

**THE NWFP FOREST DEVELOPMENT CORPORATION
ADMINISTRATIVE PROCEDURE RULES, 1979.**



Preamble

In exercise of the powers conferred by clause of the Sub-Section 2 of Section 25 of the North-West Frontier Province Forest Development Corporation Act, 1977 (NWFP Act XI of 1977), the Government of North-West Frontier Province are placed to make the following rules, namely:

Chapter-1

GENERAL

Short title, commencement and application

1. (1) These rules may be called the North-West Frontier Province Forest Development Corporation Administrative Procedure Rules, 1979
- (2) They shall come into force with immediate effect.
- (3) They shall apply to all persons employed under the Corporation on monthly rates basis, including persons directly recruited, or on deputation from Government service or on re-employment after retirement from Government Service.

Definitions:

2. In these rules, unless there is anything repugnant in the subject or context:
 - i. “Government” means the Government of North-West Frontier Province.
 - ii. “Corporation” means the NWFP Forest Development Corporation.
 - iii. “Board” means the board of directors of the Corporation
 - iv. “Employee” means an employee of the Corporation.
 - v. “Regular Post” means a post created for an indefinite period.
 - vi. “Selection Committee” means a Selection committee constituted from time to time for the purpose of recommending suitable candidates for appointment or promotion to the various posts.
 - vii. “Service “means the period for which an employee receives pay from the Corporation and include the period of leave without pay duly sanctioned by competent authority, and any other period termed as service by such authority.

Matters not provided for and alterations in the rules:

3. (1) In all matters not provided for in these rules, the decision of the Board or of the Chairman in respect of matters delegated to him by the Board shall be final.
- (2) The Board shall have the powers to alter or change these rules from time to time and such alterations and changes shall be binding on all employees.

CHAPTER-2
COMMENCEMENT AND TERMINATION OF SERVICE

Appointments:

4. (1) Appointments to all posts in the Corporation will only be made by the authorities competent to do so as specified in Schedule-1 appended to these rules.
- (2) Appointments to posts of NPS-17 and above (or equivalent) will be made by the Chairman on the recommendation of a Selection Committee to be constituted by him.
- (3) Appointments to the posts of NPS-16 will be made by the respective Directors on the recommendation of a Selection Committee to be constituted by the Chairman.
- (4) All other appointments for which the Director is the appointing authority according to Schedule-1 appended hereto, will be made by the Director concerned on the recommendation of a Selection Committee, which may consist of the concerned Director alone, or any other officer of his department as a second member or consisting of two officers of his department, so nominated by him.
- (5) The Forest Manager or the Secretary to the Chairman, as the case may be, will make appointments to all posts for which he is the appointing authority in the Schedule and he may act alone as a Selection Committee or may include any other member of his staff as a second member of the Committee.
- (6) The Selection Committee will act only as advisory body and the appointing authority may disagree to its recommendations.
- (7) Employees of the Government on deputation to the Corporation will be governed by the relevant rules of the Government.
- (8) All appointments shall be made on the minimum pay of the pay scale but where a person to be recruited possesses special experience or qualifications or both, the Chairman or any officer duly authorized by him in this behalf may allow a higher initial pay in the same pay scale.
- (9) No person shall be appointed to the service of the Corporation unless he has been certified by the medical officer of the Corporation to be medically fit for service.
- (10) Candidates shall not be less than 18 years of age at the time of appointment.
- (11) No person who has ever been convicted of any penal offence by a Court of Law shall be eligible to hold any appointment under the Corporation.
- (12) In entering the service of the Corporation, every employee shall sign declaration of secrecy and fidelity.
- (13) In entering the service of the Corporation, every employee shall give a declaration containing full details and particulars of the immovable property and assets held by him and his dependents at that time. Any subsequent addition in these assets shall also be immediately declared to the Corporation.
- (14) The Appointing Authority shall have the powers given in Schedule-1.

Probation:

5. Every appointment shall be on probation for two years unless otherwise specified in the terms of appointment. If the employee's performance during this period is not satisfactory, the appointing authority may, in its discretion, extend the period of probation by a further period of not exceeding six months or offer him an appointment in the lower grade with the usual probationary period, or terminate his services.

Confirmation:

6. (1) On satisfactory completion of the probationary period or if that period is extended, on satisfactory completion of such extended period, the employee may be confirmed by the appointing authority.
- (2) If an employee fails to complete the extended probationary period satisfactorily, the appointing authority may, in its discretion, offer him an appointment in the lower grade with probation in accordance with the provisions of Rule 5 above, or terminate his services.

Termination of Service:

7. (1) The appointing authority may dispense with the services of an employee on probation by giving him fifteen days previous notice in writing without assigning any reason or, in lieu thereof, on payment of a sum equivalent to his pay for fifteen days.
- (2) The appointing authority may dispense with the services of a confirmed employee by giving him three months previous notice in writing without assigning any reason, or, in lieu thereof, on payment of a sum equivalent to his pay for three months.
- (3) Sub-rules (1) and (2) shall not apply to employees on deputation.

