

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH  
MINISTRY OF ESTABLISHMENT

Regulation Branch

Section V

NOTIFICATION

Dhaka, the 20th August, 1985

No. S. R. O. 381-L/85/ME(R-V)ID-13/84.—In pursuance of the Proclamation of the 24th March, 1982 and in exercise of all powers enabling him in that behalf, the President, after consultation with the Bangladesh Public Service Commission, is pleased to make the following rules, namely:—

PART I

GENERAL

1. Short title, commencement and application.—(1) These rules may be called the Government Servants (Discipline and Appeal) Rules, 1985.
- (2) Subject to sub-rule (3), they shall come into force at once.
- (3) Rule 15 shall be deemed to have come into force on the 1st January, 1985.
- (4) They shall apply to all Government servants, except—
  - (a) persons to whom the Railway Establishment Code applies;
  - (b) subordinate officers of a Metropolitan Police;
  - (c) members of any other police-force below the rank of Inspector of Police;

- (d) subordinate officers, Riflemen and Signalmen of the Bangladesh Rifles;
- (e) subordinate Jail officers below the rank of Jailor of Bangladesh Jails;
- (f) members of such services and holders of such posts as may be specified by the Government by notification in the official Gazette;
- (g) persons in respect of whose conditions of service, pay, allowances, pensions, discipline and conduct, or any one of them, special provisions have been made by any contract.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

- (a) “accused” means a Government servant against whom any action is taken under these rules;
- (b) “authority” means the appointing authority or, an officer designated by it to exercise, subject to such general or specific guideline as may be issued by the Government from time to time, the powers of the authority under these rules and shall include a superior officer, if any, of the appointing authority in the chain of command;
- (c) “Commission” means the Bangladesh Public Service Commission;
- (d) “desertion” means quitting of service without permission or remaining absent from duty for a period of sixty days or more or remaining absent from duty in continuation of absence from duty with permission for a period of sixty days or more without further permission or leaving the country without permission and remaining abroad for thirty days or more or overstaying abroad after leaving the country with permission, for sixty days or more without further permission;
- (e) “Government servant” means a person in the service of the Republic and includes any such person on foreign service or whose services are temporarily placed at the disposal of a local authority or other authority or of a foreign Government or agency;
- (f) “misconduct” means conduct prejudicial to good order or service discipline or contrary to any provision of the Government Servants (Conduct) Rules, 1979, or unbecoming of an officer or gentleman and includes—
  - (i) disobedience to lawful orders of superior officers,
  - (ii) gross negligence of duty,
  - (iii) flouting of Government orders, circulars and directives without any lawful cause, and
  - (iv) submission of petitions before any authority containing wild, vexatious, false or frivolous accusation against a Government servant; and
- (g) “penalty” means a penalty which may be imposed under these rules.

## PART II

### DISCIPLINE

3. **Grounds for penalty.**—Where a Government servant, in the opinion of the authority,—

- (a) is inefficient, or has ceased to be efficient, whether by reason of—
  - (i) infirmity of mind or body, or

- (ii) having, on two or more consecutive occasions, failed to pass in a departmental examination prescribed for the purpose of maintaining or raising general efficiency, or
- (iii) having, without reasonable cause, failed to appear at any such examination as aforesaid, or
- (iv) otherwise,

and is not likely to recover his efficiency; or

- (b) is guilty of misconduct; or
- (c) is guilty of desertion; or
- (d) 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 a persistent reputation of being corrupt; or
- (e) 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, and whose retention in service is considered prejudicial to national security;

the authority may, subject to the provision of sub-rule (6) of rule 4, impose on him one or more penalties.

*Explanation.*—For the purpose of clause (d) (iii), a person shall be presumed to have a persistent reputation of being corrupt if allegations of corruption are received against him during his tenure of service in more than two stations of posting.

**4. Penalties.**—(1) There shall be two kinds of penalties which may be imposed under these rules, namely, minor penalties and major penalties.

(2) The following are the minor penalties—

- (a) censure;
- (b) withholding, for a specified period, of promotion or of increment otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
- (c) stoppage, for a specified period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar;
- (d) recovery from pay or gratuity of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;
- (e) reduction to a lower stage in the time-scale.

