

PUNJAB SERVICE TRIBUNAL, LAHORE

ORDER SHEET

A
APPELLANT/
PETITIONER

APPEAL NO. 2343/2024 **200**

Saddam Hussain
Versus

Department: Police

RESPONDENT

Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.
1	2
28.11.2025	<p>PRESENT</p> <ol style="list-style-type: none">1. Mr. Allah Nawaz Khosa, Advocate Counsel for the appellant.2. Mst. Saima Nawaz, 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 by way of show cause notice/charge sheets dated 15.09.2022 and dated 26.09.2022 on the charge of involvement in criminal case as well as willful absence from duty for a period of more than 22 days, 10 hours and 48 minutes without any leave or prior permission from the competent authority and awarded him major penalty of "Dismissal from service" vide order dated 25.10.2022. Against this order, the appellant preferred departmental appeal as well as revision petition which was rejected vide orders dated 21.03.2024 and 07.06.2024 respectively. Hence, this appeal.</p> <p>2. The learned counsel for the appellant 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.</p> <p>3. He further contended that the criminal case which was registered against the appellant was acquitted by the trial court. With these submissions, the learned counsel for the appellant</p>



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		<p>stressed for acceptance of the instant appeal by setting aside the impugned orders or at least stressed/requested for converting the impugned punishment into some other minor punishment.</p> <p>4. 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>5. Arguments addressed by the learned counsel appellant as well as learned D.D.A heard and available record perused.</p> <p>6. The appellant was proceeded against departmentally on the charge of willful absence from duty. The appellant in his grounds of appeal stated that his absence was neither willful nor deliberate rather it was due to some unavoidable circumstances. 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>7. 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 22 days, 10 hours and 48 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>8. 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>9. Award of major penalty of dismissal from service due to absence of 22 days, 10 hours and 48 minutes from duty is not a legally proportionate 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 modified by converting the major penalty of "Dismissal from Service" into "Reduction in pay by two stages for two years". Resultantly, the appellant shall stand reinstated to service and the intervening period is treated as leave without pay. Be consigned.</p>	



CERTIFIED TRUE COPY
 Registrar
 Punjab Service Tribunal
 Lahore
 17/12/15

(MALIK EJAZ ASIF)
 D&SJ/MEMBER V

Contd....

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BEFORE THE HON'BLE PUNJAB SERVICE TRIBUNAL, LAHORE

Service Appeal No. 2343 /2024
15/11/24

PST LAHORE
Dairy No. 2356
Date: 9-7-2024

SADDAM HUSSAIN S/o Bashir Ahmad Ex- Security Constable
No.2798 R/o Chak No.39/4-L, Tehsil & District Okara.

APPELLANT...

VERSUS

1. The Inspector General of Police Punjab, Lahore.
2. Deputy Inspector General of Police, Special Protection Unit (SPU) Punjab, Lahore.
3. Deputy Director Security, Special Protection Unit (SPU), Battalion-04 Wing-II, Sahiwal.

.... RESPONDENTS



APPEAL U/S 4 OF THE PUNJAB SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER NO.1399/PA/W-II DATED 25-10-2022 PASSED BY RESPONDENT NO-3 WHEREBY THE APPELLANT WAS AWARDED THE MAJOR PUNISHMENT OF "DISMISSAL FROM SERVICE" AND APPELLATE ORDER DATED 21-03-2024 WHEREBY THE APPEAL OF THE APPELLANT REJECTED AND FINAL ORDER DATED 07-06-2024 COMMUNICATED TO THE APPELLANT ON 20-06-2024 WHEREBY THE REVISION PETITION OF THE APPELLANT REJECTED BY RESPONDENT NO-1.

Respectfully Submitted as Under: -

1. That the addresses of the parties have rightly been incorporated in the title / instant appeal for effective service of summons and notices upon the parties.

2. That the appellant joined police department on 04-04-2016 and performed his official duties with full devotion/ dedication, with utilizing all his physical as well Intellectual abilities and never gave a chance of complaint to his seniors.
3. That the appellant was issued a charge sheet by respondent No-3 on the following acts of omission and commission.

"As per Special report bearing No. 1408-5A/SPU-CFPP/SWL dated 24-10-2027 submitted by Camp Incharge CFPP Qadirabad Sahiwal, you were found absent from the camp without any leave or prior permission of the Competent Authority. Your absence was recorded vide DD entry No. 34/06-09-2022. You reported back vide DD entry No. 26/21-10-2022 after an absence period of 15 Days, 01 hour & 20 minutes. Being a member of disciplined force, this act on your part amounts to grave misconduct. You are found to be undisciplined, Inefficient and irresponsible/careless Police official. It makes you liable for stern disciplinary action against you"



Copy of Show-cause notice is attached as **annexure-A**.