Resignation

8. (1) A confirmed employee shall not resign from his post without giving three calendar months previous notice in writing to the Corporation, failing which he shall be liable to pay to the Corporation a sum equal to his pay for three months.
- (2) A temporary employee may resign from his post by giving fifteen days, previous notice in writing or on payment by him to the Corporation a sum equal to his pay for fifteen days.
- (3) The right to recover pay in lieu of notice may be waived by the Chairman in any particular case.
- (4) Resignation may be refused by the appointing authority but the reasons for doing so will be communicated in writing to the employee concerned.

Retirement:

9. All employees shall retire on completion of 60 years of age. The appointing authority may retire an employee from the service of the Corporation on completion of 25 years service even though the employee has not attained the age of 60 years.

Record of Service:

10. (1) The record of service of each employee shall be maintained in a service book.

- (2) Remarks on the work and conduct of an employee shall be maintained in his annual confidential reports. An employee shall not have access to his confidential reports. He shall however, be informed of adverse remarks, relating to remediable defects, if any, in order to give him an opportunity to explain his position or to correct himself.

Advance increments:

11. Advance increments may be granted to any employee at any stage of service by the appointing authority for an outstanding achievement.

Honorarium:

12. The appointing authority may grant an honorarium not exceeding Rs. 1000.00 not more than once in a year to an employee for work of special merit which is so laborious as to justify a special reward.

CHAPTER-3

PAY AND ALLOWANCES

Pay and allowances:

13. Until such time as the Corporation form its own pay and allowances regulations, the pay and allowance shall be such as allowed by Government from time to time to employees of similar category of Corporation, or in absence of such instructions, to its own employees.

CHAPTER-4

MEDICAL FACILITIES

Persons eligible:

14. The Corporation shall provide medical facilities to all its employees including their dependents. "Dependents" shall include one wife, and legitimate children and step children not exceeding 21 years of age (and exclude adopted children) residing with him and wholly dependent on him.

Authorized Medical Officer:

15. The Corporation shall nominate one or more physicians as authorized Medical Officers for its employees. Where necessary the authorized Medical Officers may refer an employee to a Specialist in which case the fee of the Specialist and the cost of treatment prescribed by him shall be reimbursed by the Corporation.

Charges admissible:

16. For the purposes of Rules 14 and 15, the following charges shall be admissible:
- i. Consultation fee of Specialist.
 - ii. Cost of medicines and injections.
 - iii. Authorized Medical Officer's visiting fee where an employee or his dependent is too ill to visit the medical Officer at his clinic; provided that except in an emergency the prior sanction of the concerned Director is obtained for the visit.
 - iv. Actual maternity expenses to the limit of Rs. 300.00 for Directors and employees in BPS-19 and above and Rs. 150/- for the rest of the employees, for any single case of confinement.

- v. Cost incurred on hospitalization and surgical operation prescribed by the authorized Medical Officer.

Charges not admissible:

- 17. The following charges shall not be admissible.
 - i. Purchase of dentures and optimal glances.
 - ii. Cost of such item as vitamins, glucose, tonics etc unless prescribed to cure a disease.
 - iii. Diet.
 - iv. Special nursing.
 - v. Conveyance charges for visiting the Medical Officer’s clinic, but if a patient is to be removed to a hospital in an ambulance, its hire charges may be paid by the Corporation.

CHAPTER-5

TRAVELLING ALLOWANCE

Controlling Officer:

18. The following shall be the controlling officers for the various categories of employees of the Corporation:

<u>Category</u>	<u>Controlling Officer</u>
Chairman	Chairman
Directors	Directors
General Managers	Director Concerned
Other employees in BPS-19	General Manager/Director concerned
Employees in NPS-18	General Manager/Director concerned
Employees in other categories	Manager concerned
Employees of the office of Chairman	Secretary /Administrative Officer
Employees of the office of Directors	Director concerned
Employees of the office of General Manager	General Manager concerned
Employees of the office of Manager	Manager concerned

Classes admissible by air and rail:

19. These shall be as follows for different categories of employees:

<u>Category</u>	<u>Air</u>	<u>Rail</u>
NPS-17 and higher, or equivalent	Tourist	ACC
NPS-16 or equivalent	Tourist	First
NPS-3 to 15, or equivalent	----	Second
NPS-1 and 2	----	Third

Journeys on Tour

Journey allowance for journeys by road:

20. (1) An employee of BPS-17 and above or equivalent and all other employees in receipt of pay exceeding Rs. 1150 p.m. will be entitled to 70 paisas per kilometer when he travels by a car registered in his or in his wife's name or by engaging a full taxi and 35 paisas when he travels by a borrowed car. When he travels in the car of another corporation employee entitled to travel by personal car, the journey allowance will only be admissible to the employee in whose name or in whose wife's name the car is registered.
- (2) Journey allowance by other means of transport shall be, as follows
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|------|--|--|
| i. | Motor-cycle scooter (entitled to employees with pay exceeding Rs.400.00 p.m) | 25 paisas per kilometer |
| ii. | Bicycle | 15 paisas per kilometer |
| iii. | Animal back or foot | 50 paisas per kilometer |
| iv. | Public transport plying for hire on single seat basis | Pay exceeding Rs.400.00 p.m
10 paisas per kilometer |
| v. | Others | 07 paisas per kilometer |
- (3) Journeys within 16 kilometers of the place of posting shall not be paid for.
- (4) Toll paid by an employee on tour shall be paid to him along-with the journey allowance.

