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	07.12.2023	PRESENT 1. Mr. Allah Nawaz Khosa Advocate, Counsel for the appellant 2. Hafiz Muhammad Asif, D.D.A. 3. Mr. Nazim Ali, S.I, D.R. Brief facts of the case are that the appellant was working as Corporal in Counter Terrorism Department, Punjab. He was proceeded under Punjab Police (E&D) Rules, 1975 on the charge that he was found absent from duty recorded vide D.D No.6, dated 26.04.2019 and that he torn 07 pages from the Roznamcha including the page showing his absence. An inquiry into the aforesaid charges was carried out and finally the competent authority, vide order dated 31.07.2019 imposed upon the appellant the major penalty of "dismissal from service". Against the aforesaid order, after availing the departmental remedy, the appellant approached Punjab Service Tribunal through Service Appeal No.5835/2019, which was partially accepted, vide order dated 31.08.2020, the appellant was reinstated into service and the matter was remanded to the competent authority for denovo inquiry. 07/12/23 2. On remand of the case by Punjab Service Tribunal, the denovo inquiry was conducted and ultimately the appellant was awarded the punishment of "reduction in pay for 02 years", vide order dated 11.02.2021, however the intervening period for which he remained out of service was ordered to be treated as "leave without pay". The appellant filed departmental appeal, which was dismissed on 06.09.2022. Hence, this appeal.

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		3. Learned counsel for the appellant as well as learned Deputy District Attorney having been heard at length, the relevant record has also been perused.
		4. The facts of the case are almost admitted to the extent of absence of the appellant on 26.04.2019, which the appellant has also impliedly conceded in his reply to the charge sheet by narrating that on account of participation in some departmental course, the District Officer (CTD), Jhelum was at Islamabad and S.I Muhammad Arshad was performing duty as the District Officer, from whom he sought leave telephonically, which was subsequently refused. However, it was not established even in the denovo inquiry that who was actually responsible for tearing off the aforesaid seven papers from the Roznamcha, whether it was the appellant or the custodian of the said Roznamcha i.e. the concerned Moharrir. In the aforesaid circumstances, the punishment so imposed upon the appellant appears quite harsh qua the gravity of charge established against him.
		5. Moreover, the impugned order dated 11.02.2021 passed by SSP (Admin), CTD, Punjab, Lahore also appears inappropriate in as much as totally depriving the appellant from the salary for the period he remained out of service. In this regard, it is noteworthy that once the competent authority had decided not to keep the appellant out of service, there remained no justification with the authority to deprive the appellant of availing the benefits he had earned during his previous service i.e. the 'leave due'.

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6. Consequent upon the aforesaid findings, the appeal in hand is **partially allowed** and the impugned order dated 06.09.2022 is set aside, whereas the impugned order dated 11.02.2021 is modified in that the punishment of "reduction in pay for two years" is converted into "stoppage of one increment for one year" and that the intervening period for which the appellant remained out of service shall be treated as "leave of the kind due".

ANNOUNCED
07.12.2023

SHAKIR HASSAN
D&SJ/MEMBER-II