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JUDGMENT SHEET

IN THE PUNJAB SERVICE TRIBUNAL, LAHORE

APPEALS No.2377 & 2378 of 2025

SHAN-UL-HAQ, MEMBER-IV

1. **Muhammad Ashraf**, son of Asghar Ali, Ex-Secretary Union Council 99 (Jambar Khurd) District Kasur in Appeal No.2377 of 2025.

2. **Muhammad Abid Sial**, son of Abdul Hafeez, Ex-Secretary Union Council (Mundekey) Tehsil Chunian District Kasur in Appeal No.2378 of 2025.

..... Appellants

VERSUS

1. The Director General, Local Government and Community Development Department, Lahore.

2. Director Local Government and Community Development, Lahore Division, Lahore.

..... Respondents



Appellant by:

- Mr. Allah Nawaz Khosa, Advocate, counsel for the appellant.

Respondents by:

- Malik M. Qasim, Deputy District Attorney.
- Muhammad Umar, Assistant Director LG&CD, DR.
- Mr. Anosh, AD Legal, LG&CD, DR.

Date of hearing: 21.05.2026.

Date of announcement: 2.105.2026.

JUDGMENT

Shan-ul-Haq, Member: This consolidated judgment shall dispose of the instant two appeals, as the same arise out of identical facts, common questions of law and similar impugned orders. These appeals under Section 4 of the Punjab Service Tribunals Act, 1974 are directed against the order dated 05.04.2025 passed by the Director Local Government and Community Development, Lahore Division, Lahore, whereby the appellants were awarded the major penalty of dismissal from service on the following allegations:

"That they managed fake appointment orders and inducted themselves into service as Secretary

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defunct Union Council in District Sheikhupura on the basis of those fake appointment orders. Hence they committed gross misconduct causing huge financial loss to the state exchequer in terms of receiving salaries."

Feeling aggrieved, the appellants preferred departmental appeals before the Director General, Local Government and Community Development Department, Lahore which were rejected on 16.06.2025. Thereafter, the instant appeals were filed before this Tribunal within the statutory period.

2. Learned counsel for the appellants contended that appellant Muhammad Ashraf was appointed as Secretary Union Council (RDW) on 15.06.1996 and submitted his joining report before the Project Manager, Markaz Sheikhupura on 17.06.1996. He also obtained a medical fitness certificate from DHQ Hospital Sheikhupura on 20.06.1996. Thereafter, he remained posted in different Union Councils of District Sheikhupura, including UC Machera, UC No.59 Urban Sheikhupura and UC No.60 Kot Bini Das. It was further argued that his name appeared in the seniority list of 1998 at Serial No.259, in the Devolution Plan, 2001 at Serial No.59, and in the Devolution Plan, 2021 at Serial No.73. Learned counsel further submitted that the appellant's service verification after completion of ten years' service was duly conducted through the District Accounts Office, Sheikhupura, and all relevant entries in the service book bear official stamps and signatures of the competent authorities.

It was further contended that due to administrative constraints, appellant Muhammad Ashraf applied for transfer from District Nankana Sahib to District Kasur through the proper channel, whereupon the Assistant Director (Administration) issued NOC dated 08.06.2007. Subsequently, after obtaining requisite NOCs from both districts, transfer orders were issued and he was posted in UC No.80 Ghuman after obtaining LPC from District Nankana Sahib. It was further

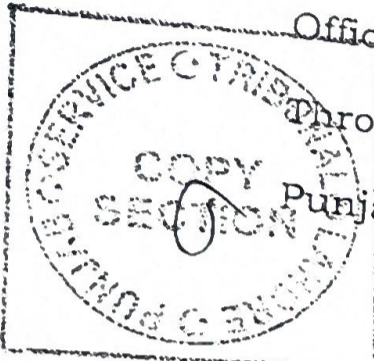


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argued that GP Fund No. SR/Misc/1376 and Personal No.32147936 were allotted to him by the District Accounts Office, Kasur. During service, he continued to serve in various Union Councils including UC No.81 Khankey Mour, UC No.86, UC No.82 Lambey Jagir, and UC No.99, and later, under the new local government system, in UC No.102 and UC No.66 Rehmanpura. Thereafter, vide Devolution Plan dated 03.05.2021 issued by the Director, LG&CD Lahore Division, he was posted in Field Office No.24 and is presently serving in UC No.99 Jambar Khurd. Throughout his service career, salaries were regularly drawn through AG Punjab and no objection whatsoever was ever raised by any authority.



