

GOVERNMENT OF PAKISTAN
DIRECTORATE GENERAL PAKISTAN POST OFFICE, ISLAMABAD



DIRECTOR GENERAL'S CIRCULAR NO. 1

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PART-I

APPOINTMENTS, PROMOTIONS, POSTING AND TRANSFERS OF OFFICERS OF PAKISTAN POST OFFICE

I. RETIREMENT OF BPS-17 OFFICER UNDER THE PAKISTAN POST OFFICE DEPARTMENT ON ATTAINING THE AGE OF SUPERANNUATION (I.E. 60 YEARS).

In partial modification of this office letter of even number dated 20-04-2020 the revised orders in respect of the following officers consequent upon their promotion is hereby conveyed as under:-

S. No	Name of Officer	BPS	Date of Birth	Date of Retirement on superannuation
1.	Mr. Khawaj Muhammad, Assistant Director (D&D), Dte- General PPO, Islamabad	17	11-04-1961	10-04-2021
2.	Mr. Qaiser Sajjad, Assistant Director (Ins), Dte- General PPO, Islamabad	17	10-04-1961	09-04-2021
3.	Mr. Abdul Qadir, Assistant Director, Dte- General PPO, Islamabad	17	08-04-1961	07-04-2021

{No. S. 8-10/97-III (P-I)
Dated: 06-01-2021 }

II. PROMOTION / TRANSFER / POSTING IN BPS-17/18 (GENERAL CADRE) IN PAKISTAN POST OFFICE DEPARTMENT, ISLAMABAD.

Consequent upon promotion of Assistant Director (BS-17) to the post of Deputy Director (BPS-18) and Superintendent (BS-17) to the post of Assistant Director (BS-17) in the Directorate General, Pakistan Post Office Department vide this office Notification No. CP. 3-7/2009 dated 10-12-2020, the Director General, Pakistan Post Office Department has been pleased to order posting / transfer of following officer in the cadre of Deputy Director (BPS-18) / Assistant Director (BS-17) with immediate effect and until further orders:-

S. No	Name of Officer	Post Held	Post against which posted
1	Mr. Amjad Ali Abbasi	Asstt. Director (Law) (BPS-17), Dte- General, PPOD, Islamabad	Dy. Director (PA&P) (BS-18), Dte- General, PPOD, Islamabad against vacant post, due to retirement of Mr. Abdul Haleem Arain

			w.e.f 25-12-2020
2	Mr. Abdul Qadir	Superintendent (PA&P) (BPS-17), Dte- General, PPOD, Islamabad	Assistant Director (Law) (BPS17), Dte- General PPOD, Islamabad falling vacant due to promotion of Mr. Amjad Ali Abbasi

2. The above named officers will be on probation for a period of one (01) year from the date they will actually assume the charge of the post. This period may be further extended by another one year, if considered necessary by the competent authority in terms of Rule 21 (1) (2) and (4) of Civil Servant (Appointment, Promotion and Transfer Rules, 1973).

3. Usual charge reports should be submitted to all concerned.

{No. S.15-2/96(Pt)(P-I)

Dated: 31-12-2020}

III. DISTRIBUTION OF WORK OF OFFICERS IN THE DTE-GENERAL PAKISTAN POST, ISLAMABAD.

The competent authority has been pleased to order that during absence due to leave, training, official tour in and outside Pakistan for less than one month, the work of officer shown in column-I will be looked after by the officer indicated in column-II and vice versa in addition to their own duties:-

Sl. No.	Column-I	Column-II
BPS-17		
1.	Assistant Director (D&D)	Assistant Director (Law)

2. In case of absence on training, tour leave etc of both the officers shown in the above pairs, concerned subordinate officer / Section shall submit cases direct to the next higher authority.

{No. S.17-5/88 (Pt)

Dated: 03-12-2020}

IV. TRANSFER / POSTING OF OFFICERS IN BPS-17 (ACCOUNTS CADRE UNDER PAKISTAN POST OFFICE DEPARTMENT).

In accordance with this office letter No. Estt. 12-1/2020 (Pt-I) dated 16-12-2020, the posting / transfer issued vide this office letter No. S. 6-6/90-XI (P-I) dated 10-12-2020 are accordingly modified to the following extent:-

SL. No.	NAME OF OFFICER	POST HELD	POST AGAINST WHICH POSTED
1	Mr. Imran Siddique	Asstt. Accounts Officer, ECO Postal Staff College Islamabad (designated)	Asstt. Accounts Officer, (BPS-17) FC, AJK & GB Circle Islamabad against a vacant post by terminating existing arrangement, if any.

