

# THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINARY AND ACCOUNTABILITY ACT 2006

(Act XII of 2006)

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**[1] THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006**  
**(Act XII of 2006)**

*An Act to provide for proceedings against the employees in government and corporation service in relation to their efficiency, discipline and accountability.*

**Preamble.**— Whereas it is expedient and necessary in the public interest and for good government to take certain measures for improvement of efficiency, discipline and accountability of employees in government and corporation service and matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

**1. Short title, extent, commencement and application.**— (1) This Act may be called the Efficiency, Discipline and Accountability Act 2006.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

(4) It shall apply to—

- (i) employees in government service;
- (ii) employees in corporation service; and
- (iii) retired employees of government and corporation service; provided that proceedings initiated against them during their service or within one year of their retirement.

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

- (a) “accused” means a person who is or has been an employee and against whom action is taken under this Act;
- (b) “appellate authority” means the authority next above the competent authority to which appeal lies against the orders of the competent authority;
- (c) “appointing authority” in relation to an employee or class of employees means an authority declared or notified as such by an order of the Government or organization or under the provisions of the Act applicable to such employee or class of employees;
- (d) “charge” means allegations framed against the accused pertaining to acts of omission or commission cognizable under this Act;
- (e) “Chief Minister” means the Chief Minister of the Punjab;
- (f) “competent authority” means—
  - (i) the Chief Minister; or
  - (ii) in relation to any employee or class of employees, any officer or authority authorized by the Chief Minister to exercise the powers of competent authority under this Act; provided that such officer or authority shall not be inferior in rank to the appointing authority prescribed for the employee against whom action is to be taken; or
  - (iii) in relation to an employee of a tribunal or court functioning under this Act, the appointing authority or the chairman or presiding officer of such tribunal or court, as may be, authorized by the appointing authority to exercise the powers of competent authority under this Act;

Provided that where two or more employees are to be proceeded against by the competent authority in relation to senior most employee in rank shall be the senior most in respect of all the accused:

Provided further that where the competent authority, other than the Chief Minister, is a person in the public interest in the result of proceedings under this Act, and does not desire to

the next higher authority who shall authorize another officer of the correspon to act as the competent authority in a specific case;

- (g) “corruption” means—
- (i) accepting or obtaining or offering any gratification or valuable thing, directly or legal remuneration, as a reward for doing or for bearing to do any official act; or
  - (ii) dishonestly or fraudulently misappropriating, or indulging in embezz Government property or resources; or
  - (iii) possession of pecuniary sources or property by an employee or any of his dep person, through him or on his behalf, which cannot be accounted for and which a his known sources of income; or
  - (iv) maintaining standard of living beyond known sources of income; or
  - (v) having a reputation of being corrupt; or
  - (vi) entering into plea bargain under any law for the time being in force and retur acquired through corruption or corrupt practices, voluntarily;
- (h) “employee” means a person—
- (i) in the employment of a corporation, corporate body, autonomous body, auth or any other organization or institution set up, established, owned, managed Government, by or under any law for the time being in force or a body or or the Government has a controlling share or interest and includes the chai executive, and the holder of any other office therein; and
  - [2] [(ii) in Government service or who is a member of a civil service of the prov civil post in connection with the affairs of the province or any employee ser tribunal set up or established by the Government but does not include—
    - (aa) a Judge of the Lahore High Court or any court subordinate to that Cou such courts; and
    - (bb) an employee of Police.]
- (i) “Government” means the Government of the Punjab;
- (j) “hearing officer” means an officer, senior in rank to the accused, appointed by any to appoint hearing officer, to afford an opportunity of personal hearing to the accu authority concerned;
- (k) “inefficiency” means failure to—
- (i) efficiently perform functions assigned to an employee in the discharge of his
  - (ii) qualify departmental examination in three consecutive attempts;
- (l) “inquiry committee” means a committee of two or more officers, headed by a c appointed by the competent authority under this Act;
- (m) “inquiry officer” means an officer appointed by the competent authority under this
- (n) “misconduct” includes—
- (i) conduct prejudicial to good order or service discipline; or
  - (ii) conduct contrary to the conduct rules, for the time being in force; or
  - (iii) conduct unbecoming of an officer and a gentleman; or
  - (iv) involvement or participation for gain directly or indirectly, in industry, transactions by abuse or misuse of official position to gain undue advanta; such financial or other obligations in relation to private institutions o compromise the performance of official duties or functions; or
  - (v) any act to bring or attempt to bring outside influence directly or indir Governor, the Chief Minister, a Minister, or any other authority in respect of to the appointment, promotion, transfer, punishment, retirement or other cond
  - (vi) making appointment or promotion or having been appointed or promoted on in violation of any law or rules; or
  - (vii) absence from duty without prior approval of leave; or
  - (viii) acquittal by a court of law as a result of compounding of an offence involvir

