

**FOOD DEPARTMENT**  
**Karachi dated the \_\_\_\_\_ January, 2024**

**NOTIFICATION**

**No.SO(G)/Food/REG(6)-SFA/2023.** In exercise of the powers conferred by section 61 of the Sindh Food Authority Act 2016, the Government of Sindh are pleased to make the following regulations, namely: -

**1. Short title, commencement and application.**-(1) These regulations may be called the Sindh Food Authority Employees (Efficiency & Discipline) Regulations, 2023.

(2) They shall come into force at once and shall apply to employees wherever they may be.

**2. Definitions.**- In these regulations, unless the context otherwise requires-

(1) "accused" means an employee against whom action is taken under these regulations;

(2) "Authority" means the Director General or any officer or authority designated by him to exercise the powers of the authority under the regulations;

(3) "authorized officer" means an officer authorized by the Authority to perform functions of an authorized officer under these regulations;

(4) "misconduct" means conduct prejudicial to good order of service discipline or unbecoming of an officer and a gentleman and includes any act on the part of an employee to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Authority or any officer of the Authority in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of an employee; and

(5) "Penalty" means a penalty which may be imposed under these regulations;

**3. Grounds for penalty.**-Where an employee 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 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 service is, therefore prejudicial to national security, the authority may impose on him one or more penalties.

**4. 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 Regulations or orders pertaining to the service or post;

(iii) Recovery from pay of the whole or any part of any pecuniary loss cause to the Authority by negligence or breach of orders;

**(b) Major Penalties:**

(i) reduction [for a specific period] to a lower post or time-scale, or to a lower stage in a time-scale;

(ii) compulsory retirement;

(iii) removal from service; and

(iv) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this regulation, removal or dismissal from service does not include the discharge of a person-

a. appointed on probation, during the period of probation, or in accordance with the probation or training rules / regulations applicable to him; or

b. appointed, 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 the contract.

5. (1) If in the opinion of the authorized officer that there are sufficient grounds for proceeding against the employee under the regulations, he shall take action in accordance with regulation 6.

(2) Notwithstanding anything contained in these regulations the authority may in any case exercise all powers of authorized officer or give any direction to the authorized officer as it may deem fit.

Provided that such directions, shall be given by the Chief Minister alone, if Chairperson is the authorized officer.

**6. Inquiry Procedure.**- The following procedure shall be observed when an employee is proceeded against under these regulations-

(1) In case where an employee is accused of subversion, corruption or misconduct, the authorized officer may require him to proceed on leave or, with the approval of the authority, suspend him, provided that any continuation of such leave or suspension shall require approval of the 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 shall be conducted through an Inquiry Committee. If he so decides, the procedure indicated in regulation 6 shall apply.

(3) If the authorized officer decides that it is not necessary to have an inquiry conducted through an Inquiry Officer or Inquiry Committee, he shall-

(a) by order in writing, inform the accused of the action proposed to be taken in regard to him and the grounds of the action; and

(b) give him a reasonable opportunity of showing cause against that action:

Provided that no such opportunity shall be given where the authority is satisfied that in the interest of the security of Pakistan or any part thereof 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, and-

(a) If it is proposed to impose a minor penalty, he shall pass orders accordingly;

(b) If it is proposed to impose a major penalty, he shall forward the case to the authority along with 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, and the authority shall pass such orders as it may deem proper.

Provided that the authorized officer shall, subject to proviso to the sub-regulation (3) before imposing minor penalty or recommending imposition of a minor penalty as the case may be, intimate the accused of the aforesaid penalty and grounds there for and call upon him to show cause within a fortnight of the notice why

the proposed penalty should not be imposed or, as the case may be, recommended and the reply, if any, to the said notice shall be taken into consideration before imposing or recommending a penalty.

(c) If it is proposed to drop the proceedings, the authorized officer shall submit the case with all relevant documents to the Authority for appropriate orders.

(5) The orders passed by the authority or the authorized officer shall be communicated to the accused within fifteen days of such orders.

(6) If two or more employees are preceded against jointly, the authority or authorized officer in respect of the senior most employee amongst them shall be the authority or authorized officer as the case may be, in respect of all such employees.

**7. Procedure to be observed by the Inquiry Officer and Inquiry Committee.-** (1) Where an Inquiry Officer or Inquiry Committee is appointed, the Authorized Officer shall-

(a) 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;

(b) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day 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.

(2) 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.

(3) 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 writing and where any adjournment is given:

(a) It shall not be for more than a week; and

(b) The reasons there for shall be reported forthwith to the authorized officer.

