

**¹[²SARHAD HYDEL DEVELOPMENT ORGANIZATION
SERVICE RULES 1995.]**

No. 4/35/PE&D/POWER/Vol-II/ dated 13.12.1995.--In pursuance of the powers conferred by section (31) of the ³[Khyber Pakhtunkhwa], ⁴Sarhad Hydel Development Organization Act, 1993, the Board of Directors of ⁵SHYDO with the approval of Government of pleased to make the following rules:--

CHAPTER – I

1. **SHORT TITLE COMMENCEMENT AND APPLICATION:**

- a. The rules may be called the ⁶Sarhad Hydel Development Organization Service Rules 1995.
- b. These rules shall come into force with immediate effect and shall be deemed to have been enforced for such employees as may have been enrolled to the establishment of the Organization prior to this date and after the 27th, November 1993.
- c. These rules shall apply to all persons employed or previously absorbed by ⁷SHYDO or its project offices (created by ⁸SHYDO) and shall also apply to contractees as well as to deputationists except in so far as they may be inconsistent with any provisions of their contract or terms of deputation.
- ⁹d. The Provincial Government Rules will be adopted in matters where the ¹⁰SHYDO's rules are silent;"

2. **DEFINITIONS:**

In these rules, unless there is anything repugnant in the subject or context the following expressions shall have the meaning hereby respectively assigned to them i.e.

- a. "Organization" means the ¹¹Sarhad Hydel Development Organization ¹²[Khyber Pakhtunkhwa] established under Act No. 1 of 1993.

¹ See Amendment No. ROT/POWER/4-71/2000/ dated 02-03-2001, at End page.

² Now "Pakhtunkhwa Energy Development Organization" See updated Pakhtunkhwa Energy Development Organization Act, 1993 (Act I of 1993).

³ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

⁴ See Foot note No. 2.

⁵ See Foot note No. 2.

⁶ See Foot note No. 2.

⁷ See Foot note No. 2.

⁸ See Foot note No. 2.

⁹ No. ROT/POWER/4-71/2000/ dated 02-03-2001.

¹⁰ See Foot note No. 2.

- b. “Authority” for conduct and discipline means the Authority designated to exercise the powers of the “Authority” under these rules.
- c. “Accused” means an employee of the Organization against whom action is taken under these rules.
- d. “Authorized Officer” means an officer authorized by the Organization to perform functions of an authorized officer under these rules if no officer is so authorized, the Authority.
- e. “Managing Director” means the Managing Director of the Organization.
- f. “Board” means the Board of Directors of the ¹³SHYDO constituted under Act 1 of 1993.
- g. “Chairman” means Chairman of the Board of Directors of ¹⁴SHYDO.
- h. “Competent Authority” means the authority indicated in the scheduled of Administrative powers appended to these rules or to whom the relevant powers have been delegated by the Board of Directors.
- i. “Director” means a Director of the Organization.
- j. “Employee” means any monthly dated employee on the roll of the organization or its Branches/Projects or subordinate establishments.
- k. “Family” means and includes employee’s one wife or husband as the case may be and legitimate children and step children wholly dependent upon him/her. In this subsection female dependent includes all unmarried daughters step daughters wholly dependent upon the employee. In the case of male dependents all the sons and step sons are included who are less than 21 years of age and wholly dependent upon the employee.
- l. “Government” means Government of ¹⁵[Khyber Pakhtunkhwa].
- m. “Head of Department” means the head of a wing/unit of the organization responsible for the conduct of business that is or may be assigned to it. It shall include Director/Secretary/Project Directors and officials designated as officers incharge of projects.
- n. “Initial appointment” means appointment made other wise than by promotion or transfer.
- o. “Month” means the calendar month.

¹¹ See Foot note No. 2.

¹² Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

¹³ See Foot note No. 2.

¹⁴ See Foot note No. 2.

¹⁵ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

- p. “Project” means any project undertaken and/ or managed by the organization and, unless the context requires otherwise includes a company for which the organization has been appointed as managing agent.
- q. “Pay” means amount drawn monthly by an employee as pay fixed in a time scale of pay or otherwise and includes Technical Pay, Special Pay, Personal Pay and any other emoluments specifically classed as pay by the Government but excluding the allowances.
- r. “Prescribed” means prescribed by rules.
- s. “Province” means the ¹⁶[Khyber Pakhtunkhwa].
- t. “Penalty” means a penalty which may be imposed under these rules.
- u. “Secretary” means the Secretary of the Board of Directors of the Organization.
- v. “¹⁷SHYDO” means the ¹⁸Sarhad Hydel Development Organization.
- w. “Deputationist” means an officer/official on deputation to the organization from department of the Federal/Provincial Government or an autonomous/Semi autonomous body.

