

APPEAL NO. 3147/2022 200
Ahtisham-ul-Haq

Versus

Regional Police Officer (RPO), Gujranwala and another

RESPONDENT

Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.
1	2

PRESENT

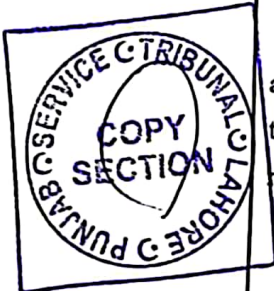
1. Mr. Allah Nawaz Khosa, Advocate
Learned counsel for the appellant.
2. Mr. Masood Karim, learned District Attorney.

Briefly stated the facts giving rise to the instant service appeal are that while posted as Constable in Punjab Constabulary, the appellant was proceeded against departmentally vide show cause notice dated 22.06.2021, containing following allegations:-

"It was intimated by Commandant Punjab Constabulary Farooqabad, vide his office letter No.2377/A, dated 28.04.2021 that after dismissal from service, he was reinstated in service by the DIG/Dy: Commandant Punjab Constabulary vide order No.5011-17/GA-II, dated 20.11.2020. His last Pay Certificate No.107/A, dated 08.01.2021 paid upto 30.09.2020 was received from the office of Battalion No.2 PC Rawalpindi on 03.02.2021 with recovery of pay. During this, his repatriation order to District Hafizabad were issued vide No.1040-59/IPP, dated 04.02.2021. After that he came to account branch PC Headquarters Farooqabad for his clearance certificate for departure but refused by the Pay Officer due to activation of his regular salary/ pendency of arrear bill as well as recovery amount of Rs.1,47,186/- against him. Later on, daily diary report No.12 dated 11.02.2021 of his departure alongwith clearance certificate received in Accounts Branch PC Headquarters on 11.02.2021 for issuance of Last Pay Certificate. During the scrutiny, it was observed that signatures of Accounts Branch official on his clearance certificate were fake which were not actually signed by the concerned official. At present an amount of Rs.58311/- is remaining against him.

The above resume shows that he is a cheater and fraudulent type police official. Thus he had committed gross misconduct, which warrants initiation of departmental action against him."

The competent authority appointed DSP/Headquarters, Hafizabad to conduct regular departmental inquiry. The inquiry officer held the appellant guilty and recommended departmental action against the appellant. On receipt of inquiry report, the competent authority



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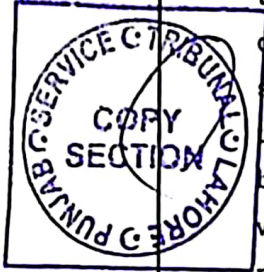
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issued the appellant show cause notice dated 07.05.2021 and thereafter awarded the appellant major punishment of 31.08.2021. Feeling aggrieved, the appellant filed departmental appeal, which stood rejected vide order 14.04.2022. Hence, the instant service appeal.

2. Arguments heard and available record perused.

3. In brief, the allegation against the appellant is that he made bogus signature of Accounts Branch Official on his clearance certificate. The basis and genesis of the impugned punishment is the regular inquiry proceedings conducted by DSP Headquarters, Hafizabad. The inquiry report has been gone through minutely with the assistance of learned District Attorney assisted by the departmental representative. The appellant got recorded his statement before the inquiry officer to the effect that he was transferred to District Hafizabad, vide order dated 04.02.2021, issued by SP/HQ Hafizabad after getting clearance, departure to his District vide Rapt No.12 dated 11.02.2021; he never committed fraud or manipulation in the official documents. The clearance certificate, which allegedly bears fake signatures, is available at page 18 of the case file, which contains signatures of many officials/ officers. It is not clear from the charge sheet that which signatures are fake/ bogus. It is generally charged that "signatures of accounts branch official on his clearance certificate were fake". The competent authority was under legal obligation to level the specific charge so as to enable the appellant to file reply with certainty. Which official/ officer of the Accounts Branch was required to put his signatures on the clearance certificate is not known. Neither statement of the official/ officer has been recorded, whose fake signatures were allegedly made on the clearance certificate. It is not revealed from the inquiry report that the document upon which fake signatures were made, was confronted to the appellant. The appellant stood firm in his stance before the inquiry officer, but he was not subjected to cross examination by the inquiry officer nor any prosecution witness was subjected to cross examination by the appellant. So, the inquiry proceedings are defective and does not conform the dictates of law, on the subject, hence, not tenable.

4. For the reasons recorded above, the instant service appeal is allowed and the impugned orders dated 31.08.2021 and 14.04.2022



"It is not clear from the charge sheet that which signatures are fake/bogus. It is generally charged that "Signatures of accounts branch official on his clearance certificate were fake." The competent authority was under legal obligation to level the specific charge so as to enable the appellant to file reply with certain. Which official/officer of the Accounts Branch was required to put his signatures on the clearance certificate is not known. Neither statement of the official/officer has been recorded, whose fake signatures were allegedly made on the clearance certificate. It is not revealed from the enquiry report that the document upon which fake signatures were made, was confronted to the appellant. The appellant stood firm in his stance before the enquiry officer, but he was not subjected to cross examination by the enquiry officer nor any prosecution witness was subjected to cross examination by the appellant. So, the enquiry proceedings are defective and does not conform the dictates of law, on the subject, hence, not tenable.

For the reason recorded above, the instant service appeal I allowed and the impugned orders dated 31.08.2021 and 14.04.2022 are set aside. Resultantly, the appellant is reinstated into service. The case is remanded back to the competent authority for conduct of denovo enquiry, in accordance with law. The fate of intervening period during which the appellant remained out of service would depend upon the outcome of denovo enquiry proceedings."

3. On receipt of orders from PST Lahore, he was provisionally reinstated into service vide this office order No.4219-21/SRC, dated 28.04.2023 and vide No.66/PA/RDE, dated 04.05.2023 directed SP/Investigation Hafizabad to conduct denovo enquiry into the matter in accordance with law and submit report. SP/Investigation Hafizabad finalized the denovo enquiry and submitted his report in which he stated that the delinquent official has deposited all pending dues in Accounts Branch PC Headquarter Farooqabad and got issued his LPC from the authority. The enquiry officer also recommended lenient view.

4. On receipt of enquiry report, he was called in orderly room on 26.10.23 and heard in person. **During personal hearing his oral submissions were considered and found satisfactory.** Moreover, the enquiry officer recommended lenient view. Therefore, by taking lenient view, his enquiry is hereby **FILED**. Earlier he was reinstated in service provisionally, now he is reinstated in service permanently with immediate effect. The period he remained out service shall be treated as without pay.

5. Issue order in OB and all concerned to note.

Order announced.


(FAISAL GULZAR)

District Police Officer, Hafizabad

OB/OSI/SRC/ACCTT/HRMIS
Official Concerned through OSI.