

Judgment Sheet

IN THE FEDERAL SERVICE TRIBUNAL, LAHORE

BEFORE: Mr. Justice (R) Rooh-ul-Amin Khan, Chairman
Ch. Muhammad Akram Khaksar, Member

Appeal No.316(L)/2023

Date of Institution:	21.11.2023
Date of hearing:	13.11.2025
Date of Judgment:	13.11.2025

APPELLANT:

Abuzar (Ex-UDC-171144) son of Muhammad Ramzan.
R/o Post Office Khas, Chak No. 69-EB Tehsil Arifwala
District Pakpattan

RESPONDENTS:

1. The DCNS (T&P) Naval Headquarters, Islamabad.
2. PN Civilian Authority Naval Headquarters, 11-Liaquat Barracks Karachi

PRESENT:

Mr. Allah Nawaz Khosa, Advocate along with the appellant
Mr. Faisal Abbas Ranjha, Assistant Attorney General for the respondents along with the departmental representative Mr. Attiq-ur-Rehman, GSO

JUDGMENT

JUSTICE (R) ROOH-UL-AMIN KHAN, CHAIRMAN: Through the instant appeal filed under Section 4 of the Service Tribunals Act, 1973 the appellant has prayed for setting aside the impugned order dated 21.06.2023 whereby major penalty of removal from service was imposed upon him and he prayed for reinstatement in service with all back benefits.

2. Brief facts of the case are that the appellant was inducted in service as LDC in Pakistan Navy in 2017. Subsequently he was transferred to PNS ZAFAR and posted at CMT Pool PNA ZAFAR where he was assigned the duties of writer on 27.03.2023. He was served with a Show Cause Notice on 10.03.2023 under the allegation of wearing service uniform of one Shahzad LMTT by exposing himself a member of Pakistan Navy and involved in immoral activities i.e. illegal sexual relation with different girls during and before joining service. The appellant replied the Show Cause Notice by denying all the allegations, however, the authority being not satisfied with the reply constituted an Inquiry Committee for

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investigating the allegations. The Inquiry Committee after recording statements of various persons arrived at a conclusion that the charge of illegal wearing service uniform of one Shahzad LMTT and taking picture in that uniform by sharing it with his fiancée and visiting to the home of an employee Zubair Awan with intention of illicit relation with a lady Nasreen is proved, therefore, minor penalty was proposed to be inflicted upon the appellant. The authority served him with a Show Cause Notice and provided an opportunity of personal hearing wherein he denied all the allegations with the plea that at the time of joining service his antecedents and credentials were examined by the local police and Naval Intelligence wherein he was found clear in all respect including the good moral character. He admitted the factum of wearing only white shirt on his clothes for purpose of drawing a selfie which was immediately deleted from the cell phone. He vehemently denied any illicit relation with any lady whereas the allegation is based only on heresy and pleaded innocence, therefore, the Inquiry Committee has recommended him for minor penalty to the extent of reduction to a lower stage, in pay for a period of one year. The appellant urged that the competent authority on one side inflicted punishment upon the appellant on the basis of inquiry report but on the other side disagreeing with recommendation saddled the appellant with major penalty of removal from service.

3. Learned counsel for the appellant vividly argued that, upon a careful examination of the record, the narrative advanced by the respondents is wholly fabricated and devoid of evidentiary support. It was further argued that, in initiating and conducting the disciplinary proceedings against the appellant, the respondents failed to adhere to the mandatory provisions and prescribed procedure under the Civil Servants (Efficiency and Disciplinary) Rules, 2020. Consequently, the impugned order of removal from service is legally unsustainable, liable to be set aside, and the appellant is entitled to reinstatement in service together with all consequential benefits, including arrears of pay and allowances.

4. The respondents were put on notice with direction to submit their view point through written reply, which was submitted accordingly wherein they refuted the claim of appellant. The worthy Assistant Attorney General assisted by the departmental representative has argued that the appellant

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had confessed his guilt and in the light of recommendations of Inquiry Committee, the Competent Authority has imposed penalty of removal from service upon the appellant according to his guilt by adopting all legal procedures after giving him opportunity of audience.

5. We have heard the arguments advance by the learned counsel for the parties and have gone through the material available on the record with their able assistance.

