

**NATIONAL HIGHWAY AUTHORITY**  
**(Administration Wing)**

No. 2(7) Admn/Dir(Pers)NHA/01

Islamabad, 21<sup>st</sup> March, 2002

Subject: **STANDING OPERATIONS PROCEDURES FOR DISCIPLINARY PROCEEDINGS**

Reference: *This office letter of even number dated 28<sup>th</sup> December, 2001 on the above noted subject.*

Standing Operating Procedure for Disciplinary Proceedings in NHA finally approved by the Chairman, NHA are hereby circulated for implementation.



**(Ali Akbar Memon)**  
*Director (Personnel)*

**Distribution:**

1. Members: Finance, Planning, Operations, NHA, HQ
2. General Managers (All) at HQ/Regions

**Copy to:-**

1. Director General (Admn), NHA, HQ
2. Director (Establishment), NHA, HQ
3. Director (Legal), NHA, HQ
4. Dy. Director (Confidential), NHA, HQ
5. S.O to Chairman, NHA, HQ

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3. Competent Authorities for disciplinary proceedings.
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**I. GENERAL**

- 1.1 Standing Operating Procedures are formulated to provide guidance to all concerned for standardized proceedings in the disciplinary cases against the accused employees of NHA.
- 1.2 All steps by the complainant, competent authority, enquiry officer, accused, witnesses and administration must be fair and un-biased. Everyone should keep in mind that we are responsible for our acts to our/ Almighty Allah and we will be produce before him on YAUM-E-HISAB.
- 1.3 Purpose of disciplinary proceedings is not to harass the personnel, but spiritually, this is a method of justice to make the organization well disciplined and encourage the good and discourage the evils.
- 1.4 Every one among us should try best at his/her end to play fair and friendly role in meeting the norms of justice in disciplinary proceedings. If some one is accused and some on complainant to day, it might be otherwise at any time in future.
- 1.5 All correspondence and stations in disciplinary proceedings must be sent through Registered Post or by Special Courier if necessary.
- 1.6 As for as possible, entire proceedings be carriedout under written intimation to all concerned and in presence of parties.
- 1.7 It will be appropriate to consult Legal Section/NHA Lawyer as and when any doubt arises during the process of disciplinary proceedings of any stage.
- 1.8 There is no need to afraid if one's hands are neat and clean.
- 1.9 Anonymous complaints shall not be entertained and no action will be taken against any one. This medium of anonymous communications will be will be discouraged ruthlessly.
- 1.10 In case of general public complaint against an employee, the complaint receiving office will call the complainant for production of proof and recording the statement. Such cases will be forwarded to the competent authority concerned after completion of said formality.
- 1.11 All papers during disciplinary proceedings shall be issued under "*Confident*" cover.
- 1.12 No counsel shall be allowed to any party during disciplinary proceedings.

- 11.13 All complaints in the cases of employees in BS-16 and above shall be routed through Member/Head of Wing concerned, whereas, cases of BS-15 and below will be moved through respective officers incharge. They will record their own recommendations/opinion.
- 1.14 Every activity during proceedings should be in writing and under intimation to all concerned.
- 1.15 Disciplinary cases of deputationists will be dealt with in accordance with the instructions of the Federal Government.

## **2. GROUND FOR INITIATING DISCIPLINARY PROCEEDINGS**

- 2.1 Where an employee of NHA, in the opinion of competent authority is:
- a) In efficient, 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 mis-conduct, or
  - c) Corrupt, or may reasonably be considered corrupt through facts given in the relevant rules; or
  - d) Engaged, or is reasonably believed to be engaged, in subversive activities, and his retention in service is prejudicial or national security or he is guilty of disclosure of official secrets/documents/information to any unauthorized person; or
  - e) Found to have been appointed or promoted on extraneous grounds in violation of law and relevant rules;

The Competent Authority, after inquiry by the inquiry officer/committee and providing reasonable opportunity, may impose; any major penalty under the relevant disciplinary rules or impose one or more minor penalties as prescribed in the NHA (Efficiency and Discipline) Rules, 1995.

