

PUNJAB SERVICE TRIBUNAL, LAHORE



ORDER SHEET


APPELLANT/
PETITIONER

APPEAL NO. 3407/2025 **200**



Mehboob Hussain
Versus

The Worthy District & Sessions Judge, Sargodha
RESPONDENT

Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.
1	2
<p>14.05.2026</p>  	<p><u>PRESENT</u></p> <ol style="list-style-type: none">1. Allah Nawaz Khosa, Advocate Counsel for the appellant.2. Atta Muhammad, D.A.3. Pervaiz Iqbal, COC, DR. <p>Brief facts of the case are that the appellant was proceeded against under the Punjab Civil Servants (E&D) Rules, 1999 on account of willful absence from duty by an order of inquiry, whereby Muhammad Haroon, learned Civil Judge Class-I, Sargodha was appointed as inquiry officer who after conducting inquiry submitted his report on 2.7.2025, recommended for imposition of minor penalty of withholding of one annual increment without cumulative effect. The Senior Civil Judge (Civil Division), Sargodha/competent authority while disagreeing with the recommendations of the inquiry officer, awarded major penalty of dismissal from service vide order dated 15.7.2025.</p> <p>The order was assailed through departmental appeal filed before the D&SJ, Sargodha which was dismissed vide order dated 13.9.2025. Hence this service appeal.</p> <ol style="list-style-type: none">2. I have considered the arguments of both parties and perused the record.3. Perusal of inquiry report reveals that the inquiry

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		<p>officer exhaustively discussed each and every allegation in its report/findings. The documents placed were examined/sifted and on the basis of same by highlighting and elucidating/covering factual aspects and keeping in view the gravity of charges and material before it, recommended penalty of withholding of one annual increment.</p> <p>Thereafter, the competent authority on receiving report observed that inquiry officer held appellant guilty of charges, but recommended penalty of withholding of one annual increment which does not commensurate with the gravity of charges, while disagreeing with the recommendations of the inquiry officer after issuance of show cause notice, enhanced the penalty into dismissal from service vide order dated 15.7.2025.</p> <p>4. It is evident from penalty order dated 15.7.2025 that the competent authority without highlighting any defect germane to the charges leveled and the evidence collected during inquiry and that too in reference to the liability of appellant failed to provide any reasons/findings in its order while disagreeing with the recommendations of the inquiry officer which was patently in violation of Punjab Civil Servants (E&D) Rules, 1999.</p> <p>5. Reliance is also placed on 2013 SCMR 372 titled as "G.M. Pakistan Railways and others Vs. Muhammad Rafique":-</p> <p><i>"The show cause notice dated 5-11-1991 appended with the petition does not explicitly give reasons for enhancement and merely mentions that the penalty awarded does not commensurate with the gravity of the offence. Under the law broadly there are two kinds of penalties i.e. major and minor. The competent authority while awarding the penalty has to keep in mind the gravity of the charge in the attending circumstances. In partly allowing the appeal and restoring the original</i></p>

CHAIRMAN
Punjab Service Tribunal
Lahore.

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		<p>penalty awarded by the competent authority, the learned Tribunal was persuaded by the fact that the General Manager Railways while enhancing penalty had not given reasons. The said finding of the Tribunal has not been found by us to be arbitrary, against the record or the law declared".</p> <p>6. Under such circumstances what was the reason/justification which compelled competent authority for enhancement in punishment is perplexing and has been done without any lawful justification.</p> <p>7. For what has been discussed above, this appeal is partly allowed, impugned orders dated 15.7.2025 & 13.9.2025 are modified to the extent that the penalty of dismissal from service is set aside whereas penalty of withholding of one annual increment shall remain intact as proposed by the inquiry officer. Appellant is reinstated into service and the intervening period shall be treated as leave of the kind due.</p> <p style="text-align: right;">  Sajjad Hussain Sindhar CHAIRMAN </p> <p style="text-align: right;">  03/07/26 </p>



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BEFORE THE HON'BLE PUNJAB SERVICE TRIBUNAL, LAHORE

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13-10-25
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13-10-25

Service Appeal No. _____/2025

Mehboob Hussian S/o Atta Muhammad , Ex-Process Server
R/o Post Office Kot Bhai Khan, Kot Pehlwan Tehsil Shahpur
District Sargodha.

APPELLANT...

VERSUS

1. The Worthy District and Session Judge, Sargodha.
2. The Senior Civil Judge (Civil Division) Sargodha.



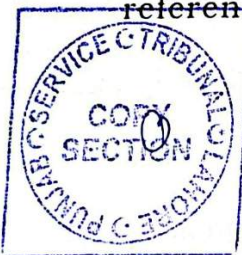
RESPONDENTS...

