

ANNEXURE-F

PUNJAB URBAN PLANNING AND DEVELOPMENT AUTHORITY EMPLOYEES (PUNISHMENT AND APPEAL) REGULATIONS, 1997.

In exercise of the powers conferred by clause (d) of sub-section (2) of section 182 of the Punjab Regional and Town Planning and Development Act, 1995 (Punjab Act No. 11 of 1995), the Punjab Urban Planning and Development Authority hereby makes the following regulations, namely:-

1. Short title and commencement:-

(1) These regulations may be called the Punjab Urban Planning and Development Authority Employees (punishment and Appeal) Regulations, 1995.

(2) They shall come into force at once.

2. Application:-

(1) These regulations shall apply to all the employees of the Authority but shall not apply to –
(i) any member of an all India Service;
(ii) any member of the Punjab Civil Service; and
(iii) any other employee taken on deputation in the service of the Authority.

(2) Nothing in these regulations shall, however, debar the Authority from initiating disciplinary action against the deputationists, but for imposition of penalty, if any, final orders shall be passed by _____ his parent employer in accordance with the _____ rules and regulations applicable to him as an employee of that employer.

3. Definitions:- In these regulations, unless the context otherwise requires -

(a) 'Act' means the Punjab Regional and Town Planning and Development Act, 1995;

(b) 'Appointing authority' means -

(i) an authority empowered to make appointments to any service of which the employee is for the time being a member or to the grade of which the employee is a member for the time being or to the grade of the service in which the employee is for the time being included; or

(ii) the authority empowered to make appointment to the post, which the employee for the time being holds; or

(iii) the authority which has appointed the employee to service, grade or post, as the case may be.

(c) 'Authority' means the Punjab Urban Planning and Development Authority;

(d) 'Chief Administrator' means the Chief Administrator of the Authority;

(e) 'Classification of Service' means classification of the services of the Authority into Class I, Class II, Class III and Class IV Services as laid down in the Punjab Urban Planning and Development Authority Employees Service Regulations, 1995;

(f) 'Employee' means any person appointed to any service or post in connection with the affairs of the Authority;

(g) 'Punishing authority' means an authority competent under these regulations to initiate disciplinary action against any employee and impose penalties specified in subregulations (5) (A) and (5) (B) of regulation 13; and

(h) 'State Government' means the Government of the State of Punjab in the Department of the State of Punjab in the Department of Housing and Urban Development;

4. Suspension:—

(1) The appointing authority or any other authority to which it is subordinate or the punishing authority or any other authority appointed in this behalf by the Chief Administrator, by general or special order, can place an employee under suspension -

(i) Where he is of the opinion that continuance of the employee on duty will interfere with the process of investigation;

(ii) Where a disciplinary proceeding against him is contemplated or is pending; or

(iii) Where a case against him in respect of any criminal offence is under investigation, inquiry or trial.

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order of suspension was made.

(2) An employee may be deemed to have been placed under suspension by an order of the appointing authority or the authority specified in regulation 4 and with regulation 13 -

(a) if he is detained in custody with effect from the date of his detention whether on a criminal charge or otherwise for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if in the event of conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

Explanation – The period of forty-eight hours referred to in clause (b) of sub-regulation (2) shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these regulations and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in term until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the punishing authority on consideration of the circumstances of the case, decides to hold a further enquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until it is modified or revoked by the authority competent to do so.

(5) An employee is suspended or is deemed to have been suspended whether in connection with any disciplinary proceedings or otherwise and any other disciplinary proceedings is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(6) An order of suspension made or deemed to have been made under this regulation by any authority may at any time be modified or revoked by the authority to which that authority is subordinate.

(7) During the period of suspension, an employee shall be paid by the appointing authority subsistence allowance equivalent to fifty percent of his pay with usual allowances admissible thereon, but the appointing authority may, however, at its direction, after considering circumstances of each case, and where the delay in the process of investigation is not attributable to the employee concerned, enhance the subsistence allowance upto seventy-five percent of the pay of an employee who has been under suspension for a period exceeding six months.

(8) If an employee placed under suspension is subsequently exonerated of the charges, he shall be entitled to receive the full pay and allowances for the period of his suspension and such a period will be treated as duty, if however he has not been completely

exonerated of the charges, the competent authority shall specify in the order of reinstatement as to how the period of suspension should be treated and payment of pay and allowance to him should be regulated.