6. Perusal of the record reveals that the appellant was charged with misconduct on three counts: firstly, illegally wearing of service uniform of O.No.2072684 of Shahzad, MTT; secondly, sharing a his picture in said uniform on social media; and thirdly, his involvement in immoral activities, specifically illicit relations with various girls before and during his service. A three-member Inquiry Committee was constituted on 31.10.2022 to investigate these allegations. The Committee concluded that the charges of illegally wearing the service uniform of Shahzad, MTT, taking a picture in it, sending the picture to his cousin, Ms. Rabiya, and deleting it shortly thereafter were proved. It was further held that the appellant was involved in improper relationships with several girls before joining and during his service but it was specifically noted that he never had sexual intercourse with any of them. The Inquiry Committee recommended disciplinary action in the form of a reduction to a lower stage in his pay scale for one year without cumulative effect for the offense of illegally wearing the service uniform (Dress No. 04) of O.No.2072684, taking pictures in it, and sharing them with friends via WhatsApp. Thereafter a Show Cause Notice was served upon the appellant on 10.03.2023 and he replied the same on 31.03.2023 by denying the allegations but the same was not considered as satisfactory. However, the authority, without considering the recommendations of the inquiry committee and without providing any reasons, imposed the major penalty of removal from service on the appellant. It is significant to note that from the inception of his service, the appellant had an unblemished record and had never been subjected to any prior disciplinary action. His past conduct and demeanour had never warranted any disciplinary proceedings from the department. The authority had the discretion to accept or reject the findings of the inquiry committee; however, any rejection of the committee's recommendations must be

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supported by reasoned justification. The Committee, after conducting a thorough inquiry, categorically absolved the appellant of allegations that could have amounted to criminal charges. It specifically recorded that the appellant was not found to be involved in any form of illicit sexual activity, thereby clearing him of the most serious imputations levelled against him. Once the inquiry report was submitted, the competent authority was under a legal and procedural obligation to carefully examine the findings in conjunction with the entire case record. This duty required the authority not only to consider the conclusions of the Committee but also to assess whether the recommendations made were consistent with the nature and gravity of the allegations, and proportionate to any culpability that could reasonably be attributed to the appellant. However, the authority failed to discharge this responsibility in its true spirit. It did not undertake the necessary evaluation of whether the proposed disciplinary action bore a rational nexus to the appellant's alleged misconduct. By neglecting to determine the proportionality of the recommendations in light of the appellant's exoneration from criminal imputations, the authority acted arbitrarily. Such omission renders the impugned order legally unsustainable, as it lacks both procedural fairness and substantive justification.

7. The Hon'ble Supreme Court of Pakistan in case of "Secretary, Government of Punjab (C&W) and others Vs. Ikramullah and 5 others" (2013 SCMR 572) have held as follows:

"6..... The Competent Authority without assigning any reason to disagree with the findings of the Committee with reference to the evidence collected enhanced the penalty and converted the same into major penalties as indicated in column No.4 of the chart referred to in para 3 above. There is no cavil to the proposition that the competent authority on receipt of the report from the inquiry officer or the inquiry committee can proceed in any of the options available to him in terms of subsections (2) to (8) to section 13 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006. However, while doing so, it has to follow the procedure laid down therein and if it proposes to enhance the penalty it has to give reasons germane to the charges levelled and the evidence collected during inquiry and that too with reference to the liability of each of the officers who were inquired into. Learned Law Officer on court query, could not dispute the fact that the competent authority neither gave any reason for enhancing the penalty nor apportioned the liability of each of the respondents specifically".

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8. The action of a competent authority in enhancing a penalty from a minor punishment to a major one, without providing any justification or reasoning, cannot be upheld in law. The courts have consistently held that reasoned orders are the essence of lawful exercise of discretion. In *Habib Bank Ltd. v. Ejaz Hussain (2015 PLC 322)*, the Lahore High Court emphasized that disciplinary authorities must justify their disagreement with inquiry findings; otherwise, the punishment cannot stand. When an inquiry committee has conducted proceedings, examined evidence, and submitted findings along with recommendations, those conclusions carry weight and must be addressed with due consideration. If the authority chooses to depart from such findings, it is legally bound to record clear reasons for its disagreement. Failure to do so amounts to arbitrariness, which undermines the principles of natural justice and procedural fairness. The law requires that disciplinary proceedings be transparent, reasoned, and based on evidence. An authority cannot simply disregard the inquiry report and impose a harsher penalty without demonstrating why the committee's conclusions are flawed or insufficient. Such conduct not only violates the rights of the individual concerned but also erodes confidence in the fairness of the disciplinary process. Courts have consistently held that administrative discretion must be exercised judiciously, with reasons forming the backbone of any decision. Therefore, enhancing punishment without assigning reasons is unsustainable in the eyes of the law, as it reflects a misuse of power and a breach of established legal norms.

10. In view of the above discourse, the appeal is partially allowed to the extent that the impugned order of removal dated 21.06.2023 is modified into minor penalty of reduction to a lower stage in pay for a period of one year. **The appellant shall be entitled to all back benefits consequent upon reinstatement. There shall be no order as to costs.**

10. Parties be informed accordingly. File be consigned to record after codal formalities under Rule-21 of The Service Tribunals (Procedure) Rules, 1974.



Lahore, the 13th Nov. 2025

'Naveed Ikram-SPS'

Certified to be a true copy

BN
Assistant Registrar
Federal Service Tribunal
Lahore

Sd -
CHAIRMAN

Sd -
MEMBER