CHAPTER – II

GENERAL CONDITIONS OF SERVICE

3. CLASSIFICATION OF EMPLOYEES:

For the purpose of these rules there shall be the following categories of employees

- a. “Regular Employees” means employees who have completed one year (extendable to year) probationary period and are confirmed by the organization in writing.
- b. Project Employees means employees who have been engaged temporarily or a project employees who are engaged for a work of a temporary nature for a specific period. It is hereby expressly provided that the benefits of Provident Fund or any other benefits conferred upon regular employees under these or other organization rules shall not apply to project employees, unless otherwise stated specifically.
- c. “Contract employees” means employees engaged on contract basis on specific terms for a specified period.

¹⁶ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

¹⁷ See Foot note No. 2.

¹⁸ See Foot note No. 2.

4. APPOINTMENT.

- a. Appointment to the post the organization including its projects etc shall be made in accordance with the rules contained in the ¹⁹SHYDO Employees Appointment Rules.
- b. Appointment shall be made in the prescribed manner by the competent authority or by a person authorized by the Organization in that behalf. All the initial appointment, shall be on probation.
- c. Any appointment of any employee by promotion to the post may also be made on probation for a period of one year which may extend to another one year.
- d. A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in the post.
- e. A person appointed by initial recruitment shall obtain a medical fitness certificate and be declared medically fit by the medical officer authorized by the organization.
- f. He is not less than 18 years of age on the date of appointment.

5. MEDICAL EXAMINATION.

All prospective employees of the organization shall have to present themselves for a Medical examination to the organization's Medical Officer or to any other Registered Medical Practitioner, nominated by the organization for the purpose and obtain a certificate of fitness within one month of their appointment.

6. PROBATION

- a. All employees except those appointed on contract basis or on deputation or on temporary basis, shall on appointment be placed on probation, for a period of one year extendable by another year by the competent authority.
- b. If an employee on probation fails to show satisfactory progress during the initial or extended period of probation, the competent authority may dispense with his service with out notice or assigning any reason there of. In the case of employees appointed by promotion they shall be reverted to their original lower posts in the organization.

7. CONFIRMATION

On satisfactory completion of the period of probation whether initial or extended the competent authority shall confirm the employee by an order in writing which shall be placed on personal file of the employee and shall also cause an office order in that behalf to be issued and given to the employee. On the passing of such order of

¹⁹ See Foot note No. 2.

confirmation the employee shall stand confirmed. If such confirmation is not made within the stipulated period, then the employee shall be treated as automatically confirmed.

8. RECORD OF AGE

The competent authority shall require from an employee at the time of his employment of declare his age, which shall be duly attested by the employee. This declaration of age shall be supported by a documentary proof. If an employee is unable to produce any documentary proof, the authority may send him to the organization Medical Officer or any other Registered Medical Practitioner, selected by the organization for this purpose, and his opinion with regard to the age of the employee shall be conclusive. Age of the employee so determined at the time of his enrolment/employment shall be recorded and will not be questionable by the employee later on.

9. SUPERANNUATION

- a. An employee shall be retired from service on attaining the age of sixty years.
- b. The competent authority/Board may reemploy Highly competent and experienced persons who may have already attained the age of sixty years on contract basis.

10. OVERTIME

- a. In case of necessity, employees of the organization or its projects may be required to work overtime, and where so required, the employees shall work overtime unless legitimate grounds for their refusal have been brought to the notice of the officer concerned who shall consider and where appropriate exempt such employee. Legitimate grounds for the purpose may be medical, court attendance, death of near relative, etc.
- b. Over time allowance at double the rate of daily wage/pay will be admissible where the time of work exceeds 48 hours in a week provided that where daily allowance is charged, no overtime allowance will be admissible. In case where pay of an employee is increased retrospectively no arrear of overtime shall be admissible.
- c. No overtime shall be admissible of officers and or the employee drawing pay in grade-17 and above.