## **3. COMPETENT AUTHORITIES**

- 3.1 Following are the “**Competent Authorities**” in NHA to take disciplinary action against the accused employees:-

a)	BS-20 and above and equivalent	Chief Executive of Pakistan
b)	BS-16 and equivalent	Chairman, NHA
c)	BS-11 to 15 and equivalent	Director General (Admn)
d)	BS-1 to 10 and equivalent	Director (Admn, Personnel) NHA, HQ/General Manager (Region)

#### 4. TIME SCHEDULE

The Departmental Proceedings being deal within NHA (BS-1 to 19), shall be finalized within Ninety (90) days from the date of receipt complaint as per following Schedule:-

i)	Approval of competent authority to initiate disciplinary action and appointment of inquiry officer/committee.	10 Days
ii)	Communication of charges and statement of allegations to the accused by the inquiry officer/nominee.	03 Days of the receipt of order of inquiry from the competent authority.
iii)	Reply by accused to inquiry officer/committee	07 Days
iv)	Completion and submission of Enquiry Proceedings by Enquiry Officer/Committee to the competent authority.	25 Days of the receipt of the order of Inquiry from the competent authority.
v)	Submission of case/enquiry report to the competent authority by Admn along with Draft Show Cause Notice or/observation/suggestions about the inquiry report if any.	05 Days of the receipt of report from inquiry from the competent authority.
vi)	Reply of the observations on the inquiry report by the quarter concerned.	10 Days
vii)	Issuance of Show Cause Notice to the accused by the competent authority.	10 Days after receipt of inquiry report or clearance of observations on the inquiry report if any.
viii)	Reply by the accused to the Show Cause Notice.	07 Days of the receipt of reply to the Show Cause Notice.
ix)	To allow personal hearing to the accused.	10 Days of the receipt of reply to the Show Cause Notice.
x)	Final decision by the competent authority and issuance of final order.	03 Days after the personal hearing or submission of case for decision if question of personal hearing is not involved.

4.2 Extension of time at any of the above stages shall only be granted by the Chairman, NHA. A comprehensive case with full justification for time extension shall be submitted through DG (Admn) to the Chairman, NHA for decision at least three days before the completion of time period.

## **5. PARTIES AND THEIR RESPONSIBILITIES**

### **(A) COMPLAINANT**

- 5.1 Every complaint should make sure at his end before lodging their report that the acts/omissions of an employee brought to his knowledge or noticed by himself are duly vetted properly and sufficient supported evidence is available on the record to prove the allegations.
- 5.2 He should forward complaint with full name/designation and address to the proper competent authority.
- 5.3 He will attach the supporting documents and list of witnesses with the complaint.
- 5.4 Allegations must be specific in nature and not generalized.
- 5.5 The complaint should not contain remarks of personal nature.

### **(B) COMPETENT AUTHORITY**

- 5.6 Should see before approval of initiating disciplinary proceedings:
- (i) That the complaint is formally submitted with full particulars of the complainant and accused.
  - (ii) The complaint contains specific allegations, which actually need proper disciplinary proceedings.
  - (iii) Sufficient evidences is provided on the record to order disciplinary proceedings.
  - (iv) The case is legally covered/fit for action.

### **5.7 AFTER COMPLETION OF ENQUIRY/RECEIPT OF ENQUIRY REPORT**

- (i) Reasonable opportunity is provided to the accused for defence.
- (ii) The Enquiry Officer/Committee records all the necessary statements of complainant, witnesses and accused.
- (iii) Accused has cross-examined the witnesses.

- (iv) Accused has been provided required record as per his request.
- (v) The Enquiry Officer/Committee has submitted acceptable proof/evidence/record in support of allegations.
- (vi) Personal hearing is to be given to the accused on his request, or it deemed necessary, the said opportunity will be given in the interest of justice, even if not requested.
- (vii) Penalty should be in line with the seriousness/nature of allegations on the fooling of justice and not harsh.
- (viii) The competent authority should record his own judgment and pass necessary orders as deemed fit in the light of evidence recorded on the case file.

**(C) ENQUIRY OFFICER/COMMITTEE**

5.8 The “*Enquiry officer/ Committee*” so appointed should not be:-

- i) Complainant.
- ii) Officer junior to the accused employee.
- iii) Immediate Boss of the accused or complainant.
- iv) Relative of the accused or complainant.
- v) An officer where there is any reported service/personal disputes between him and accused.
- vi) Immediate Boss/Subordinate of the complainant.
- vii) It will be more appropriate to appoint enquiry officer from the wing/cadre other than that to which the accused or complainant belongs.

