

JUDGMENT SHEET
IN THE PUNJAB SERVICE TRIBUNAL LAHORE

Appeal No.90 of 2022

SHAMIM ASIF, MEMBER-V

Muhammad Atif, s/o Muhammad Yasin Athar, Ex-Field Assistant
R/o Chak No.15/1-L Post Office Ajeet Sir, Tehsil Renala Khurd,
District Okara

..... Appellant

VERSUS

1. The Director General (Production), Livestock and Dairy Development, Punjab, 16-Cooper Road, Lahore
2. Additional Director (Hqr) Director of General (prod). L&DD, Punjab, Lahore

..... Respondents

Appellant by: Mr. Allah Nawaz Khosa, Advocate
Counsel for the appellant.



Respondent by: Mst. Saima Nawaz, Dy. District Attorney.
Mr. Rameez Ahmad Khan Admn. Officer, D.R

Date of hearing: 22.12.2022.
Date of order: 22.12.2022.

JUDGMENT

Shamim Asif, Member– Brief facts of the case are that the appellant was proceeded against departmentally under PEEDA Act, 2006 by way of charge sheet dated 27.07.2021 on the following charges:-

Thaqir

1. Guilty of misconduct and inefficiency.
2. Negligence & cheating/deceiving the authority in performance of duties.
3. Non-compliance of instructions issued time to time.
4. Habitual submitting false and fabricated/fake complaints against the management of the farm just to achieve his ulterior motives.
5. Non-cooperative, not sincere with his official duties. Your performance is poor.
6. Always busy just managing complaints in the Anti-Corruption Establishment as well as CM Portal only loss of time against the official decorum.
7. Involves in subversive activities and giving threats to other staff and black-mailing.
8. Reluctant to take interest in the performance of official duties. You are also involved to create problems in Farm activities due to which any mishap can occur.

JUDGMENT SHEET

Appeal No.90/2022

An inquiry into the matter was got conducted. Resultantly, after issuance of show cause cum personal hearing dated 23.08.2021 to the appellant was awarded major penalty of "Removal from Service coupled with recovery of Rs.25000/-" vide order dated 01.09.2021. Feeling aggrieved, the appellant filed departmental appeal which was rejected vide order dated 17.11.2021. Hence this appeal.

2. Arguments heard and record perused.

3. After giving due consideration to the arguments put forth by both the parties, the Court is inclined to agree with the submissions made by the learned counsel for the appellant that charges framed in the charge sheet are not specific rather of generic nature. Further stated that inquiry has been conducted in defective manner as no documentary evidence is on the record against the appellant with regard to charges. Further contended that no right of cross examination was provided to the appellant. Further added that the appellant was applied time and again for providing him inquiry report but the same was not provided.



4. It is evident from the impugned order dated 01.09.2021 that the inquiry officer in his inquiry stated that during the course of inquiry it transpired that the accused have illegally been received Rs.25000/- on account of land rent from Mr. M. Abbas, Pattadar of LES Shergarh and did not deposit into government treasury whereas the said charge was not mentioned in the charge sheet which was issued to the appellant.

Thaqur...

5. It is observed that the quantum of punishment awarded to the appellant is not commensurate with the gravity of charges. Philosophy of punishment was based on the concept of retribution which might be either through the method of deterrence or reformation. Purpose of deterrent punishment was not only to maintain balance with the gravity of wrong done by a person but also to make an example for others as a preventive measure for reformation of society. Concept of minor penalty in law was to make an attempt to reform the individual wrong doer.

6. In view of above discussion, this appeal is partially allowed with the modification in the impugned order by converting the penalty of removal from service into stoppage of one increment for

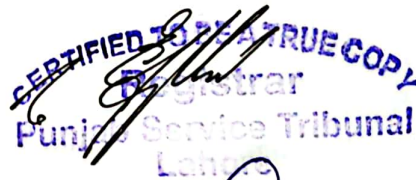
JUDGMENT SHEET

Appeal No.90/2022

a period of one year. The appellant shall stand reinstated into service. The intervening period which he remained out of service shall be treated as leave of the kind due. Consequences follow. File be consigned to record room.

Shamim Asif
(SHAMIM ASIF)
MEMBER-V

ANNOUNCED
22.12.2022



12/3/24

Punjab Service Tribunal Lhr. Form No.....

1128-29

Date of submission of application for certified copy.....	<i>8-3-24</i>
The date on which the copy was completed, examined & compared.....	<i>12-3-24</i>
Total number of Pages.....	<i>25</i>
The cost of copy as prescribed under the rules	
Urgent fee per page..... Normal fee per page.....	<i>5</i>
Total cost / fee.....	<i>125</i>
Date of Delivery.....	<i>12-3-24</i>
Initial of examiner / Copy Clerk.....	<i>[Signature]</i>