2. The posting transfer orders dated 10-12-2020 shall be deemed to have been modified to above extent w.e.f the date of issuance i.e 10-12-2020. Further above orders are subject to modification on final decision regarding restructuring of FC, GB& AJK Circle Islamabad.
3. Usual charge reports should be submitted to all concerned.

{No. 3-1/2000-VII (P-I)
Dated: 23-12-2020}

V. RETIREMENT OF BPS-16 OFFICER UNDER THE PAKISTAN POST OFFICE DEPARTMENT ON ATTAINING THE AGE OF SUPERANNUATION (I.E 60 YEARS).

On attaining the age of superannuation i.e. 60 years, the following officer under the Pakistan Post Office Department will stand retired from Government Service, with effect from the date mentioned below:-

S. No.	Name of Officer	BPS	Date of Birth	Date of Retirement on superannuation
1.	Mr. Farman Ullah, Junior Accountant, Dte- General PPO, Islamabad	16	01-12-1961	30-11-2021

{No. S.8-10/97-III (P-I)
Dated: 06-01-2021}

VI. TRANSFER / POSTING OF OFFICERS OF COMPUTER CADRE (BPS-16) UNDER THE PAKISTAN POST OFFICE DEPARTMENT.

The competent authority has been pleased to order the transfer / posting in the cadre of Computer Operators (BPS-16) in the interest of service with immediate effect and till further orders:-

Sl. No.	Name of Officer	Post Held	Post against which posted
1.	Mirza Nadeem Baig	Computer Operator (BPS-16) Savings Branch, Dte-General PPO, Islamabad	Computer Operator (BPS-16) (IT Wing) Dte- General, PPO, Islamabad

2. The above named officer is directed to report to System Analyst Dte-General Pakistan Post Office Islamabad.

3. Usual charge reports should be submitted to all concerned.

{No P.I. 6-1/2002-I
Dated: 16-12-2020}

PART-II
RULES AND REGULATIONS

I. AMENDMENTS IN POST OFFICE MANUALS.

No. Disp. 19-4/2020: The Civil Servants (Efficiency and Discipline) Rules, 2020 published in the Cabinet Secretariat (Establishment Division) Extraordinary Gazette Notification No. SRO, 1331(1) /2020 dated 11-12-2020 is circulated as Annexure for compliance by a concerned.

2. Necessary amendments may be made accordingly in the working copies of the Post Office Manual Volume-III Revised Edition (Corrected upto 1st January, 2005).

{No. Disp. 19-4/2020
Dated: 31-12-2020}

REGISTERED No. $\frac{M - 302}{L - 7646}$

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The Gazette  **of Pakistan**

EXTRAORDINARY
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ISLAMABAD, FRIDAY, DECEMBER 11, 2020

PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN
CABINET SECRETARIAT
(Establishment Division)

NOTIFICATION

Islamabad, the 11th December, 2020

S. R. O. 1331(I)/2020.—In exercise of the powers conferred by sub-section (1) of section 25(1) of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification No. S.R.O. No. 120(I)/1998, dated the 27th day of February 1998, the Prime Minister is pleased to make the following rules, namely:—

1. **Short title, commencement and application.**—(1) These rules shall be called the Civil Servants (Efficiency and Discipline) Rules, 2020.

(2) These shall come into force at once and shall apply to every Civil Servant.

2. **Definitions.**—(1) In these rules, unless there is anything repugnant in the subject or context requires otherwise,—

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- (a) "Act" means Civil Servants Act, 1973 (Act No. LXXI of 1973);
 - (b) "accused" means a civil servant against whom action is initiated under these rules;
 - (c) "authority" means the appointing authority as prescribed in rule 6 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973:

Provided that where proceedings under these rules are to be initiated against two or more civil servants jointly, the authority in relation to senior most civil servant in rank shall be the authority in respect of all the accused:

Provided further that in all such cases where the President or the Prime Minister is the authority, all functions of the authority under these rules, except approval of initiating the disciplinary proceedings, appointment of a hearing officer and final decision on the report of inquiry officer or the inquiry committee, shall be performed by the respective cadre administrator.