5.9 The “*Enquiry Officer/ Committee*” will be empowered to:-

- a) Summon and enforce attendance of any person and examine/record his statement on oath.
- b) Requite the discovery and production of any document.
- c) Receive evidence on affidavits.
- d) Record evidence.
- e) Arrange cross-examination of witnesses by accused employee.
- f) Direct the accused to provide list of his/her defence witnesses and record their statements.

The Enquiry Officer/Committee shall enquire into the charges and examine such oral or documentary evidence in support of the charges or in defence of the accused, by applying his/its own mind/efforts honestly having a neutral role to find out the correct figures for justice.

The Case shall be heard on day to day basis and no adjournment shall be given except for special reasons to be recorded in writing and competent authority will be intimated. However, no adjournment shall normally be for more than three days.

Where the Enquiry Officer/Committee as the case may be, is satisfied that the accused is hampering or attempting to hamper, the progress of the enquiry, accused will be warned. If even thereafter the accused is not behaving properly, the enquiry officer/committee shall record a finding to that effect and proceed to complete the enquiry in such a manner as thinks best suited to do substantial justice.

The Enquiry Officer/Committee shall submit his/its enquiry report within the time prescribed by the competent authority.

The enquiry report shall be submitted under “*Confidential Cover*” to the competent authority only. No copy will be endorsed to any other office/officer/agency.

The enquiry report shall contain the following details:-

a) **INTRODUCTION**

The enquiry officer/committee shall give the brief history and circumstances/charges leading to the enquiry/proceedings.

b) **FACTS**

What is available on the record in the light of documents discovered, statements recorded and other evidence collected by the enquiry officer/committee.

c) **FINDINGS**

Opinion of the enquiry officer/committee about each allegation i.e. proved, proved to some extent or not proved through examination of record and analysis of the facts/evidence.

d) **RECOMMENDATION**

Recommendation to the effect that what action/penalty is justifiable and against whom and upto what extent an employee/accused is proved responsible.

- 5.16 i) The enquiry report must be solid and comprehensive, which could enable the competent authority to decide the case, in proper way. It should not be biased and confusive.
- ii) In case where the statement of Allegations has been omitted to be provided to the Enquiry Office/Committee, he/she/it should prepare the same but of the material/contents of the complaint, sent by the competent authority for service on the accused. Copy thereof, shall be endorsed to the competent authority for information/record.

**(D) ACCUSED EMPLOYEE**

- 5.17 Disciplinary action against the accused will be taken after informing him of the reasons and giving him a reasonable opportunity to show cause within seven days as to why such action should not be taken against him.
- 5.18 He/she/they will be allowed the copy of such record for which he has requested in writing for defence purpose.
- 5.19 He will be provided opportunity to cross-examine the witnesses.
- 5.20 Entire enquiry proceedings will be carryout and completed under intimation of the accused in writing for attending the same, if he/she is within the approach of the Enquiry officer/Committee.
- 5.21 Personal hearing by the competent authority shall be given to him specially which he requested for the same.
- 5.22 The accused employee will attend enquiry proceedings regularly and fully cooperate with the Enquiry Officer/ Committee/ Administration in the interest of justice.
- 5.23 As far as possible, all statements recorded during the process of enquiry shall be signed by the accused also as a token of his presence.

- 5.24 His defence statements/cross examination statements will be placed on record of enquiry in writing with signatures.
- 5.25 During enquiry process, the accused should be given full opportunity and facility to defend his case with peaceful mind upto his/her/their satisfaction.

**(E) ADMINISTRATION**

- 5.26 On receipt of complaint, the administration section will examine the case in the light of relevant rules/instructions.
- 5.27 The case will be submitted to the competent authority with suitable suggestions/proposals alongwith draft Show Cause Notice/Charge Sheet/Statement of Allegations.
- 5.28 Cases will be followed properly for finalization in due course of time.
- 5.29 Deficiencies in disciplinary proceeding/cases shall be rectified through quarters concerned as and when required in the interest of justice.
- 5.30 It will be ensured that the proceedings are in line with the relevant rules and instructions.
- 5.31 Orders/instructions in disciplinary proceeding should be issued carefully to all concerned well in time and copies be kept on relevant service record.
- 5.32 Since administration in the custodian of record, personnel and justice in departmental proceedings, every step/proposal be taken very carefully as per rules.
- 5.33 It should watch, that all the parties involved in the disciplinary proceedings must follow the rules and instructions on the subject matter.
- 5.34 Where cases are being dealt with out of NHA, the administration will remain in close touch with all concerned for finalization of cases.
- 5.35 Officers dealing with disciplinary cases must go through/consult every time the rules relevant to discipline i.e. Efficiency and Discipline Rules and the Removal from Service (Special Powers) Ordinance, 2000 etc (as amended).

