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14.05.2024

PRESENT

1. Mr. Allah Nawaz Khosa Advocate,
   Counsel for the appellant.
2. Mr. Atta Muhammad Khan, District Attorney.
3. Mr. Asim Gulzar, S.I, D.R.
4. Mr. Nazim Ali, S.I, D.R.
5. Mr. Abaid-ur-Rehman, Constable, D.R.
6. Mr. Abdul Shakoor, ASI, D.R.

Brief facts of the case are that the appellant was proceeded against under PEEDA Act, 2006 on the following charge:-

"On 15.11.2006, Mr. Rana Fazal Elahi, DSP/Investigation Branch Punjab, Lahore, paid a surprise visit to PS Danewal and observed the following irregularities/deficiencies:-

You being I.O of the following case kept the challan with you unnecessarily and submit the same after a considerable delay:-

Sr. No.	*FIR No.*	*Months*	*Days*
1.	*327/05*	*6*	*19*

Resultantly, appellant was awarded penalty of "Censure" by the respondent No.2 i.e. District Police Officer, Khanewal vide order dated 30.04.2008. Feeling aggrieved the appellant preferred departmental appeal before respondent No.1 i.e. Deputy Inspector General of Police, Counter Terrorism Department, Punjab, Lahore which was rejected vide order dated 25.02.2021. Hence the instant appeal before this Tribunal on 16.03.2021.

2. Learned counsel for the appellant as well as learned Deputy District Attorney having been heard at length, the available record has also been perused.

3. After hearing the learned counsel for the appellants and learned Deputy District Attorney on behalf of the respondents and perusal of file I am of the opinion that the appellant was

14-5-2024

1	2	3

departmentally proceeded against for:-

"On 15.11.2006, Mr. Rana Fazal Elahi, DSP/Investigation Branch Punjab, Lahore, paid a surprise visit to PS Danewal and observed the following irregularities/deficiencies:-

You being I.O of the following case kept the challan with you unnecessarily and submit the same after a considerable delay:-

Sr. No.	*FIR No.*	*Months*	*Days*
1.	*327/05*	*6*	*19*

And the appellant was imposed with the penalty of censure, his departmental appeal was also rejected.

4. I have heard the learned counsel for the appellant as well as learned District Attorney on behalf of the state at length and perused the record. From perusal of record, it appears that the appellant has filed detailed explanation in which he stated that he had submitted the challan in the prosecution branch in time, however, the delay was occasioned due to the late approval of the challan in Prosecution Branch. That the appellant has not committed any wrong doing in the matter. From perusal of file, it appears that the matter relates to the Year-2008, while a considerable time has lapsed since then. Moreover, the explanation given by the appellant is plausible to some extent. So, the impugned order is not justified in the given circumstances of the case.

5. For the above discussed reasons, the impugned orders being unsustainable in law, the instant appeal is accepted and the impugned orders are set aside.

Mian Muhammad Abdul Rafique
D&SJ/MEMBER-VI

24/7/24

BEFORE THE PUNJAB SERVICE TRIBUNAL, LAHORE.

Appeal No......./2021

Inspector Abdul karim No.C/1138 currently posted at Counter Terrorism Department, vehari.

.....Appellant

VERSUS

1. The Deputy Inspector General, Counter Terrorism Department, Lahore.
2. The District Police Officer, Khanewal.

.....Respondents

APPEAL UNDER SECTION 04 OF SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 30.04.2008, COMMUNICATED ON 01.03.2021 OF PUNISHMENT OF CENSURE BY THE PUNISHING RESPONDENT.

Respectfully Sheweth:-

1. That the names and address of the parties have correctly been given in the head note of instant Appeal for the purpose of services and all other allied communications.
2. That succinct facts progenerating the instant Appeal are that allegedly the appellant, while posted as SHO PS Danewal district Khanewal was proceeded against departmentally by the District Police Officer Khanewal on charge of not submitting challan of Case FIR No. 327/05 late in court.
3. That the appellant was served with a showcause notice. Copy of Showcause notice is enclosed as **Annexure-A**.
4. That the appellant submitted his written reply within in time. Copy of reply is enclosed as **Annexure-B.**
5. That the appellant was awarded with punishment of Censure by the respondent. These orders were not communicated to appellant. Copy of order of punishment is enclosed as **Annexure-C.**
6. That orders dated 30.04.2008 passed by the Respondent were not communicated to appellant. During recent process infliction of this punishment on 07.04.2020, appellant filed application through District Officer CTD Vehari to Regional Office, CTD. Multan, Region Multan, upon which copy of the orders was supplied to appellant on 15.04.2020. copies of application with forwarding letter and are enclosed as **Annexure-D,& D/1**.
7. That appellant preferred an appeal to respondent No. 01 against the impugned order dated 01.05.2008 after the communication on dated 14.04.2020 and appeal was preferred on 12.05.2020 which was being rejected by the respondent No. 01. Copies of appeal and order of rejection of appeal is enclosed as **Annexure- E & E/1**.
8. That orders dated 01.05.2008 are not maintainable and liable to be set aside, inter alia, on the following: -

Grounds.

(2)

1. That the impugned orders are illegai, ultra-vires and contrary to the mandatory provisions of law/ rules on the subject
2. That neither any proper nor preliminary enquiry was conducted into the matter against the appellant. As such he was opportunity of defence. deprived of
3. That appellant always performed his duty with devotion and sense of responsibility. He has been punished for no fault on his part.
4. That the allegation leveled against the appellant are against the facts on record. In fact, investigation of case was FIR No. 15/07 dated 13.01.2007 u/s 13-20-65 A.O PS Machiwasl was finalized and challan was sent to prosecution brance which was further sent to court by the prosecution branch late. As such appellant did not commit any misconduct, appellant punished without any fault on his past. Copy of FIR with index are enclosed as **Annexure-F & F/1.**
5. That the orders passed by the Respondents are not only against the law and facts but also contrary to well established principle of justice, equity and good conscience.

6. That Respondents have not seen the case in its true perspective thus has committed material illegalities and irregularities while passing the impugned judgment and decree, which has resulted in grave miscarriage of justice.
7. That the orders have been passed by the respondents in hasty, mechanical, arbitrary and fanciful manner and passed without applying judicial and judicious mind, in slip-shod manner, whereas under the law it is required that the order should be passed with convincing reasons, which are missing in the impugned orders.
8. That act of the respondents are highly objectionable, arbitrary, fanciful against the mandate and demand of constitution as well as law. That it is the duty of every public functionary who acts on behalf of Government to act according to the law, fairly and justly with the citizens of this country.

Prayer:-

In view of above facts it is respectfully prayed that by accepting this appeal the impugned order dated 01.05.2008 passed by respondent No. 2, thus be set-aside.

(3)

Any other relief, which this Hon'ble Court may deem fit and proper may also be awarded to the appellant, in the interest of justice.

.....Humble Appellant

Through Counsel:-

Allah Nawaz Khosa

Muhammad Rehan Baqir
Advocates High Court,
Office# 09, Ground Floor
Peoples Buildings, 05-Link
Farid Kot Road, Lahore.

PUNJAB SERVICE TRIBUNAL LAHORE COPY SECTION

CERTIFICATE:-

Certified that as per instructions given the appellant, this is first petition on behalf of the appellant against impugned orders.

Advocate

CERTIFIED TO BE A TRUE COPY
Registrar
Punjab Service Tribunal
Lahore

4/7/24