5. Penalties:- Notwithstanding any thing contained in any other law for the time being in-force and without prejudice to such action to which an employee becomes liable under any other law for the time being in force, all the following penalties may, for good and sufficient reasons be imposed on any employee of the Authority:-

(A) MINOR PENALTIES:-

- (i) Censure;
- (ii) Withholding of promotion;
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused by him to the Authority by negligence or breach of orders and trust;
- (iv) Withholding of increments of pay without commulative effect.

(B) MAJOR PENALTIES.-

- (i) Withholding of increments of pay with commulative effect or reduction to a lower stage in the time scale of pay for a specified period, with further direction as to whether or not the employee will earn increments of pay during the period of such reduction, the reduction will or will not have the effect of postponing the future increments of this pay;
- (ii) Reduction to lower time-scale of pay, grade, post of service, which shall ordinarily be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced with or without further directions regarding conditions of restoration to the grade or post or service;
- (iii) Compulsory retirement;
- (iv) Break in service only in the case of unauthorized absence or over stay of leave;
- (v) Removal from service which shall not be disqualification for future employment under the Authority.
- (vi) Dismissal from service which shall ordinarily be a disqualification for future employment under the Authority.

EXPLANATION.- The following shall not amount to a penalty within the meaning of these regulations, namely:-

- (i) Withholding of increments of pay of an employee for his failure to pass any departmental examination in accordance with the regulations or orders governing the service to which he belongs or post which he holds or the terms of his appointment;
- (ii) Non-promotion of an employee after consideration of his case to a grade or post or service for promotion to which he is eligible;
- (iii) Reversion of an employee officiating in a higher service, grade or post to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post on any administrative ground not connected with his conduct;
- (iv) Reversion of an employee appointed on probation to a lower grade or post or service, earlier held by him or at the end of the period of probation in accordance with the terms of his appointment or the regulations and orders governing such probation;
- (v) Compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;
- (vi) Termination of the service of an employee -
 - (a) appointed on probation, during or at the end of the period of his probation in accordance with the terms of his appointment or the regulations and orders governing such probations; or
 - (b) appointed otherwise than under contract, on the expiration of the period of the appointment, or on the abolition of the post or before the due time in accordance with the terms of his appointment; or
 - (c) employed under an agreement, in accordance with the terms of such agreement.

6. Authority to institute proceedings:–

(1) The Chief Administrator of any of the punishing authorities specified in regulation 13 may,

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(d) institute disciplinary proceedings against any employee;

(e) direct a punishing authority subordinate to him to institute disciplinary proceedings against any employee on whom that punishing authority is competent to impose under these regulations any of the penalties specified in regulation 5(A).

(2) A punishing authority competent under these regulations to impose any of the penalties specified in clause (i) to (iv) of regulation 5(A) may institute disciplinary proceedings against any employee for the imposition of any of the penalties specified in clause (i) to (vi) of regulation (5) notwithstanding that such punishing authority is not competent under these regulations to impose any of the latter penalties.

7. Procedure for imposing minor penalties:–

(1) No order imposing a minor penalty shall be made except after -

(a) informing the employee in writing of the proposal to take action against him and of the imputation of misconduct or misbehavior on which it is proposed to be taken and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) holding an enquiry in the manner laid down in regulation 12 in every case in which the punishing authority is of the opinion that such an enquiry is necessary;

(c) taking the representation, if any, submitted by the employee under clause (9) and the record of enquiry, if any, held under clause (b), into consideration; and

(d) recording a finding on each imputation of misconduct or misbehavior.

(2) the record of proceedings in such cases shall include -

i) a copy of the intimation to the employee of the proposal to take action against him;

ii) a copy of the statement of imputation of misconduct or misbehavior delivered to him;

iii) his representation, if any;

iv) the evidence produced during the enquiry held;

v) the findings of the punishing authority and also the report of the inquiring authority in case of an enquiry has been held; and

vi) the orders in the case together with reasons thereof.

8. Procedure for imposing major penalties:–

(1) No orders imposing a major penalty as listed in these regulations shall be made except after an enquiry has been held in the manner here-in-after specified.

