

JUDGMENT SHEET

IN THE PUNJAB SERVICE TRIBUNAL, LAHORE

Appeal No.416 of 2025 "

Mr. Usman Amjad, Ex-Security Assistant R/o Post Office SA Fane Kalra Khasa, Tehsil and District Gujrat.

.....Appellant

VERSUS

1. The Speaker, Provincial Assembly of the Punjab, Lahore.
2. The Secretary General Punjab Assembly, Lahore.

.....Respondents



Appellant by:

- Allah Nawaz Khosa, Advocate, Counsel for the appellant.

Respondents by:

- Mr. Atta Muhammad Khan, learned District Attorney.
- Malik Khalil Ahmad, Additional Secretary, DR.

Date of hearing: 29.04.2026

JUDGMENT

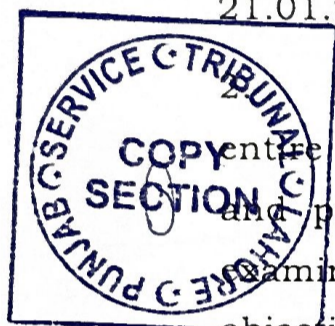
Sajjad Hussain Sindhar, Chairman- The appellant, through the instant appeal, has called in question the legality of order dated 11.10.2024 passed by respondent No.2 whereby major penalty of "Removal from Service" was imposed upon him under the provisions of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006, as well as appellate order dated 21.01.2025 passed by respondent No.1 whereby departmental appeal of the appellant was dismissed.

2. Briefly stated, facts of the case are that the appellant was appointed as Security Assistant on 14.06.2006 on regular basis and had served the department for about eighteen years. While serving in the Punjab Assembly Secretariat, he was placed under suspension vide order dated 05.08.2024 on allegations of inefficiency and misconduct. Thereafter, show cause notice dated 09.08.2024 was issued to him alleging that he had uploaded immoral videos on Facebook/social media causing embarrassment to the department

JUDGEMENT SHEET

Appeal No.416/2025

and violating Rules 21 and 22 of the Punjab Government Servants (Conduct) Rules, 1966. It was further alleged that the appellant was habitual in availing leave, causing inconvenience in office affairs. Subsequently, inquiry proceedings were initiated under the PEEDA Act, 2006 and the Inquiry Officer, after conclusion of proceedings, recommended imposition of major penalty of removal from service. Acting upon the said recommendation, respondent No.2 imposed the penalty of removal from service vide order dated 11.10.2024, which was subsequently upheld in departmental appeal vide order dated 21.01.2025. Hence this appeal.



Learned counsel for the appellant contended that the entire inquiry proceedings were conducted in utter disregard of law and principles of natural justice. It was argued that no forensic examination whatsoever was conducted to establish that the alleged objectionable material was uploaded or shared by the appellant from his personal account or device. It was further contended that neither screenshots nor original electronic record were ever confronted to the appellant during inquiry proceedings. Learned counsel further argued that no witness was produced during inquiry and no opportunity of cross-examination was afforded to the appellant. It was also submitted that the appellant had categorically denied his involvement from the very inception and asserted that his mobile phone remained unlocked due to his medical condition relating to heart disease and diabetes, therefore possibility of misuse by some unknown person could not be ruled out. Learned counsel further submitted that the appellant remained in service for eighteen years and no allegation of corruption, moral turpitude or financial loss to Government was ever attributed to him. Lastly, it was argued that the penalty imposed is highly disproportionate and harsh in the attending circumstances.

3. Conversely, learned District Attorney defended the impugned orders and submitted that the conduct of the appellant was unbecoming of a civil servant and had brought embarrassment to the department, therefore respondents were justified in imposing major penalty.

4. I have considered the arguments of both parties and perused the record.

JUDGEMENT SHEET

Appeal No.416/2025

5. The pivotal allegation against the appellant pertains to uploading/sharing objectionable or immoral material on social media. Admittedly, the entire case of the department rests upon electronic material allegedly associated with the appellant. However, the record reveals that no forensic examination of the alleged electronic evidence was ever conducted. Neither any forensic report was obtained nor any expert evidence was produced to establish authorship, origin or transmission of the alleged posts. The inquiry report is conspicuously silent regarding recovery of original electronic data, metadata, device examination or any digital verification process.