EXPLANATION

- i. Overtime when necessary shall be restricted to emergencies or where to work is clearly outside the normal daily routine, Overtime must not be considered an as additional source of income for it remains at all times a discretionary power of the competent Authority.

- ii. The authority for sanctioning overtime work by an employee shall be the competent Authority. Prior written approval for any overtime must be issued by competent Authority/respective Head of Department except in emergency when in its discretion, the competent Authority may approve ex-post facto overtime worked the next day.

11. TRANSFER

- a. All employees of the organization shall be liable to serve any where is ²⁰[Khyber Pakhtunkhwa] and shall be liable to transfer from one office/Head officer, Estt, Deptt., or Project/company to another and vice-versa.
- b. The competent Authority may send on transfer or other wise an employee of the organization to any other Organization, Government of Foreign Agency for a specified period on the terms to be settled but not less favourable than his existing terms and not with out his consent.

12. DEVOTION TO DUTY.

All employees shall devote and engage their whole time to the business and interests of the organization, exclusively. No employee including employee on leave shall directly or indirectly engage in any other occupation or business or in any other capacity with any other concern or have private dealings or business relations with any body else, unless otherwise specifically permitted by the organization to do so. All employees shall readily and willingly obey the legal commands of their superiors and perform their duties diligently and to the best of their ability.

13. RESIGNATION

- a. an employee who wishes to resign from the service of the organization must give notice in writing as required under the terms and conditions of his appointment, otherwise he will be liable to surrender pay in lieu of notice. The competent authority may in exceptional cases waive off the requirement of notice period.
- b. No employee may tender his resignation or notice of resignation while he is on leave. In such case he shall be deemed to have left the organization's service without notice on the day he proceeded on leave. The provision of this rule can be relaxed by the Board in exceptional cases.
- c. an employee who has submitted his resignation may not leave his post unless his resignation is accepted by the competent authority and he has properly handed over the charge of his post/office and is duly relieved by the organization. Absence from duty after submission of resignation without valid

²⁰ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

reasons may render the employee liable to disciplinary action and to forfeiture of his dues, if any,

14. **TERMINATION OF SERVICE**

The service of a regular employee may be terminated on giving three month's notice on either side, (provided such termination is not due to mis-conduct for which separate rules have been framed) provided that three month's pay may be paid in lieu of notice or a sum equal to proportionate pay for un-expired period of notice. The pay in this case will be the pay last drawn provided further that such termination of service shall be in accordance with law and the termination order states reasons in very brief for the necessity of termination. The services of the employees who is the junior most in the line of service shall ordinarily be terminated in case of abolition/retranchment of posts.

14. (a) **APPEAL**

Any person aggrieved by the orders of his termination from service may go in appeal to the Board through his controlling officer.

15. **Gratuity**

a. Gratuity shall be admissible on:-

- i. Death,
- ii Termination of service, or
- iii Resignation.

b. The grant of gratuity will be subject to the condition that the employee has not been guilty of misconduct and his service has been declared as satisfactory by the appointing authority. The gratuity will be payable at rate of one month's pay on the basis of last pay drawn for each completed year of service, provided the employee has rendered at least 10 years service with the organization.

c. If the service of an employee is less than 10 years at the time of termination/resignation the gratuity admissible shall be 20 days pay calculated on the basis of the rate admissible to him immediately before termination/resignation for every complete year of service or any part thereof in excess of 5 months.

d. In case of death of an employee, the gratuity will be payable at the following rates.

- i. Service less than 5 years : 20 days for each complete year of service

- ii. Service of 5 years or more : 30 days for each complete year of service

Note-1. Service for the purpose of this rule includes duty as well as leave with salary.

Note-2. In respect of projects transferred to ²¹SHYDO the service with respect of gratuity shall be declared from the date of transfer of such project to the ²²SHYDO.

Note-3. The admissibility of gratuity and provident Fund together will be subject to the provision of IRO wherever applicable.

16. JOINING TIME ON TRANSFER

Joining time and joining time pay shall be admissible to the organization's employees as per Government rules. However, in case of urgency the organization may require an employee transferred to take up his new assignment in the shorter period than that prescribed.

CHAPTER –III

PAY AND OTHER FRINGE BENEFITS.

17. PAY

- a. Regular, contract/project employees of the "organization" shall draw pay in the Basic Pay Scale amended from time to time, applicable to the employees of the Provincial Government.