- 5.36 Administration is required to facilitate and assist the competent authority, enquiry officer/committee and accused for dealing with proceedings property and as per rules.
6. **DOCUMENTATION**
- 6.1 Every complaint must be supported with all the relevant documents/proofs alongwith list of witnesses.
- 6.2 Administration will provide following documents to the Enquiry Officer/ Committee for enquiry purpose alongwith office order:-
- i) Copy of complaint alongwith supporting papers.
  - ii) Copy of Show Cause Notice/Charge Sheet/Statement of Allegations (as the case may be).
  - iii) Reply of Charge Sheet etc. given by the accused (if any).
  - iv) List of Witnesses (if any).
  - v) Copy of SOP for guidance.
  - vi) Any other document as deemed necessary or called for by the Enquiry Officer/Committee.
- 6.3 The Enquiry report will consist of the following record:-
- i) The record provided by Admn alongwith Office Order of appointment of Enquiry Officer/Committee.
  - ii) Written statement of:-
    - Accused
    - Complainant
    - Witnesses
  - iii) Statement/Questionnaire of cross-examination.
  - iv) Any other record collected/discovered during the enquiry.
  - v) Site inspection report (where required).
  - vi) Photographs/drawings if required/possible.
  - vii) All correspondence made during the course of enquiry.
- 6.4 Personal Files of Disciplinary Proceedings shall be maintained separately for each employee.

- 6.5 Copy of office orders of awarding the penalty/exoneration from the charges will also be endorsed to the Confidential and Personnel Sections, Administration Wing, HQ by all concerned for placement of the same in ACRs and Personal Files of the employee concerned.
- 6.6 Administration Sections at HQ and Regional Offices will maintain record of all formally initiated disciplinary cases in the Registers appropriately. A monthly statement by 5<sup>th</sup> of each month will be submitted to the Chairman NHA through DG (Admn) in this regard.
- 6.7 Section of Show Cause Notice is attached at **Annexure-A**.

This has the approval of Chairman, NHA.



**(Ali Akbar Memon)**  
Director (Establishment)

**NATIONAL HIGHWAY AUTHORITY**

Admn Wing (Personnel)

**SHOW CAUSE NOTICE**

No. \_\_\_\_\_ Islamabad, the \_\_\_\_\_, 20

Mr. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subject: **SHOW CAUSE NOTICE**

You Mr./Mst. \_\_\_\_\_ presently / while posted as \_\_\_\_\_ at \_\_\_\_\_ have been found responsible for commission and omission of the following acts which amount to misconduct / corruption / in-efficiency under the \_\_\_\_\_ rules, \_\_\_\_\_:-

- i. That .....
- ii. That ..... Brief of acts of misconduct/corruption/in-efficiency (as the case may be)
- iii. That .....

2. And whereas, the undersigned has decided that it is not necessary to have an inquiry conducted in proof thereof as there is sufficient proof in support of allegations on the record. Whereas, it is proposed to proceed against you by waiving off the inquiry proceedings under the above-mentioned rules / regulations.

3. Now, therefore, you are hereby called upon to show cause in writing within \_\_\_\_\_ days of the issuance of this Show Cause Notice as to why major penalty of \_\_\_\_\_ as provided under \_\_\_\_\_ Rules, \_\_\_\_\_ should not be imposed on you.

4. Your reply to the Show Cause Notice should reach the undersigned within the said period, failing which it shall be presumed that you have no defense to offer and do not wish to be heard in person.

5. In case you may desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangements with the undersigned within \_\_\_\_\_ days of the receipt of this notice.