**APPEAL U/S 4 OF THE PUNJAB SERVICE
TRIBUNAL ACT 1974 AGAINST THE IMPUGNED
ORDER DATED 15-07-2025 PASSED BY THE
LEARNED SENIOR CIVIL JUDGE (CIVIL
DIVISION) SARGODHA WHEREBY APPELLANT
WAS AWARDED MAJOR PENALTY OF
REMOVAL FROM SERVICE AND IMPUGNED
APPELLATE ORDER DATED 13-09-2025
PASSED BY RESPONDENT NO-1.**

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, briefly stated, the facts of the case are as follows:**
That the appellant, having been appointed as a Process Server in the year 2001 through a regular

selection process, has remained in service for over two decades with a consistently unblemished and meritorious service record. This fact has not only been corroborated in the official service dossier of the appellant but also specifically acknowledged by the Inquiry Officer in para No. 07 of the inquiry report dated 23-06-2025.

3. That during the course of his posting at Civil Courts, Kot Momin, District Sargodha, the appellant was served with a charge sheet, the relevant contents of which are reproduced hereunder verbatim for ready reference:

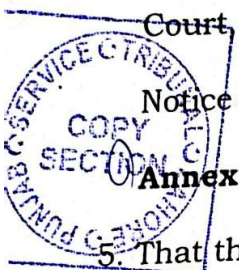


"That you while posted as Process Server, Civil Courts, Kot Momin, District Sargodha, were remained absent from your duties. Mr. Imran Muhammad Khan, learned Civil Judge Class-1, Kot Momin informed the office of learned Senior Civil Judge (Civil Division), Sargodha, that you were continuously remained absent from your duties on several days, particularly after 22.06.2022. Such reports were submitted by the said learned Judicial Officer on 29.06.2022, 30.06.2022, 01.07.2022, 02.07.2022, 04.07.2022, 05.07.2022, 06.07.2022, 07.07.2022 and 13.07.2022 which are available on the record having been presented to the learned Senior Civil Judge (Civil Division), Sargodha"

Copy of Charge Sheet is enclosed as **Annexure-A**.

4. That the show cause notice was served to appellant and in response to the show cause , the appellant submitted a detailed reply, unequivocally denying the allegations of willful absenteeism. It was humbly explained that the absence,

though regrettable, was not deliberate but necessitated by compelling personal and family circumstances, particularly relating to serious and life-threatening illnesses in the family. The appellant's aged parents remained under continuous medical care, and in the absence of any viable alternate caregiver, the appellant had to attend to them personally. It was further submitted that the appellant attempted to communicate his situation telephonically to the Nazir of the



Court, but the calls went unanswered. Copy of Show Cause Notice alongwith reply dated 02-07-2025 is enclosed as **Annexure-D/D-1.**

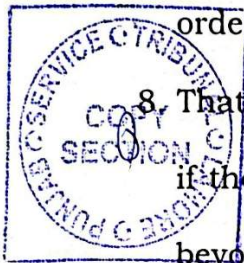
5. That the appellant also suffered a most tragic personal loss as his young son was diagnosed with cancer and despite prolonged treatment, unfortunately passed away in 2024. Thereafter, the appellant's father also passed away in 2025, while his mother remains critically ill to date. The appellant has appended medical prescriptions and supporting documents to demonstrate the genuineness of his personal crisis. In these extraordinary and traumatic circumstances, the appellant's inability to remain present at work on the specified dates should have been viewed through a humanitarian and sympathetic lens:

6. That the Learned Inquiry Officer, after affording due opportunity of defense and evaluating all relevant material including medical evidence, service record, and oral/written

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submissions, recommended a minor penalty of withholding of one annual increment for one year.

7. That in stark and unfortunate contrast, the Learned Senior Civil Judge (Civil Division), Sargodha, without assigning cogent, legal, or fact-based reasons, proceeded to enhance the penalty to "Removal from Service" vide Order No. 311/SCJ dated 15-07-2025, thereby overruling the findings of the Inquiry Officer and imposing a punishment grossly disproportionate to the alleged misconduct. Copy of Impugned order dated 15-07-2025 is enclosed as **Annexure-F**.

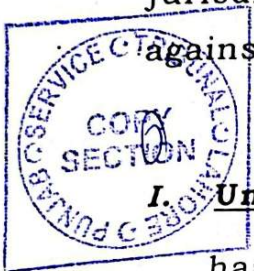


8. That it is an established principle of service jurisprudence that if the competent authority intends to impose a major penalty beyond what is proposed by the Inquiry Officer, it must first issue a show-cause notice and afford the civil servant a reasonable opportunity of being heard in accordance with Rule 6(3) of the Punjab Civil Servants (E&D) Rules, 1999, and the fundamental right to fair trial under Article 10A of the Constitution. In the present case, the appellant was neither served with any such notice nor granted any opportunity of personal hearing, making the impugned order liable to be struck down for procedural impropriety alone.

9. That felling aggrieved the appellant filed departmental appeal before Respondent No.2, The learned District & Session Judge Sargodha, against the order dated 15-07-2025. Copy of the appeal of the appellant is enclosed as **Annexure-G**.

