

JUDGMENT SHEET

IN THE PUNJAB SERVICE TRIBUNAL, LAHORE

Appeal No.492 of 2026

SHAN-UL-HAQ, MEMBER-IV

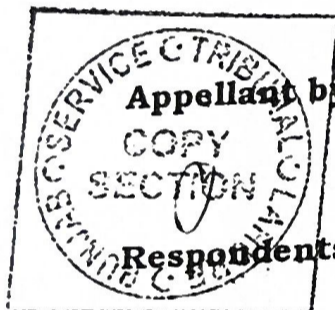
Prof. Dr. Ghulam Abbas, son of Hazoor Bakhsh, ex-Head of Nephrology and Registrar (BS-20), NM, Multan.

.....Appellant

VERSUS

1. The Principal Secretary to Chief Minister, Government of Punjab, Chief Minister's Office, Lahore.
2. Secretary, Specialized Healthcare & Medical Education Department, Government of Punjab, Lahore.

.....Respondents



Appellant by:

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

Respondents by:

- Malik M. Qasim, Deputy District Attorney.
- Mr. Aziz Khan, Senior Clerk, DR.

Date of hearing: 21.05.2026.

Date of announcement: 21.05.2026.

JUDGMENT

Shan-ul-Haq, Member: This appeal under Section 4 of the Punjab Service Tribunals Act, 1974 is directed against the order dated 20.10.2025 passed by the Chief Minister, Government of Punjab, whereby the appellant was awarded the major penalty of compulsory retirement from service on the following allegations:

"His lack of presence and attention in the ward has led to weak administration. He failed to monitor the implementation of Standard Operating Procedures (SOPs), which is a critical oversight."

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Feeling aggrieved, the appellant filed a departmental review petition before the Chief Minister, Government of Punjab, which is still pending

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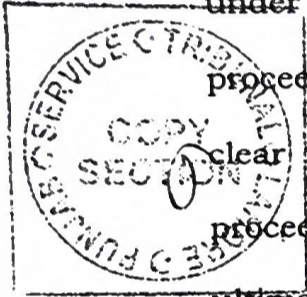
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adjudication. Subsequently, the appellant instituted the instant appeal before this Tribunal within the prescribed statutory period.

2. Learned counsel for the appellant submits that the inquiry conducted under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 was vitiated by serious procedural irregularities. The appellant was denied access to essential documents necessary for an effective defence, thereby seriously prejudicing his right to defend himself against the allegations. The mandatory procedural safeguards provided under the PEEDA Act, 2006 were not followed in letter and spirit. The entire proceedings were conducted in an arbitrary, biased, and unfair manner, in clear violation of the principles of natural justice, rendering the inquiry proceedings unlawful and unsustainable in the eyes of law. The inquiry ultimately recommended imposition of the major penalty of compulsory retirement from service under Section 4(1)(b)(iv) of the PEEDA Act, 2006.

3. It is further contended that the authorized hearing officer, upon examination of the record, facts, and submissions of the appellant, identified material defects and deficiencies in the inquiry report. Consequently, the hearing officer modified the proposed penalty and reduced the same from compulsory retirement to forfeiture of past service for a period of one year under the PEEDA Act, 2006. This modification strongly supports the contention that the original recommendation of compulsory retirement was excessive, disproportionate, and not supported by any lawful or factual basis.

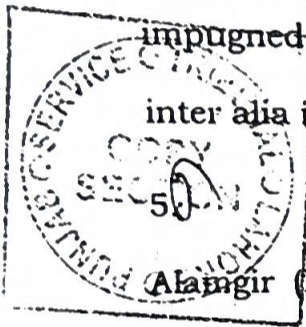
4. It was further contended that despite the clear and reasoned findings of the hearing officer, the Competent Authority, without assigning any cogent reasons for disagreement and without adverting to the findings recorded in the hearing report, arbitrarily imposed the major penalty of compulsory retirement from service vide order dated 20.10.2025. It is a



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settled principle that where a competent authority disagrees with the findings or recommendations of a duly conducted hearing, such disagreement must be supported by speaking and reasoned justification in accordance with the principles of natural justice and fair play. In appropriate cases, a direction for re-hearing may also be warranted to ensure procedural fairness. In the present case, however, no reasons whatsoever were recorded for such disagreement, nor was any re-hearing ordered, which renders the impugned order illegal and contrary to settled principles of law, as laid down inter alia in 2013 PLC (C.S.) 801 and 2014 SCMR 147.