(2) Where it is proposed to hold an enquiry against an employee, the punishing authority shall draw up or cause to be drawn up -

(i) the substance of the imputation of misconduct or misbehaviour into articles of charges;

(ii) a statement of imputations of misconduct or misbehaviour in support of each article of charges, which shall contain -

(a) a statement of all relevant facts including any admission or confession made by the employee;

(b) a list of documents by which and a list of witness (es) by whom the articles of charges are proposed to be sustained.

(3) The punishing authority shall deliver or cause to be delivered to the employee the documents referred to in sub-rule (2) by which each article of charge is proposed to sustain and the employee shall be required to submit within specified time written statement of his defence and state whether he desires to be heard person.

(4) If the written statement of defence is not received within the prescribed period or if the

articles of charges are not admitted, the punishing authority may itself enquire or appoint any other officer of the Authority or any officer who has retired from the service of the Authority or from the state of the Government of Punjab, as an enquiring authority for this purpose and where a retired officer is appointed as the enquiry authority he shall be paid not less than one thousand rupees and not more than five thousand rupees as fee as may be determined by the Chief Administrator keeping in view the work involved in each case plus rupees two hundred as miscellaneous expenses if necessary sectorial assistance is not proved by the Authority.

(5) In case where all articles of charges are admitted the punishing authority or the enquiring authority shall record its findings on each of the charges after taking such evidence as it may think fit.

(6) Where the punishing authority itself enquires into the articles of charges or appoints an enquiring authority for holding an enquiry into such charges it may, by an order appoint an employee to be known as Presenting Officer to present on its behalf the case in support of the articles of charges.

(7) The punishing authority, where it is not the enquiring authority, shall forward to the latter the documents as detailed below:-

- (i) A copy of articles of charges and the statement of imputations of misconduct or misbehaviour;
- (ii) a copy of the written statement of defence if any submitted by the employee;
- (iii) a copy of the statement of witness (es), if any;
- (iv) evidence providing the delivery of documents required to be delivered to the employee.
- (v) a copy of the order appointing the presenting officer for holding an enquiry.

Explanation:- An employee may take the assistance of any other employee to represent the case on his behalf but may not engage a legal practitioner for this purpose unless the Present officer appointed by the punishing authority is a legal practitioner or the punishing authority having regard to the circumstances of the case so permits.

9. Common proceedings:- Where two or more employees are involved in any case, the appointing authority may make an order directing that disciplinary action against all of them may be taken in common proceedings and, if the authorities, competent to impose the penalty of dismissal on such employees are different, an order for taking disciplinary action in common proceedings may be made by the highest of such authorities which will be deemed to be the punishing authority for all such employees and may impose any punishment as specified in regulation 5.

10. Special procedure in certain cases:- Notwithstanding anything contained in these regulations:-

- (i) Where any penalty is imposed on the employee on the ground of conduct which to his conviction on a criminal charge; or
- (ii) Where the punishing authority is satisfied for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an enquiry in the manner provided in these regulations; or.
- (iii) Where the punishing authority is satisfied that in the interest of the Authority, it is not expedient to hold any enquiry in the manner provided in these regulations the punishing authority may consider the circumstance of the case and make such orders thereon including imposition of any penalty specified in regulation 5 as it may deem fit.

11. Action on the enquiry report:-

(1) The punishing authority if it is not itself the inquiring authority may for reasons to be recorded by it in writing, remit the case to the inquiring

authority for further enquiry and report and the inquiring authority shall there upon proceed to hold further enquiry according to the provisions of these regulations.

(2) The punishing authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for each disagreement and record its own findings on such charge, if the evidence on record is sufficient for the purpose.

(3) If the punishing authority having regard to its finding on all or any of the articles of charges is of the opinion that any of the penalties specified in clauses (i) to (iv) of regulations 5(A) should be imposed on the employee, it shall, notwithstanding anything contained in regulation 8, make an order imposing such penalty.

(4) If the punishing authority having regard to its findings on all or any of the articles of charges and on the basis of the evidence adduced during the inquiry, is of the opinion that any of the penalties specified in regulation 5(B) should be imposed on the employee, it shall make an order imposing such penalty and it shall not be necessary to give the employee any opportunity for making representation on the penalty proposed to be imposed.