- (o) “prescribed” means prescribed by rules made under this Act; and
- (p) “section” means section of this Act.

**3. Grounds for proceedings and penalty.**— An employee shall be liable to be proceeded against under this Act, if he is—

- (i) inefficient or has ceased to be efficient for any reason; or
- (ii) guilty of misconduct; or
- (iii) guilty of corruption or is reasonably considered to be corrupt; or
- (iv) engaged or is reasonably believed to be engaged in subversive activities, and his conduct is prejudicial to national security, or is guilty of disclosure of official secrets to any unauthorized person;

**4. Penalties.**— (1) The competent authority may, notwithstanding anything contained in any law in force at the commencement of this Act, by an order in writing, impose one or more of the following penalties on an employee who is guilty of any offence under this Act:

**(a) Minor penalties—**

- (i) censure;
- (ii) withholding of increment or increments, for a specific period, subject to a maximum of five years;
- (iii) fine not exceeding basic pay of one month;
- (iv) reduction to a lower stage or stages in pay scale, subject to a maximum of five years [for a specific period]; and
- (v) withholding of promotion for a specific period, subject to a maximum of five years; this period shall be counted from the date when a person junior to the accused is promoted on regular basis for the first time;

**(b) Major penalties—**

- (i) recovery from pay, pension or any other amount payable to the accused, the pecuniary loss caused to the Government or the organization in which he was employed due from any such person cannot be wholly recovered from the pay, pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force;
- (ii) reduction to a lower post and pay scale from the substantive or regular post : subject to a maximum of five years;
- (iii) forfeiture of past service for a specific period subject to a maximum of five years;
- (iv) compulsory retirement;
- (v) removal from service; and
- (vi) dismissal from service; and

**(c) Penalties after retirement—**

- (i) withholding of pension or any part thereof <sup>[4]</sup> [for a specific period keeping in view the pecuniary loss to the Government];
- (ii) withdrawing of pension or any part thereof <sup>[5]</sup> [for a specific period keeping in view the pecuniary loss to Government]; and
- (iii) recovery from pension or any other amount payable to the accused, of pecuniary loss caused to the Government or the organization in which he was employed, and if the amount cannot be wholly recovered from the pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force.

(2) Dismissal from service under this Act shall disqualify the employee for future employment under the Government or under any organization to which the provisions of this Act apply.

(3) Any penalty under this Act shall not absolve an employee or accused from liability to which he may be liable for an offence, under any law, committed by him while in service.

**5. Initiation of proceedings.**— (1) If on the basis of its own knowledge or information the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against an employee under this Act it shall either—

- Provided that no opportunity of showing cause or personal hearing shall be given
- (i) the competent authority is satisfied that in the interest of security of the State or otherwise, it is not expedient to give such an opportunity; or
  - (ii) an employee has entered into plea bargain under any law for the time being in force; or
  - (iii) an employee is involved in subversive activities; or
  - (iv) it is not reasonably practicable to give such an opportunity to the accused; or
- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under section 10:

Provided that the competent authority shall dispense with the inquiry where—

- (i) an employee has been convicted of any offence other than corruption by any law for the time being in force; or
- (ii) an employee is or has been absent from duty without prior approval of leave

Provided further that the competent authority may dispense with the inquiry where there is sufficient documentary evidence against the accused or, for reasons to be recorded in writing, is satisfied that there is no need to hold an inquiry.