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Designation:** \_\_\_\_\_

# **NATIONAL HIGHWAY AUTHORITY**

No. Inq/Admn(C)/261/02/25

Islamabad, the 25 Sep, 2002

To:

1. **All General Managers,  
NHA HQ/Regionals**
2. **Director (Personnel),  
NHA HQ.**

Subject: **COMPOSITION OF INQUIRY COMMITTEE**

1. There was general queries and observations by the effected employees that inclusion of representatives of Vigilance Directorate in Inquiry Committee is not in order on one or the other pretext.

2. The matter was brought to the notice of Ministry of Communications & Railways (Communications Division). The Ministry vide their letter dated 12.09.2002 has conveyed that Removal from Service (Special Powers) Ordinance-2000 authorizes the competent authority to appoint anybody as Inquiry Officer or on the panel of Inquiry Committee.

3. Therefore, the competent authority as prescribed in the above Ordinance, 2000, can appoint any officer inter-alia of Vigilance Directorate representative while formation of Inquiry Committee is approved/ordered.



Brig  
**(IMTIAZ HUSSAIN)**  
Director General (Admn)

Copy to:-

1. Chairman, NHA
2. Member (All), NHA, HQ
3. Director (Legal), NHA, HQ.... Copy of MOC&R letter No 9(2)/98-Roads dated 12.09.2002 is enclosed.

**NATIONAL HIGHWAY AUTHORITY**  
***(Administration Wing)***

No. Inq/Admn/CS/NHA/386/02/123      Islamabad, the 4 October, 2002

**CIRCULAR**

It has been noticed that the inquiry committees/officers are calling accused, witnesses and other relevant persons from different stations at their offices during inquiring proceedings. The practice is not only resulting extra expenditure on account of TA/DA but also affecting the office business of the officials called from other offices.

The competent authority has therefore, directed that, in future the, inquiry officer/committee should consider the above mentioned factor before calling the parties. Whatsoever the method is economical (either visit of inquiry committee/officer or calling the personnel required/involved in the proceedings) shall be adopted.



**Brig.**  
**(IMTIAZ HUSSAIN)**  
*Director General (Admn)*

**Distributions:**

1. All Members, NHA
2. All GMs (HQ/Regional), NHA
3. Secretary, NHA
4. All Directors, NHA
5. PRO, NHA, HQ
6. PS to Chairman, NHA
7. PS to DG (Admn), NHA

**NATIONAL HIGHWAY AUTHORITY**  
***(Administration Wing)***

No. Inq/Admn(C)/NHA/669/04/303

Islamabad, the 28 July, 2004

**CIRCULAR**

Organizational discipline i.e. instrumental in enhancing efficiency and output; it plays an important role in facilitating harmony of command. Maintenance of discipline are ensuring good conduct within the organization in the primary responsibility of NHA management; this objective can only be achieved if rules are probed, facts are established and delinquent is pinpointed to dispose of the case in a judicious manner. However, it has been observed that inquiries (end to be conducted in a lackadaisical manner, leaving room from lacunas and loopholes that eventually defeat the purpose for which the inquiry was initiated in the first instance.

It needs to be recognized that inquiry matters, it is counter productive to take action on issues that are latter nullified by the courts on grounds of technical defects. The only way to thwart unnecessary legal problems from surfacing is to adopt a sound course of action, which can be measured up to the laid down rules. Poor inquiries that can very well jeopardize the whole of the disciplinary process, as final there is a dire need amongst officers/officials to fully acquaint themselves with the requisite disciplinary rules. Poor comprehension and weak application of rules is not only a source of embarrassment but also wastage of professional energy, invaluable time and precious resources inquiry officers are therefore, required to be fully impartial, honest and trained so that they can do justice both with the accused and the department.

3. Henceforth, it is directed/advised that in any disciplinary matter, concerned officers are to ensure that there is no overlooking of procedures and the inquiry is completed within the stipulated period, otherwise the concerned officers will be held responsible for delay and defective handling of inquiry.

4. This has the approval of Chairman, NHA.



**(Muhammad Aslam Khan)**  
*Director (Personnel)*

**Distributions:**

1. All Members, NHA
2. All GMs, NHA
3. Secretary, NHA
4. All Directors, NHA
5. All PDs, NHA
6. All DDs, NHA

**Copy to:-**

1. PS to Chairman, NHA
2. PA to DG (Admn), NHA