Daily Allowance:

- (1) A day shall be reckoned from mid night.
- (2) A part of the day, at commencement or of the tour, is to be reckoned as full day if it is 8 hours or more and half day if it is less than 8 hours but more than 6 hours.
- (3) Daily allowance at half rates will be admissible for half day provided that no more than two half daily allowance will be admissible for any one day.
- (4) Daily allowance may not be drawn for a continuous halt of more than ten days at any one place, provided that a competent authority may grant general or individual exemption from the operation of this rule on such conditions, including reduction in the amount of rate of daily allowance, as he thinks fit, if he is satisfied:
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| i. | that such a prolonged halt was necessary in the interest of the Corporation. |
| ii. | that it necessitated the maintenance of camp equipage or continued to entail extra expenses upon the halting employees. |
- (5) For the purpose of traveling and daily allowance, the tour starts and ends at the employee's place of posting.

- (6) The following shall be the rates of daily allowance for the employees of the Corporation for journeys within Pakistan.

Group	Rate (Rupees)		Remarks
	Special	Ordinary	
Directors and employees with pay exceeding Rs. 2150/-	100	70	Special daily allowance will be admissible for the following places: Rawalpindi/Islamabad, Hyderabad, Karachi, Lahore, Faisalabad, Multan, Peshawar, Quetta, Saidu Sharif, Abbottabad and Chitral.
Pay between Rs. 1350/- and 2150	60	50	
Pay between Rs. 700 and 1349	40	30	
Pay between Rs. 320 and 699	30	25	
Pay upto Rs. 319	20	15	

- (7) Where an officer while on duty is obliged to stay in a hotel/rest house, he shall, in addition to the daily allowance, be allowed reimbursement of actual single room rent upto a maximum of three times the daily allowance mentioned in Sub-rule (6) provided that hotel bills and receipts are submitted for this expenditure in case.
- (8) For journeys outside Pakistan, daily allowance will be paid at the rates prescribed by Government from time to time for different countries.

Transfer grant:

- (1) Transfer grant shall be permissible at the following scale:
- a. An employee possessing a family One month's pay subject to a maximum of Rs. 1500
- b. An employee not possessing a family Half month's pay subject to a maximum of Rs. 750
- (2) Provided that the transfer grant shall be subject to the restrictions imposed by Government from time to time.

Daily allowance on arrival at the new place of posting:

23. One daily allowance at the rate applicable to the station shall be payable in respect of the employee and in respect of each member of his family above 12 years and one-half of the full rate per every child above the age of 12 months, for the day of arrival the new place of posting.

Transportation of personal effects:

24. (1) The limit to which personal effect can be transported shall be as follows:

Category	Married	Unmarried	Rate
	(Metric tons)		
All employees in NPS-17 and above or equivalent and all other employees in receipt of pay exceeding Rs. 1150 p.m	5.00	2.50	60 paisas per ton per kilometer
All employees drawing pay not exceeding Rs. 1150 p.m not below NPS-11	3.00	1.50	-do-
All employees in NPS-3 to 10	1.50	0.75	-do-
All employees in NPS-1 and 2	0.50	0.25	-do-
(2)	Actual amount upto the following maxima shall be permissible for packing, crating and handling of personal effect:		

Category	Married	Unmarried	
	(Rupees)		
All employees in NPS-17 and above or equivalent and all other employees in receipt of pay exceeding Rs. 1150 p.m	250.00	125.00	
All employees drawing pay not exceeding Rs. 1150 p.m not below NPS-11	150.00	75.00	
All employees in NPS-3 to 10	70.00	35.00	
All employees in NPS-1 and 2	20.00	10.00	

Transportation of motor car/motor-cycle by road:

25. The rate of allowance admissible to an employee who transports his motor-car or motor-cycle/scooter by road between stations connected by rail shall be 25 paises per kilometer in respect of a motor-car and 10 paises per kilometer in respect of a motor-cycle /scooter.

Journeys on first appointment, retirement, dismissal etc.

First appointment:

26. Unless a competent authority by special or general order so permits, traveling allowance shall not be paid for first appointment to new entrants in service. Traveling allowance will, however, be paid to a person joining on deputation from another organization, or reverting to it.

Retirement:

27. An employee retiring from service shall be entitled to draw traveling allowance as for transfer from his last place of posting to his home.

Death:

28. The family of an employee who dies while in service, shall be entitled to traveling allowance as for the employee on transfer, to their home.