- (d) "appellate authority" means the appellate authority as defined in the Civil Servants (Appeal) Rules, 1977;
- (e) "charges" means allegations framed against the accused relating to the acts of omission or commission cognizable under these rules;
- (f) "Government" means the Federal Government, Provincial Governments, Government of Azad Jammu and Kashmir or Government of Gilgit-Baltistan, as the case may be.
- (g) "hearing officer" means an officer, as far as possible senior in rank to the accused, appointed by the authority to afford an opportunity of personal hearing to the accused on behalf of the authority concerned;
- (h) "inefficiency" in relation to the discharge of duties of a civil servant means the failure to efficiently perform functions assigned to him;
- (i) "inquiry committee" means a committee consisting of two or more officers, headed by a convener, as may be appointed by the authority to inquire into charges of the accused under these rules;
- (j) "inquiry officer" means an officer appointed by the authority to inquire into charges of the accused under these rules;

(k) "misconduct" means conduct prejudicial to good order or service discipline or contrary to Government Servants (Conduct) Rules, 1964 or unbecoming of an officer and, a gentlemen and includes any act on the part of a civil servant to assert or attempt to assert political or other exterior influence directly or indirectly to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a civil servant, or having entered into plea bargain under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices, voluntarily;

(l) "penalty" means a penalty as prescribed under these rules.

(2) Words and expressions used but not defined herein shall have the same meanings as are assigned thereto in the Civil Servants Act, 1973 (LXXI of 1973) and rules made thereunder or any other legal instrument, statutory order for the time being in force.

3. **Grounds for proceedings and penalty.**—A civil servant shall be liable to be proceeded under these rules by the authority, if he is—

(a) considered or reported to be inefficient or has ceased to be efficient;
or

(b) considered or reported to be guilty of misconduct; or

(c) considered or reported to be corrupt because—

(i) he or any of his dependents or any other person through him or on his behalf is in possession (for which he cannot reasonably account) of pecuniary resources or of property disproportionate to his known sources of income; or

(ii) he has assumed a style of living beyond his ostensible means;

(d) engaged, or is reasonably suspected of being engaged, in subversive activities or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any un-authorized person.

4. **Penalties.**—(1) The authority may, by an order, in writing showing reasons, impose one or more of the penalties, in accordance with these rules.

(2) The following shall be various minor penalties, namely:—

- (a) censure;
- (b) withholding of increment or increments for a specific period, subject to a maximum of three years without cumulative effect:

Provided that the penalty of withholding of increment shall not be imposed upon a civil servant who has reached the maximum of his pay scale or will superannuate within the period of penalty;

- (c) reduction to a lower stage or stages, in pay scale, for a specific period, subject to a maximum of three stages without cumulative effect; and
- (d) withholding of promotion for a specific period, subject to a maximum of three years, otherwise than for unfitness for promotion in accordance with the rules or orders pertaining to the service or post:

Provided that this period shall be counted from the date when a person junior to the accused is considered for promotion on regular basis for the first time:

Provided further that penalty under this clause shall not be imposed upon a civil servant who has no further prospects of promotion or will superannuate during the period of the said penalty.

(3) The following shall be various major penalties, namely:—

- (a) recovery of embezzled money from civil servants convicted of embezzlement, recovery as provided under financial rules, from pay or any other amount payable to the accused, the whole or a part of any pecuniary loss caused to the Government or the organization in which he was employed or posted. If the amount due from any such civil servant cannot be wholly recovered from the pay or any other amount payable to him, such amount shall be recovered under the law for the time being in force;
- (b) reduction to a lower post and pay scale from the substantive or regular post, for a specific period, subject to a maximum of three years:

Provided that this penalty shall not be imposed upon the accused who is likely to be superannuated within the period of the penalty:

- (c) compulsory retirement;
- (d) removal from service; and
- (e) dismissal from service

(4) The penalty of removal from service shall not but dismissal from service, under these rules, shall disqualify the civil servant for future employment of any kind under the Government.