It is further contended that similarly placed officials, namely Dr. Alamgir (Medical Officer, BPS-17) and Dr. Maleeha Johar Zaidi (Assistant Professor, BS-18), who were allegedly more directly involved in the stated lapses, were either exonerated or awarded substantially lesser penalties. In contrast, the appellant, whose role was purely supervisory and indirect, has been singled out and subjected to the harshest penalty of compulsory retirement. This manifest disparity reflects discriminatory treatment, selective application of disciplinary jurisdiction, and violation of the constitutional principle of equality before law. Such arbitrary differentiation is not sustainable in law and is contrary to the consistent view of the superior courts, as enunciated in 2005 PLC (C.S.) 1508, 2002 PLC (C.S.) 514, 1984 PLC (C.S.) 560, and PLJ 2024 TRC (Service) 80. The imposition of a disproportionate penalty upon the appellant, while similarly or more directly responsible officers have been treated leniently or exonerated, renders the impugned action arbitrary, unjust, and violative of settled principles of fairness and proportionality.

6. It was further contended that the impugned order is vitiated by multiple legal and procedural infirmities, including violation of due process, non-consideration of material findings of the hearing officer, discriminatory

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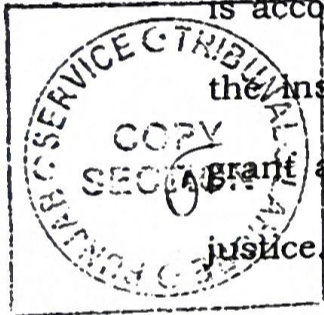
treatment, and misapplication of discretionary powers in disciplinary matters. It is further argued that the respondents have failed to produce any duly approved and notified relevant set of Standard Operating Procedures (SOPs), which was in field immediately before the incident and which was allegedly violated by the appellant. Even otherwise, no material was brought on record by the department to establish that any approved and notified SOPs were in field immediately before the happening of the alleged incident. In the absence of such foundational material, the allegation regarding failure to implement SOPs could not legally sustain the imposition of a major penalty. The same is therefore arbitrary, illegal, and unsustainable in law. It

is accordingly prayed that this Honourable Tribunal may graciously accept

the instant appeal, set aside the impugned order dated 20.10.2025, and

grant all consequential service benefits to the appellant in the interest of

justice.



7.

Conversely, the learned Deputy District Attorney opposed the appeal and contended that the same is misconceived, devoid of merit, and not maintainable under the law. It is argued that the inquiry proceedings were conducted strictly in accordance with the provisions of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 and full opportunity of defence was afforded to the appellant at every stage of the proceedings. The allegations against the appellant stood duly proved on the basis of documentary as well as oral evidence available on the record, therefore, the competent authority rightly imposed the penalty of compulsory retirement from service. It is further contended that no illegality, procedural irregularity, mala fide, or jurisdictional defect has been pointed out warranting interference by this Tribunal in exercise of its appellate jurisdiction. The learned Deputy District Attorney accordingly prayed for

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dismissal of the instant appeal being without substance and devoid of any legal force.

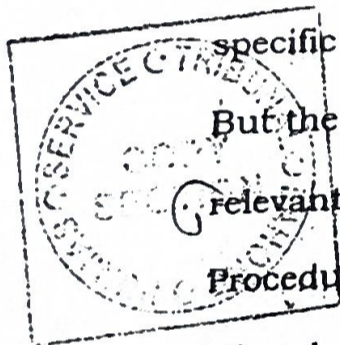
8. I have heard the learned counsel for the appellant as well as the learned Deputy District Attorney and have also gone through the available record with their able assistance.

9. From the perusal of the record, it appears that the entire departmental action against the appellant, primarily rests upon allegations of weak administration and failure to monitor implementation of SOPs. During the proceedings, the department was twice directed to produce that specific set of relevant SOPs that have been adverted to in the allegations.

But the respondent department failed to produce on record that specific and relevant set of duly approved and notified set of Standard Operating Procedures, that were in field immediately before the occurrence of the alleged event and whose violation and non-implementation has been alleged.

The record is conspicuously silent about the existence of any relevant SOPs in field immediately before the time of the alleged occurrence. In the absence of any such foundational material, the allegation relating to non-implementation of SOPs becomes legally doubtful and cannot validly form the sole basis for imposition of a major penalty.