Dismissal or termination of service:

29. Travelling allowance shall not be paid in the event of dismissal or termination of service.

CHAPTER-6

LEAVE

Leave not to be claimed as of right:

30. Leave shall not be claimed as a matter of right. Then the exigencies of service so require, the competent authority may refuse to grant leave or cancel leave already granted or change the nature of leave or recall an employee before the expiry of this leave.

Leave in terms of days:

31. Leave may be applied for, expressed, and sanctioned in terms of days.

Admissibility of leave to the Employees:

32. (1) An employee shall earn leave only on full day. It shall be calculated at the rate of four days for every calendar month of the period of duty rendered and credited to the leave account as “Leave on full pay”; duty periods of

15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month for the purpose. If an employee proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.

- (2) There shall be no maximum limit on the accumulation of such leave.

Grant of leave on full pay:

33. (1) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows:

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| i. | Without medical certificate | 120 days |
| ii. | With medical certificate | 180 days |

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| iii. | On medical certificate from leave account in entire service | 365 days |
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- (2) The maxima prescribed at (i) and (ii) above are independent of each other. In other words, an employee may be granted, at a time, total leave on full pay on medical certificate upto the permissible extent in continuation of leave upto 120 days without medical certificate, subject to given condition.

Grant of leave on half pay:

34. (1) Leave on full pay may be converted into leave on half pay, at the option of the employee; the debit to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay. The request for such conversion shall be specified by the employee in his application for the grant of leave.

- (2) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in leave account.

Leave preparatory to retirement:

35. The maximum period upto which an employee may be granted leave preparatory to retirement shall be 365 days only. It may be taken subject to availability in the leave account, either on full pay or partly on full and partly on half pay, or entirely on half pay, at the discretion of the employee. In other words leave preparatory to retirement shall in no case exceed 365 days.

Recreation leave:

36. Recreation leave when applied for on full pay against leave account may be granted for 15 days in a calendar year; the debit to the leave account would, however, be for 10 days. This will be available to these employees who have not availed of recreation leave from the casual leave account in the same calendar year.

Leave not due:

37. It may be granted on full pay, to be off not against leave to be earned in future, for a maximum period of 365 days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed 90 days in all. Such leave may be converted into leave on half pay. It shall be granted only when there are reasonable chances of the employee resuming duty. This leave will not be admissible on temporary employees.

Special leave to female employee:

38. A female employee may on the death of her husband, be granted special leave on full pay not exceeding 130 days. This leave shall not be debited to her leave account and will commence from the date of death of her husband. For this purpose, she will have to produce death certificate issued by the competent authority either along with her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

Maternity leave:

39. Maternity leave may not be granted more than three times in the entire service of a female employee. For confinements beyond the third, the female employee would have to take leave from her normal leave account. This restriction will apply to all female employees who are governed by these rules. The spolls of maternity leave already availed will also be accounted for in the “three times” admissible under these rules. However, cases of these female employees who have already availed of the concession more than three times need not be re-opened.

Disability leave:

40. Leave salary during disability leave shall be equal to full pay for the first 180 days and half pay for the balance period.

Extra-ordinary leave (leave without pay):

41. It may be granted on any ground upto a maximum period of five years at a time, provided the employee to whom such leave is granted has been in continuous service for a period of not less than ten years; in case an employee has not completed ten years of continuous service, extra-ordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This will be irrespective of the fact whether an employee is a permanent or temporary.

Leave on medical certificate:

42. Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the Medical Officer or the Medical Board to have the applicant medically examined.

Commencement and end of leave

43. Instead of indicating whether leave starts/ends in the forenoon or afternoon, leave shall commence from the day following that on which an employee hands over the charge of his post. It shall end on the day proceedings that on which he resumes duty.

Absence after the expiry of leave:

44. Unless his leave is extended by the leave sanctioning authority, an employee who remains absent after the end of his leave shall not be entitled to any remuneration for the period of such absence, and double the period of such absence shall be debited against his leave account. Such debit shall if there is in-sufficient credit in the leave account, be adjusted against future earning. Such double debit shall not preclude any disciplinary action that may be considered necessary under the rules.

Encashment of leave preparatory to retirement:

45. In light of BOD decision made in its meeting held on 21.12.2005 and later on revised in the BOD meeting held on 6.6.2009 following amendment is hereby made in rule 45 of FDC Administrative Procedure Rules 1979.

Amendment

In case of retirement on attaining the age of superannuation an employee will be allowed 365 days leave encashment in addition to already approved 180 days subject to completion of 26 years of qualifying service, provided sufficient leave balance exists at his/their credit.

Death while in service:

46. In case an employee dies while in service of the corporation, lump-sum payment equal to full pay upto 180 days out of the leave at his credit shall be made to his “family” as defined for the purpose of family pension.

Recall from leave:

47. If an employee is recalled to duty compulsorily with personal approval of the leave sanctioning authority from leave of any kind, that he is spending away from his headquarters, he may be granted a single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty. In case, he is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one way journey only.