10. That the appellate authority belatedly decided the appellant's appeal. However, the said decision was rendered without due consideration of the appellant's grounds and in complete disregard of the principles of natural justice, as the appellant was not afforded a proper opportunity of hearing. That respondent No-1 passed an impugned order dated 13-09-2025 and reject the appeal of the appellant. Copy of Impugned order dated 13-09-2025 is enclosed as **Annexure-H**.

11. That the impugned order dated 15/07/2025 passed by respondent No-2 and appellate order dated 13-09-2025 by respondent No-1 are illegal, without jurisdiction, ab-initio, void, arbitrary, discriminatory against law and facts on the following grounds:

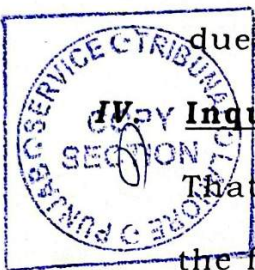


GROUND S

I. Unblemished Service Record: That the appellant has served the District Judiciary for over 22 years with a clean, unblemished service record, which is duly acknowledged in the inquiry report dated 23-06-2025. No previous instance of misconduct or dereliction of duty has ever been recorded against him.

II. Absence Was Not Willful: That the absence from duty was not intentional or willful, but the result of unavoidable and compelling personal circumstances, including the critical illness of both parents, the prolonged battle with cancer and eventual death of the appellant's son in 2024, and the subsequent death of the appellant's father in 2025.

III. Attempts to Inform the Office: That the appellant made bona fide efforts to inform the office, including multiple phone calls to the Nazir of the Court, which went unanswered. Thus, there was no deliberate concealment or avoidance of duty. The appellant's version is substantiated by medical prescriptions and records relating to the illnesses of his family members, which were duly placed on record during the inquiry proceedings and merit due consideration.



IV. Inquiry Officer Recommended Minor Penalty:

That the Inquiry Officer, after thoroughly assessing the facts and hearing the appellant, recommended a minor penalty of withholding of one annual increment, considering the mitigating circumstances and the principle of proportionality.

V. Penalty Enhanced Without Notice: That the Learned Senior Civil Judge (Civil Division), Sargodha, without issuing any show-cause notice or granting an opportunity of hearing to the appellant, arbitrarily enhanced the penalty to "**removal from service**", in gross violation of the principles of natural justice and mandatory procedural requirements under Rule 6(3) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1999.

VI. That the impugned order is not a speaking order and does not contain any cogent reasoning for

disagreeing with the findings of the Inquiry Officer, nor does it reflect any judicial application of mind to the facts or circumstances presented by the appellant.

VII. Punishment Not Commensurate with Misconduct:

That even otherwise, the alleged absence for a limited number of days — particularly when seen in the context of the appellant's over 22 years of clean and loyal service — does not justify the imposition of the major penalty of removal from service. The Hon'ble Supreme Court of Pakistan, in a landmark



and reported judgment titled "Muhammad Nasir Ismail v. Government of Punjab" (2025 SCMR 708), has categorically held that:

"Where the absence is for a short and isolated period, and the service record is otherwise clean, the imposition of a major penalty such as removal from service would be disproportionate, excessive, and liable to be set aside."

VIII. The appellant urges to consider the precedent set in the case of "Chief Secretary, Government of the Punjab versus Muhammad Ali Saqib (2020 SCMR 1245)." This precedent emphasizes the necessity of relying on concrete evidence before passing any punitive measures.

In conclusion, the appellant maintains his innocence and urges a fair and impartial consideration of the facts presented herein. The appellant trusts that justice will prevail in this matter.

IX. The appellant humbly submits that this principle should be ardently adhered to in the present case as well. In light of the arbitrary manner in which the inquiry proceedings were conducted, the undersigned believes that a comprehensive and impartial review of the evidence is of paramount importance. This approach not only safeguards the principles of natural justice but also upholds the integrity of the decision-making process.



X. That in light of the Honorable Supreme Court's guidance, the undersigned earnestly prays that the competent authority, in the spirit of justice, undertakes a diligent scrutiny of the documents and facts pertaining to this case. Such a discerning approach will undoubtedly lead to an equitable and just conclusion, affirming the undersigned's innocence and commitment to upholding the rule of law.

XI. 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.

XII. That furthermore, it is imperative to highlight another noteworthy pronouncement by the Honorable Supreme Court, as articulated in the recent judgment 2023 SCMR 1135. In this contemporary judgment, the Supreme Court emphasized that an inquiry should delve into the heart of the matter, ensuring a fair and equitable opportunity for the defense to present its case.



XIII. That allegations which made on me are made in hasty, mechanical, arbitrary and fanciful manner and without applying judicial and judicious mind, in slip-shod manner whereas under the law it is

required that when there is allegation has been made out it should be made with convincing reasons which are missing in the proceedings

XIV. That the impugned punishment order is wholly illegal, without jurisdiction, ab-initio void, arbitrary, against law and facts and the same is not sustainable in the eyes of law.

XV. That the appellant, with the permission of Honorable Court, may reserve a right to present more arguments and grounds during the proceedings of the instant appeal.