(2) The orders of inquiry or the show cause notice, as the case may be, shall be signed by the competent authority; provided that where the Chief Minister is the competent authority, the same shall be signed by an officer as may be authorized by him in this behalf.

**6. Suspension.**— An employee against whom action is proposed to be initiated under section 5 shall be placed under suspension for a period of ninety days, if in the opinion of the competent authority it is necessary or expedient, and if the period of suspension is not extended for a further period of thirty days of the expiry of initial period of suspension, the employee shall be deemed to be removed from service.

Provided that the continuation of the period of suspension shall require the prior approval of the competent authority for each period of extension.

**7. Procedure where inquiry is dispensed with.**— If the competent authority decides that it is not necessary to hold an inquiry against the accused under section 5, it shall—

- (a) inform the accused by an order in writing, of the grounds for proceeding against him and the charges therein, along with apportionment of responsibility and the penalty or punishment to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within the period of receipt of the order or within such extended period as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused.

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within ninety days, excluding the time during which the post held by the competent authority remains vacant for certain reasons:

Provided further that if the case is not decided by the competent authority within the period of ninety days, the accused may file an application before the appellate authority for a decision on the merits of his case, which may direct the competent authority to decide the case within the stipulated period.

- (d) afford an opportunity of personal hearing either itself or through the hearing officer appointed by it, or by an order of penalty under clause (f), if it is determined that the charge or charges have been proved against him; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above; and
- (e) exonerate the accused, by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- (f) impose any one or more penalties mentioned in section 4, by an order in writing, if the charges have been proved against the accused.

- (i) where charge or charges of grave corruption are proved against an accused, the from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) where charge of absence from duty for a period of more than one year is accused, the penalty of compulsory retirement or removal or dismissal from imposed upon the accused.

**8. Action in case of conviction or plea bargain under any law.**— Where an employee is convicted of law or has entered into plea bargain or has been acquitted by a court of law as a result of offence involving moral turpitude or affecting human body under any law for the time competent authority, after examining facts of the case, shall—

- (a) dismiss the employee, where he has been convicted of charges of corruption or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practice; or
- (b) proceed against the employee under section 7, where he has been convicted of corruption; or
- (c) proceed against the employee under section 9, where he has been acquitted by a court of law on account of compounding of an offence involving moral turpitude or affecting human body.

**9. Procedure to be followed by competent authority where inquiry is necessary.**— (1) Where the competent authority decides that it is necessary to hold an inquiry against the accused under section 5, the order of inquiry in writing, which shall include—

- (a) appointment of an inquiry officer or an inquiry committee; provided that the in-charge officer or convener of inquiry committee, as the case may be, shall be of a rank senior to the two or more accused are proceeded against jointly, the inquiry officer or the convener of committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of blame; and
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defence to the inquiry officer or the inquiry committee, as the case may be, within seven days of the date of receipt of orders or within such extended period as the competent authority may determine.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry committee, as the case may be, along with the orders of inquiry.

**10. Procedure to be followed by inquiry officer or inquiry committee.**— (1) On receipt of a charge against an accused or on expiry of the stipulated period if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such evidence in support of the charge or in defence of the accused as may be considered necessary. If evidence in support of the charge is produced by one party, the other party shall be entitled to cross examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, or extended period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case without adjournment shall be given except for reasons to be recorded in writing, in which case it shall not exceed more than seven days.

(4) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning to the accused. If he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a report and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of the service.

(5) If the accused absents himself from the inquiry on medical grounds, he shall be considered to be hampered or attempted to hamper the progress of the inquiry, unless medical leave, approved and sanctioned on the recommendation of a Medical Board; provided that the competent authority, in its discretion, sanction medical leave up to seven days without recommendation of the Medical Board.

(6) The inquiry officer or the inquiry committee as the case may be shall submit





- (i) exonerate the accused; or
- (ii) impose any one or more of the penalties specified in section 4:

Provided that—

- (i) where charge or charges of grave corruption are proved against an accused, dismissal from service shall be imposed, in addition to the penalty of recovery of costs;
- (ii) where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal shall be imposed upon the accused.