Casual leave:

48. (1) All employees shall be entitled to 25 days casual leave with pay in each calendar year. Such leave shall not be carried forward to the following year and shall lapse if not availed of during the year. Such leave shall not normally be granted for more than 10 days at a time except in special circumstances.
- (2) Ordinarily, previous permission of the competent authority shall be necessary for such leave but when this is not possible the competent authority shall, as soon as may be practicable, be informed in writing of the absence from duty and of the probable duration of such absence.
- (3) Casual leave is intended to meet unforeseen circumstances.
- (4) Casual and earned leave shall not be combined.
- (5) Casual leave to the Directors/General Managers shall be granted by the Chairman and to all other officers and employees by their immediate superior officers.

Procedure for applying for and availing of leave:

49. (1) Leave other than casual leave shall, in the case of Directors and employees in NPS-19 and above, be sanctioned by the Chairman after title to leave has been verified. Leave to other employees shall be sanctioned by the appointing authorities. In case of deputationists, such leave can be sanctioned by an authority which is competent to appoint employee of similar categories in the Corporation.
- (2) An employee who desire to obtain leave of absence shall apply to the competent authority through proper channel.
- (3) If the leave is refused or postponed, the reasons thereof shall be recorded.
- (4) Except for sickness or emergency, leave of absence of 3 days or more shall be applied for at least 24 hours in advance.
- (5) An employee availing of leave shall inform the competent authority in writing of his address while on leave.

- (6) Application for extension of leave shall be submitted by the employee to the competent authority well before the expiry of the leave sanctioned so that orders can be communicated before its expiry.
- (7) Application for leave on medical grounds shall be supported by a certificate from the Medical Officer of the Corporation, but at places where such Medical Officer is not available, certificate from any registered medical practitioner may be submitted with the application for extension of leave.
- (8) An employee who remains absent for eight days in excess of the period of leave originally sanctioned or subsequently extended shall be liable to disciplinary action unless he is able to explain his over stay in a manner satisfactory to the competent authority. Breach of this regulation shall be treated as misconduct and the employee shall be liable to punishment in accordance with the relevant rules.

General conditions regarding all kinds of leave:

50. (1) Except with the prior permission of the competent authority, Fridays and holidays shall not be prefixed or suffixed to any type of leave. They shall not be counted as part of the leave when so permitted. A Friday or holiday falling between the first and the last days of any leave period shall count as part of the leave.
- (2) An employee shall cease to earn any leave from the date of notice of termination of service being served on either side.
- (3) Proper record of all leave shall be maintained in the service book of the employee concerned.
- (4) Leave shall not be granted to an employee who is under suspension.

CHAPTER-7

DISCIPLINE AND GENERAL CONDUCT

Devotion to duty:

51. Every employee shall devote his whole time to the business and interests of the Corporation exclusively. No employee, including those 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 a body else, unless otherwise specially permitted by the Corporation.

Misconduct:

52. The following shall constitute misconduct:
- i. Willful insubordination or disobedience of any reasonable and legal command of the superior.
 - ii. Theft, fraud, misappropriation or dishonesty in connection with the Corporation's business or property.
 - iii. Willful damage to or loss to Corporation's business or property.
 - iv. Taking or giving bribes or any illegal gratification.
 - v. Carrying on of another business or employment without permission of the Corporation.
 - vi. Habitual late attendance and habitual absence without legitimate cause or without approval of the Corporation.
 - vii. Habitual breach of law applicable to the Corporation.

- viii. Habitual or gross negligence.
- ix. Repetition of unauthorized acts or omissions.
- x. Striking work or inciting others to strike work in contravention of provisions of any law or rule or adoption of go slow tactics.
- xi. Absence without leave for more than ten days.
- xii. Drunkenness or causing – disorderly and indecent incident within work premises.
- xiii. Giving wrong information about his name, age, qualification, previous experience, number of family members, domicile etc. at the time of employment.
- xiv. Conviction by a Court of law for any criminal offence or an offence of moral turpitude.
- xv. Indiscipline or breaking of any rules or standing orders and regulations of the Corporation.
- xvi. Insolvency.

Taking part in Politics and Elections:

53. (1) No employee of the Corporation shall take part in, subscribe in aid of or assist in any way any political movement in Pakistan or relating to the affairs of Pakistan.
- (2) No employee of the Corporation shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of Government as by law established in Pakistan.
- (3) No employee of the Corporation shall convince or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere:
- Provided that an employee of the Corporation who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall give no indication of the manner in which he proposes to vote or voted.
- (4) No employee of the Corporation shall permit any member of his family dependent on him to act in a manner in which he himself is not permitted by sub-rule (3) to act.
- (5) An employee of the Corporation who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of Sub-rule (3) to take part in an election to such body.
- (6) The provisions of Sub-rule (3) and (5) shall so far as may be, apply to elections to local authorities or bodies, save in respect of the Corporation employees required or permitted by or under any law, or order of the Corporation, for the time being in force, to be candidates at such elections.
- (7) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Corporation thereon shall be final.

