sup>st</sup> June, 2003**

**NOTIFICATION**

**NO.SOR-I(S&GAD)/3-2/ordi/2000:-** In pursuance of the provisions contained in section 2(a) of the Removal from Service (Special Powers) Sindh Ordinance, 2000, and in partial modification of Services and General Administration Department’s Notification No. SORI(S&GAD)/3-2/ordi-2000 dated the 3<sup>rd</sup> May, 2001, the Governor is pleased to authorise the Chief Minister and Minister competent to appoint the persons against whom action is proposed to be taken to exercise the powers of the Competent Authority in respect of such person under the said Ordinance.

**CHIEF SECRETARY  
GOVERNMENT OF SINDH”**

- (b) “Government” means the Government of Sindh;
- (c) “misconduct” includes conduct prejudicial to good order or service discipline or conduct unbecoming of an officer and a gentlemen 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 such financial or other obligations to private institutions or persons as may cause embarrassment in the performance of official duties or functions;

- (d) “person in corporation service” means every person in the employment of a corporation, corporate body, authority, statutory body or other organization or institutions set up, established, owned, managed or controlled by Government, or by or under any law for the time being in force or a body or organization in which Government has a controlling share or interest and includes the Chairman and the Managing Director, and the holder of any other office therein; and
- (e) “person in Government service” includes every person who is a member of a Provincial service or of a Civil Service of the Province or who holds a Civil post in connection with the affairs of the Province or any employee serving in any Court or Tribunal set up or established by Government but does not include a Judge of the Supreme Court subordinate to the High Court, any employee of the said Courts thereof.

**3. Dismissal, removal and compulsory retirement of certain persons in Government or corporation service etc.** – (1) Where, in the opinion of the competent authority a person in Government or Corporation service, is:--

- (a) inefficient, or has ceased to be efficient for any reason; or is guilty of being habitually absent from duty without prior approval of leave, or
- (b) guilty of misconduct; or
- (c) corrupt, or may reasonably be considered as corrupt, because:--
- (i) he, or any of his dependents or any other person, through him or on his behalf, is in possession of pecuniary resources or of property, for which he cannot reasonably account for and

which are disproportionate to his known source of income; or

- (ii) he has assumed a style of living beyond his known sources of income; or
- (iii) he has a persistent reputation of being corrupt; or
- (iv) he has entered into plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily; or
- (d) engaged, or is reasonably believed to be engaged, in subversive activities, and his retention in service is prejudicial to national security or he is guilty of disclosure of official secrets to any unauthorized person; or
- (e) found to have been appointed or promoted on extraneous grounds in violation of law and the relevant rules, the competent authority, after inquiry by the 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 writing dismiss or remove such person from service, compulsorily retire from service, or reduce him to lower post or pay scale, or impose one or more minor penalties as prescribed in the Sindh Civil Servants (Efficiency and Discipline) Rules, 1973;

(2) Before passing an order under sub-section (1), the competent authority 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 within seven days or within such extended period as the competent authority may determine:

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

Provided further that no such opportunity shall be given 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 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.

(3) The dismissal or removal of premature retirement from service or reduction to lower post or pay scale of a person under sub-section (1) shall not absolve such person from liability to any punishment to which he may be liable from an offence under any law committed by him while in service.

**4. Suspension.-** A person against whom action is proposed to be taken under sub-section (1) of section 3 may be placed under suspension with immediate effect if, in the opinion of the competent authority, suspension is necessary or expedient:

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. Power to appoint an Inquiry Officer or Inquiry Committee.-** (1) Subject to the provisions of sub-section (2), the competent authority shall, before passing an order under section 3, appoint an Inquiry Officer or Inquiry Committee to scrutinize the conduct of person in Government service or a person in corporation service who is alleged to have committed any of the acts or omissions specified in section 3. The Inquiry Officer or, as the case may be, the Inquiry Committee shall:-

- (a) Communicate to the accused the charges 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 to put in a written defence;
- (c) enquire 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 witnesses against him; and
- (d) hear the case from day to day and no adjournment shall be given except for 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 he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he, or it, deems proper in the interest of justice.

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

(4) The competent authority may dispense with the inquiry under sub-section (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 or gains acquired through corruption or corrupt practices voluntarily, the inquiry shall not be ordered:

Provided that show-cause notice shall be issued on the basis of such plea bargaining to such person informing of the action proposed to be taken against him on the grounds of such action requiring him 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 the Inquiry Officer or Inquiry Committee.---**

The Inquiry Officer or Inquiry Committee shall have power:--

- (a) to summon and enforce attendance of any person and examining him on oath;
- (b) to require the discovery and production of any document;
- (c) to receive evidence on affidavits; and
- (d) to record evidence.

