

**CHAPTER-1**  
**EMPLOYEES (EFFICIENCY AND DISCIPLINE) STATUTES, 2009**

**1. Short Title and Application**

- (i) These Statutes may be called the Mirpur University of Science and Technology (MUST), Mirpur Employees Efficiency and Discipline Statutes, 2009.
- (ii) They shall come into force at once and shall apply to all University Employees except otherwise specified by the Act/ Statutes.

**2. Definitions**

- (i) In these Statutes, unless the context otherwise requires.
  - (a) "Accused" means an employee of the University against whom action is taken under these Statutes.
  - (b) "Authorized Officer" means a person authorized or designated by the competent authority to perform the functions of an authorized officer under these Statutes.
  - (c) "Competent Authority" means an officer or authority competent to appoint the accused.
  - (d) "University Employee" means the employee of the University other than the Chancellor or the Vice Chancellor.
  - (e) "Misconduct" means conduct prejudicial to good order or service discipline or conduct unbecoming of an officer and a gentleman and include any act on the part of a University employee to bring or attempt to bring political or other outside influence, directly or indirectly, to bear on the Chancellor, or any officer/ authority of the University in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of his/ her service.
  - (f) "Penalty" means a penalty which may be imposed under these Statutes.

- (ii) In case two or more University employees are to be proceeded against jointly, the competent authority or as the case may be, the authorized officer for the employee, senior most in rank shall be the competent authority or, as the case may be, the authorized officer in respect of all such accused.
- (iii) Words and expressions used but not defined shall bear the same meanings as they bear in the Mirpur University of Science and Technology (MUST), Mirpur Act, 2014.

### **3. Grounds for Penalty**

A University employee who, in the opinion of the competent 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/ she is, or any of his/ her dependents or any other person through him/ her or on his/ her behalf, is in possession of pecuniary resources or of property disproportionate to his/ her known sources of income which he/ she cannot reasonably account for; or
  - (ii) he/ she has assumed a style of living beyond his/ her ostensible means; 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 un-authorized person and his/ her retention in service is, prejudicial to the interests of the University or national security, shall be liable to be proceeded against under these Statutes and one or more of the penalties hereinafter mentioned may be imposed on him/ her.

#### **4. Penalties**

- (1) The following are the minor and major penalties, namely:
  - (a) Minor Penalties**
    - (i) Censure.
    - (ii) Withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the Statutes or orders pertaining to the service or post.
  - (b) Major Penalties**
    - (i) Recovery of the whole or any part of pecuniary loss caused to the University by negligence or breach of orders.
    - (ii) Reduction to a lower scale or post or time scale or to a lower stage in a time scale.
    - (iii) Compulsory retirement.
    - (iv) Removal from service.
    - (v) Dismissal from service.
- (2) Removal from service does not but dismissal from service does disqualify for future employment under the University.
- (3) In this Statute, removal or dismissal from service does not include the discharge of a University employee.
  - (a) appointed on probation, during the period of probation, or in accordance with the probation or training Rules applicable to him/ her; 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. Initiation of Proceedings**

- (i) If, in the opinion of the competent authority, there are sufficient grounds for proceeding against a university employee, he/ she may direct the authorized officer to proceed against the said university employee.
- (ii) Where no authorized officer stands designated in respect of the accused, the competent authority shall simultaneously appoint an officer senior in rank to the accused to perform the functions of an authorized officer.

**6. Inquiry Procedure to be Observed by the Authorized Officer**

- (i) The following procedure shall be observed by the authorized officer when he/ she is directed to proceed against a University employee under these Statutes:
  - (a) In case a University employee is accused of subversion, corruption or misconduct, the authorized officer may require him/ her to proceed on leave, if due, or, with the approval of the competent authority, suspend him/ her.
  - (b) Provided that any continuation of such leave or suspension shall require the approval of the competent authority after every three months.
- (ii) The authorized officer shall decide whether in the light of the facts of the case or in the interest of justice, an inquiry is necessary. If he/ she so decides, he/ she shall appoint an Inquiry Officer or Inquiry Committee consisting of two or more persons, who, or one of whom shall be of a rank senior to the accused or all of the co-accused and the procedure indicated in Statutes 7 and 8 shall apply.
- (iii) If the authorized officer decides that it is not necessary to have an inquiry conducted against the accused, he/ she shall:
  - (a) inform the accused forthwith, by an order in writing, of the action proposed to be taken in regard to him/ her and the grounds of the action; and



- (b) give him/ her a reasonable opportunity of showing cause against that action within a period of fourteen days from the date of receipt of the order under clause (a).