(3) The following are major penalties—

- (a) reduction to a lower post or time-scale;
- (b) compulsory retirement;

(c) removal from service ;

(d) dismissal from service.

(4) Removal from service does not, but dismissal from service does, disqualify from future employment under the Government or under any body corporate established by or under any law.

(5) Penalties may be imposed as follows—

(a) for inefficiency as laid down in sub-clause (i) of clause (a) of rule 3, any penalty except censure and dismissal from service ;

(b) for any other inefficiency, any penalty except dismissal from service ;

(c) for misconduct, any penalty ;

(d) for desertion, any penalty ;

(e) for corruption or subversion, any major penalty except reduction to a lower post or time-scale.

(6) No authority subordinate to that by which a Government servant was appointed shall be competent to impose on him any major penalty.

(7) In this rule, removal from service 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 and training rules 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 his contract.

**5. Inquiry procedure in case of subversion.—**(1) When a Government servant is to be proceeded against under clause (e) of rule 3, the authority—

(a) may, by order in writing, require the Government servant concerned to proceed on such leave as may be admissible to him and from such date as may be specified in the order ;

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

(c) shall give him reasonable opportunity of showing cause against that action before an Inquiry Committee to be constituted under sub-rule (2) to inquire into the charge :

Provided that no such opportunity shall be given where the President is satisfied that in the interest of the security of Bangladesh it is not expedient to give such opportunity.

(2) Where an Inquiry Committee is to be constituted in pursuance of clause (c) of sub-rule (1), the appointing authority shall constitute it with three Gazetted Officers of the rank not below that of the Government servant proceeded against.

(3) The Inquiry Committee constituted under sub-rule (2) shall hold inquiry into the charge and submit its findings to the appointing authority and the appointing authority shall pass on the findings such orders as it deems fit.

6. **Inquiry procedure in cases calling for minor penalties.**—(1) When a Government servant is to be proceeded against under clause (a) or (b) or (c) of rule 3, and the authority or in cases where the President is the authority, the Secretary of the Administrative Ministry or Division to which the Government servant belongs or such officer as the authority or the Secretary of the Administrative Ministry or Division may, by general or special order, specify in this behalf, is of the opinion that the allegations, if established, would call for a minor penalty heavier than that of censure, the authority or the Secretary of the Administrative Ministry or Division or the Officer, as the case may be, shall—

- (a) make the allegations against the accused known to him in writing and call upon him to explain his conduct within a period of seven working days from the date of receipt of the allegations by the accused and to state whether he desires to be heard in person; and
- (b) consider the explanation of the accused, if any, submitted within the specified time and, if he has desired to be heard in person, or if no explanation is submitted within the specified time, may award any of the minor penalties within such time so that the whole proceedings are completed within thirty working days from the date the allegation is made known to the accused in writing:

Provided that the authority, the Secretary or the Officer, as the case may be, may, if it or he thinks fit, appoint an officer not below the rank of the accused, within seven working days from the date of hearing of the accused in person, to inquire into the allegation and submit his findings within twenty-one working days from the date of receipt of the order of inquiry:

Provided further that if the Inquiry Officer cannot complete the inquiry within the specified time, he may request, in writing, the authority, the Secretary or the Officer, as the case may be, ordering such inquiry for extension of time and the ordering authority, Secretary or Officer may, after considering such request, grant such extension of time not exceeding ten working days, as it or he may consider necessary.

(2) On receipt of the findings of the Inquiry Officer, the authority, the Secretary or the Officer, as the case may be, shall take final decision in the case within seven working days from the date of receipt of the findings or may order such further inquiry as it or he may consider necessary and such further inquiry shall be completed within ten working days from the date of such order.

(3) On receipt of the findings of further inquiry, the authority, the Secretary or the Officer, as the case may be, shall take final decision within fourteen working days from the date of receipt of the findings.

(4) In case of failure of the authority, the Secretary or the Officer, as the case may be, to take final decision in a case under this rule within ninety working days from the date the allegations against the accused are made known to him, the allegations against the accused shall stand withdrawn and the proceedings shall be disposed of accordingly and in such event the person or persons responsible for such failure shall have to explain the reason therefor and, if the explanation is not found satisfactory, he or they may be proceeded against on charge of inefficiency under rule 3(a)(iv).