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of this Act or the facts and merits of the case have been ignored, it may, after recording reasons in writing, either remand the inquiry to the inquiry committee, as the case may be, with such directions as the competent authority may order or order a *de novo* inquiry.

(7) After receipt of inquiry report, the competent authority, except where the Chief Minister is the competent authority, shall decide the case within a period of <sup>[6]</sup> [sixty days], excluding the time for which the competent authority remained vacant due to certain reasons.

<sup>[7]</sup> [(7a) The Cabinet Committee on Legislation may allow further time if it is satisfied that the competent authority could not decide the case within sixty days for reasons beyond its control.]

(8) If the case is not decided by the competent authority within the prescribed period, the accused may file an application before the appellate authority for early decision of his case, and the appellate authority shall direct the competent authority to decide the case within a specified period.

**14. Personal hearing.**— (1) The authority affording personal hearing or the hearing officer or the hearing officer of his appointment shall, by an order in writing, call the accused and the departmental representative and the relevant record of the case, to appear before him for personal hearing on the fixed date and time.

(2) After affording personal hearing to the accused, the authority or the hearing officer shall record the case and the contention of the accused during the hearing, record his remarks in writing and the hearing officer, submit a report to the authority so appointed which shall include—

- (i) summary of the inquiry report where inquiry was conducted under section 10 or 11, or the defence offered by the accused to the show cause notice under section 7, or the application for review filed under section 16, as the case may be;
- (ii) summary of defence offered by the accused during the hearing, if any; and
- (iii) views of the departmental representative, if any.

**15. Procedure of inquiry against officers lent to other governments, etc.**— (1) Where an employee is transferred or lent to any other government, department, corporation, corporate body, authority, statutory body or any other organization or institution, hereinafter referred to as a borrowing organization, the competent authority for the post against which such employee is posted in the borrowing organization may—

- (a) suspend him under section 6; and
- (b) initiate proceedings against him under this Act:

Provided that the borrowing organization shall forthwith inform the lending organization of the circumstances leading to the order of his suspension and the commencement of the proceedings.

Provided further that the borrowing organization shall obtain prior approval from the lending organization before taking any action under this Act, against an employee holding Scale 17 or above.

(2) If, in the light of the findings of the proceedings taken against the accused in the borrowing organization is of the opinion that any penalty may have to be imposed on him, the lending organization shall forward the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under section 13.

exercise all the powers of competent authority under this Act.

**16. Departmental appeal and review.**— (1) An accused who has been awarded any penalty except where the penalty has been imposed by the Chief Minister, within thirty days of communication of the order, prefer departmental appeal directly to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the same period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-section (1) shall call for the record of the case and the points raised in the appeal from the concerned department or office, and on consideration of the review petition, as the case may be, by an order in writing—

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders and reduce or enhance the penalty; or
- (d) set aside the order of penalty and remand the case to the competent authority, where the proceedings by the competent authority or the inquiry officer or inquiry committee may be, have not been conducted in accordance with the provisions of this Act or the merits of the case have been ignored, with the directions to either hold a *de novo* inquiry or to set aside the procedural lapses or irregularities in the proceedings:

Provided that where the appellate or review authority proposes to enhance the penalty, the order in writing—

- (i) inform the accused of the action proposed to be taken against him and the reasons therefor; and
  - (ii) give him a reasonable opportunity to show cause against the action proposed to be taken against him.
- Where the appellate or review authority is the Secretary to the Government of the Punjab or above, the hearing officer shall only be appointed where the appellate or the review authority is the Secretary to the Government of the Punjab or above.

(3) An appeal or review preferred under this section shall be made in the form of a petition which shall set forth concisely the grounds of objection to the impugned order in a proper and temperate manner.

**17. Revision.**— (1) The Chief Minister, Chief Secretary or the Administrative Secretary or any authority may call for the record of any proceedings within one year of the order of exoneration or award of penalty, passed by the competent authority or the order of appellate authority, as the case may be, for the purpose of satisfying himself as to the correctness, legality or propriety of such proceedings or order.