Provided that no such opportunity shall be given where the competent authority is satisfied that in the interest of the security of Pakistan, AJ&K or any part thereof it is not expedient to give such opportunity.

- (iv) Within seven days of the receipt of the explanation of the accused, or within such extended period as the competent authority may allow, the authorized officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty, he/ she shall pass orders accordingly. If, however, it is proposed by the authorized officer to impose a major penalty, he/ she shall forthwith forward the case to the competent authority along with the explanation of the accused, and his/ her own recommendations regarding the penalty to be imposed.
- (v) 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 a statement of 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/ her, to put in a written defence directly before the Inquiry Officer or the Inquiry Committee, as the case may be, and to state, at the same time, whether he/ she desires to be heard in person; and
  - (c) immediately after communicating the charge to the accused under clause (a) and (b) forward such record or copies thereof and such other material as is necessary

for the conduct of the inquiry to the Inquiry Officer or the Inquiry Committee, as the case may be.

**7. Procedure to be Observed by the Inquiry Officer or the Inquiry Committee**

- (i) The Inquiry Officer or the Committee, as the case may be, shall inquire into the charges and examine such oral or documentary evidence in support of the charges or in defence of the accused, as may be considered necessary, and where any witness is produced by one party, the other party shall be entitled to cross-examine that witness.
- (ii) If the accused fails to furnish his/ her explanation within the period specified, the Inquiry Officer or the Inquiry Committee as the case may be, shall proceed with the inquiry.
- (iii) 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. However, every adjournment, with reasons thereof shall be reported forthwith to the authorized officer. Normally no adjournment shall be for more than a week.
- (iv) 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 inquiry, he/ she or it shall administer a warning and if, thereafter, he/ she or it is satisfied that the accused is acting in disregard of the warning, he/ she or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he/ she or it thinks best suited to do substantial justice.
- (v) If the accused absents himself/ herself from the inquiry on medical grounds, he/ she shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave applied for by him/ her is sanctioned on the recommendations of a Medical Board. Where, in view of the serious condition of the accused, it may not be possible for him/ her to appear before the Medical Board, the Board shall examine him/ her at his/ her

residence of which address must always be given in the leave application and at which he/ she must be available.

Provided that the authorized officer may, in his/ her discretion, sanction medical leave up to seven days without the recommendations of the Medical Board.

- (vi) The Inquiry Officer or the Committee, as the case may be, shall complete the inquiry proceedings within a period of sixty days commencing from the date of submission of the written defence by the accused and shall, within ten days of the conclusion of the proceedings or such longer period as may be allowed by the authorized officer, submit his/ her or its findings and grounds thereof to the authorized officer.

#### **8. Inquiry Report**

On the receipt of the report of the Inquiry Officer or the Inquiry Committee, as the case may be, the authorized officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty, he/ she shall, after affording the accused an opportunity of showing cause against the action proposed, pass orders accordingly. If it is proposed to impose a major penalty, he/ she shall forward the case to the competent authority along with the charge-sheet, a statement of allegations served on the accused, explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee and his/ her own recommendations regarding the penalty to be imposed. In case, it is proposed to drop the proceedings, the Authorized Officer shall submit the case with all relevant material/ documents to the competent authority for appropriate orders.

#### **9. Appearance of Counsel**

No party to any proceedings under these Statutes before the competent authority, the Authorized Officer, an Inquiry Officer, an Inquiry Committee or Appellant Authority shall be represented by a lawyer.