10. Moreover, it transpires that the inquiry conducted under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 was not conducted strictly in accordance with the mandatory procedural safeguards envisaged under the law. The consistent stance of the appellant is that he was not afforded access to the essential and relevant documents relied upon in the inquiry proceedings, thereby seriously prejudicing his right to a fair opportunity of defence. It is a settled principle of law that disciplinary proceedings, though administrative in character, are required to conform to the minimum standards of due process and fair trial as



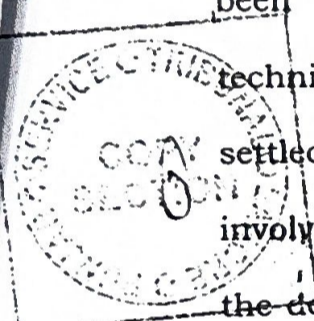
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guaranteed under Article 10A of the Constitution of the Islamic Republic of Pakistan, 1973. Non-provision of material documents forming the basis of allegations strikes at the very root of fairness and vitiates the entire proceedings. In the present case, the record does not satisfactorily demonstrate that such mandatory safeguards were duly complied with, rendering the inquiry proceedings legally doubtful and unsustainable.

11. The inquiry record is conspicuously silent with regard to any concrete, cogent, admissible, or legally reliable evidence to substantiate the charge. No technical report, expert opinion, or independent verification has been brought on record to establish that any administrative and /or technical lapse attributable to the appellant had, in fact, occurred. It is well settled that in disciplinary proceedings, particularly where allegations involve institutional or technical functioning, the charge must be proved by the department through reliable and convincing technical material, and the onus squarely lies upon the department to establish the allegation on the basis of credible and legally admissible evidence. Mere presumptions, conjectures, or general observations cannot take the place of legal and technical proof. In the instant case, the inquiry proceedings appear to have been conducted without any proper evidentiary and technical foundation, thereby rendering the findings legally unsustainable.

12. It is further observed that the appellant was not confronted with any specific document or material which formed the basis of the allegations. The failure to confront incriminating material and denial of relevant record amounts to a clear violation of the principles of natural justice. It is a well-established principle that no penalty can be imposed upon a civil servant unless the charge is established through reliable, cogent, and legally admissible evidence and the delinquent officer is afforded a fair and reasonable opportunity to rebut the material sought to be relied upon



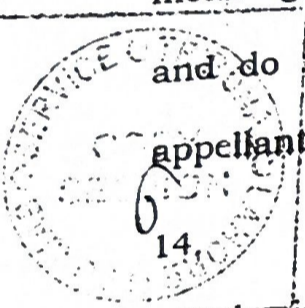
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against him. The record further reveals that the appellant repeatedly moved applications for provision of relevant documents during the inquiry proceedings; however, the same were not supplied to him, resulting in serious prejudice to his defence and rendering the entire process unfair, unjust, and violative of due process.

13. The para-wise comments filed by the department have also been perused with due care. It is observed that the respondents have failed to specifically rebut the material contentions raised by the appellant in a meaningful and categorical manner. The comments are general in nature and do not address the core legal and factual objections raised by the appellant with regard to procedural irregularities.



It is also pertinent to observe that the inquiry committee failed to take into consideration the documentary evidence available on record, which clearly demonstrates that the appellant had taken proactive and preventive administrative measures. The notifications and instructions issued by the appellant, particularly dated 30.10.2024, 12.11.2024, and 13.11.2024, as well as earlier directives dated 08.11.2023 and 22.04.2024, unequivocally establish that the appellant remained actively engaged in ensuring compliance with SOPs and strengthening administrative oversight. Non-consideration of such relevant and material evidence renders the inquiry proceedings one-sided, arbitrary, and contrary to settled principles governing fair adjudication.

15. It is noteworthy that the Inquiry Officer, after conclusion of the inquiry proceedings, did not recommend the penalty ultimately imposed upon the appellant. Rather, the Authorized Hearing Officer, upon independent appraisal of the record and attending circumstances, recommended a lesser penalty. However, the Competent Authority, while disagreeing with the recommendation of the Hearing Officer, proceeded to

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award the appellant the major penalty of compulsory retirement from service. The record does not reveal any cogent or convincing reasons for such departure from the recommendation of the Hearing Officer, thereby raising a serious question regarding the proportionality and fairness of the impugned action.