18. INCREMENT

An increment shall ordinarily be drawn as a matter of course unless it is withheld under the Efficiency and Discipline Rules.

19. EFFICIENCY BAR

Where an efficiency bar is prescribed in a time scale, the increment next above the bar shall not be given to the employee without the specific sanction of the authority competent to withhold increment.

20. REVERSION TO LOWER POST

- a. The authority which orders the transfer of an employee as penalty from a higher to a lower grade or post under E&D Rules, may allow him to draw any

²¹ See Foot note No. 2.

²² See Foot note No. 2.

pay, not exceeding the maximum of the lower grade or post, which it may think proper.

- b. If an employee is on account of misconduct or inefficiency reduced to a lower grade or post or to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration it shall operate to postpone future increments and if, to what extent.

21. LOCAL COMPENSATORY ALLOWANCE

Compensatory Allowance at the rate sanctioned by the Government of ²³[Khyber Pakhtunkhwa] from time to time shall be admissible to the employees of the organization posted within the Municipal/Cantonment limit of Peshawar.

22. HOUSE RENT ALLOWANCE/SUBSIDY

House rent allowance/subsidy shall be admissible to all regular/projects employees of ²⁴SHYDO Head Office as well as its projects at the rates prescribed by Government of ²⁵[Khyber Pakhtunkhwa] from time to time.

23. CONVEYANCE ALLOWANCE

²⁶SHYDO's regular employees drawing salaries in BPS-1 to BPS-20 or equivalent there to shall be allowed to draw conveyance allowance at the rate fixed by the Government of ²⁷[Khyber Pakhtunkhwa] from time to time.

24. WASHING ALLOWANCE

Washing allowance shall be admissible to those employees from grade-1 to 4 who are entitled for liveries, at the rates sanctioned by the Government from time to time.

25. OTHER ALLOWANCES

a. **Dearness Allowance/Cost of Living Allowance Etc**

Dearness allowance, additional dearness allowance, cost of living allowance or any allowance of like nature as sanctioned by the Government from time to time for the Government Servants shall also apply mutatis-mutandis to the employees of the organization.

b. **Unattractive Area Compensatory Allowance.**

Organization's regular/project employees posted at Dir, Swat, Chitral and Kohistan Districts shall be entitled to unattractive Area Compensatory Allowance at the rates

²³ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

²⁴ See Foot note No. 2.

²⁵ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

²⁶ See Foot note No. 2.

²⁷ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

and on the conditions as sanctioned/prescribed by the Government of ²⁸[Khyber Pakhtunkhwa] from time to time.

26. CASH ALLOWANCE

Monthly cash allowance at the rates given below shall be admissible to the employees of the organization's Head Office, completed/under implementation projects and works Division who are entrusted with the duty of cash handling (Cashier).

- | | | |
|------|--|--------------|
| i. | Where the minimum amount of average monetary transactions in a month does not exceed Rs. 10,000/- | Rs. 100/ p.m |
| ii. | Where the maximum amount of average transactions in a month exceed Rs. 10,000/- but are below Rs. 50,000/- | Rs. 150/p.m |
| iii. | Where average monetary transactions in a month are more than Rs. 50,000/- | Rs. 200/ p.m |

The term "monetary transaction" mean payment both by cheques and cash.

The admissibility of the allowance will depend on the fulfillment of the requirement of deposit of security. The amount of security to be deposited in cash will be 25 % of the sanctioned limit for petty cash for project/office concerned and an additional 25% in the shape of Bank Guarantee/indemnity Bond or Insurance Policy duly vetted by the organization's Legal Advisor. The limit of petty cash will be fixed by the Director/Project Incharge concerned of the Department/Project.

Note For fixing the amount of cash allowance furring a finical year, the average monthly transitions of preceding financial year may be taken into amount. The process has to be done in July each year before withdrawal of cash allowance.

CHAPTER - IV

27. PUBLIC HOLIDAYS

- a. Friday and Saturday will be closed holidays.
- b. All gazette holidays as announced by the Provincial government will be allowed to employees will pay except Bank Holidays.

28. INTERPRETATION

The Board of Directors of ²⁹SHYDO shall be the sole judge of the meaning or interpretation of all or any of these rules, and their decision shall be final and binding on all persons to whom these rules are applicable.

²⁸ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

²⁹ See Foot note No. 2.