(5) When a Government servant is to be proceeded against under clause (a) or (b) or (c) of rule 3, and the authority, the Secretary or the Officer as mentioned in sub-rule (1), is of the opinion that the allegations, if established, would call for the penalty of censure, the authority, the Secretary or the officer, as the case may be, may impose upon the accused the said penalty after hearing him in person and recording the reasons therefor. If, however, the accused does not appear or refuses to appear, the said penalty may be imposed upon him without any hearing or after following the procedure laid down in sub-rules (1) to (4) in which case, if the allegation is established, the penalty higher than that of censure shall be imposed. If the accused demands that the allegation be communicated to him in writing, the procedure laid down in sub-rules (1) to (4) shall be followed and, in that event, if the allegation is established, the penalty higher than that of censure shall be imposed.

**7. Inquiry procedure in cases calling for major penalties.—**(1) When a Government servant is to be proceeded against under clause (a) or (b) or (c) or (d) of rule 3, and the authority is of the opinion that the allegations, if established, would call for a major penalty, the authority shall—

- (a) frame a charge and specify therein the penalty proposed to be imposed, and communicate it to the Government servant together with a statement of allegations on which it is based and of any other circumstances which the authority proposes to take into consideration when passing orders on the case;
- (b) require the accused to submit, within ten working days from the day the charge has been communicated to him a written statement of his defence and to show cause at the same time why the penalty proposed to be imposed on him should not be imposed and also to state whether he desires to be heard in person :

Provided that if the accused prays for extension of time before the expiry of the specified period, the authority may allow him such extension up to ten working days for submission of the statement.

(2) Where the accused submits his statement of defence within the specified or extended time, the authority shall consider such statement together with all materials relating to the charge and if, after such consideration, the authority is of the opinion that—

- (a) there is no good ground for proceeding against the accused, it shall withdraw the charge and the proceeding shall accordingly be disposed of.

- (b) there is good ground for proceeding against the accused, but the allegations, if established, would call for a minor penalty, it may after giving him an opportunity of being heard in person, award any of the minor penalties within thirty working days from the date of submission of statement of defence or may follow the procedure laid down in rule 6 for imposition of minor penalty by appointing an Inquiry Officer under that rule,
- (c) there is good ground for proceeding against the accused for imposition of major penalty, it shall appoint an Inquiry Officer who shall be an officer not below the rank of that of the accused or a Board of Inquiry to inquire into the allegations contained in the charge.

(3) Where the accused does not submit his statement of defence within the specified or extended time, the authority shall appoint an Inquiry Officer who shall be an officer not below the rank of that of the accused or a Board of Inquiry to inquire into the allegations contained in the charge within ten working days from the date of expiry of the specified or extended time.

(4) The Inquiry Officer or Board of Inquiry, as the case may be, shall start holding of the inquiry within seven working days from the date of receipt of the order of inquiry and shall conduct the inquiry in accordance with the procedure laid down in rule 10 and submit his or its findings to the authority within thirty working days from the date on which the Inquiry Officer or Board of Inquiry was appointed:

Provided that if the Inquiry Officer or Board of Inquiry cannot conclude his or its findings within the specified time, he or it may request, in writing stating the reasons therefor, the authority ordering the inquiry for extension of time; and the ordering authority may, after considering such request, grant such extension of time not exceeding fifteen working days, as it may consider necessary.

(5) On receipt of the report of the findings of the Inquiry Officer or the Board of Inquiry, the authority shall consider the report and record its decision on the charge and communicate the same together with a copy of the report to the accused within ten working days from the date of receipt of the report.

(6) If the authority decides under sub-rule (5) to impose any major penalty, it shall ask the accused to show cause within seven working days why the proposed penalty shall not be imposed on him.

(7) Where consultation with the Commission is necessary for imposition of major penalty, the authority shall, within seven working days after expiry of the time specified in sub-rule (6), forward the proceedings, together with the cause shown, if any, by the accused within the time specified in that sub-rule, to the Commission for advice, and the Commission shall give its advice within twenty working days of the receipt of such proceedings. If no advice is received within the specified time, the authority shall presume that the Commission agrees with the decision to award the penalty.