**10. Expeditious Disposal of Proceedings**

- (i) In a case wherein the authorized officer decides not to have inquiry conducted against the accused, the proceedings must be finalized by him/ her within a period of **forty five days** from the date of receipt of direction under Statutes and a report to that effect submitted to the competent authority.
- (ii) In a case where the authorized officer has appointed an Inquiry Officer or Inquiry Committee, he/ she should ensure that the entire proceedings are completed within a period of **ninety days** from the date of receipt of direction under Statutes and shall submit a report to the competent authority.
- (iii) Where Inquiry proceedings are not completed by the Inquiry Officer or Inquiry Committee, as the case may be, within a period of **forty five days** of the date on which the accused puts in his/ her written defence, if any, the Inquiry Officer or the Inquiry Committee, as the case may be, shall report the position of the inquiry to the authorized officer intimating the reasons why the inquiry could not be **completed** within the period and the approximate further time that is likely to be taken for the completion of the inquiry and the authorized officer shall immediately cause the same to be produced before the competent authority.
- (iv) The competent authority, on receipt of report under Sub-statutes (ii) and (iii) shall pass such orders for expeditious finalization of the proceedings as it may deem fit.

**11. Action by the Competent Authority**

In the case of any proceedings the record of which has been reported for orders under clause (iv) of Statute 6 or Statute 8, the competent authority shall, after affording the accused an opportunity of being heard in person, pass such order as it may deem fit.

**12. Certain Statutes not to Apply in Certain Cases**

- (i) Where the accused is convicted of an offence involving moral turpitude which has led to a sentence of fine or imprisonment he/ she may, after being given a show cause notice, be dismissed, removed from service or reduced in rank without following the procedure laid down in Statutes 5, 6, 7, 8 and 11.
- (ii) Where the competent authority is satisfied that, for reasons to be recorded in writing, it is not reasonably practicable to give the accused an opportunity of showing cause, it may impose any of the penalties specified in Statute 4 without following the procedure laid down in Statutes 5, 6, 7, 8 and 11.

**13. Procedure of Inquiry Against Officers Lent to the Government or Other Universities, Institutions etc.**

- (i) Where the services of a University employee to whom these Statutes apply are lent to any Government, other university or a local or other authority hereinafter referred to as the borrowing competent authority, the borrowing competent authority shall have the powers of the competent authority for the purpose of placing him/ her under suspension or requiring him/ her to proceed on leave and of initiating proceedings against him/ her under these Statutes.

Provided that the borrowing competent authority shall forthwith inform the competent authority which has lent his/ her services, hereinafter in these Statutes referred to as the lending competent authority, of the circumstances leading to the order of his/ her suspension or the commencement of the proceedings, as the case may be.

Provided further that the borrowing competent authority shall obtain prior approval of the University Senate before taking any action under these Statutes against a University employee holding a post in Scale 17 or above.

- (ii) If, in the light of the findings in the proceedings taken against a University employee in terms of clause (i) above, the borrowing competent authority is of the opinion that any penalty should be

imposed on him/ her, it shall transmit to the lending competent authority the record of the proceedings and thereupon the lending competent authority shall take action as prescribed in these Statutes.

**14. Power to Order Medical Examination as to Mental or Bodily Infirmary**

- (i) Where it is proposed to proceed against a University employee on the ground of inefficiency by reasons of infirmity of mind or body, the competent authority may, at any stage, whether or not authorized officer has been directed to proceed against him/ her, require the University employee to undergo a medical examination by a Medical Board or a Medical Officer/ Medical Superintendent as the competent authority may direct, and the report of the Board, the Medical Superintendent or the Medical Officer shall form part of the proceedings.
- (ii) If a University employee refuses to undergo such an examination, his/ her refusal may, subject to the consideration of such grounds as he/ she may give in support of it, be taken into consideration against him/ her as showing that he/ she had reason to believe that the result of the examination would prove unfavorable to him/ her.

**CHAPTER-2**  
**EMPLOYEES (APPEAL) STATUTES, 2009**

**1. Short Title and Application**

- (i) These Statutes may be called the Mirpur University of Science and Technology (MUST), Mirpur Employees Appeal Statutes, 2009.
- (ii) These Statutes shall come into force at once.