(5) Subject to any restraining orders, passed by any court of competent jurisdiction, any proceedings under these rules shall not be discontinued merely on the grounds of the matter being sub-judice:

Provided that where the holding of departmental inquiry during judicial custody is not possible or side by side with the criminal proceedings may have the effect of impeding the course of justice or of prejudicing the trial, the inquiry may be deferred by the authority till release on bail or termination of criminal proceedings as the case may be.

5. **Suspension and leave.**—(1) The authority may place any civil servant under suspension or send him on leave, against whom proceedings are proposed to be initiated for an initial period not exceeding one hundred and twenty days at one time extendable in writing, by the authority for such period as it may deem appropriate or till conclusion of the proceedings, if in the opinion of the authority, suspension or sending civil servant on leave is necessary or expedient. If the period of suspension is not extended before the expiry of initial period of suspension, the suspension of such civil servant shall cease to have effect:

Provided that a civil servant who has been charged for a criminal offence and is committed to prison shall be considered as under suspension from the date of his arrest without the formal approval of Authority. In case such a civil servant is not arrested or is released on bail the Authority may suspend him by specific order.

(2) During suspension period the civil servant shall be entitled to his pay, allowance and other benefits in accordance with Fundamental Rule-53.

(3) If a civil servant is sent on leave in pursuance of an order under sub rule(1), such period shall be treated as on duty.

(4) In case a civil servant is absent from official duty during the proceedings, such period shall be treated as extra ordinary leave without pay.

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6. **Initiation of proceedings.**—Proceedings against the civil servant, in case where the authority decides that it is not necessary to hold an inquiry, shall be initiated from the date the accused is informed by an order in writing of the grounds of proceedings against him and where the authority decides to hold an inquiry against the accused, from the date of such order.

7. **Procedure where inquiry is dispensed with.**—If the authority decides that it is not necessary to hold an inquiry against the accused, it shall

- (a) inform the accused, by an order in writing, of the grounds for proceedings against him, clearly specifying the charges therein, along with apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, which should not be less than ten days and more than fourteen days, from the receipt of the order or within such extended period, as the authority may allow;
- (c) on receipt of reply of the accused, within the stipulated period or after the expiry thereof, if no reply is received, on the basis of available record or facts of the case, as the case may be, determine whether the charge or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused or in case where no reply is received the authority shall, except in such cases where the President or the Prime Minister is the authority, decide the case within a period of thirty days;

- (d) afford an opportunity of personal hearing, before passing any order of penalty under clause (f), if the charge or charges have been proved against him;
- (e) exonerate the accused, by an order in writing, if the charge or charges have not been proved against him; and
- (f) impose any one or more penalties, mentioned in rule 4, by an order in writing, if the charge or charges have been proved against the accused.

8. **Provision of record.**—After initiation of order of inquiry the authority shall ensure that relevant record of the case and other related documents should be supplied to the inquiry officer or the inquiry committee, as the case may be, within seven days or within such an extended period which the authority may allow.

9. Procedure to be followed by authority where inquiry is necessary.—(1) If the authority decides that it is necessary to hold an inquiry against the accused, it shall pass an order of inquiry, in writing. An inquiry order shall include—

- (a) subject to sub-rule (2) the appointment of an inquiry officer or inquiry committee, provided that the inquiry officer or the convener of the inquiry committee, as the case may, shall as far as possible, be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall, as far as possible, be of a rank senior to the senior most accused;
- (b) the grounds for proceedings, clearly specifying the charges along with apportionment of responsibility which shall be communicated to accused within fourteen days, from the date of initiation of proceedings;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit his written defense to the inquiry officer or convener of the inquiry committee, as the case may be, within reasonable time which shall not be less than ten and more than fourteen days from the date of receipt of orders under clause (b) or within such an extended period as the authority may allow.

(2) In cases where more than one civil servants are accused in one case, a single inquiry officer or an inquiry committee shall be appointed and the inquiry officer or convener of the inquiry committee so appointed shall, as far as possible, be of a rank senior to the senior most civil servant accused in the particular case.

(3) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

(4) In case where the inquiry officer or any of the members of the inquiry committee is required to be replaced for one reason or the other, the authority shall appoint another inquiry officer or the inquiry committee, as the case may be.

