

PUNJAB SERVICE TRIBUNAL, LAHORE

ORDER SHEET

1961/2024

APPELLANT/
PETITIONER

APPEAL NO. 200

Syed Nasir Ali Shah

Versus

Department: Police

RESPONDENT

Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.
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29.07.2025	<p>PRESENT</p> <ol style="list-style-type: none">1. Mr. Allah Nawaz Khosa, Advocate Counsel for the appellant.2. Mr. Mohsin Ehsan, Deputy District Attorney. <p>Brief facts as gleaned out from the memorandum of appeal are that the Competent Authority proceeded against the appellant under Punjab Police (E&D) Rules, 1975 on the charge of willful absence from duty for a period of more than 02 months, 07 days and 20 minutes without any leave or prior permission from the competent authority and awarded him major penalty of "Dismissal from service" vide order dated 13.11.2021. Against this order, the appellant preferred departmental appeal as well as revision petition which was rejected vide orders dated 05.08.2022 and 13.12.2022 respectively. Hence, this appeal.</p> <p>2. The learned counsel for the appellant appeared before the court and argued that injustice has been done to the appellant as he has been punished severely. The learned counsel for the appellant contended that the absence of the appellant was neither willful nor deliberate rather it was due to some unavoidable circumstances. The learned counsel further argued that the punishment awarded to the appellant is in utter disregard to the mandatory provision of law as laid down by the Hon'ble Superior Courts; that while passing the impugned orders, the respondents have made paradoxical observations while awarded illegal penalty, which order even otherwise, is illegal and is also not sustainable in the eye of law being bereft of any plausible legal justification, for not having been passed reasonably; that the impugned orders have been passed on the basis of conjectures and surmises without any plausible evidence and record. At the end, learned counsel for the appellant contended that the punishment awarded to the appellant is also against the matrix of punishment, categories wise as per standing order No.12 of 2018 regarding guidelines for finalizing Disciplinary Proceedings in Punjab Police Issued by the IGP Punjab Lahore. With these submissions, the learned counsel for the appellant stressed for acceptance of the instant</p>



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		<p>appeal by setting aside the impugned orders or at least stressed/requested for converting the impugned punishment into some other minor punishment.</p> <p>3. On the other hand, learned Deputy District Attorney narrated that all the codal and legal formalities were fulfilled by the authority before awarding the penalty to the appellant, who earned bad name for the department and hence, he deserves no leniency.</p> <p>4. Arguments addressed by the learned counsel appellant as well as learned D.D.A heard and available record perused.</p> <p>5. The appellant was proceeded against departmentally on the charge of willful absence from duty. The appellant in person stated that his absence was neither willful nor deliberate rather it was due to his ailment. He further pleaded with record that the he did not show any inefficiency, negligence and lethargic attitude towards performing his official duties but the authority without going into stance of the appellant awarded him major penalty i.e. dismissal from service.</p> <p>6. Having given due consideration to the arguments advanced by both the sides and after having gone through the relevant record, I am inclined to agree with the submission made by learned counsel for the appellant to the effect that the quantum of punishment awarded to the appellant does not commensurate with the gravity of charge as the absence of the appellant is 02 months, 07 days and 20 minutes as per available record. The appellant deserves a bit lenient treatment. The guilt and quantum of punishment in the absence of tangible material is against the principle of natural justice, the punishment imposed under the circumstances is harsh.</p> <p>7. The Competent Authority imposed the punishment without keeping in view the gravity of charges, which is unjustified as per IGP's Instructions issued vide letter No.2661-2706/DISC-1 dated 21.12.1995. The punishment should be imposed in accordance with the gravity of charges as held in <u>1988 PLC 639</u> and in the case of M. Sharif and others Vs. Inspector General of Police Punjab Lahore. and others (2021 SCMR 962).</p> <p>8. Award of major penalty of dismissal from service due to absence of 13 days, 20 hours and 35 minutes from duty is not a legal punishment, therefore, the impugned orders need modification so as to make the penalty commensurate to the guilt of the accused appellant. No exception has been found to undo guilt of the appellant. Accordingly appeal is partially allowed and the impugned orders are set aside by converting the major penalty of "Dismissal from Service" into "Stoppage of increment for two years" as per standing order No.12/2018 issued by IGP Punjab Lahore. Resultantly, the appellant shall stand reinstated into service and the intervening period is treated as leave without pay on the principle of "No work no pay". Be consigned.</p>



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 Registrar
 Punjab Service Tribunal
 Lahore

05/09/25

(MALIK EJAZ ASIF)
 D&SJ/MEMBER-V

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