

PUNJAB SERVICE TRIBUNAL, LAHORE

ORDER SHEET

2489/2021

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

1. Mr. Allah Nawaz Khosa, Advocate
Counsel for the appellant.
2. Mr. Atta M. Khan, District Attorney
3. Mr. Nazim Hussain, SI, DR.
4. Mr. Asim Gulraiz, SI, DR.



The appellant was proceeded against departmentally under Punjab Employees Efficiency, Discipline & Accountability Act, 2006 on the following allegations:-

S. No.	Observation/irregularities	Particulars of the case
1.	Following cases pertaining to the period from 01.07.2007 to 30.09.2007 were still pending investigation and no genuine efforts were made to finalize the investigation of the cases. RPO/Multan has desired to take disciplinary action against you.	FIR No 158/07 159/07, 160/07, 161/07, 176/07, 177/07, 180/07, 188/07, 193/07, 203/07, 214/07, 215/07, 217/07, 219/07, 220/07, 223/07, 225/07, 226/07, 229/07, 237/07, 241/07, 160/07, 173/07, 238/07, 204/07, 236/07, and 240/07.

On the above said allegations, the appellant was given a penalty of "Censure". His departmental appeal was rejected. Hence, the instant appeal filed before this Tribunal.

25-4-2024

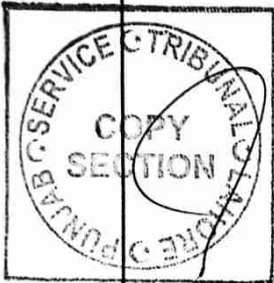
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2. I have heard the learned counsel for the appellant, learned District Attorney on behalf of the state and perused the record.

3. From the perusal of the record, it appears that the appellant has filed a detailed explanation. He has stated that the Challans of the said cases as referred in the impugned order have already been sent up and no challan was remained pending in the said cases. From further perusal of the file, it appears that the appellant was proceeded against in supervisory capacity and not in personal capacity. There is no evidence available on record that appellant was himself the I.O of the said cases and he had committed any default in preparing of the Challans.

4. So, the Departmental Authority has not taken into consideration relevant facts of the case as well as explanation of the appellant and awarded the punishment against the appellant without any reason and justification. Hence, the impugned orders of the Departmental Authorities are not sustainable in the view of written explanation of the appellant. Hence, the same are set aside. The instant appeal is accepted.



Mian Muhammad Abdul Rafique
D&SJ/Member III

Punjab Service Tribunal Lhr Form No. 2678-27

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Lahore

9/7/27

BEFORE THE PUNJAB SERVICE TRIBUNAL, LAHORE.

Appeal No. 2489/2021

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 01.05.2008, 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 Kohna district Khanewal was proceeded against departmentally by the District Police Officer Khanewal on charge of not submitting complete challans by the investigating officers.
That the appellant was served with a showcause notice vide No. 472/PA dated 19.03.2008. Copy of Showcause notice is enclosed as **Annexure-A**.
That the appellant submitted his written reply within in time. Copy of reply is enclosed as **Annexure-B**.
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 01.05.2008 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: -



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16-3-21

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 appellant , on posting as SHO PS Khanewal Khona, called meeting of all investigating officers and imparted out efforts to arrest the remaining accused persons and submit complete challans in the court. As a result complete challans were sent to courts expect 06 cases. This target was achieved due to hectic efforts of appellant. In these circumstances instead of appreciation, appellant punished without any fault on his past.
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.



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.

That the orders have been passed by the respondents in haste, 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.

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.

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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
Allah Nawaz Khosa

Muhammad Rehan Baqir
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

Muhammad Rehan Baqir

[Signature]
CERTIFIED TO BE A TRUE COPY
Registrar
Punjab Service Tribunal
Lahore

[Signature]
4/7/24