10. Procedure to be followed by inquiry officer or inquiry committee.—(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charge or charges and may examine such oral or documentary evidence in support of the charge or charges or

in defense of the accused, as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry *ex-parte*.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day basis and no adjournment shall be given except for reasons to be recorded, in which case the adjournment shall not be of more than seven days.

(4) Statements of witnesses shall be recorded in the presence of accused and departmental representative.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if thereafter he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such a manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned by the authority on the recommendations of a registered authorized medical officer.

(7) The inquiry officer or the inquiry committee, as the case may be, shall complete the inquiry within sixty days or within such an extended period which the authority may allow on the request of inquiry officer or Inquiry Committee, as the case may be, for reasons to be recorded and shall submit his or its report to the authority within seven days of the date of completion of inquiry. The inquiry report must contain clear findings as to whether the charge or charges have been proved or not proved and specific recommendations regarding exoneration or imposition of minor or major penalty or penalties upon the accused:

Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.

11. Revision.—(1) Subject to sub-rule (2), the authority may call for the record of any case pending before the inquiry officer or inquiry committee, as the case may be, and pass such order in relation thereto as it may deem fit.

(2) No order under sub-rule (1) shall be passed in respect of an accused unless the authority has informed him in writing of the grounds on which it is proposed to make the order and has been given an opportunity of showing cause against it, including an opportunity of personal hearing if requested by the accused or is otherwise necessary in the interest of justice, in particular, when the authority contemplates to pass an order adverse to the interest of the accused:

Provided that no such opportunity shall be given where the authority, for reasons to be recorded, is satisfied that, in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity.

(3) In case, the authority decides to call for a case pending before an inquiry officer or inquiry committee or pending before or disposed of by the authorized officer in terms of the Government Servants (Efficiency and Discipline) Rules, 1973, the authority may do so in exercise of powers conferred under rule 6A of the said rules:

Provided that this power shall in no case be exercised after one year of disposal of such a case by the Authorized Officer.

12. **Powers of the inquiry officer or inquiry committee.**—(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

13. **Rules 7 and 9 not to apply in certain cases.**—Nothing in rule 7 or 9 shall apply to a case—

- (a) where the accused is dismissed or removed from service, on the ground of conduct which has led to a sentence of fine or of imprisonment; or

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- (b) where the authority competent to dismiss or remove a person from service, or to reduce a person in lower post and pay scale, is satisfied that, for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

14. **Proceedings before or during training, scholarship and leave.—**

(1) In case where a civil servant who has been nominated for training or scholarship, is required to be proceeded against and he has not yet joined the training institute or institution, his nomination shall be withdrawn forthwith by the nominating authority under intimation to the training institute or institution concerned.

(2) In case where a civil servant has already joined the training or institution he shall be allowed to complete his training or scholarship, and the proceedings against him may be deferred till completion of the training or scholarship.

(3) No civil servant shall be denied training on account of ongoing proceedings for a period of more than one year.

(4) In case where a civil servant on leave, is required to be proceeded against, his leave shall be cancelled by the authority and shall be called back from the leave to join the proceedings.

15. **Duties of the departmental representative.—**(1) The departmental representative shall perform the following duties, namely:—

(a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;

(b) cross-examine the witnesses produced by the accused and with the permission of the inquiry officer or the inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and

(c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

(2) In case of failure to perform the assigned duties, the departmental representative shall be liable to departmental proceedings.

16. **Order to be passed on receipt of report from the inquiry officer or inquiry committee.—**(1) On receipt of report from the inquiry officer or the

inquiry committee, as the case may be, the authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the authority is satisfied under sub-rule (1) that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the authority is satisfied under sub-rule (2) that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the authority may like to give, or may order a *de novo* inquiry through different inquiry officer or inquiry committee.

(4) The authority may in such case specified under sub-rule (3) also require the inquiry officer or the inquiry committee, as the case may be, to explain as to why the inquiry has not been conducted in accordance with these rules, or as to why the facts or merits of the case have been ignored and on the receipt of reply, may determine that the omission or commission by the inquiry officer or the inquiry committee, as the case may be, was not in good faith and there are grounds to proceed against the inquiry officer or inquiry committee, as the case may be, under these rules.

(5) Where the charge or charges are determined not to have been proved, the authority shall exonerate the accused by an order in writing.

