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PROVINCIAL ASSEMBLY OF THE PUNJAB

REPORT OF THE STANDING COMMITTEE ON SERVICES AND GENERAL ADMINISTRATION REGARDING THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE & ACCOUNTABILITY (AMENDMENT) BILL 2014 (BILL NO.7 OF 2014)

The Punjab Employees Efficiency, Discipline & Accountability (Amendment) Bill 2014 (Bill No.7 of 2014) was referred to the Standing Committee on Services and General Administration on 12 March, 2014. The Committee considered the bill in its meeting held on 3 April 2014.

2. The following were present:-

1.	Bao Akhtar Ali, MPA (PP-144)	Chairman
2.	Ch Ali Asghar Manda, Advocate, MPA (PP-165)/ Parliamentary Secretary for S&GAD	<i>ex-officio</i> Member
3.	Mr Muhammad Naeem Safdar Ansari, MPA (PP-177)	Member
4.	Mrs Gulnaz Shahzadi, MPA (W-329)	Member
5.	Mrs Shabeena Zikria Butt, MPA (W-326)	Member
6.	Mrs Nazia Raheel, MPA (PP-88)	Member
7.	Syed Raza Ali Gillani, MPA (PP-187)	Member
8.	Ms Nabila Hakim Ali Khan, MPA (W-358)	Member
9.	Dr Salah-ud-Din Khan, MPA (PP-44)	Member

3. Ms Shahnaz Nawaz, Secretary (Regulations), Services and General Administration Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department represented their Departments. Mr Khalid Mehmood, Deputy Secretary, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. The Secretary, Regulation Department apprised the Committee about the aims and objects of the bill. She said that certain employees of different Universities upon imposition of penalties under the Punjab Employees' Efficiency, Discipline and Accountability Act, 2006 preferred appeals before the Punjab Service Tribunal in terms of section 19 of the Act. It has been held by the Supreme Court and the Punjab Service Tribunal in their judgments that employees of the Corporations including Universities are not civil servants, hence, they can not invoke the jurisdiction of the Punjab Service Tribunal established under Article 212 of the Constitution. She added that in order to resolve this controversy, it was proposed that all employees of these Corporations might be excluded from the category of employees who had right to approach the Punjab Service Tribunal against the order passed in departmental appeal or review. Such employees, however, might approach the courts of general jurisdiction including the Lahore High Court.

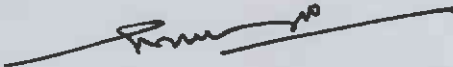
5. The Committee after hearing the Members, having the view points of the Administrative Department and discussing various points, unanimously decided to recommend that the bill as introduced, may be passed by the Assembly.

6. A copy of the bill as introduced in the Assembly and as recommended by the Committee is at Annexure.

Lahore
3 April, 2014

(BAO AKHTAR ALI)
Chairman
Standing Committee on Services and General Administration

Lahore
3 April, 2014


(HAFIZ MUHAMMAD SHAFIQ ADIL)
Acting Secretary

ANNEXURE

**(BILL AS INTRODUCED IN THE ASSEMBLY AND
RECOMMENDED BY THE STANDING COMMITTEE
ON SERVICES AND GENERAL ADMINISTRATION)**

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 7 of 2014

**PUNJAB EMPLOYEES' EFFICIENCY, DISCIPLINE &
ACCOUNTABILITY (AMENDMENT) BILL 2014**

A
Bill

*further to amend the Punjab Employees Efficiency,
Discipline and Accountability Act, 2006.*

Preamble.— Whereas it is expedient further to amend the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (*XII of 2006*) for purposes hereinafter appearing;

It is enacted as follows:-

1. Short title and commencement.— (1) This Act may be cited as the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2014.
(2) It shall come into force at once.

2. Amendment in section 19 of Act XII of 2006.— In the Punjab Employees Efficiency, Discipline and Accountability Act 2006 (*XII of 2006*), for section 19, the following shall be substituted:-

"19. Appeal before the Service Tribunal.— (1) An employee, other than the employee mentioned in section 2(h)(i), aggrieved by a final order passed under section 16 or 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act 1974 (*IX of 1974*).

(2) If the Appellate Authority or the Chief Minister does not pass any final order on the departmental appeal or the review petition filed under section 16 within a period of sixty days from the date of filing of the departmental appeal or the review petition, the aggrieved employee, not being the employee mentioned in section 2(h)(i), may prefer an appeal to the Punjab Service Tribunal within ninety days of the filing of the departmental appeal or review petition.

(3) On the exercise of the option in terms of subsection (2), the appeal or, as the case may be, the review pending before the Appellate Authority or the Chief Minister shall abate to the extent of such employee."
