

PUNJAB SERVICE TRIBUNAL, LAHORE

ORDER SHEET

APPELLANT/
PETITIONER

APPEAL NO. 1243/2025 200

Muhammad Jameel Gujjar
Versus

The Commissioner, Lahore Division, Lahore, etc. **RESPONDENT**

Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.
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21.10.2025

PRESENT

1. Allah Nawaz Khosa, Advocate
Counsel for the appellant.
2. Atta Muhammad, DA.
3. Aftab Gulzar Hussain, Superintendent, DR.

Briefly, appellant while posted as Naib Qasid at Deputy Commissioner Office, Sheikhupura was proceeded against under the PEEDA Act, 2066 through order of inquiry dated 24.7.2024 whereby Additional Deputy Commissioner (Revenue), Sheikhupura was appointed as inquiry officer to hold regular departmental inquiry against the appellant on the following charges:-

- i. That Abdul Khaliq Bhatti R/o Rehmat Colony Sheikhupura has submitted an application against Mr. Jamil Gujjar, Naib Qasid, Registration Branch Tehsil Sheikhupura regarding forgery & corruption in Registration Branch.
- ii. That the applicant stated that Mr. Jamil Gujjar, Naib Qasid is working in Registration Branch from 30 years approximately.
- iii. That Mr. Jamil Gujjar, Naib Qasid illegally passed the bogus registries from the Sub-Registrar Sheikhupura.
- iv. That he committed criminal negligence, misconduct and inefficiency.
- v. Hence they are liable to be proceeded under PEEDA



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Act, 2006.

Appellant submitted his reply with the assertion that the complainant is a journalist and allegations leveled against him are false and baseless.

The inquiry officer after conducting inquiry submitted his report, held appellant guilty of the charges and recommended to impose major penalty of dismissal from service upon the appellant.

Deputy Commissioner, Sheikhpura/competent authority while agreeing with the recommendations of the inquiry officer, awarded major penalty of dismissal from service to the appellant vide order dated 31.12.2024.

Against the said order, appellant filed departmental appeal before the Commissioner, Lahore Division, Lahore which was not decided and after expiry of statutory period appellant preferred instant service appeal on 26.3.2025.

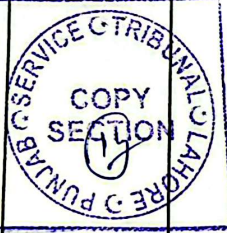
2. Learned Counsel for the appellant at the very outset drew attention of this Court towards written statement of complainant Abdul Khaliq s/o Muhammad Anwar submitted before the inquiry officer stating therein that his grievance with Muhammad Jamil Gujjar (appellant) has been settled and requested to file the instant complaint.

3. When confronted, learned District Attorney did not deny the same but supported the impugned orders.

4. After carefully going through version of both the sides, it is established from record that the appellant has been penalized on account of criminal negligence, inefficiency and misconduct.

5. The inquiry officer after conducting inquiry submitted his report with the following findings:-

- i. On receipt of application from Mr. Abdul Khaliq Bhatti r/o Rehmat Colony Sheikhpura against Muhammad Jamil Gujjar, Naib Qasid regarding his corruption and forgery in Registration Branch. The Deputy Commissioner/Competent Authority



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ordered to initiate inquiry under PEEDA Act, 2006 against the accused official.

- ii. During the course of inquiry, the accused official managed the complainant and obtained his statement regarding compromise.
- iii. As per record, Mr. Muhammad Jamil, Naib Qasid is posted in Tehsil Office, Sheikhpura but he is performing his duties in Registration Branch Sheikhpura since long which seems that something is wrong and allegations leveled against him are true.

6. From the bare reading of the above, I am of the view that the allegations leveled though directly relating to performance of appellant were serious in nature for which material evidence was required. The inquiry officer without going through the statement of the complainant in which he stated that his grievance has been settled therefore he did not pursue the complaint against the appellant, hence the charges leveled against the appellant remained unproved.

Furthermore, it has been settled by the Hon'ble Supreme Court of Pakistan in various judgments passed by the apex court that competent authority as well as appellate authority while passing the order of punishment or appellate order are bound to scrutinize the evidence on record and order is to be passed referring any incriminating evidence against the accused. In this regard reliance is placed upon "Chief Secretary, Government of the Punjab versus Muhammad Ali Saqib" (2020 SCMR 1245). The relevant paragraph is reproduced as under:-

"The orders of the competent authority as well as departmental appeal are on the basis that they agreed with the recommendation of the inquiry officer. They have not scrutinized the evidence available on the file themselves, but relying upon the recommendation of the inquiry officer and ignoring

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that no specific allegation through evidence was proved against the respondent, despite that major penalty of dismissal from service was awarded."

(emphasis provided)

I am of the considered view that the inquiry officer without going through the defence of the appellant, and in the absence of any evidence, recommended strict action against the appellant. The punishment awarded to the appellant is on the basis of whims and presumptions. There is no concrete material evidence on record to prove the charges against the appellant.

For what has been discussed above, this appeal is **allowed**, impugned order dated 3.12.2024 is set aside. Appellant is reinstated into service and the intervening period shall be treated as leave of the kind due.

Sajjad Hussain Sindhar
CHAIRMAN

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