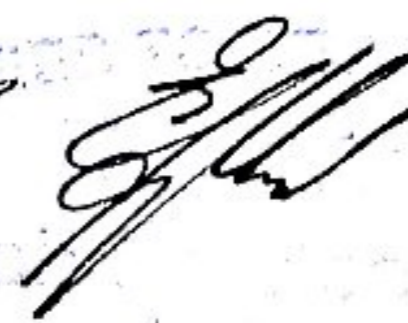


5. ~~The authority without~~ <sup>3.</sup> adopting the recognized manner and mode of disciplinary proceedings imposed major penalty of dismissal from service which could not be made without due course of law as pronounced by the Hon'ble Supreme Court of Pakistan in 2009 PLC (CS) 19 "In case of imposing major penalty, the principle of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defence and personal hearing was to be provided to the civil servant proceeded against".


6. For what has been stated above, this appeal is **allowed**, impugned orders are set aside. Appellant is reinstated into service and the case is remanded to the Competent Authority for its disposal afresh by giving an opportunity of fair trial to the appellant. The nature of intervening period shall be determined after the outcome of inquiry proceedings. Be consigned.

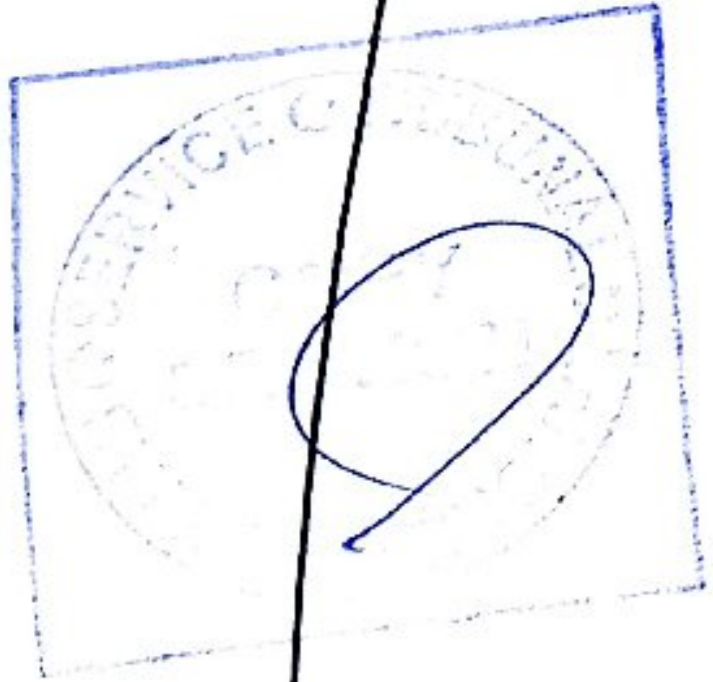
  
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Sarwar Ateeq Pasha  
**Versus**Provincial Director, Local Fund Audit (Finance Department) Punjab  
Lahore and another **RESPONDENT**

Serial No. of order of proceeding	Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.
1	2	3
	27.11.2023	<p><u>PRESENT</u></p> <ol style="list-style-type: none"> <li>1. Mr. Allah Nawaz Khosa, Advocate Counsel for the appellant.</li> <li>2. Hafiz M. Asif, D.D.A.</li> </ol> <p>Briefly, disciplinary proceedings were initiated against the appellant under the PEEDA Act, 2006 on the charge of willful absence from duty without any leave or prior permission from the Competent Authority. Resultantly, the Competent Authority/Divisional Director proceeded against the appellant on ex-parte basis and awarded major punishment of "Dismissal from service" vide order dated 25.11.2022. Appellant filed departmental appeal before the Provincial Director which was rejected vide order dated 08.02.2023. Hence this appeal.</p> <ol style="list-style-type: none"> <li>2. Arguments heard, record perused.</li> <li>3. It is evident from order dated 25.11.2022 passed by the Competent Authority that before passing the final order of dismissal of the appellant he was summoned for appearance but he did not turn up. The Competent Authority passed an order of dismissal in absentia which was upheld by the appellate vide order dated 08.02.2023.</li> <li>4. Appellant contended that he was never served with show cause notice/charge sheet, neither any hearing notice nor any notice regarding personal appearance.</li> </ol>