(8) The authority shall take final decision on the proceedings—

- (a) where consultation with the Commission is not necessary, after considering the cause shown, if any, by the accused within the time specified in sub-rule (6),

- (b) where consultation with the Commission is necessary, after considering the cause shown, if any, by the accused and the advice, if any, given by the Commission within time specified in sub-rule (7),

and communicate the same to the accused within ten working days, where consultation with the Commission is not necessary, from the expiry of the date specified in sub-rule (6) or, where such consultation is necessary, from the expiry of the date specified in sub-rule (7) for giving advice by the Commission.

(9) In case of failure of the authority to take final decision in a case under this rule within one hundred and fifty working days from the date of communicating the charge, the accused shall automatically be discharged of the charge brought against him and in such event, the person or persons responsible for such failure shall have to explain the reason therefor and, if the explanation is not found satisfactory, he or they may be proceeded against on charge of inefficiency under rule 3 (a)(iv).

(10) The proceedings of an inquiry under this rule shall contain sufficient record of the evidence and, where an Inquiry Officer or Board of Inquiry is appointed, also the report of the findings of the Inquiry Officer or Board and the grounds therefor.

**8. Savings.**—Nothing in rule 6 or 7 shall apply to a case—

- (a) where the accused is dismissed or removed from service or reduced in rank on the ground of conduct which has led to his conviction of a criminal charge; or
- (b) where the authority competent to dismiss or remove the accused from service or to reduce him 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 showing cause.

**9. Power to order medical examination as to mental or bodily infirmity.**—

(1) Where it is proposed to proceed against a Government servant on the ground of inefficiency by reason of infirmity of mind or body, the authority may, at any stage of the proceedings, require the Government servant to undergo a medical examination by a Medical Board or a Civil Surgeon, as the authority may direct, and the report of the Medical Board or the Civil Surgeon shall form part of the proceedings.

(2) If the Government servant refuses to undergo such examination, his refusal may, subject to the consideration of any ground he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result of examination would prove unfavourable to him.

**10. Procedure to be followed by Inquiry Officer.**—(1) The Inquiry Officer shall hear the case from day-to-day, and no adjournment shall be given except for reasons to be recorded in writing.

(2) In an inquiry conducted under this rule, the Inquiry Officer shall hold an inquiry at which oral evidence shall be heard and recorded as to such of the allegations as are not admitted and, documentary evidence relevant or material



in regard to the charge shall be considered. The accused shall be entitled to cross-examine the witnesses against him, to give evidence in person and to have such witness called for the defence as he may wish. The person presenting the case in support of the charge shall be entitled to cross-examine the accused and the witnesses examined in his defence. The accused may also consult relevant files, but he shall not have access to the note portion of the files:

Provided that the Inquiry Officer may, for reasons to be recorded in writing, refuse to call for a particular witness or to summon or admit a particular evidence.

(3) In an inquiry under this rule, the accused may, if he so desires, adduce oral evidence in his defence which shall be subject to such cross-examination as may be necessary.

(4) The authority may nominate any person to present the case in support of the charge before the Inquiry Officer.

(5) If the Inquiry Officer is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he shall administer a warning and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to that effect, and proceed to complete the inquiry in such manner as he thinks best fitted to do substantial justice.

(6) If the Inquiry Officer is satisfied that the conduct of the accused amounts to contempt of his office, he shall record the relevant facts and circumstances relating to such contempt and inform the authority on the matter, whereupon the authority may, if it deems fit, proceed against the accused separately under rule 3(b).

(7) The Inquiry Officer shall, within seven working days of the conclusion of the proceedings, submit his findings and the grounds therefor to the authority.

(8) The Inquiry Officer shall give his findings stating whether the accused is guilty or not guilty on each charge and he shall not give any recommendation regarding punishment or otherwise.

(9) The authority may, in any case it deems fit, instead of appointing an Inquiry Officer under these rules, appoint a Board of Inquiry consisting of three persons, and, where a Board of Inquiry is appointed, references in this rule to an Inquiry Officer shall be construed as references to the Board.