4. That on 25-10-2022 vide order No.1399-PA/W-II, Deputy Director Security, Special Protection Unit (SPU), Wing-II Sahiwal awarded the appellant major punishment of **Dismissal From Service** on the following charge: -

CHARGE SHEET NO. 123/PA/W-II DATED 26.09.2022

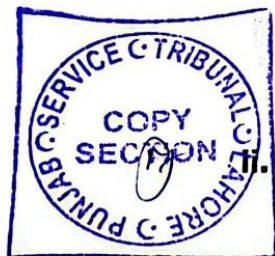
- i. As per information report bearing No.1196-5A/SPU-CFPP/SWL dated 13.09.2022, submitted by Camp Incharge CFPP Qadirabad, Sahiwal, he (delinquent SC Saddam Hussain No.2798) absented himself from the camp without any leave or prior permission of the competent authority. His absence

was marked vide DD entry No.30 dated 29.08.2022. He reported back vide DD entry No.25 dated 11.09.2022 after an absence period of 12 days, 22 hours & 48 minutes.

- ii. It has also been reported by the Camp Incharge that during the period of absence, he was involved in criminal case FIR No.377/22 dated 11.09.2022 registered in Police Station Shahbore district Okara.
- iii. This reflects that he (delinquent SC Saddam Hussain No.2798) indulged in criminal activities and brought bad name for the department which amounts to gross misconduct and calls for stern disciplinary action against him.

CHARGE SHEET NO 1183/PA DATED 15-09-2022

- i. As per information re83/PA/WPA251-5A/SPU-CFPP/Swl dated 25.09.2022, submitted by Camp Incharge CFPP Qadirabad, Sahiwal. he (delinquent SC Saddam Hussain No.2798) absented himself from the camp without any leave or prior permission of the competent authority. His absence was marked vide DD entry No.41 dated 19.09.22 & he is still absent from the camp.



- ii. It has also been reported by the Camp Incharge that during the period of absence, he was involved in criminal case FIR No.401/22 dated 21.09.22 u/s 506-B,353,186 & 149 PPC registered in Police Station Shahbore district Okara.
- iii. This reflects that he (delinquent SC Saddam Hussain No.2798) indulged in criminal activities and brought bad name for the department which amounts to gross misconduct and calls for stern disciplinary action against him.

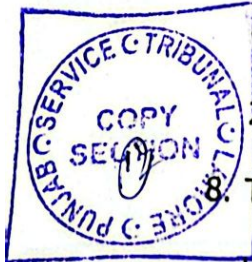
Copy of punishment order dated 25-10-2022 is enclosed as
Annexure-B.

5. That the appellant preferred appeal within time before Deputy Inspector General of Police, Special Protection Unit (SPU) Punjab Lahore against punishment order of Dismissal from Service awarded by Deputy Director Security, Special Protection

Unit (SPU), Wing-II Sahiwal. Copy of Appeal is enclosed as **Annexure-C.**

6. That the appellate authority, respondent No-2 reject the appeal of the appellant without opportunity of personal hearing as well as any issuance of any Show Cause Notice as per required of Rules 12 (iii) of Punjab Police (E&D) Rules 1975 vide his office order No.6062-68/APL-SPU dated 21.03.2024.(**Copy attached as Annex-D).**

7. That felling aggrieved the appellant filed Revision Petition to Respondent No.1, The Inspector General of Police, Punjab Lahore against the order of punishment of "Dismissal From Service" awarded by respondent No-3 vide order dated 25-10-2022, and appellate order dated 21-03-2024 wherein appeal of the appellant was rejected by the appellate Authority on 21-03-2024.



8. That Respondent No.1 The Inspector General of Police, Punjab Lahore reject the revision petition of the appellant vide his office order dated 07-06-2024 (**Annexure-E**).

9. That the order dated 07-06-2024 was communicated to the appellant on 20-06-2024.

10. That the impugned punishment order dated 25-10-2022 and appellate order dated 21-03-2024 and revisional order dated 20-06-2024 are illegal, without jurisdiction, ab-initio, void, mala fide, ex-parte arbitrary, discriminatory against law and facts on the following grounds: -

GROUND:

- I. That the orders issued by Respondents are not merely inconsistent with the facts and the law but are also in direct contravention of the well-established principles of justice, equity, and good conscience. The impugned orders exhibit a disregard for the foundational legal doctrines that underpin fair administrative processes.
- II. That the Authority has imposed the punishment without keeping in view the gravity of charge, which is in fact no charge. The punishment imposed upon the appellant is unjustifiable. As per IGP's Instructions issued vide No. 2661-2706/DISC-I, the punishment should be imposed in accordance with the gravity of charge is quoted as under: -



"The punishment awarded under the efficiency & discipline rules must be corresponding to the gravity of misconduct attributed to a police officer (Ghulam Dastgir VS IG Prisons, 1988 PLC P.639 Service Tribunal, Punjab)."1988 PLC 639 Service Tribunal Punjab, "The punishment awarded under the efficiency & discipline rules must be corresponding to the gravity of misconduct attributed to a police officer."