Learned counsel further argued that appellant Muhammad Abid Sial was appointed as Secretary UC (RDW) on 15.10.1996 and submitted his joining report before the Project Manager, Markaz Bhegi on 16.10.1996. He also obtained a medical fitness certificate from DHQ Hospital Sheikhupura on 21.10.1996. During service, he remained posted in various Union Councils including UC Ferozwatwan, UC No.65 Urban Sheikhupura and UC No.72 Urban Sheikhupura. His name was also reflected in the seniority list of 1998 and the Devolution Plan, 2001. Copies of pay bills for the years 1997-1998, LPC for the year 2001, and service verification entries made after completion of ten years' service were also available on record.

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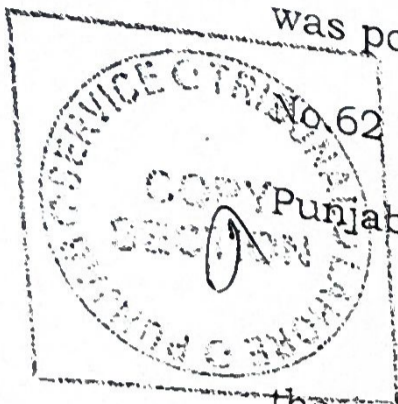
It was further argued that due to personal enmity and administrative difficulties, he applied for transfer to District Kasur through the proper channel. NOCs were issued by the concerned authorities and ultimately transfer order dated 04.06.2008 was issued by the competent authority. After obtaining LPC from District Sheikhupura, he joined District Kasur and was posted in UC No.65 Majokey, Tehsil Chunian. Thereafter, GP Fund No. SR/Misc/616 and Personal

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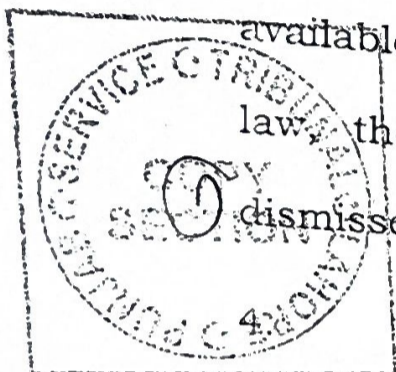
No.31659859 were allotted to him. During service, GP Fund deductions continued regularly and presently a substantial amount stands accumulated in his GP Fund account. He remained posted in different Union Councils including UC Wankhar, UC No.46 Rehmanpura and UC Jhambur Kalan and later, under the Devolution Plan dated 03.05.2021, was posted in Field Office No.13 Mundeky. At present, he is serving in UC No.62 Mundkey and has continuously been drawing salary through AG Punjab.



Learned counsel for the appellants vehemently argued that the impugned orders are based merely upon conjectures, presumptions and surmises. No direct, tangible or legally admissible evidence was ever produced against the appellants. Neither any complainant nor any official witness was examined before the Inquiry Committee in the presence of the appellants. No opportunity of cross-examination was afforded to them, despite the fact that serious allegations involving fraud and bogus appointments had been levelled against them. It was further contended that the appellants served the department honestly for nearly three decades; their service books were maintained by the department itself; salaries were released by the government treasury after due verification; GP Fund accounts and personal numbers were allotted by the official authorities; and transfer/posting orders were issued from time to time by the competent authorities. Therefore, the appellants could not legally be penalized merely because some old record was allegedly unavailable.

3. Conversely, the learned Deputy District Attorney opposed the appeal and contended that the same is devoid of merit and liable to be dismissed. He argued that during the course of inquiry, the appellants failed to produce original appointment orders, complete service record, or any authentic material conclusively establishing the legality of their initial

appointments. It was further contended that serious discrepancies were noticed in the departmental record and certain relevant record relating to their appointments was found missing or untraceable, which created sufficient doubt regarding the genuineness of their induction into service. Learned DDA further submitted that mere continuation in service, drawing of salaries, or allotment of GP Fund numbers could not validate an otherwise illegal or irregular appointment. He maintained that the competent authorities, after conducting inquiry and examining the available record, rightly passed the impugned orders in accordance with law. Therefore, the appeal being without substance is liable to be dismissed.