(10) No proceedings or decision of a Board appointed under sub-rule (9) shall be invalid or be called in question merely on the ground of absence of any member thereof in any sitting of the Board.

11. Suspension.—(1) A Government servant against whom action is proposed to be taken under clause (b) or (c) or (d) of rule 3, may be placed under suspension if, in the opinion of the authority, suspension is necessary or expedient :

Provided that the authority may, if it considers it more expedient, instead of placing such Government servant under suspension, by order in writing require him to proceed on such leave as may be admissible to him from such date as may be specified in the order.

(2) An order of suspension made under sub-rule (1) shall stand vacated on the expiry of a period of thirty working days unless before the expiry of that period the allegations brought against him under rule 6 are made known to him or the charge framed against him under rule 7 is communicated to him.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of, or by a decision of, a court of law or Administrative Tribunal and the authority, on consideration of the circumstances of the case, decided to hold a further inquiry against him on the allegation on which the penalty of dismissal, removal or compulsory retirement was originally imposed the Government servant shall be deemed to have been placed under suspension by the authority from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders. In such an eventuality, the limitation imposed under rule 7 (9) shall count from the date of decision to proceed against the accused following the court decision.

(4) Further inquiry under sub-rule (3) against a Government servant shall not be held unless the decision to do so is taken within thirty working days from the date of decision of the court or Administrative Tribunal.

12. Compensation pension, gratuity, etc., of Government servants compulsorily retired, removed or dismissed.—(1) Subject to any order of the President as to the amount of compensation pension or gratuity to be paid, a Government servant compulsorily retired shall, except as hereinafter provided, be entitled to such compensation pension or gratuity or provident fund benefits as would have been admissible to him on the date of the retirement under the rules applicable to his service or post if he had been discharged from service on account of the abolition of his post without alternative suitable employment being provided :

Provided that where the compulsory retirement follows a period of suspension ordered under rule 11, such compensation pension or gratuity or provident fund benefits shall be admissible only for the period of service rendered excluding the period of suspension :

Provided further that if a temporary Government servant is retired for inefficiency due to mental or physical infirmity, he shall be allowed pensionary benefits as if he was required to retire in terms of rule 321 of the Bangladesh Service Rules, Part I.

(2) Subject to any order of the President made on compassionate grounds, a Government servant who is removed or dismissed from service shall not be entitled to any compensation pension, gratuity or benefits accruing from Government contribution to a contributory provident fund.

13. Re-instatement.—(1) If a Government servant proceeding on leave in pursuance of an order under clause (a) of sub-rule (1) of rule 5, is not dismissed, removed, reduced in rank or compulsorily retired, he shall be re-instated in service or, as the case may be, restored to his rank or given an equivalent rank and the period of such leave shall be treated as duty on full pay.

(2) Re-instatement after suspensions shall be governed by the Service Rules.

**14. Procedure of inquiry against officers lent to local authorities, etc.—**

(1) Where the services of a Government servant to whom these rules apply are lent to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the power of the authority for the purpose of initiating proceedings against him under these rules :

Provided that the borrowing authority shall forthwith inform the authority which had lent his service, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the commencement of the proceedings.

(2) In the light of the findings in the proceedings taken against the Government servant in terms of sub-rule (1), if 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 may, if it is the authority, pass such orders thereon as it deems necessary or, if it is not the authority, submit the case to the authority which shall pass such orders on the case as it deems necessary.

(3) The authority may make an order under this rule on the record of the inquiry transmitted by the borrowing authority or after holding such further inquiry as it may deem necessary and, in passing such order, shall comply with the provisions of sub-rules (6) and (7) of rule 7.

**15. Exceptions.—**Notwithstanding anything contained in these rules,—

(a) the time limit specified shall not apply to the proceedings of a case after the submission thereof to the President where such submission is necessary and where all actions required to be taken thereunder before such submission have been taken within the time specified in rule 7 (9) ;

(b) no act, proceeding, decision or order taken or made by any authority, Secretary, Officer, Inquiry Officer or Board of Inquiry shall be invalid or called in question merely on the ground that such act, proceeding, decision or order was not taken or made within the time limit specified therefor provided final decision in the case is taken within the time specified in sub-rule (4) of rule 6 or sub-rule (9) of rule 7, as the case may be ; and

(c) in calculating the time limit, the period during which an accused or an Inquiry Officer in a case remains unable to participate in the proceedings because of illness or any other cause beyond his control or any order of court of law or Administrative Tribunal, shall be excluded.