(4) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the 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.

(5) 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 ground thereof to the authorized officer.

**8. Powers of Inquiry Officer and Inquiry Committee:** (1) For the purpose of an inquiry under these regulations, 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 regulations shall be deemed to be judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1960).

**9. Regulation 6 not to apply in certain cases.** - Nothing in regulation n 6 shall apply to a case-

(a) where the accused has been convicted by a court and sentenced to imprisonment or fine on charge(s) involving more turpitude in which case the competent authority shall on receipt of intimation of the conviction, make an order dismissing or removing the accused from service or reducing him in rank as it deems fit; provided that in case of conviction on charge(s) of corruption on the accused shall be dismissed from service.

(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 to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of show-cause.

**10. Treating leave or Suspension as duty on re-instatement:**

If an employee who proceeds on leave or is suspended under sub-regulation (1) of regulation 6 is exonerated of the charge or charges or no action has been taken against him, he shall be re-instated in service and the period of leave or as the case may be, suspension shall be treated as duty.

**11. Procedure of inquiry against officers lent to other government or authority:**

(1) Where the services of an employee to whom these regulations apply are lent to any other Government or to a local or other authority, in this regulation referred to as the borrowing authority, shall have the powers of the authority for the purposes of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these regulations:

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, herein after in this regulation referred to as the lending authority, of the circumstances leading to the order of his suspension or the Commencement of the proceedings, as the case may be:

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

(3) Notwithstanding anything contained in these regulations, Authority may, by an order in writing, authorize the borrowing authority or any sub-ordinate officer to such authority to exercise all or any of the powers of authorized officer, authority or appellate authority in respect of employees, whose services have been lent to the borrowing authority.

12. (1) An employee aggrieved by an order of the authorized officer or authority may within thirty days from the date of the order appeal to the appropriate authority given in the Schedule.

**Explanation:** For the purpose of this sub-regulation the period of thirty days shall be reckoned with effect from the days following the day on which the order appealed against is communicated to the employee.

(2) The appellate authority shall, on receipt of the appeal call for the record of the case from the authorized officer or the authority, as the case may be, and notice to be given to the parties, and after perusal of such record and hearing the appellant, if necessary and the representative of the authorized officer or the authority, as the case may be, make such order as it may deem fit:

Provided that if the appellate authority proposes to enhance the penalty; it shall give the appellant reasonable opportunity; to show-cause against the enhancement of the penalty.

13. (1) The Chairperson or any officer or authority empowered by him may call for and examine the record of any proceeding under these regulations for the purposes of satisfying himself as to the correctness, or propriety of any finding, penalty or order in, irregularity of such proceedings.

(2) After examining the record under sub-regulation (1), the Chairperson or any officer or authority, empowered by him, as the case may be, may direct further inquiry into the charges from which the employee has been exonerated, or may, exercise any power of the appellate authority:

Provided that an order made under this regulation, if prejudicial to the employee, shall not be passed unless he has been given opportunity of showing cause:

Provided further that an order imposing penalty shall not be revised after the period of [six months] from the date of its communication to the employee if no appeal is preferred.

(3) No proceeding under this regulation shall be entertained at the instance of the employee who has not filed the appeal.

14. **Appearance of counsel:** No Party shall be represented by a lawyer in any proceeding under these regulations.

**NASIR ABBAS SOOMRO**  
**SECRETARY TO GOVERNMENT OF SINDH**

**[SCHEDULE**

(See Regulation 12)

S.No.	BASIC PAY SCALE	AUTHORITY	AUTHORIZED OFFICER
1	1 to 16	Director General	Officer in BS-18
2	17 to 18	Chairperson	Director General
3	19 and above	Chief Minister	Chairperson

**FOOD DEPARTMENT**

No.SO(G)/Food/REG(7)-SFA/2023

Karachi dated the 17<sup>th</sup> January, 2024**NOTIFICATION**

**No.SO(G)/Food/REG(7)-SFA/2023.** In exercise of the powers conferred by section 61 of the Sindh Food Authority Act 2016, the Government of Sindh are pleased to make the following regulations, namely: -

1. (1) These regulations may be called the Sindh Food Authority (Appeal) Regulations, 2023.
  - (2) They shall come into force at once.
2. In these regulations unless there is anything repugnant in the subject or context-
  - (a) "appellate authority" means the officers mentioned in column 3 of the schedule;
  - (b) "competent authority" means the officer mentioned in column 2 of the schedule;

" " means the schedule appended to these