**2. Definitions**

In these Statutes, unless there is anything repugnant in the subject or context:

- (a) "Senate" means the Senate of the University specified in the University Act, 2014.
- (b) "Syndicate" means the Syndicate of the University specified in the University Act, 2014.
- (c) "Competent Authority" means an officer or authority competent to appoint the accused.
- (d) "Appellate Authority" means the Senate of the University.
- (e) "University Employees" excluding the Chancellor and the Vice Chancellor, includes teaching, administrative and other staff in the service of the University whose pay is debitable to the University fund, except;
  - (i) University employee between whom and the University there is a specific contract or agreement.
  - (ii) A person who is on deputation to the service of the University in connection with the affairs of the University, from the Government of Azad Jammu and Kashmir or Federation or any other Province of Pakistan or any other authority.

### 3. Appeal

A University employee shall be entitled to appeal to the Senate from an original order passed by an authority or an officer prejudicial to his/ her service interest.

### 4. A University Employee shall be entitled to appeal to the appellate authority from an original order passed by an authority which:

- (a) alters to his/ her disadvantage, his/ her conditions of service, pay, allowances or pension; or
- (b) interprets to his/ her disadvantage the provisions of any Statutes whereby his/ her conditions of service, pay, allowances or pension are regulated; or
- (c) reduces or withholds the maximum pension, including an additional pension, admissible to him/ her under the Statutes governing pension; or
- (d)
  - (i) on his/ her reaching the age of superannuation; or
  - (ii) in accordance with the provisions of the University Service Statutes, 2009.
  - (iii) provided further that no appeal or review shall lie to the Senate against an order or decision determining the fitness or otherwise of a person to be appointed or to hold a particular post or to be promoted to a higher post or grade.

- ### 5.
- (i) The person preferring an appeal shall do so separately and in his/ her own name.
  - (ii) The appeal preferred under these Statutes shall contain all material statement and concise argument relied upon by the appellant. It shall contain no disrespectful or improper language, and shall be complete in itself.
  - (iii) The appeal shall be submitted within a period of **sixty days** of the communication of the order appealed against.



6. (i) In the case of an appeal under Statute 3 and 4 the appellate authority shall consider:
    - (a) Whether the facts on which the order appealed against was based have been established.
    - (b) Whether the facts established afford sufficient ground for taking action; and
  - (ii) In the case of an appeal, under Statute 4 the appellate authority shall pass such order as, having regard to all circumstances of the case, appears, to it, just and equitable.
  - (iii) The authority/ officer from whose order an appeal is preferred under these Statutes shall give effect to any order made by the appellate authority.
7. (i) An appeal may be rejected by the appellate authority without hearing the appellant if:
    - (a) it is an appeal in a case in which no appeal lies under these Statutes; or
    - (b) it does not comply with the provisions of sub-Statute (i), (ii) and (iii) of Statute 5; or
    - (c) it is addressed to authority to which no appeal lies under these Statutes.
    - (d) It is time barred under these Statutes.
  - (ii) Any order passed on appeal shall be final except otherwise specifically provided under these Statutes.
  - (iii) The right of appeal shall be governed under the provision of section 32 of the University Act, 2014.
  - (iv) The authority to whom the appeal is made shall exercise the same powers as are vested in the appellate authority under these Statutes.

**8. Revision**

- (i) The Senate may call for and examine the record of any proceedings before any authority for the purpose of satisfying as to the correctness, legality or propriety of any finding or order recorded or passed and as to the regularity of any proceeding of such authority.
- (ii) On examining any record under this Statute, the Senate may pass such order as it may deem fit.

Provided that any order under this Statute made prejudicial to the accused shall not be passed unless he/ she has been given an opportunity to show cause against the proposed action.

- 9. (i) The Senate and the Vice Chancellor or a Committee duly constituted on their behalf may give personal hearing to the concerned University employee or direct any other officer subordinate to it to grant a hearing to the concerned University employee.
- (ii) The Senate or the Vice Chancellor may constitute an Appeal Committee which shall consist of a Chairman and two Members nominated by the concerned authority.

10. An order passed under these Statutes on an appeal, shall be final.

11. All appeals, revision, review petitions and representations pending immediately before the coming into force of these Statutes shall be processed and finalized under the Statutes existing before promulgation of these Statutes.

Provided that all such pending cases shall not be adversely affected by the provision of limitation.

12. The University Employee on whom a penalty has been imposed under University Efficiency and Disciplines Statutes, 2009 shall have such right of appeal in the manner as provided in these Statutes.