I have heard the learned counsel for the appellant and learned Deputy District Attorney and have also perused the record.

5. Before advertng to the merits of the controversy, it is necessary to first determine whether the appellants fall within the definition of "civil servants" and whether the instant appeals are maintainable before this Tribunal.

The service books and service record of the appellants reveal that both entered government service during the year 1996 when the Punjab Local Government Ordinance, 1979 was in force. The section 44 of the said Ordinance specifically provided that employees serving under the Local Government and Rural Development Department shall be deemed to be civil servants for the purposes of the Punjab Service Tribunals Act, 1974. Subsequently, after promulgation of the Punjab Local Government Ordinance, 2001, the appellants continued to serve under the Directorate of Local Government and Community Development Department, Punjab, which, under the Punjab Rules of Business, 2011, is an attached department of the Government of Punjab and not an autonomous or

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independent statutory corporation. Consequently, the appellants squarely fall within the definition of "civil servant" as provided under Section 2(b) of the Punjab Service Tribunals Act, 1974, reproduced hereunder:-

"Civil servant" means a person who is or who has been a member of a civil service of the Province or holds or has held a civil post in connection with the affairs of the Province."

Accordingly, the instant appeals are competent and fully maintainable before this Tribunal as they were holding posts connected with the affairs of the Province.

Briefly stated, the case of the department is that after receipt of certain complaints regarding alleged fake appointments, inquiry proceedings were initiated against various officials including the present appellants. Earlier, vide orders dated 25.04.2022, major penalties had been imposed upon them. However, the said orders were challenged before the Hon'ble Lahore High Court through Writ Petition No.52315/2022 and connected matters. The Hon'ble Lahore High Court, vide judgment dated 08.03.2023, set aside the impugned orders and remanded the matter to the competent authority for proceeding afresh strictly in accordance with law. The said judgment was assailed before the Hon'ble Supreme Court of Pakistan through CPLA Nos.2227 and 2211 of 2023, but the petitions were dismissed vide order dated 13.11.2023, while specifically observing that any further proceedings must conform to the requirements of the Punjab Employees Efficiency & Discipline Act, 2006 and the principles of natural justice.

7. Pursuant thereto, a de-novo inquiry was initiated vide order dated 15.01.2024. A careful scrutiny of the inquiry proceedings reveals that the inquiry was not conducted in accordance with the mandatory requirements of law. The record reflects that only charge sheets were issued to the appellants, their written replies were obtained and thereafter

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findings were straightaway recorded against them. No oral evidence was produced before the Inquiry Officer. No witness from the department, District Accounts Office, AG Office, Deputy Director LG&CD Sheikhpura, or DHQ Hospital Sheikhpura was produced in the presence of the appellants. Likewise, no opportunity of cross-examination was afforded to them.

8. The Hon'ble Supreme Court of Pakistan in reported judgment

2025 PLC (C.S.) 675 has categorically held as under:-

"A regular inquiry cannot be considered or labelled a regular inquiry unless fair opportunity is provided to defend the charges. The inquiry report in the present case reflects that only the charges were confronted to the petitioner, and his response was recorded, and this was the end of the story."

Similarly, in Hon'ble Supreme Court of Pakistan reported as 2023 SCMR 603, the Hon'ble Supreme Court held as under:-

"Whether the evidence is trustworthy or inspires confidence can only be determined through the tested tool of cross-examination, which serves as the primary safeguard for assessing its credibility and probative value."

The law laid down by the Hon'ble Supreme Court of Pakistan is fully attracted to the facts of the present case. Once allegations involving fraud, fabrication and bogus appointments were leveled against the appellants, it became incumbent upon the department to establish such allegations through legally admissible evidence produced during a regular inquiry. Mere inter-departmental correspondence, office notings, or administrative assumptions could never substitute formal proof in accordance with law.