CHAPTER- 8

PUNISHMENTS AND APPEALS

Punishments:

54. (1) Without prejudice to the Corporation's right to terminate the services of any employee as provided in Rule 7, any employee who commits a breach of the rules of the Corporation or who displays negligence, inefficiency or indolence or knowingly does anything detrimental to the interests of the Corporation or in conflict with its instructions or commits a breach of discipline or insubordination or who is convicted of a criminal offence shall be liable to any of the following penalties.

(2) **Minor Penalties:**

- i. Censure
- ii. Withholding for specified 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 specified 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 Government by negligence or breach of orders.

Major Penalties:

- i. Reduction to a lower post, grade or time scale, or to a lower stage in a time scale;
- ii. Compulsory retirement;
- iii. Removal from service; and
- iv. Dismissal from service.

Explanations:

- i. Removal from service does not but dismissal from service does, disqualify for future employment.
 - ii. Removal or dismissal from service does not include the discharge of a person;
 - a. appointed on probation, during the period of probation;
 - b. appointed, otherwise than under a contract, to held a temporary appointment on the expiration of appointment;
 - c. engaged under contract, in accordance with the terms of his contract.
- (2) The authorities competent to impose penalties described above and the authorities to whom appeals may be preferred against the orders imposing such penalties shall be as given in Scheduel-2

Procedure:

55. (1) No order of dismissal or reduction shall be passed against an employee other than orders based on facts which have lead to his conviction in a criminal court, unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged together with a statement of a the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required to put in a written statement of his defense within seven days and to state whether he desires to be heard in person. If he so desires or if the authority concerned so directs, an oral enquiry shall be held. At that enquiry oral evidence shall be heard and the person charged shall be entitled to person, and to have such witnesses called as he may wish, provided that the officer conducting the enquiry may, for special or sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.
- (2) Sub-rule (1) shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him.
- (3) Where there is a difficulty in observing exactly the requirements of the rules and those requirements can be waived without injustice to the person charged any of the provisions of the rules may, in exceptional cases, for special or sufficient reasons to be recorded in writing, be waived.
- (4) In a case where an offence or misconduct is detected before it is completed or where the offence or misconduct is so fresh and the circumstances are such that to serve the employee concerned with charges is pure pretentiousness, it will be just compliance with this regulation if the punishing authority demands immediate explanation and issues orders describing the offence or misconduct and awards punishment.
- (5) In the case of an appeal against on order imposing penalties specified in Sub-rule (1) or Rule 49, the appellate authority shall consider:
- i. Whether the facts on which the order was based have been established;
 - ii. Whether the facts established afford sufficient grounds for taking action; and
 - iii. Whether the penalty is excessive, adequate or inadequate.

Subsistence Grant:

56. (1) An employee under suspension, may be paid by the Corporation subsistence grant upto a maximum of half of his pay, excluding allowances, if any.
- (2) When an employee is reinstated, the competent authority may, at its discretion, grant to him for the period of his absence from duty;
- i. If he is honourably acquitted, the full pay and allowances to which he would have been entitled if he had not been dismissed, removed or suspended; and
 - ii. if otherwise, such proportion of such pay and allowances as the competent authority may determine.

- (3) In a case falling under Sub-rule (2)-i above, the period of absence from duty shall be treated as a period spent on duty, whereas in a case falling under Sub-rule (2)-ii, it shall not be treated as period spent on duty unless the appellate authority so directs.

CHAPTER-9

MISCELLANEOUS

Powers of Transferring and Punishing Authorities:

57. The Transferring Authorities and Punishing Authorities shall have the powers as given in Scheduel-3.

Powers of Chairman:

58. The Chairman shall, in addition to the powers vested in his under Rules 4,18,45,48,49,54 and 57, have the powers indicated in Schedule-4.

Interpretation:

59. In case of doubt regarding the interpretation of these unless, the decision of the Corporation shall be final.

Relaxation:

60. The Chairman may relax one or more of these rules under special circumstances, in respect of all the employees of the Corporation.

Amendment:

61. The Government may amend these rules and such amended rules shall take effect from the date of such amendment.

Schedule-1

Powers of Appointing Authority

S.No	Nature of Powers	Extent of Powers
	<u>Power of Appointment</u> Power to appoint an employee in a vacant post in a substantive or officiating capacity	Full Powers
	Power to appoint an employee in an officiating capacity or substantive to two or more posts at once time.	Full Powers
	<u>Headquarters</u> Power to declare an employee's headquarter	Full Powers
	<u>Sphere of Duty</u> Power to define limits of an employee's sphere of duty	Full Powers
	<u>Medical Certificate</u> Power to dispense with production of medical on appointment	Full powers in individual cases.
	<u>Lien</u> Power to suspend a lien	Full Powers
	Power to transfer a lien	Full Powers
	<u>Pay and Allowances</u> Power to reduce pay and/or allowances of an employee treated as on duty	Full Powers
	<u>Increments</u> Power to allow period spent on extraordinary leave to count for increment.	Full powers, provided the leave was taken on account of illness or any other cause beyond the employee's control.
	Power to declare that the services in a lower grade or post shall not count for increment when the degraded employee is reinstated.	Full Powers.
12	<u>Honorarium and Fee</u> Power to permit an employee to receive honorarium or fee upto Rs. 1000 in a year.	Full powers, provided the service rendered does not fall within the course of the ordinary duties of the employee.
13.	Power to permit an employee to receive honorarium or fee from the Pakistan or NWFP Public Service Commission, universities or Boards of Secondary Education in connection with the examination held by these institutions	Full Powers,
14	<u>Additional Pay</u> Power to grant additional pay where charge of more than one independent post is held by an officer	Full powers in accordance with the following principles: i. Where an employee is formally appointed to the additional post and discharge full duties of that post; additional pay should not exceed 20 percent of the presumptive pay of the additional post; provided that where the additional post is a higher post; the employee may be allowed as additional pay the difference between the pay admissible to him in the higher post and his pay in the lower post if that be more beneficial to him. ii. Where an employee holds the current charge of an

