

# PUNJAB SERVICE TRIBUNAL, LAHORE

## ORDER SHEET

2493/2021

APPELLANT/  
PETITIONER

APPEAL NO. \_\_\_\_\_ 200  
Abdul Karim, Inspector No.C/1138

**Versus**

Department: Police

**RESPONDENT**

Date of order of proceeding	Order with signature of Chairman, Members and that of parties or counsel, where necessary.	
1		2
25.04.2024	PRESENT	<ol style="list-style-type: none"><li>1. Mr. Allah Nawaz Khosa, Advocate Counsel for the appellant.</li><li>2. Mr. Atta M. Khan, District Attorney.</li><li>3. Mr. Nazim Hussain, SI, DR.</li><li>4. Mr. Asim Gulraiz, SI, DR.</li></ol> <p>The appellant was proceeded against departmentally under Punjab Employees Efficiency, Discipline &amp; Accountability Act, 2006 on the following allegations:-</p> <p><i>"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:-</i></p> <p><i>As SHO you failed to write mandatory diary in the Roznamcha regarding Govt. properties."</i></p> <p>On the above said allegations, the appellant was awarded penalty of "Censure. His departmental appeal was rejected. Hence, the instant appeal filed before this Tribunal.</p> <ol style="list-style-type: none"><li>2. I have heard the learned counsel for the appellant, learned District Attorney on behalf of the state and on record.</li><li>3. The appellant was proceeded against for his failure to write mandatory diary regarding Government property. The appellant has filed a detailed reply, in which, he has stated that he has not committed any wrong doing and he had entered in the Roznamcha about Government property. In this regard, a Rappat No.9 dated 09.11.2007 is also available on record. From</li></ol>

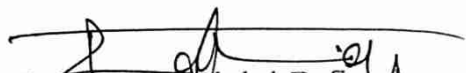


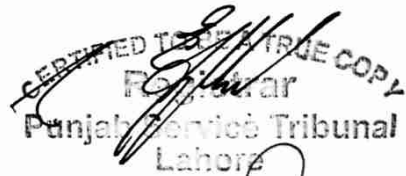
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which, it appears that the Departmental Authorities, taking into consideration the version of the appellant has passed the impugned punishment. In view of the Rappat available on record, there is no justification for upholding the said punishment. The impugned orders of the Departmental Authorities are set aside. Resultantly, the instant appeal is accepted.

  
**Mian Muhammad Abdul Rafique**  
 D&S, Lahore



4/7/24

2677-24

Punjab Service Tribunal Lhr. Form No. _____	
Date of Submission of application for certified copy.....	4-7-24
The date on which the copy was completed, examined & certified.....	4-7-24
Total number of pages.....	43
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BEFORE THE PUNJAB SERVICE TRIBUNAL, LAHORE.

①

Appeal No. 2493/286/2021

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.

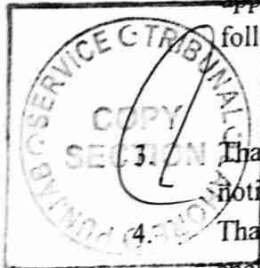
1161  
16-3-21

.....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 was proceeded against departmentally by the Respondent No. 02 on following charge:-
  - i. As SHO he failed to write mandatory diary in Rozanamcha regarding Government Properties.
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 app llant 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 30.04.2008 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 30.04.2008 are not maintainable and liable to be set aside, inter alia, on the following: -



## Grounds.

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1. That the impugned orders are illegal, 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. On checking Malkhana, Arms/Ammunition and Govt. Properties all the articles were found correct according to entries in Register No. 16. In this respect appellant recorded entry No. 09 dated 08.11.2006 in the Roznamcha. A copy of DD entry is enclosed as **Annexure-F**.
5. That neither any proper inquiry nor preliminary inquiry was conducted into the matter against the appellant.
6. 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.  
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.
8. 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 slipshod manner, whereas under the law it is required that the order should be passed with convincing reasons, which are missing in the impugned orders.
9. 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 30.04.2008 passed by respondent No. 2, thus be set-aside.

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.

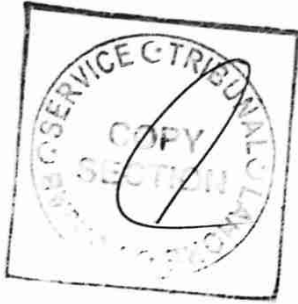
.....Humble Appellant

Through Counsel:-

*[Signature]*  
Allah Nawaz Khosa

*[Signature]*  
Muhammad Rehan Baqir

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

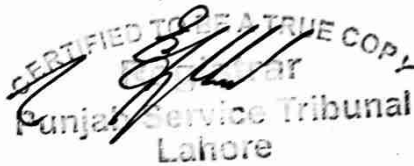


**CERTIFICATE:-**

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

Advocate

*[Signature]*



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2/17/24