

¹THE GOVERNMENT SERVANTS (SPECIAL PROVISIONS) ORDINANCE, 1979

ORDINANCE NO. XI OF 1979

[22nd February, 1979]

An Ordinance to make special provisions for maintaining discipline among Government servants.

WHEREAS it is expedient to make special provisions for maintaining discipline among Government servants;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

- | | |
|--|--|
| <p>1. This Ordinance may be called the Government Servants (Special Provisions) Ordinance, 1979.</p> | Short title |
| <p>2. This Ordinance shall have effect notwithstanding anything contained in any law, rules and regulations relating to Government servants or in the conditions of service of any Government servant.</p> | Ordinance to override all other laws, etc. |
| <p>3. Where a Government servant-</p> <p>(a) engages in any activity which causes disaffection among, or interferes with the discipline of, or obstructs the performance of duties by, any other Government servant; or</p> <p>(b) without leave of absence or any reasonable excuse, absents himself or otherwise abstains from, or fails to perform, his duties, whether or not in concern with others; or</p> <p>(c) incites or in any manner persuades any other Government servant to be absent or to abstain from, or not to perform, his duties; or</p> <p>(d) prevents any Government servant from attending to or performing his duties;</p> | Offences |

he shall be liable to be punished with any of the penalties mentioned in Section 4.

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

Penalties

4. The following shall be the penalties which may be imposed under this Ordinance, namely:-

- (a) dismissal from service;
- (b) discharge from service; and
- (c) reduction in rank or pay.

Inquiry and punishment

5. (1) When a Government servant is to be proceeded against for any of the offences mentioned in section 3, the appointing authority or any person authorised by him ¹[in this behalf by general or special order] shall frame a charge and, by notice accompanied by the charge, require the Government servant, hereinafter called the accused, to show cause, within a period which shall not be less than two days nor more than five days from the date of the service of the notice, why he should not be punished under this Ordinance and also to state whether he desires to be heard in person.

(2) If, after consideration of the cause, if any, shown by the accused, and hearing him in person, if the accused appears for the purpose, the appointing authority ²[or the person who framed the charge] finds the accused guilty of the charge, or if no cause is shown within the required period, the appointing authority ³[or the person who framed the charge] shall, by notice specifying the penalty proposed to be imposed, require the accused to show cause within three days of the service of the notice, why the penalty specified therein shall not be imposed.

(3) After considering the cause, if any, shown under sub-section (2), or if no cause is shown within required period, the appointing authority may impose upon the accused the penalty specified in the notice under sub-section (2).

¹ The words “in this behalf by general or special order” were inserted after the word “him” by section 2 of the Government Servants (Special Provisions) (Amendment) Act, 1990 (Act No. VII of 1990).

² The words “or the person who framed the charge” were inserted by section 2 of the Government Servants (Special Provisions) (Amendment) Act, 1990 (Act No. VII of 1990).

³ The words “or the person who framed the charge” were inserted by section 2 of the Government Servants (Special Provisions) (Amendment) Act, 1990 (Act No. VII of 1990).

(4) For the purpose of this section, a notice shall be deemed to have been validly served if it is served by delivery to the accused or by affixing it to a conspicuous place of his last known residence or by publication in not less than two daily newspapers.

6. (1) A Government servant on whom a penalty has been imposed under this Ordinance may, within seven days of the receipt of the order imposing the penalty, appeal against the order to an authority immediately superior to the appointing authority; and the appellate authority to whom the appeal has been made may pass such order on the appeal as it may deem fit. ¹[Appeal and review]

²(2) Where the appointing authority is the President, the Government servant on whom a penalty has been imposed under this Ordinance may, within thirty working days of the receipt of the order imposing the penalty, apply to the President for review of the order and the President may pass such order on the application as he may deem fit.

(3) An order passed on appeal under sub-section (1) or on application under sub-section (2) shall be final.]

7. No proceeding or order under any of the provisions of this Ordinance shall be called in question in any Court. Court's jurisdiction barred

¹ The words "Appeal and review" were substituted for the word "Appeal" by section 3 of the Government Servants (Special Provisions) (Amendment) Act, 1990 (Act No. VII of 1990).

² Sub-sections (2) and (3) were substituted for sub-section (2) by section 3 of the Government Servants (Special Provisions) (Amendment) Act, 1990 (Act No. VII of 1990).