### PART III

#### APPEALS

**16. Orders made by President not appealable.—**Notwithstanding anything contained in this Part, no appeal shall lie against any order made by the President.

**17. Appeals against orders.—**(1) A Government servant may appeal against any order—

- (a) imposing upon him any penalty,
- (b) terminating his services in accordance with the terms of his contract, if he has been engaged on contract and has rendered continuous service for a period exceeding five years at the time when his services are terminated,
- (c) altering, varying or denying to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or contract of service, or
- (d) interpreting to his disadvantage the provisions of any rules or contract of service whereby his pay, allowances, pensions or other conditions of service are regulated,

to the authority specified in this behalf by a general or special order made by the Government or, where no such authority is specified, to the authority to which the authority making the order is immediately subordinate or, where the order is made by an authority subordinate to the appointing authority, to the appointing authority.

**18. Limitation for appeals.—**No appeal under this part shall be entertained unless it is submitted within three months of the date on which the appellant was informed of the order appealed against:

Provided that the appellate authority may entertain an appeal within three months after the expiry of the above period, if it is satisfied that the appellant has sufficient cause for not submitting the appeal in time.

**19. Form and manner of submission of appeals.—**(1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom it lies, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

(3) Every appeal shall be submitted through the head of the office in which the appellant serves or, if he is not in service, the head of the office in which he served last and through the authority against whose order the appeal is preferred:

Provided that an advance copy of the appeal may be submitted direct to the appellate authority.

**20. Withholding of appeals.—**(1) The authority which made the order appealed against may withhold the appeal, if—

- (a) it is an appeal against an order for which no appeal lies; or
- (b) it is not submitted within the period specified in rule 18 and no cause is shown for the delay; or

- (c) it does not comply with any of the provisions of rule 19; or
- (d) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for reconsideration of the case :

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it within seven days from the receipt of the appeal:

Provided further that an appeal withheld on the ground only of failure to comply with the provisions of rule 19 may be resubmitted at any time within one month of the date on which the appellant was informed of the withholding of the appeal, and, if resubmitted after compliance with the said provisions, shall not be withheld.

(2) No appeal shall lie against the withholding of an appeal by a competent authority.

(3) A list of the appeals withheld by any authority under this rule, together with the reasons for withholding them, shall be forwarded quarterly by that authority to the appellate authority.

**21. Forwarding of appeals.**—(1) The authority which made the order appealed against shall forward to the appellate authority every appeal which is not withheld under rule 20, together with its comments thereon and the relevant records within three working days from the date of receipt of the appeal.

(2) The appellate authority may call for any appeal withheld under rule 20, and thereupon such appeal shall be forwarded to that authority together with the comments of the authority withholding the appeal and the relevant records.

**22. Disposal of appeals.**—(1) In the case of an appeal against an order imposing any penalty, the appellate authority shall consider—

(a) Whether the procedure prescribed in these rules has been complied with and, if not, whether such non-compliance has resulted in failure of justice;

(b) whether the findings on the charge are justified; and

(c) whether the penalty imposed is excessive, adequate or inadequate;

and pass such orders as it deems fit within a period of sixty working days.

(2) In the case of an appeal against any other order, the appellate authority shall consider all the facts and circumstances of the case and pass such orders as it deems just and equitable within a period of thirty working days from the date of receipt of the appeal.

(3) The authority which passed the order appealed against shall give effect to the orders passed by the appellate authority within thirty working days from the date of receipt of the order of the appellate authority.

## PART IV

## REVIEW AND REVISION

23. **Review.**—(1) Where an order by which a Government servant is aggrieved was made by the President, the Government servant may apply to the President for review of the order.

(2) No application for review shall be entertained unless it is submitted within three months of the date on which the applicant was informed of the order by which he is aggrieved:

Provided that the President may entertain an application for review within three months after the expiry of the above period if he is satisfied that the applicant had sufficient cause for not submitting the application in time.

