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Muhammad Saleem (Ex. Primary School Teacher) Vs.
Chief Executive Officer, District Education Authority,
Toba Tek Singh & another Appeal No. _____

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02.09.2025

PRESENT

1. Mr. Allah Nawaz Khan Khosa Advocate,
Counsel for the appellant.
2. Mian M. Azam, District Attorney.

Through this appeal filed under Section 4 of the Punjab Service Tribunals Act, 1974 read with Section 19 of the PEEDA Act, 2006 the appellant has assailed the vires of the orders dated 04.03.2024 and 01.06.2024 passed by the respondents.

2. Brief facts of the case are that the appellant was proceeded against under the provisions of PEEDA Act, 2006 on the following charge:

- Suspicious verification of Matric Sanad.
- Hampering the inquiry proceedings.
- Gross Misconduct.

Initially the appellant was removed from service, vide order dated 24.03.2023. However, the appellate authority vide order dated 05.08.2023 ordered for denovo inquiry. The denovo inquiry was carried out and finally the competent authority, vide order dated 04.03.2024 again imposed upon the appellant the major penalty of "removal from service". The departmental appeal of the appellant was rejected, vide order dated 01.06.2024. Hence, this appeal.

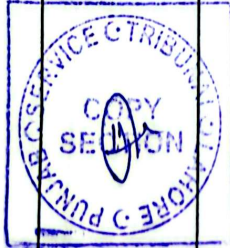
3. Learned counsel for the appellant argued that at no stage was it ever proved that the matriculation certificate of the appellant was bogus; that even in the first inquiry report dated 19.01.2023, the inquiry officer himself observed that the concerned Board had not declared the certificate as bogus, but



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		<p>merely stated that certain particulars did not match; that such an objection could only have been resolved through a proper regular inquiry by summoning the relevant record and witnesses from the Board and by affording the appellant an opportunity of cross-examination. Learned counsel for the appellant relied upon 2023 SCMR 603, 2024 SCMR 1757, 2025 SCMR 632 and 2025 SCMR 40 in support of his aforesaid contention. Learned counsel for the appellant further contended that the inquiry officer had recommended the penalty of compulsory retirement from service, whereas the competent authority without assigning any judicial/cogent reasons, imposed upon the appellant the major penalty of "removal from service"; that such an arbitrary departure was in violation of law laid down by the Hon'ble Supreme Court of Pakistan in the judgments reported as 2013 PLC (C.S) 801 and 2014 SCMR 147. Learned counsel for the appellant added that the appointment of the appellant was made in a lawful and transparent manner, after due scrutiny by the Selection Committee and he was duly confirmed in service; that till today no action has ever been taken against the Selection Committee or the appointing authority; that the appellant served the department for more than three decades and his appointment is also protected under the principle of "<i>locus poenitentiae</i>" being past and closed transaction. Reliance is placed upon 2011 PLC (C.S) 1296 and 2006 SCMR 678. With these submissions, learned counsel for the appellant prayed for acceptance of this appeal. On the other</p>



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		<p>hand, learned District Attorney opposed this appeal while supporting the impugned orders.</p> <p>4. Arguments heard, available record perused.</p> <p>5. It is an admitted fact that the Board of Intermediate and Secondary Education, Sargodha never declared the matriculation certificate of the appellant as bogus. This fact was also acknowledged by the Inquiry Officer in his report dated 18.01.2023, wherein the following recommendation was made:</p> <p><i>"As the service length of accused teacher is 32 years and 02 months, and whereas the Board did not declare the matric certificate of accused teacher as Bogus/Fake vide letters dated 05.11.2021 and 08.12.2021, a major penalty of Compulsory Retirement under Section 3(b)(v) of PEEDA Act, 2006 may be imposed upon Mr. Muhammad Saleem (PST) GPS 341 GB (Basti Balochan), Tehsil and District Toba Tek Singh."</i></p> <p>Despite such recommendation, the competent authority imposed upon the appellant the extreme major penalty of "removal from service", without recording valid reasons. It is also significant to note that if the appointment of the appellant was allegedly irregular, no proceedings were ever initiated against the Selection Committee or appointing authority. This selective approach is discriminatory and contrary to the principles enunciated by the Hon'ble Supreme Court of Pakistan in the judgments reported in 2011 PLC (C.S.) 1296 and 2006 SCMR 678. The appellant served the department for more than 33 years. His credentials, including matriculation certificate, were duly scrutinized at the time of his appointment. His performance remained satisfactory until his</p>



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		<p>superannuation. If any doubt regarding his certificate existed, the department cannot remain silent for over three decades and then penalize him at the fag end of his service. His appointment thus stands protected under the principle of "past and closed transaction". The observation in the impugned order that "<i>the appellant did not produce his original matriculation certificate during the inquiry proceedings</i>" is misconceived. Learned counsel for the appellant has placed on record a copy of the police rappat, wherein it was reported that the matriculation certificate had been lost. Hence, it was not possible for the appellant to produce the same.</p> <p>6. It has also been observed from the perusal of record that both the inquiries were not conducted in accordance with the mandatory provisions of the PEEDA Act, 2006. The appellant's matriculation pertains to Year-1986, a period when computerized records were not maintained and all record was manual. Therefore, any discrepancy in particulars could only have been resolved by summoning the Board's record and witnesses. The entire proceedings rested merely upon correspondence from the Board, without affording the appellant opportunity of rebuttal. This amounts to denial of "fair trial", which is guaranteed under Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973. Reliance is placed upon 2023 SCMR 603, 2024 SCMR 1757, 2025 SCMR 632 and 2025 SCMR 40. Even otherwise, the charges framed against the appellant were vague and indefinite, which is a violation of the principle laid down by the Hon'ble Supreme</p>

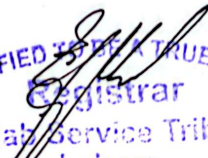


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	<p>Court of Pakistan in the judgment reported in 2024 SCMR 80.</p> <p>7. In view of the foregoing, the impugned orders are not sustainable in the eyes of law. Therefore, the appeal in hand is accepted and the impugned orders are set aside. Since the appellant has already attained the age of superannuation, therefore instead of reinstating him into service, the respondents are directed to issue formal notification of his retirement and release all his pensionary benefits, within 15 days from the receipt of this order. The intervening period from the date of first removal from service of the appellant till his superannuation shall be treated as "leave of the kind due".</p>

ANNOUNCED
02.09.2025


ANBREEM SAJID
MEMBER-IV


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