

06 APR 2026

Judgment Sheet

IN THE FEDERAL SERVICE TRIBUNAL ISLAMABAD

**BEFORE: Mr. Justice (R) Rooh-Ul-Amin Khan, Chairman
Mr. Bahlol Khattak, Member**

Date of Institution	27.08.2024
Date of Hearing	24.02.2026
Date of Judgment	18.03.2026

APPEAL NO.387(L)CS/2024

APPELLANT: Tariq Hussain (Army No.80649060) s/o Fazal Hussain, Ex-Sub Assistant Supervisor (BS-05), Headquarter Military Farm Okara

RESPONDENTS: 1. The Director General, General Headquarters, QMG Branch RV&F (Remount Veterinary and Farms) Dte Rawalpindi
2. Brigadier Commandant, Military Farms Group, Okara, RV&FC/HQ Mil Farm, Okara

APPEAL NO. 388(L)CS/2024

APPELLANT: Nasir Hussain (Army No. 8065904) s/o Fazal Hussain, Ex-Weighman (BS-02), Military Farm Lahore Cantt r/o Mohalla Zar Muhammad Khel Peer-Piai Tehsil & District Nowshera

RESPONDENTS: 1. The Director General, General Headquarters, QMG Branch RV&F (Remount Veterinary and Farms) Dte Rawalpindi
2. Lieutenant Colonel Commander, Military Farm Lahore Cantt

PRESENT: Sheikh Umar Farooq and Mr. Allah Nawaz Khosa, Advocates for the appellants
Syed Azhar Naveed Shah, Deputy Attorney General for the respondents alongwith Major Hussain, departmental representative

JUDGMENT

BAHLOL KHATTAK, MEMBER:

The titled appeals contain identical question of law, as such, we are inclined to decide them through this single judgment and order is being recorded in Appeal No.387(L)CS/2024.

2. Brief facts of the case are that the appellant was initially appointed as Weighman (BPS-02) on 03.03.2003 at HQ Multan Log Area, Multan, under the domain of RV&FC, while he was residing at Bara, Khyber Agency (then Tribal Area). Owing to his satisfactory performance and length of service, he was subsequently promoted to the post of Sub Assistant

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of the said document. It is an admitted position that the domicile certificate in question pertains to the year 1999, the appellant was recruited in 2003 and the process of verification was initiated only in the year 2023, after the lapse of approximately two decades of continuous service. During this prolonged period, the appellant not only continued in service but also earned promotion, and no adverse material regarding his integrity, conduct or character was ever brought on record prior to the present proceedings.

7. The respondents have primarily founded their case upon two circumstances firstly, the alleged non-availability of record in the office of the Deputy Commissioner, District Khyber and secondly, statements purportedly recorded from certain local elders to the effect that the appellant was not known to them as a resident of the concerned area.

8. In our considered view, mere non-availability of official record particularly in a tribal district which has admittedly undergone administrative transition and has suffered destruction of record owing to disturbed law and order conditions cannot, by itself, be treated as conclusive proof of forgery. Absence of record does not automatically translate into proof of fabrication. It was incumbent upon the department to establish affirmatively that the domicile certificate was forged or fraudulently obtained. However, no forensic examination of the document was conducted to verify the genuineness of signatures, seals or format no official from the office of the issuing authority was produced to depose that the certificate was fake no departmental or criminal proceedings were initiated against any public functionary for alleged issuance of a bogus domicile and even criminal law was not set into motion for alleged forgery. The finding of misconduct, therefore, rests substantially on presumptive verification rather than concrete evidence.

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The findings recorded by the Inquiry Officer appear to be based more on inference than on strict proof. It is a well-settled principle of service jurisprudence that where a major penalty such as dismissal from service is proposed, the charge must be proved through cogent, convincing and legally admissible evidence. The degree of proof required must be proportionate to the gravity of consequences. Suspicion, however grave or plausible, cannot be

allowed to take the place of proof, particularly when civil consequences of the most serious nature are involved.

10. We further observe that the dismissal order does not demonstrate independent application of mind to the specific objections raised by the appellant in his reply to the show cause notice. The appellate order dated 02.07.2024 is also non-speaking in nature, as it fails to address the legal and factual grounds urged in appeal. It is trite law that quasi-judicial authorities are under a legal obligation to record reasons in support of their conclusions, and failure to do so renders the order vulnerable in judicial review for being arbitrary and violative of principles of natural justice.

11. At the same time, we are mindful of the fact that domicile constitutes a jurisdictional fact and goes to the root of eligibility at the time of initial appointment. If it is established that such domicile was fraudulently obtained, the very foundation of appointment may stand vitiated. However, an allegation of fraud cannot be presumed, it must be established through clear, strict and unimpeachable evidence. Although the standard of proof in departmental proceedings is not identical to that of a criminal trial, it must nevertheless be commensurate with the seriousness of the allegation and the severity of the proposed penalty. In the present case, the material placed on record does not meet the requisite threshold to justify the extreme penalty of dismissal from service.

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12. In view of the foregoing discussion, we hold that the impugned order dated 16.05.2024, whereby the appellant was dismissed from service, as well as the appellate order dated 02.07.2024, are not sustainable in law. The disciplinary proceedings suffer from multiple legal infirmities. Accordingly, the impugned orders are set aside. However, since the allegation pertains to the appellant's initial eligibility based on domicile a foundational requirement for appointment the matter cannot be allowed to rest merely on technical deficiencies in the earlier proceedings. The ends of justice would, therefore, be better served by directing a fresh, transparent and legally compliant verification process.

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13. Consequently, while allowing the appeal, the respondent department is directed to constitute a fresh Verification/Inquiry Committee comprising senior officers not below BS-18, including a representative from the office of the Deputy Commissioner, District Khyber, who is well conversant with the record and the procedure relating to issuance of domicile certificates during the relevant period. The Committee shall conduct a de novo inquiry strictly in accordance with law and shall examine the original record, including the enrollment registers of Domicile maintaining with the concerned authority after recording the entire evidence relevant to the subject case keeping in view the provisions of disciplinary proceedings provided under E&D Rules, 2020. The entire exercise shall be completed within a period of three months from the date of receipt of this judgment. Consequent upon the observations given above, the appellant stands reinstated into his service, in this regard, the question of back benefits of the intervening shall depend upon the outcomes of the fresh denovo proceedings as per law and rules.

14. This judgment shall *mutatis mutandis* apply to Appeal No.388(L)CS/2024.

15. No order as to costs. Parties may be informed.

CHAIRMAN
MEMBER

Waqas Ali/APS



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