(3) Every person submitting an application for review shall do so separately and in his own name.

(4) Every application for review shall be submitted to the President through the head of the office in which the applicant serves or, if he is not in service, the head of the office in which he served last.

(5) The President may pass such orders on an application for review as he deems fit.

24. **Revision.**—The President may, on his own motion or otherwise, after calling for the records of the case, revise any order passed in appeal, or any order which is appealable but against which no appeal has been preferred, under these rules within one year of the date on which the order was passed.

## PART V

## MISCELLANEOUS

25. **Court proceeding.**—(1) If there be any prosecution or legal proceeding against a Government servant pending in any court on the same issue, there shall be no bar on the disposal of the departmental proceedings against him; but if the authority decides to impose any penalty on such Government servant in the departmental proceedings, imposition of such penalty shall be stayed until disposal of the prosecution or legal proceeding.

(2) In the case of a Government servant convicted by a court of any offence, other than an offence specified in the Public Servants (Dismissal on Conviction) Ordinance, 1985 (V of 1985), the authority shall decide whether the Government servant so convicted should be punished under these rules or not.

(3) If the authority decides to punish him under these rules, it may impose such penalty as it deems fit in the circumstances of the case and for the imposition of such penalty, no proceeding need be drawn up and no opportunity need be given to such Government servant for showing cause against the proposed penalty.

(4) If the authority decides not to impose any penalty upon such Government servant, it shall obtain approval of the authority immediately superior to the appointing authority or of the President, where he is the appointing authority, to re-instate or retain him in service.

26. **Rules not to deprive any person of any right or privilege under any other law.**—Nothing in these rules shall deprive any person of any right or privilege to which he is entitled—

(a) under any law; or

(b) under the terms of any contract or agreement subsisting immediately before the date of the commencement of these rules between such person and the Government.

27. **Repeal and savings.**—(1) The Government Servants (Discipline and Appeal) Rules, 1984, are hereby *repealed*.

(2) Such repeal shall not affect the previous operation of the said rules or anything done or any action taken thereunder and any proceedings under the said rules pending at the commencement of these rules shall be continued and disposed of in accordance with the provisions of these rules.

(3) Any officer or authority designated by the President to exercise the powers of the authority under the rules mentioned in sub-rule (1), or any officer or authority deemed to be an authority so designated by the President under those rules shall be deemed to be an authority designated under these rules.

By order of the President  
**MD. SHAMSUL HAQUE CHISHTY**  
*Secretary.*

[বাংলাদেশ গেজেট অতিরিক্ত, সংখ্যা ১৪ই জুন ১৯৮৯ তারিখে প্রকাশিত]

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

সংস্থাপন মন্ত্রণালয়

বিধি শাখা-৫

বিজ্ঞপ্তি

ঢাকা, ২১শে ডিসেম্বর, ১৯৮৬/১০ই সেপ্টেম্বর, ১৯৮৯

নং এস আর ও ৩০৪-আইন/৮৯/সম (বিধি-৫) ১ডি/৮৮—গণপ্রজাতন্ত্রী বাংলাদেশের সংবিধানের ১০০ অনুচ্ছেদের শর্তাংশে প্রদত্ত ক্ষমতাবলে রাষ্ট্রপতি, উক্ত সংবিধানের ১৪০(২) অনুচ্ছেদের বিধান মোতাবেক বাংলাদেশ সরকারী কর্ম কমিশনের সহিত পরামর্শক্রমে, the Government Servants (Discipline and Appeal) Rules, 1985 এ নিম্নরূপ সংশোধন করিলেন, যথা:—

উপরি-উক্ত Rules এর—

(১) rule 6 এর—

(ক) sub-rule (1) এর clause (b) এর পরিবর্তে নিম্নরূপ clause (b) প্রতিস্থাপিত হইবে, যথা:—

“(b) consider the explanation of the accused, if any, submitted within the specified time and, if he has desired to be heard in person, after giving him an opportunity of being heard in person, or if no explanation is submitted within the specified time, may award any of the minor penalties :

Provided that the authority, the Secretary or the Officer, as the case may be, may, if it or he thinks fit, appoint an officer not below the rank of the accused to inquire into the allegation and submit his findings.”,