6. The Hon'ble Supreme Court of Pakistan in cases reported as 2021 SCMR 1077 and 2022 PLC (C.S) 474 has emphasized the necessity of proper forensic examination in matters involving electronic evidence. In absence thereof, attribution of electronic content to a delinquent employee becomes doubtful and unsafe for imposing a major penalty.



It is further observed that no witness was produced during inquiry proceedings to substantiate allegations against the appellant. The alleged objectionable material was never properly exhibited in accordance with law nor was the appellant confronted with authenticated copies thereof. Even otherwise, where disputed questions of fact involving controversial evidence arise, regular inquiry with full opportunity of cross-examination becomes indispensable. The record reflects that the inquiry proceedings lacked the essential attributes of a fair inquiry envisaged under law and Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973.

Another significant aspect of the matter is that the show cause notice itself suffers from vagueness. The notice neither specified exact particulars of the alleged posts nor disclosed the relevant dates, time, electronic source, URL or identity of material allegedly uploaded by the appellant. The Hon'ble Supreme Court in 2024 SCMR 80 has categorically held that a show cause notice must contain precise and definite allegations so that a delinquent employee may effectively defend himself. The show cause notice in the present case falls short of the standard laid down by the august Supreme Court.

Prof. Dr. M. Iqbal
1.

JUDGEMENT SHEET

Appeal No.416/2025

Nevertheless, despite the aforesaid infirmities, it cannot altogether be ignored that the appellant, being an employee of a sensitive institution, was expected to maintain a degree of caution and discipline in use of social media and personal devices. The material available on record indicates that the department had genuinely perceived the conduct complained of as embarrassing and unbecoming. Therefore, some degree of negligence on part of the appellant cannot be completely ruled out.

However, while examining proportionality of punishment, this Court cannot lose sight of the fact that the appellant remained in service for approximately eighteen years. No allegation of corruption, embezzlement, dishonesty or moral turpitude involving pecuniary loss

Government has surfaced against him. His previous service record has not been shown to contain any major misconduct warranting the extreme penalty of removal from service. The alleged misconduct essentially relates to disputed social media activity which itself remained unproved through legally admissible evidence.

It is settled law that punishment must be proportionate to the nature of misconduct proved on record. Even where some lapse is established, the competent authority is required to strike a balance between discipline and fairness. The extreme penalty of removal from service has severe civil consequences not only for the employee but also for his dependent family members. The appellant has specifically pleaded that several family members are financially dependent upon him and deprivation of employment would expose them to severe hardship.

Keeping in view the totality of circumstances, particularly: (i) absence of forensic examination regarding electronic evidence; (ii) non-production of witnesses during inquiry; (iii) vagueness in show-cause notice; (iv) denial of effective opportunity contemplated under law; (v) long service of about eighteen years rendered by the appellant; and (vi) principle of proportionality governing disciplinary proceedings,

I am of the considered view that ends of justice would be adequately met if the penalty of "Removal from Service" is converted into "Censure". Consequently, the appeal is **partly accepted**.



JUDGEMENT SHEET

Appeal No.416/2025

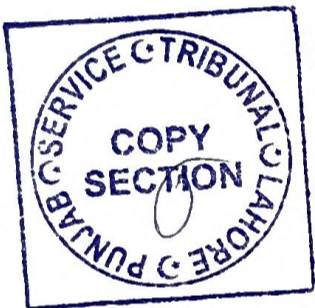
Impugned orders dated 11.10.2024 and 21.01.2025 are modified. The penalty awarded to the appellant is converted from "Removal from Service" to "Censure". The appellant shall be reinstated into service and the intervening period shall be treated as leave of the kind due.

[Signature]
CHAIRMAN

ANNOUNCED
29.04.2026

It is certified that this judgment consists of 05 pages and each page has been dictated, read and signed by me.

[Signature]
CHAIRMAN



[Signature]
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Registrar
Punjab Service Tribunal
Lahore

04/06/26

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