**13. Right of Appeal and Review against Penalty under University Employees Efficiency and Discipline Statutes, 2009**

A University employee on whom a penalty has been imposed under University Employees Efficiency and Discipline Statutes, 2009 may within **30 days** from the date of the communication of the order, appeal against or apply for review of the order as provided in section 32 of the University Act, 2014.

Provided that if the Senate or any other officer authorized by the Senate as the case may be, is satisfied that there is sufficient ground for extending the time, it may entertain the appeal or the review petition at any time.

**14. Petition of Appeal or Review**

Every appeal or review petition preferred under these Statutes shall be made in the form of a petition in writing and shall set forth concisely the grounds of objection to the order appealed from or sought to be reviewed and shall not contain disrespectful or improper language and shall be submitted to the Vice Chancellor and he/ she shall forward the same along with his/ her comments to the Senate.

**15. Determination of Appeal by the Senate**

(i) The Senate shall cause notice to be given to the appellant and the competent authority or the authorized officer imposing penalty, of the time and place at which such appeal will be heard. The Senate shall call for the record of the case if such record is not already with it. After perusing such record and hearing the appellant, if he/ she appears, and the representative of the punishing authority, if he/ she appears, the Senate may, if it considers that there is no sufficient ground for interfering dismiss the appeal or may:

- (a) reverse the finding and acquit the accused; or
- (b) order and direct that further or fresh inquiry be made; or
- (c) alter the finding maintaining the penalty or with or without altering the finding, reduce the penalty; or
- (d) subject to the provisions enhance the penalty.

- (ii) Where the Senate proposes to enhance the penalty, it shall:
  - (a) by order, in writing, inform the accused of the action proposed to be taken and the grounds of the action; and
  - (b) give him/ her a reasonable opportunity to show cause against that action.
- (iii) While taking into consideration an appeal, the Senate may, if it thinks additional evidence to be necessary either take such evidence itself or direct it be taken by the authorized officer and, when such evidence has been taken, the Senate shall there upon propose to dispose off the appeal.

**16. No Second Appeal, Review Petition in Certain Cases**

- (i) No appeal shall lie against any order passed by the Senate on an appeal except where the Senate has enhanced the penalty by the Appellate order.
- (ii) In every case in which the Senate enhances the penalty imposed by the competent authority or the authorized officer, the accused may, within **30 days** of the communication of the order, apply to the Senate or any other officer authorized by the Senate for the review of that order.

Provided that if the Senate or any other officer authorized by the Senate is satisfied that there is sufficient ground for extending the time, it may entertain the application for review at any time.

- (iii) The application for review shall be filed in the manner indicated in Statute 14.
- (iv) On examining any record under these Statutes the Senate or any other officer authorized by the Senate may direct the competent authority or the authorized officer to make further inquiry into the charges of which the accused has been acquitted and discharged.

Provided that an order prejudicial to the accused shall not be passed unless he/ she has been given an opportunity to show cause against the proposed action.

Provided further that an order imposing punishment shall not be revised suo motu or otherwise after the lapse of a period of three months from the date of its communication to the accused.

## **17. MIRPUR UNIVERSITY OF SCIENCE AND TECHNOLOGY (MUST), MIRPUR**

### **Notification**

No.F.2/Senate(4-M)i-48/6387-6428/2013, dated: 30-07-2013. The Senate in its 4<sup>th</sup> meeting held on 13<sup>th</sup> April 2013, has approved the action taken by the Vice Chancellor vide Notification No. Registrar/922-52/2011, dated: 22-01-2011, for constitution of Appeal Committee to pursue the objections/ appeals regarding appointments/ up-gradation/ promotion cases of the university employees:

- |    |   |                   |
|----|---|-------------------|
| 1. | The Judge of the High Court of Azad Jammu & Kashmir<br>Nominated by the Chief Justice AJ&K High Court | Chairman          |
| 2. | One Member of the University Senate   | Member            |
| 3. | Additional Secretary Services<br>Nominated by the Secretary Services                                  | Member            |
| 4. | Registrar, University   | Secretary/ Member |

Sd/-  
(Abdul Qayum Tahir)  
Registrar