9. It is pertinent to observe that the department itself issued a letter dated 10.12.2024 to the Deputy Director, LG&CD Sheikhpura for verification of the appointment orders. In response thereto, vide letter dated 13.01.2025, the Deputy Director, LG&CD Sheikhpura merely stated that after scrutiny of the available record, no appointment record of

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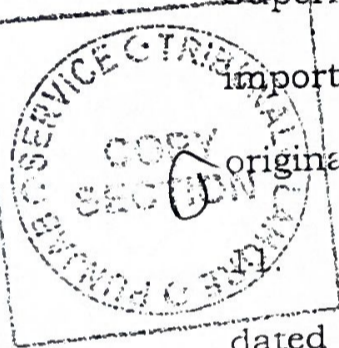
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the officials concerned could be found in the office. However, significantly, the department also acknowledged the existence of an FIR relating to theft and sale of office record by one Riaz Masih, Sanitary Worker, during the year 1999.

10 Likewise, correspondence was made with DHQ Hospital Sheikhupura regarding the medical certificates of the appellants. The Medical Superintendent, vide letter dated 22.02.2025, simply reported that the old record was not traceable. At no stage did the Medical Superintendent declare the medical certificates fake or bogus. More importantly, neither any witness from DHQ Hospital was produced nor original hospital record was summoned during the inquiry proceedings.

The respondents also relied upon a tentative seniority list dated 31.12.1998 to contend that the names of the appellants were allegedly missing therefrom and, therefore, their appointments were doubtful. However, I have carefully examined the said document and find that the same is merely an unverified photocopy without any office diary number, dispatch number or proof of circulation. No original record was produced before this Tribunal. Furthermore, the department failed to produce any finalized seniority list. It is settled law that adverse findings cannot legally be based upon unauthenticated photocopies having no evidentiary value.

12. Another important aspect of the matter is that the appellants continuously served the department for nearly thirty years. During this entire period, they remained posted through official transfer and posting orders issued by the competent authorities. Their service books were maintained by the department itself. Service verifications were conducted through the District Accounts Offices. GP Fund accounts and personal numbers were allotted. Salaries were released through AG Punjab after



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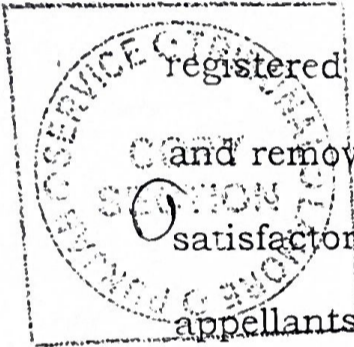
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due audit and scrutiny. At no stage during the long span of service was any objection raised regarding their appointments. Such overwhelming documentary and circumstantial evidence strongly supports the case of the appellants and damages the departmental allegation that they had fraudulently inducted themselves into service.

13. It is also a matter of official record that during the year 1999, service and office record relating to various employees was stolen and unlawfully sold by one Riaz Masih, a sanitary worker. An FIR was registered against him; he was convicted and sentenced to imprisonment and removed from service. Therefore, non-availability of old record stands satisfactorily explained through official documentary evidence. The appellants cannot be penalized for loss or destruction of departmental record, particularly when such loss occurred while the record remained in the custody and control of the department itself.

14. It is by now a settled principle of service jurisprudence that where an employee has served the department for decades under the knowledge, supervision and control of the competent authorities, his services cannot be disturbed merely on the basis of suspicion, presumption or missing record, unless clear evidence of fraud, concealment or misrepresentation is established against him. Fraud must not only be specifically alleged but must also be proved through cogent, convincing and legally admissible evidence. In the present case, no evidence has been produced to establish that the appellants forged the appointment letters themselves, manipulated official record, or obtained appointments through deceitful means.

15. The cases of the present appellants are clearly distinguishable from those of the other officials proceeded against by the department, inasmuch as during the entire course of departmental proceedings as well