29. AMENDMENT/ALTERATION OF RULES

The full sitting of the Board of Directors shall have full powers to make any amendment, addition or alteration in these rules, from time to time as they feel necessary and such amendment, addition or alteration shall be deemed effective from the date when the (Amendment, addition or alteration are notified, even if not specifically brought to the attention of a specific employee.

30. WORKING HOURS

The working hours of the Head/Branch office of the organization will be in line with those of the Provincial Government.

31. RECORD OF SERVICE

Proper service record in the shape of a personal file/service record shall be maintained in respect of all employees.

31. (a) **Annual Confidential Report**

Annual Confidential Reports in respect of all employees in grade 5-20 shall be prepared annually on the prescribed forms of the Government.

32. GRANT OF ACCEPTANCE OF HONORARIA

Honoraria may be granted to the employees by the competent authority in accordance with Government Rules.

CHAPTER - V33. SECURITY IN OFFICE MATTERS

No information, acquired directly or indirectly from organization papers or relating to organization affairs or plans shall be communicated to any person official or non-official outside the organization or to any person within the organization unless such person is directly concerned and is authorized to receive such information.

- a. The Officer concerned has been directly empowered to do so by the Managing Director of the Organization.
- b. The Government has officially asked the organization to supply certain information.

34. MIS-CONDUCT

Means conduct prejudicial to order or service discipline or contrary to the employees conduct Rules or unbecoming of an officer and a gentlemen and includes any act on the part of the employees to being or attempt to bring political or other outside influence directly or indirectly to bear on the organization or any if it's officer in respect of any matter relating to

the appointment, promotion, transfer, punishment, retirement or other conditions of service of any employee and shall interalia include:-

- a. Violation of secrecy in any manner or an attempt thereto;
- b. Wilful insubordination or disobedience of any reasonable and legal command of the superior.
- c. The theft, fraud, misappropriation or dishonesty in connection with the organization business or property.
- d. Wilful damage to or loss to ³⁰SHYDO property.
- e. Taking or giving bribe or any illegal gratification.
- f. Carrying of another private business or employment without permission of the organization.
- g. Habitual late attendance and habitual absence without legitimate cause or without approval of the competent Authority.
- h. Habitual breach of law applicable to the organization.
- i. Habitual or gross negligence.
- j. Repetition of unauthorized acts or omission.
- k. Striking work or inciting others to strike work in contravention of provisions of any law or rule or adoption of go slow tactics.
- l. Absence without leave for more than ten days shall render an employee liable to dismissal.
- m. Drunkenness or causing disorderly and indecent incident within office premises.
- n. Giving wrong information about his name, age, qualification, previous experience, number of family members, domicile etc at the time of employment.
- o. Conviction by a court of law for any criminal offence or an offence of moral turpitude.
- p. Indiscipline or breaking of any rules of the organization including the Service Rules, or contravention of any standing orders issued in regard to the maintenance of working of any department wing/project/office.
- q. Insolvency.

³⁰ See Foot note No. 2.

- r. Submission of applications for appointment in other department/Organizations without routing it through proper channel or with out obtaining prior permission of the competent Authority.
- s. Taking part in politics or exerting political pressure for getting undue advantage in service.
- t. Accepts gifts from foreigners but does not report it to the Board within a month.

35. GROUNDS FOR PENALTY

Where an employee of the organization in the opinion of the authority.

- a. is inefficient or has ceased to be efficient; or
- b. is guilty of misconduct; or
- 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
 - ii. he has assumed a style of living beyond his ostensible means; or
 - iii. he has a persistent reputation of being corrupt, or
- d. 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 services is therefore prejudicial to national security, the authority may impose on him one or more penalties.

36. PENALTIES

- 1. The following are the minor and major penalties, namely:-
 - a. **Minor Penalties:-**
 - i. Censure;
 - ii. with-holding, for a specific 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. stoppage, for a specific period, at an efficiency bar in the time scale otherwise than for unfitness to cross such bar;

- iv. recovery from pay of the whole or any part of any pecuniary loss caused to the organization by negligence or breach of orders;

b. **Major Penalties:-**

scale;

- 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.

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 in accordance with the probation rules applicable to him; or
- b. appointed, on a project post 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 contract.

37. INQUIRY PROCEDURE

The following procedure shall be observed if an employee of the organization is proceeded against under these rules.