12. Punishing Authorities and appellate authorities.-

(1) The following shall be punishing authorities and the appellate authorities for the employees:-

Serial Number	Description of employee	Punishing authority competent to impose penalty.	Nature of penalty	First appellate authority	Second appellate authority
(1)	Class I employee	Chief Administrator	Major penalty and minor penalty	Vice Chairman	Chairman
(2)	Class II	Chief Administrator	Major penalty and minor penalty	Vice Chairman	Chairman
(3)	Class III employees	Chief Administrator	Major penalty and minor penalty	Vice Chairman	Chairman
(4)	Class IV employees	Secretary	Major penalty and minor penalty	Chief Administrator	Vice Chairman

(2) An appeal against the decision of the punishing authority shall be preferred before the first appellate authority within a period of thirty days from the date of issue of the order appealed against and likewise second appeal shall be preferred before the second appellate authority within a period of thirty days from the date of issue of the order of the first appellate authority;

Provided that the first appellate authority or the second appellate authority, as the case may be, may entertain any appeal within sixty days of the date of issue of the order appealed against, if the appellant had a valid cause for not submitting the appeal in time.

(3) The appeal shall be submitted to the first appellate authority or the second appellate authority, as the case may be through the Chief Administrator or the appointing authority as the case may warrant and he will transmit the appeal to the appellate authority as early as possible.

(4) The first appellate authority or the second appellate authority, as the case may be, after consideration of the case:-

(i) confirm, enhance, reduce or set aside the penalty imposed by the punishing

authority; or

(ii) remit the case to the authority which imposed the penalty with such directions as it may deem fit in the circumstances of the case.

Provided that -

(i) if the enhanced penalty which the first appellate authority or the second appellate authority as the case may be, proposes in one of the penalties specified in clause (i) to (vi) of regulation 5(B) and an enquiry under regulation 9 has not already been held in the case, the appellate authority shall, subject to the provisions of these regulations, itself hold such enquiry or direct that such enquiry be held in accordance with the provisions of regulation 9 and thereafter, on consideration of the proceedings of such enquiry, shall make such orders as it may deem fit;

(ii) if the enhanced penalty which the first appellate authority or the second appellate authority, as the case may be, proposes to impose in one of the penalties specified in clause (i) to (vi) of regulation 5(B) and an enquiry under rule 9 has already been held in the case, the appellate authority shall make such orders as it may deem fit; and

(iii) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity of being heard.

13. Pending proceedings:-

(1) After the commencement of these regulations, the proceedings already initiated under any rules or regulations or under any notification or order against any employee of the Authority shall be deemed to have been initiated under these regulations.

14. Pending appeals:-

(1) Nothing in these regulations shall be considered as depriving, any person to whom these regulations apply, of any right of appeal or review which had accrued to him under the rules or regulations or notification or order in force immediately before the commencement of these regulations.

(2) An appeal or review pending on the date of commencement of these regulations against an order made before such commencement shall be considered and orders thereon shall be made in accordance with the provisions of these regulations, as if such orders were made and the appeal or review was preferred under these regulations.

(3) As from the date of commencement of these regulations any appeal or application for review against any orders made before such commencement shall be preferred or made under these regulations, as if such orders were made under these regulations;

Provided that nothing in these regulations shall be constructed as reducing any period of limitation for any appeal or review provided by any rules or regulations in force immediately before the commencement of these regulations.

15. Removal of doubts:- If any doubt arises due to the interpretation of any of the provisions of these regulations the matter shall be referred by the Chief Administrator to the Authority whose decision shall be final.

16. Matters not provided in the regulations:- In matters for which no specific provision have been made in these regulations or any other regulations made by the Authority, the rules contained in the Punjab Civil Services (Punishment and Appeal) Rules, 1970, as amended from time to time and such other rules as are framed by the Government of Punjab.

17. Repealing and saving:- The Punjab Housing Development Record Employees

(Punishment and Appeal) Regulations, 1995 as are applicable to the employees of the Authority are hereby repealed.

Provided that anything done or any action taken under the regulations so repealed shall be deemed to have been done or taken under these regulations as if these regulations were in force at the time such thing was done or such action was taken.