		additional post the additional pay should not exceed 10 percent of the presumptive pay of the additional post. iii. The additional pay shall be subject to a maximum or Rs. 200 per mensem.
15.	<u>Foreign Service</u> Power to transfer and employee to and fix his pay in foreign service	Full Powers
16.	Power to decide the date of reversion of an employee after returning from foreign service	Full Powers
17.	Power to order in any individual case that an employee outside his own cadre but in his own line should be given such promotion as he would have got had he not gone on foreign service	Full Powers
18.	<u>Absence from Duty</u> Power to determine that in view of the special circumstances, an employee after 5 years continuous absence from duty elsewhere then on foreign service	Full Powers
19.	Power to declare that the former service of an employee re-employed otherwise than after superannuation shall count for leave in whole or in part	Full Powers
20.	Power to grant leave to an employee in respect of whom a medical committee has reported that there is no prospect of his over being fit for duty	Full Powers
21.	Power to permit an employee to accept other employment during leave preparatory to retirement	Full Power
22.	Power to allow all kinds of leave except study leave and special disability leave.	Full Power
23.	<u>Traveling Allowance</u> Power to grant permanent traveling allowance or conveyance allowance.	Full Power
24.	Power to declare a particular employee to be entitled to railway accommodation or higher class than permitted for his grade in the case of a particular journey.	Full Power
25.	Power to disallow traveling allowance for a journey to attend obligatory examination if it is considered that the candidate has culpably neglected preparing for it.	Full Power
26.	Power to sanction traveling allowance for an employee compelled to answer a civil case or criminal charge in connection with official duties.	Full Power
27.	Power to grant exemption from the rule limiting the drawl of halting allowance for a halt on a tour to a period of 10 days.	Full Power for a period not exceeding 30 days at full rates and for period beyond 30 days at half rates
28.	<u>Re-employment</u> Power to re-employ an employee in service after attaining the age of superannuation.	Full Power in accordance with the rules and orders of Government issued from time to time
29.	<u>Relaxation of age limits.</u> Power to permit recruitment in Corporation service of person who exceed the age limit prescribed in the rules.	Full Power in special circumstances which should be recorded in writing in each case and where the service rules provide for such relaxation.
30.	<u>Provident Fund</u> Power to grant temporary advances from Provident Fund.	Full Power in respect of ordinary or special advances in accordance with the rules.

31.	<u>Joining Time</u> Power to extend joining time.	Upto 30 days.
32.	Power to permit the calculation of joining time by a route other than that which travelers habitually use.	Full Powers.

Schedule-2

Appointing, Punishing, Appellate and Transferring Authorities.

S. No	Name of Post	Appointing Authority	Authority competent to suspend and impose major penalties.	Authority competent to impose minor penalties	Appellate Authority in case of suspension and major penalties	Appellate authority in respect of minor penalties	Transferring Authority
1	2	3	4	5	6	7	8
1.	Chairman	Government	Government	Chief Secretary to Government	Government	Government	Government
2.	Director	Government	Government	Chief Secretary to Government	Government	Government	Government
3.	General Manager	Chairman	Chairman	Director concerned	Board	Chairman	Chairman
4.	All posts of grade 17 to 19 including Forest Managers, Secretary to Chairman etc.	Chairman	Chairman	General Manager /Director concerned	Board	Chairman	Chairman
5.	Deputy/Assistant Forest Managers, Administrative Officers/Superintendents and others in grade 16.	General Manager/ Director concerned	General Manager/Director concerned	Manager concerned or Secretary to Chairman as the case may be	Chairman	General Manager/ Director	General Manager/ Director within their spheres and Chairman within the Corporation