- III. That on August 29, 2022, the appellant was present and diligently performing his duties when he experienced severe chest pain. The appellant immediately requested leave from

his in-charge, who verbally permitted him to seek medical attention. Consequently, the appellant went to the nearest hospital for a check-up. Following the medical examination, the attending physician advised the appellant to rest at home. The appellant promptly informed his in-charge of his medical condition and the doctor's advice. During his recovery period at home, the appellant adhered to the prescribed medication regimen. Upon regaining his health, the appellant returned to duty on September 11, 2022, only to discover that his period of absence had been officially recorded in the roznamcha.

- IV. That on September 19, 2022, the appellant once again experienced chest pain and sought medical attention at the nearest hospital, Dr. Mubashar Iqbal's clinic, located at Adda Gamber, after obtaining verbal permission from his senior. The doctor advised the appellant to rest at home, which the appellant communicated to his in-charge. Following his recovery, the appellant resumed his duties on September 29, 2022. Consequently, the appellant's absence during this period, due to illness, was beyond his control and should not be held against him.



- V. That during the appellant's illness, on September 7, 2022, the appellant's brother went to recite the Fatiha at their father's grave. During this time, the appellant's in-laws attacked his brother, causing serious injuries to his head and arm. The assailants fled the scene immediately. Upon receiving the distressing news, the appellant and his family rushed his brother to the nearest hospital, RHC Shahbore, where he

received medical treatment and obtained a medical certificate.

The appellant's In-laws, however, procured a false medical certificate to obscure the true nature of the incident. The local police subsequently registered FIR No.377/22 at PS Shahbore, from which the appellant was later acquitted of all charges. The appellant had no involvement in this incident and is completely innocent. Copy of FIR along with court proceedings are hereby enclosed as **Annexure-G**

VI. That during the appellant's illness, on September 21, 2022, while the appellant and his family were at home, police officers accompanied by civilians affiliated with the appellant's in-laws arrived in a government vehicle and began assaulting the appellant's elder brother. Despite being on bail in connection with FIR No.377/22 PS Shahbore, the police arrested his brother and took him to the police station, where they registered a false case against him, FIR No.401/22 PS Shahbore. This act of collusion between the police and the appellant's in-laws demonstrates a blatant misuse of authority and malicious intent.



VII. That a false FIR was registered against the appellant, from which he was later acquitted of all charges. This acquittal establishes that the appellant's absence was not willful but was due to the unavoidable circumstances detailed above.

VIII. That in the aforementioned cases, the appellant was entirely faultless. As a government employee, the appellant has been wrongfully implicated in these cases despite his innocence.

IX. .That during the course of the inquiry, the inquiry officer failed to thoroughly consider the pros and cons of the case. The appellant was declared guilty without any solid or cogent reasoning, and the appellant's pleas and written statements were disregarded by the punishing authority. The appellant is innocent and has been unjustly penalized.

X. That the appellant was dismissed from service pursuant to an FIR, in which another policeman, namely Waseem Abbas No.1105, was also implicated. However, the respondent No. 1



accepted the revision petition of the said policeman and commuted his punishment from dismissal from service to the forfeiture of two years of approved service. In stark contrast,

the appellant's revision petition was dismissed, thereby violating the appellant's fundamental rights under Articles 4 and 25 of the Constitution of Pakistan, which guarantee equality before the law and equal protection of the law. This disparity in treatment clearly demonstrates discrimination against the appellant.

XI. The appellate authority has rejected the appeal without opportunity of personal hearing violating settled principle of justice "**Audi Altrem Partem**" (that no one could be condemned unheard) and judgment of Apex Court of Pakistan reported as 1995 PLC (CS138).

"Principle of Audi Alterm Partem is applicable to judicial, quasi-judicial and executive proceedings.

PLD 1961SC-537 M/s Faridsons& other:"

Golden principle of natural justice grossly violated and the petitioner was condemned unheard."

Appellant was deprived right of personal hearing.