(2) On examining the record of the case, such authority may—

- (i) uphold the orders of the competent authority or the appellate authority, as the case may be; or
- (ii) order the competent authority to hold *de novo* inquiry; or
- (iii) impose or enhance a penalty or penalties:

Provided that no order, prejudicial to the accused, shall be passed under this section unless the accused has been given a reasonable opportunity of showing cause against the order proposed to be passed and an opportunity of personal hearing.

**18. Appearance of counsel.**— The accused, at no stage of the proceedings under this Act, shall be represented by an advocate.

<sup>[9]</sup>**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 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 appeal or the review petition filed under section 16 within a period of sixty days from the date of filing of the appeal or the review petition, the aggrieved employee, not being the employee mentioned in section 2(h)(i), may, within thirty days of the expiry of the said period, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act 1974 (IX of 1974).

(3) On the exercise of the option in terms of subsection (2), the appeal or, as the case pending before the Appellate Authority or the Chief Minister shall abate to the extent of such e  
[10] [Explanation: The word “employee”, in this section, shall include a former employe

**20. Act to override other laws.**— The provisions of this Act shall have effect notwithstanding any contrary provisions contained in any other law for the time being in force.

**21. Proceedings under this Act.**— Subject to this Act, all proceedings initiated against the retired or in service, shall be governed by the provisions of this Act and the rules made thereunder. Provided that in case of retired employee, the proceedings so initiated against him shall not exceed more than two years of his retirement.

(2) The competent authority may, by an order in writing, impose one or more penalties specified in sub-section (c) of section 4, if the charge or charges are proved against the retired employee.

**22. Indemnity.**— No suit, prosecution or other legal proceedings shall lie against the competent authority for anything done or intended to be done in good faith under this Act or the rules made thereunder.

**23. Jurisdiction barred.**— Save as provided under this Act, no order made or proceedings taken under the rules made thereunder, shall be called in question in any court and no injunction shall be granted in respect of any decision so made or proceedings taken in pursuance of any power conferred by, or under, the rules made thereunder.

**24. Power to make rules.**— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

**25. Removal of difficulties.**— If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order, not inconsistent with the provisions of this Act, as may be necessary for the purpose of removing that difficulty.

**26. Repeal.**— (1) The Punjab Removal from Service (Special Powers) Ordinance, 2000 (Pb. Ord. No. 10 of 2000) is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Removal from Service (Special Powers) Ordinance, 2000, all proceedings pending immediately before the commencement of this Act and all proceedings pending under the said repealed Ordinance or under the Punjab Civil Servants Act, 1974 (Pb. Act No. 10 of 1974) and the rules made thereunder, or any other law or rules shall continue under that law and rules, in the same manner as if they had not been repealed.

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[1] This Act was passed by the Punjab Assembly on 2 October 2006; assented to by the Governor of the Punjab on 13 October 2006; and published in the Punjab Gazette (Extraordinary), dated 17 October 2006, pages 1385-1394.

[2] Substituted by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2012 (XLVI of 2012).

[3] Inserted by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2017 (XXV of 2017).

[4] Inserted by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2017 (XXV of 2017).

[5] Inserted by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2017 (XXV of 2017).

[6] Substituted for the words “ninety days” by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2017 (XXV of 2017).

[7] Inserted by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2017 (XXV of 2017).

[8] Substituted for the words “ninety days” by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2017 (XXV of 2017).

[9] Substituted by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2014 (XV of 2014) for the following Section 19:-

“**19. Appeal before Punjab Service Tribunal.**— (1) Notwithstanding anything contained in any other law for the time being in force, any employee aggrieved by any final order passed under section 16 or section 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 (Pb. Act, IX of 1974).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under section 16 is not received within a period of sixty days of filing thereof, the affected employee may file an appeal in the Punjab Service Tribunal within a period of thirty days of the expiry of the aforesaid period, whereafter, the authority with whom the departmental appeal or review is pending, shall not take any further action.”

[10] Inserted by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2017 (XXV of 2017).