6.	Work Supervisors, Market Supervisors on fixed pay or in grade 11 to 15.	General Manager/ Director	General Manager/ Director	Manager	Chairman	General Manager/ Director	Manager, General Manager and Director within their spheres and Chairman within the Corporation.
7.	Office Assistants, Accounts Assistants, Senior Auditors, PAS to Directors and Chairman, Draftsman and others of grade 11 to 15.	General Manager/ Director concerned	General Manager/ Director concerned	Manager concerned or Secretary to Chairman as the case may be	Chairman	General Manager/ Director	General Manager/ Director within their spheres and Chairman within the Corporation.
8.	Clerical Staff like Senior Clerks, Tracers, Junior Auditors and others in grade 5 to 10.	Manager concerned	Manager concerned or the Secretary to Chairman in the case may be	Deputy/Assistant Forest Manager or Administrative Officer	General Manager/ Director	Manager concerned or the Secretary to Chairman	Manager, General Manager and Director within their respective spheres and Chairman within the Corporation.
9.	Senior Forest Munshis, Senior Market Munshis, Junior Forest Munshis, Junior Market Munshis, Carvers and others of equivalent grades.	Manager concerned	Manager concerned	Deputy/Assistant Forest Manager concerned	General Manager/ Director	Manager concerned	Manager, General Manager and Director within their spheres and Chairman with the Corporation.
10.	Drivers, Daftari, Qasids, Naib Qasids, Chowkidars, Sweepers and others of grade 1 to 5 in the office of the Chairman	Administrative Officer	Administrative Officer	Administrative Officer	Secretary to Chairman	Secretary to Chairman	Administrative Officer within the office of the Chairman.

11.	Drivers, Daftri, Qasid, Naib Qasids, Chowkidars, Sweepers and others of grade 1 to 5 in the office of the Directors	Director	Director	Director	Chairman	Chairman	Director within his spheres and Chairman within the Corporation.
12.	Drivers, Daftri, Qasid, Naib Qasid, Chowkidars, Sweepers and others in grade 1 to 5 in the office of General Managers.	General Manager	General Manager	General Manager	Director	Director	General Manager/ Director within their spheres and Chairman within the Corporation
13.	Drivers, Daftri, Qasid, Naib Qasids, Armed Guards, Chowkidars, Sweepers, and others of grade 1 to 5 in the offices and for field or Market work of the Managers.	Manager	Manager	Deputy/Assistant Manager	General Manager/ Director	General Manager/ Director	Manager, General Manager and Director within their spheres and Chairman with the Corporation.

- Note:
1. Authority above the appointing authority has the concurrent powers of the appointing authority for appointment as well as for imposing major and minor penalties including suspension. In case of penalties so imposed, the appellate authority will be the next higher authority as is the principle in normal cases.
 2. Appointments can only be made when there is an existing vacant post or a post created by a competent authority.
 3. Deputationists will be covered by the relevant Government rules.

Schedule-3

Powers of Transferring and Punishing Authorities.

S. No	Nature of Powers	To whom delegated	Extent of Powers.
1.	<u>Transfer of Charge</u> Powers to allow making or taking over charge at a place other than the headquarters an employee being relieved	Transferring Authority	Full Powers
2.	Powers to permit either the relieved or relieving an employee not to be present at the time of handling or taking over charge.	Transferring Authority	Full Powers
3.	<u>Increment</u> Powers to withhold increment of an employee or to order that he should not cross and Efficiency	Authority competent to inflict punishment other than removal and dismissal	Full Powers
4.	<u>Pay and Allowances</u> Powers to fix the pay and allowances of an employee transferred as a penalty to a lower grade or post, upto the maximum of that grade or post	Authority competent of inflict punishment other than removal and dismissal	Full Powers
5.	Powers to fix the employments of an employee during suspension in accordance with the rules	Suspending Authority	Full Powers
6.	<u>Leave</u> Powers to accept on officiating an employee reasons for not occupying the house placed at his disposal by the permanent incumbent	Transferring authority or authority granting leave	Full Powers
7.	Powers to direct that an employee on leave shall be in occupation of the residence	Transferring authority or authority granting leave	Full Powers
8.	Power to decide in doubtful or inequitable cases which an employee shall be held to have been in-charge and to whom the pay of the post for Friday or holiday shall be paid	Transferring authority	Full Power
9.	<u>Traveling Allowance</u> Powers to sanction the absence of an employee on duty beyond the sphere of duty	Controlling Officer	Full Powers provided the absence does not extend beyond 30 days
10.	Power to decide whether a particular absence from headquarters is absence on duty and that the employee in question should be treated on tour.	-do-	-do-
11.	Power to restrict duration or frequency of tours.	-do-	-do-
12.	Power to certify that the journey be motor car or motor cycle between places connected by railway was performed in public interest.	-do-	-do-

13.	Power to sanction traveling allowance to a employee for journeys to attend conference held by Government while on leave.	-do-	Full Powers
14.	Power to sanction grant of traveling allowance inn case where a suspended employee is required by the suspending authority to make a journey for the purpose of attending a Departmental enquiry.	Suspending authority	Full Power but no daily allowance shall be allowed

Schedule-4
Additional Powers of the Chairman

S.No	Nature of Powers	Extent of Powers.
1.	<u>Leave</u> Powers to accept an officiating employee's reasons for not occupying the house placed at his disposal by the permanent incumbent while on leave or transfer	Full Powers
2.	Powers to grant traveling allowance to persons not in Corporation service for attending commissions of enquiry and performing obligatory duties in an honorary capacity	Full Powers