- XII. That so called enquiry was conducted by the inquiry officer but he had the appellant guilty on the basis of **Conjectures and Surmises** instead of evidence. There is no itta of evidence against appellant to establish the charges mentioned in the charge sheet. Such practice of enquiry office has been disapproved by the Apex Court of Pakistan

vide judgment reported as **1993 SCMR 603**.

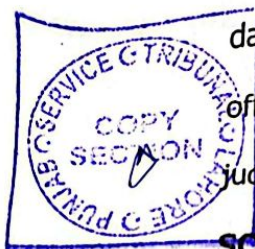


"Short procedure-controversial facts. Enquiry held for resolving controversial question of fact proper procedure would be held to a full fledged inquiry where evidence has to be recorded and opportunity of cross examination has to be given otherwise finding recorded would be based more on conjectures than an evidence"

- XIII. No evidence was recorded by the Enquiry Officer in the presence of appellant. No opportunity of cross examination was provided to appellant. The enquiry conducted without associating accused in the enquiry process and without opportunity of cross examination was declared void and order of Punishing Authority was set aside vide judgment of Apex Court of Pakistan reported as PLJ 1997 SC 2008:-
"Enquiry without associating the civil servant. Where

civil servant was neither associated with enquiry proceedings nor he was allowed opportunity to cross examiner witnesses produced against him, enquiry proceedings and consequent orders regarding his dismissal suffered from legal defects. Order set aside".

XIV. As the enquiry was conducted in violation of rules and guidelines of Apex Court of Pakistan. It could not be termed as regular enquiry. The IGP, Lahore vide NO.1849-1870/HRC



dated 17.08.20 issued directions to all his subordinates officers in compliance with orders of Apex Court of Pakistan judgment cited in (1) 2006 SCMR 846, (2) 2006

SCMR434 as under:-

- i. Holding of a regular enquiry must not be dispensed with in a case involving factual controversy.
- ii. A regular enquiry should only be dispensed with in exceptional circumstances and not as a general rule in every case.
- iii. In case regular enquiry is dispensed with, it is necessary to give grounds for the same.
- iv. A regular enquiry must be held wherever a resolution of disputed facts is found necessary, especially where the misconduct

warrants imposition of a major punishment.

v. Award a major punishment merely by means of service of a show cause notice is considered to be a violation of ruling of the Apex Court.

vi. In some cases, the period of absence is treated as leave without pay in final punishment order it which amounts to regularization of the period of absence alleged. In such cases the period of absence may not be treated as leave without pay. Instead the period of the absence can be dealt with by declaring that the delinquent officer would not be paid any salary for the period he remained absent.



7. That a large number of family members of the appellant are dependents on the appellant, if they are deprived of the only source of income, the whole family of a poor person would suffer hardships, therefore, the appellant is entitled to the grant of relief on humanitarian grounds as well.

8. The appellant, in his reply, meticulously detailed the genuine circumstances surrounding his absence, attributing it to pressing domestic issues and the severe illness of his elderly father. Despite the appellant's comprehensive explanation and plea for understanding, the authority, without due consideration of the appellant's account and without exercising any measure of compassion or discretion, imposed a major penalty of dismissal from service. This decision was rendered without any legal justification, disregarding both the mitigating factors presented by the appellant and the principles of natural justice.



9. That even otherwise penalty of dismissal from service was imposed upon the appellant due to absence from duty for a less period which does not commensurate with the gravity of guilt attributed which is also in derogation to the Standing Order No.12 of 2018 of the IGP which depicts that punishment of dismissal from service can only be inflicted if the absence period of a civil servant (police official) is beyond three months hence penalty of dismissal from service inflicted upon the appellant is too harsh.

PRAYER

In light of the foregoing submissions, it is respectfully prayed that this Honorable Tribunal accede to the appeal, thereby setting aside the impugned orders dated 25-10-2022 passed by respondent No-3 and appellate order dated 21-03-2024 passed by respondent No-2 and Final order dated 07-06-2024 communicated to the appellant on 20-06-2024 passed by respondent No-1. Consequently, it is humbly beseeched that the appellant be reinstated into service with full restoration of all associated entitlements and benefits retroactively. Such redress is essential to rectify the miscarriage of justice suffered by the appellant and to uphold the principles of fairness and equity in the administration of justice.

Any other relief, which this Honorable Court deems fit and proper, may also be awarded.

...APPELLANT

CERTIFIED TO BE A TRUE COPY
Registrar
Punjab Service Tribunal
Lahore
17/12/25



Through

ALLAH NAWAZ KHOSA

Advocate High Court,
33/A Queens Road behind
Queens Center Mozang,
Lahore. 0333-6073636

CERTIFICATE:

As per instructions, this is the first appeal in this Hon'ble Punjab Service Tribunal, Lahore against the impugned orders.

ADVOCATE