1. In case where an employee is accused of sub-version, corruption or misconduct, the Authorized officer may require him to proceed on leave or, with the approval of the Authority, suspend him, provided any continuation of such leave or suspension shall require approval of authority after every three months.
2. The Authorized officer shall decide whether in the light of facts of the case or the interests of justice an inquiry should be conducted through Inquiry officer or Inquiry Committee. If he so decides, the procedure indicated in Rule 38 shall apply.
3. If the Authorized officer decides that it is not necessary to have inquiry conducted through an inquiry officer or inquiry Committee, he shall:-
 - a. by order in writing, inform the accused of action proposed to be taken in regard to him and the ground of the action: and.

- b. give him a reasonable opportunity of showing cause against such action. Provided that no such opportunity shall be given where the organization is satisfied that in the interest of the security of Pakistan or any part there of it is not expedient to give such opportunity.
 4. On receipt of the report of the Inquiry officer or Inquiry Committee or, where no such officer or Committee is appointed, on receipt of the explanation of the accused, if any, the Authorized officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty, he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the Authority alongwith the charge and statement of Allegations served on the accused, the explanation of the accused, the findings of the Inquiry officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. The Authority shall pass such orders as it may deem proper.
- 38. Procedure to be observed by the Inquiry Officer and Inquire Committee where an Inquiry officer or Inquiry committee is appointed, the Authorized officer shall:-**
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 date the charge has been communicated to him, to put in a written defense 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 enquire into the charge 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 the accused shall be entitled to cross-examine the witnesses 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 writhing. However, every adjournment with reasons therefore, shall be reported forthwith to the Authorized officer. 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 accused is hampering, or attempting to hamper, the progress of the enquiry 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 enquiry 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 Authorized officer, submit his or its findings and the grounds thereof to the Authorized officer.

39. REVISION

The Authority or the Managing Director may call for the record of any case pending before or disposal of by the Authorized officer and pass such orders in relation there to as it may deem fit.

40. POWER OF INQUIRY OFFICER AND INQUIRY COMMITTEE

1. For the purpose of an inquiry under these rules, the inquiry officer and the inquiry committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:-

- a. summoning and enforcing the attendance of any person and examining him on oath;
- b. requiring the discovery and production of documents;
- c. receiving evidence on affidavits;
- d. issuing commissions for the examination of witnesses or documents.

2. The proceedings under these rules shall be deemed to be judicial proceeding within the meaning of section 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

41. **RULES 37 NOT TO APPLY IN CERTAIN CASES, NOTHING IN RULE 37 SHALL APPLY IN 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 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 recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

42. PROCEDURE OF INQUIRY AGAINST OFFICERS LENT TO FEDERAL OR PROVINCIAL GOVT ETC.

1. Where the service of any employee to whom these rules apply are lent to the Federal or Provincial Govt or to a local or other agency in this rule referred to as the borrowing authority, the borrowing agency shall have the power of the 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, of the circumstance 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 permission of the authority before taking any action under these rules.

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

43. APPEAL

A person on whom a penalty is imposed shall have the right of appeal to the officer next above the Authorized Officer/Authority as the case may be.

43. (a) Where with regard to any mater or point these Rules are silent or unclear the Government of ³¹[Khyber Pakhtunkhwa] Efficiency and Discipline Rules shall apply.

³¹ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

SCHEDULE OF ADMINISTRATIVE POWERS UNDER ³²SHYDO SERVICE RULES

<u>S. No.</u>	<u>Nature of Powers</u>	<u>Authorities empowered</u>	
		<u>Head Office</u>	<u>Projects</u>
1.	Authorized Officer		
i.			
a.	Managing Director	Admn: Secretary	
b.	Director, Secretary/ Project Directors	Managing Director	
c.	For Grade 17 & above officers other than at b.	Director Admn:/ Secretary	Project Director/ Project Incharge
d.	For employees in Grade 1-16.	Deputy Director Admn:	Dy: Director/Asstt: Director or a grade 17 at the project.
ii.	Authority		
a.	Managing Director	Chief Secretary ³³ [Khyber Pakhtunkhwa]	
b.	Director, Secretary/ Project Directors	Admn: Secretary	
c.	For Grade 17 & above officers other than at b.	Managing Director	Managing Director
d.	For employees in Grad 1-16	Managing Director	Project Director/ Project Incharge
2.	<u>Power to sanction overtime allowance</u>		
	All employees except officers entitled to overtime allowance	Managing Director/ Director concerned/ Secretary	Project Director/ Dy: Director concerned
a.	Upto 24 hours in a month	-do-	-do-

Note:- Overtime Payment shall be rarely resorted to and the brief description of the work for which overtime is paid shall be recorded by the competent authority.