16. It is further observed that officials who had the operational responsibility were either exonerated or awarded lesser penalties, whereas the appellant, whose role was purely supervisory in nature, has been subjected to the severest penalty of compulsory retirement. Such differentiated treatment, in the absence of any rational classification or lawful justification, is violation of the doctrine of equality before law and amounts to discriminatory exercise of disciplinary jurisdiction. The settled principle is that equals cannot be treated unequally without reasonable basis, and any such arbitrary differentiation vitiates the entire disciplinary action. It is equally well settled that the department, being the prosecuting authority in disciplinary proceedings, is under a legal obligation to prove the charge against the delinquent officer on the basis of trustworthy, convincing, and legally admissible evidence, and failure to discharge this burden renders the entire proceedings unsustainable in law.

17. The Hon'ble Supreme Court, in its reported judgment 2025 PLC (C.S) 675, has categorically held:-

"A regular inquiry cannot be considered or labeled 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."

It is further held by the Honorable supreme court in its reported judgment 2023 SCMR 603 that:-

"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."

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18. In the present case, the record further reveals that no direct, tangible, or legally admissible evidence, both operational and technical, has been brought on record to substantiate the allegations leveled against the appellant. The findings of the inquiry, therefore, rest merely on assumptions, presumptions, conjectures, and general observations rather than on any concrete, cogent, and legally sustainable proof, which is essential to justify the imposition of a major penalty under the settled principles of service jurisprudence.

19. It is further evident that no witness was produced against the appellant, nor was any opportunity of cross-examination afforded to test the veracity, credibility, or reliability of the alleged material. In the absence of adherence to such fundamental procedural safeguards, particularly the valuable right of cross-examination, the entire inquiry proceedings stand vitiated, being violative of the principles of natural justice and fair play.

20. It is also noteworthy that the appellant had placed on record various notifications and administrative instructions issued by him from time to time for ensuring better supervision and implementation of administrative discipline. However, the inquiry committee failed to consider such material evidence in its true perspective. Non-consideration of relevant evidence renders the inquiry proceedings arbitrary and one-sided.

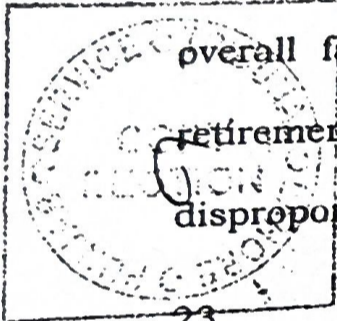
21. Another important aspect of the matter is that similarly placed officials, who allegedly had more direct operational responsibility in the incident, were either exonerated or dealt with leniently, whereas the appellant, whose role admittedly remained supervisory in nature, was subjected to the harshest penalty of compulsory retirement. Such discriminatory treatment, without any lawful justification or rational basis,

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offends the constitutional principle of equality before law and fair treatment in disciplinary matters.

22. Nevertheless, from the overall circumstances of the case, it appears that being head of the department and supervisory officer, the appellant cannot be held completely absolved of administrative responsibility. Certain supervisory shortcomings may reasonably be attributable to him to a limited extent. However, keeping in view the absence of enforceable SOPs on record, lack of direct evidence, procedural irregularities in inquiry proceedings, discriminatory treatment, and the overall facts and circumstances of the case, the penalty of compulsory retirement imposed upon the appellant appears highly excessive, harsh, and disproportionate to the nature of allegations.



23.

Consequently, for the foregoing reasons, this appeal is partly accepted. The impugned order dated 20.10.2025 is modified to the extent that the major penalty of compulsory retirement imposed upon the appellant is converted into the penalty of "Censure". The appellant is reinstated in service. The intervening period shall be treated as leave of the kind due. However, it is clarified that the penalty of 'Censure' shall not affect the appellant's seniority. Moreover, while considering his case for promotion, the penalty of "Censure" shall not be treated as bar to his promotion in accordance with law.

ANNOUNCED
21.05.2026

CERTIFIED TO BE TRUE COPY
Registrar
Punjab Service Tribunal
Lahore 15/06/26

(SHAN-UL-HAQ)
MEMBER-IV

Certified that this judgment consists of 10 pages and each page has been dictated, read and signed by me.

(SHAN-UL-HAQ)
MEMBER-IV