**7. Procedure to be followed to the Inquiry Officer or Inquiry Committee.---** The Inquiry Officer or Inquiry Committee shall subject to any rules made under this Ordinance, have power to regulate its own procedure, for the fixing of place and time of its sitting and deciding whether to sit in public or in private, and in the case of a corporate committee to act notwithstanding the temporary absence of any of its members.

**8. Order to be passed upon a finding.---** Every finding recorded by the Inquiry Officer or, as the case may be Inquiry Committee under section 5 shall, with the recommendation provided for in that section, be submitted to the competent authority and the competent authority may pass such orders thereon as it may deem proper in accordance of the provisions of this Ordinance.

**9. Representation and review.** (1) A person who has been dismissed or removed or compulsorily retired from service or reduced to a lower post or pay scale or against whom any order has been made under section 3 by the competent authority, may, within fifteen days from the date of communication of the order prefer a representation to the Governor or such officer or authority as the Governor may designate:



Provided that where the order has been made by the Governor such person may, within the aforesaid period, submit a review petition to the Governor.

(2) The Governor or an officer or authority, as may be designated for the purpose by the Governor, may, on consideration of the representation, review petition and any other relevant material, confirm, set aside, vary or modify the order in respect of which such representation or review petition is made within sixty days thereof.

**“GOVERNMENT OF SINDH  
SERVICES, GENERAL ADMINISTRATION  
AND COORDINATION DEPARTMENT  
(REGULATION WING)  
Karachi, dated the May 9, 2005**

**NOTIFICATION**

**No. SORIII(SGA&CD)9-28/2004:** In pursuance of the provisions of section 9 of the Removal from Service (Special Powers) Sindh Ordinance, 2000, the Chief Minister is pleased to designate the officer next above the appointing/competent authority mentioned in the table below for the purpose of the said section.

**T A B L E**

<b>S. NO.</b>	<b>AUTHORITY MAKING THE ORDER</b>	<b>AUTHORITY TO WHOM REPRESENTATION/ REVIEW ARE TO BE MADE</b>
<b>1</b>	<b>2</b>	<b>3</b>
1	Officers in Basic Scales 16, 17, 18 and 19.	The Officer next above under whom the officer making the order is working.
2	Regional Head.	Head of the Attached Department concerned and if there is no Head of the Attached Department then Secretary of the Department concerned.
3.	Head of the Attached Department	Secretary of the Department unless he is of a lower grade in which case Chief Secretary through the Secretary of the Department.
4.	Secretaries of the Department	Chief Secretary
5.	Chief Secretary	Chief Minister

**CHIEF SECRETARY  
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**10. Appeal.**--- Notwithstanding anything contained in any other law for the time being in force, any person aggrieved by any final order under section 9 may, within thirty days of the order, prefer an appeal to the Sindh Service Tribunal established under the Sindh Service Tribunals Act, 1973.

**11. Ordinance to override other laws.**--- The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Sindh Civil Servants Act, 1973 and the rules made thereunder and any other law for time being in force.

**12. Proceedings under this Ordinance.**--- All proceedings initiated on the commencement of this Ordinance in respect of matters and persons in service provided for in this Ordinance shall be governed by the provisions of this Ordinance and rules made thereunder.

**13. Pending proceedings to continue.**--- For the removal of doubts, it is hereby provided that all proceedings pending immediately before the commencement of this Ordinance against any person whether in Government service or corporation service under the Sindh Civil Servants Act, 1973 and rules made thereunder or any other law or rules, shall continue under the said laws and rules, and as provided thereunder.

**14. Pensionary or other benefits.**--- Notwithstanding anything contained in this Ordinance the payment of pension or other benefits to a person retired or reduced to a lower post or pay scale under this Ordinance shall, if admissible, be regulated in accordance with the law for the time being in force relating thereto.

**15. Power to make rules.**--- Government may by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

**16. Removal of difficulties.**--- If any difficulty arises in giving effect to any of the provisions of this Ordinance, the Governor may make such order, not inconsistent with the provisions of this Ordinance, as may appear to him to be necessary for the purpose of removing the difficulty.

<http://sstsindh.gov.pk>