³² See Foot note No. 2.

³³ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

a(i) Power to transfer an employee from one post to another within a project or office.

- | | | | |
|----|--|--|---|
| a. | Director/ Project Director/ Project Incharge | Admn: Secretary | Admn: Secretary |
| b. | Employees of Grade- 17 and above | Managing Director | Managing Director |
| c. | Employees of Grade 1-16 | Secretary in consultation with Director concerned. | Project Director in consultation with the Dy: Director/Section Incharge Concerned |

(ii) Transfer from one project to another and from Head office to project & vice versa.

- | | | | |
|----|-----------------------------------|-------------------|-------------------|
| a. | Directors, Secy: Project director | Admin Secretary | Admn Secretary |
| b. | All employees except at (a) | Managing Director | Managing Director |

(iii) Transfer on deputation to other organization (for Head office and Projects) excluding posts of Directors, Secretary,, project Director Dy: Director for which approval of Admn: Secretary shall be required

4. Power to suspend

- | | | | |
|----|-------------------------------|---------------------|---|
| a) | Managing Director | Admn: Secretary | |
| b) | For BPS- 17 and above Officer | Managing Director | Managing |
| c) | For employees in BPS-1-16 | Secy/Director Admn; | Project director/
Project Incharge/
Deputy Director |

Note :- a). In the case of Directors, Secretary, Project Directors prior permission shall be obtained from the Admn: Secry: before suspending the officers.

b). In the case of Civil servants the Matters shall be brought to the notice of the Chief Secry: ³⁴[Khyber Pakhtunkhwa] and his permission obtained.

1. Residual Powers are to be exercised by the Chairman.
2. The Director concerned can also exercise concurrently all the Powers delegated to Officers below them.
3. In the case of Head Office, Powers will be exercised by the officers to whom these have been delegated but the orders will be issued by Administration Branch.

³⁴ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

Power Department

No. ROT/POWER/4-71/2000/
Dated Peshawar the, / 2001.

Notification.

NO.ROT/POWER/4-71/2000. In exercise of the powers conferred by Section-31 of The Sarhad Canal Development Organization Act, 1993 on it. The Board of Directors of SHYDO has been pleased to make the following further amendments, namely:

AMENDMENTS

(A) (i) In Rule-I of Chapter-I, the following entry shall be inserted as Clause (d) after Clause (c);

“(d) The Provincial Government Rules will be adopted in matters where the SHYDO's rules are silent.”

(ii) In Rule-18 of Chapter-III, The original entry before the amendments notified vide No.ROT/POWER/4-71/99 dated 28-11-2000 may be numbered as Clause-(a)

(iii) In Rule-18 of Chapter-III, the following entry shall be inserted as Clause (d) after Clause-(c);

“(d) SHYDO employees will be entitled to the facility of move-over to the next higher pay scale as per the scheme of Basic Pay Scales, 1983 and subsequent instructions issued by the Government of NWFP from time to time.”

(B) The Board has further been pleased to adopt the West Pakistan Medical Attendance Rules 1959, and NWFP Government Civil Servants Revised Leave Rules, 1981 with amendments and Government instructions thereabout issued from time to time.

SECRETARY TO GOVT OF NWFP,
POWER DEPARTMENT.

Endt: No. ROT/POWER/4-71/2000 39-45 Dated Peshawar the, 3/3/2001

- 1. Secretary to Governor NWFP.
- 2. Secretary Finance Department, Govt of NWFP.
- 3. Secretary Law Department, Govt of NWFP.
- 4. PS to Chief Secretary NWFP.
- 5. PS to Additional Chief Secretary NWFP.
- 6. PS to Minister, Power Department, Govt of NWFP.
- 7. Managing Director, SHYDO.

Diary No. 528
Date: 3/3/2001
O/O Managing Director
SHYDO NWFP Peshawar

Research Officer (Tech)
Power Department.

Handwritten notes and signatures on the left margin:
9/13
F
K
on file
12/3/2001