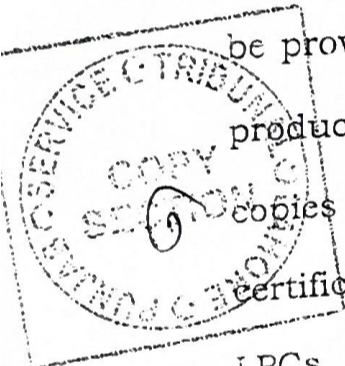


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as the de novo inquiry, no material, evidence or record was ever discovered to establish that the appointments of the present appellants were bogus, fake or fraudulently obtained. Rather, the record produced before the inquiry authorities reflects that the appellants remained in continuous government service for nearly three decades and their service history was consistently acknowledged by the department itself through official acts and documents. The inquiry proceedings reveal that unlike certain other officials against whom the department claimed that bogus or fabricated record had been traced, no such allegation could substantively be proved against the present appellants. On the contrary, the appellants produced sufficient documentary material before the authorities, including copies of appointment-related documents, joining reports, medical fitness certificates, seniority lists, devolution plans, transfer and posting orders, LPCs, GP Fund details, personal numbers, pay bills, service verification entries conducted through the District Accounts Offices, and other service-related record demonstrating their continuous and regular service under the department. However, despite the production of such material, the inquiry authorities failed to record any specific finding, observation or rebuttal regarding the authenticity or evidentiary value of the documents furnished by the appellants, nor did they declare any of the said documents to be forged or fabricated. The silence of the department on these material documents itself reflects that the allegations levelled against the appellants remained unsupported by legally admissible evidence.

16. It is further an admitted position on record that the appellants served the department continuously for more than twenty years under the knowledge, supervision and control of the competent authorities. During this entire prolonged period, the department never



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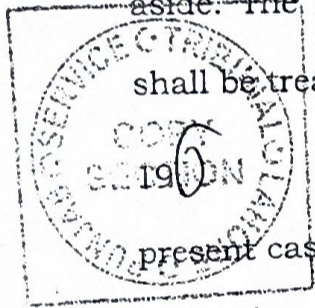
raised any objection regarding the genuineness of their appointments, eligibility, service status or entitlement to continue in service. Their salaries were regularly drawn through AG Punjab after official scrutiny and audit; GP Fund accounts and personal numbers were allotted by the competent authorities; service books were maintained by the department itself; and the appellants remained posted from one Union Council to another through formal transfer and posting orders issued by the competent authorities from time to time. Such overwhelming official conduct of the department casts doubt on subsequent allegation that the appellants had fraudulently inducted themselves into service. Moreover, the appellants were admittedly not custodians of the official departmental record and had no control whatsoever over the preservation or maintenance of old service record lying in the offices of the department. Therefore, any missing, lost or untraceable record, particularly when the department itself acknowledged theft and disappearance of record from its custody, cannot legally be used against the appellants nor can they be penalized for the negligence, loss or mishandling of record by the department itself. In these circumstances, the cases of the present appellants stand on an entirely different and distinguishable footing from those officials whose cases allegedly involved bogus or fabricated record.

17. From the foregoing discussion, this Tribunal has arrived at the inescapable conclusion that the department has failed to prove the allegations leveled against the appellants through reliable, lawful and admissible evidence. The inquiry proceedings were conducted in gross violation of the mandatory provisions of the PEEDA Act, 2006 as well as the principles of natural justice. Consequently, the findings recorded by the Inquiry Officer and the orders passed by the competent authority cannot legally be sustained.

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18. In view of the foregoing discussion, this Tribunal is of the considered opinion that the impugned order dated 05.04.2025 as well as the appellate order dated 16.06.2025 are not sustainable in the eye of law, being violative of due process, based upon no evidence, suffering from material procedural irregularities, and being manifestly arbitrary and discriminatory. Accordingly, the instant appeals are allowed. The impugned order dated 05.04.2025 passed by the Director, LG&CD Lahore Division, Lahore, and appellate order dated 16.06.2025 are hereby set aside. The appellants are reinstated into service. The intervening period shall be treated as leave of the kind due.



Before parting with this judgment, it is clarified that the present case has been decided strictly on the basis of evidence and record pertaining to the present appellants alone. The cases of other co-accused/co-officials, if pending before any authority or forum, shall be decided independently in accordance with their own facts, evidence and circumstances, without being influenced by the observations made herein, as the record reveals that each case involves distinct factual aspects.

(Signature)
 (SHAN-UL-HAQ)
 MEMBER-IV

ANNOUNCED
 21.05.2026

Certified that this judgment consists of 12 pages and each page has been dictated, read and signed by me.

(Signature)
 (SHAN-UL-HAQ)
 MEMBER-IV

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