(খ) sub-rule (2) এর “within seven working days from date of receipt of the findings or may order such further inquiry as it or he may consider necessary and such further inquiry shall be completed within ten working days from the date of such order” শব্দগুলির পরিবর্তে “or may order such further inquiry as it or he may consider necessary” শব্দগুলি প্রতিস্থাপিত হইবে ;

(গ) sub-rule (3) এর “within fourteen working days from the date of receipt of the findings” শব্দগুলি বিলুপ্ত হইবে ;

(ঘ) sub-rule (4) বিলুপ্ত হইবে ;

(ঙ) sub-rule (5) এর ৮ম ও ১১তম লাইনে “sub-rules (1) to (4)” শব্দগুলি, সংখ্যাগুলি ও বন্ধনীগুলির পরিবর্তে “sub-rules (1) to(3)” শব্দগুলি সংখ্যাগুলি ও বন্ধনীগুলি প্রতিস্থাপিত হইবে ;



(২) rule 7 এর—

(ক) sub-rule (2) এর clause (b) এর “within thirty working days from the date of submission of statement of defence” শব্দগুলি বিলম্বিত হইবে ;

(খ) sub-rule (4) এর পরিবর্তে নিম্নরূপ sub-rule (4) প্রতিস্থাপিত হইবে, যথা:—

“(4) The Inquiry Officer or Board of Inquiry, as the case may be, shall start holding of the inquiry within seven working days from the date of receipt of the order of inquiry and shall conduct the inquiry in accordance with the procedure laid down in rule 10 and submit his or its findings to the authority.” ;

(গ) sub-rule (5) এর “within ten working days from the date of receipt of the report” শব্দগুলি বিলম্বিত হইবে ;

(ঘ) sub-rule (7) এবং sub-rule (8) এর পরিবর্তে নিম্নরূপ sub-rule 7 এবং sub-rule (8) প্রতিস্থাপিত হইবে. যথা:—

“(7) Where consultation with the Commission is necessary for imposition of major penalty, the authority shall forward the proceedings together with the cause shown, if any, by the accused within the time specified in sub-rule (6) to the Commission for advice.

(8) The authority shall take final decision on the proceedings—

(a) where consultation with the Commission is not necessary, after considering the cause shown, if any, by the accused within the time specified in sub-rule (6) ;

(b) where consultation with the Commission is necessary, after considering the cause shown, if any, by the accused and the advice given by the Commission, and communicate the same to the accused.” ;

(ঙ) sub-rule (9) বিলম্বিত হইবে ;

(৩) rule 11 এর—

(ক) sub-rule (2) বিলম্বিত হইবে

(খ) sub-rule (3) এর “In such an eventuality, the limitation imposed

under rule 7(9) shall count from the date of decision to proceed against the accused following the court decision" শব্দগুণি, করা, সংখ্যাগুণি ও বন্দনীগুণি বিলুপ্ত হইবে ;

(গ) sub-rule (4) বিলুপ্ত হইবে ;

(৪) rule 15 বিলুপ্ত হইবে ;

(৫) rule 20 এর sub-rule (1) এর clause (d) এর পরিবর্তে নিম্নরূপ clause (d) প্রতিস্থাপিত হইবে. যথা :-

"(d) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided and no new facts or circumstances are adduced which afford grounds for reconsideration of the case :

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reasons for it :

Provided further that an appeal withheld on the ground only of failure to comply with the provisions of rule 19 may be resubmitted at any time within one month of the date on which the appellant was informed of the withholding of the appeal, and, if resubmitted after compliance with the said provisions, shall not be withheld." ;

(৬) rule 21 এর sub-rule (1) এর "within three working days from the date of receipt of the appeal" শব্দগুণি বিলুপ্ত হইবে ;

(৭) rule 22 এর—

(ক) sub-rule (1) এর clause (c) এর "within a period of sixty working days" শব্দগুণি বিলুপ্ত হইবে ; এবং

(খ) sub-rule (2) এর "within a period of thirty working days from the date of receipt of the appeal" শব্দগুণি বিলুপ্ত হইবে ।

রাষ্ট্রপতির আদেশক্রমে

কে. এম. রফিকী  
সচিব ।