(6) Where the charge or charges are determined to have been proved against the accused, the authority shall issue a show cause notice to the accused providing him therewith a copy of inquiry report by which it shall—

- (a) inform him of the charge or charges proved against him and the penalty or penalties proposed to be imposed upon him;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 including the penalty of dismissal from service may not be imposed upon him and to submit additional defence in writing, if any, within a period which shall not be less than ten days and more than fourteen days from the day the charge or charges have been communicated to him by affording him an opportunity of personal hearing;

Provided that the accused shall in his reply to show cause notice, indicate as to whether he wants to be heard in person or not; and

- (c) direct the departmental representative to appear with all the relevant record on the date of personal hearing, if any.

(7) After duly considering the reply of the accused to the show cause notice and affording personal hearing to the accused, as appropriate, the authority shall, keeping in view the findings and recommendations of the inquiry officer or the inquiry committee, as the case may be, facts of the case and defence offered by the accused if requested, by an order in writing—

- (a) exonerate the accused if charge or charges are not proved; or
 (b) impose any one or more of the penalties specified in rule 4 if charges are proved:

Provided that—

- (i) where charge or charges of grave corruption are proved against an accused the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
 (ii) where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

(8) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the authority, except where the Prime Minister himself is the authority, shall decide the case within a period of thirty days, excluding the time during which the post held by the authority remained vacant due to certain reasons.

17. **Personal hearing.**—Notwithstanding the proviso to clause (b) of sub-rule (6) of rule 16, the authority may, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him, or before a hearing officer, who shall as far as possible be senior in rank to the accused, appointed by the authority for personal hearing on the fixed date and time.

18. **Procedure of inquiry against civil servant on deputation or working in other Governments or organizations etc.**—(1) Where an authority determines to proceed against a civil servant who is on deputation to any other Government, department, corporation, body corporate, autonomous or semi-autonomous body, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the authority of such civil servant in his parent department may—

- (a) ask the relevant Government or borrowing organization, to frame charges against the civil servant and forward the same to his parent department; or
- (b) initiate proceedings against him on its own under these rules.

(2) In case of members of All Pakistan Service posted in a Province, Establishment Division may refer a case to the Chief Secretary concerned for probe or fact finding inquiry and may initiate proceedings on the findings of that probe or fact finding inquiry, or on its own if no findings are received within two months:

Provided that in case of proceedings against any Chief Secretary of a Province, the Establishment Division shall frame the charges and initiate the disciplinary proceedings with approval of the Prime Minister.

19. **Appeal.**—A civil servant on whom a penalty is imposed shall have such right of appeal provided for as under the Civil Servants (Appeal) Rules, 1977:

Provided that, where the penalty is imposed by order of the President, there shall be no appeal but the civil servant concerned may apply for review of the order.

20. **Appearance of counsel.**—No party to any proceedings under these rules at any stage of the proceedings before the appellate authority, inquiry officer or any inquiry committee as the case may be, shall be represented by an advocate or counsel.

21. **Repeal.**—(1) The Government Servants (Efficiency and Discipline) Rules, 1973, in their application to the civil servants to whom these rules apply, are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered thereunder.

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any civil servant under repealed rules shall continue under the repealed rules.

[F. No. 16/28/2000-R-II.]

MASROOR HUSSAIN,
Section Officer.

II.

INSTRUCTIONS REGARDING FINALIZATION OF DISCIPLINARY CASES IN THE LIGHT OF SUPREME COURT OF PAKISTAN REPORTED JUDGMENT 2020 SCMR 1029.

Mr. Muhammad Afzal, Postal Clerk, Katchehry Post Office Faisalabad was imposed upon the major penalty of 'Dismissal from Service' on the established allegations of misappropriation of Rs. 107,170/- and Rs. 1,278,420/- from the accounts of provincial taxes. His departmental appeal was rejected on 23-06-2016. Thereafter, he filed an appeal before the Federal Service Tribunal Lahore. The FST Lahore vide Judgment dated 28-02-2019 decided the appeal in favour of the appellant (Annex-A). The Department filed CPLA before the Supreme Court of Pakistan.

2. The Supreme Court of Pakistan vide judgment dated 27-04-2020 set- aside the impugned Judgment dated 28-02-2019 of FST Lahore by recording the following observations (Annex-B):-

*All Courts / Tribunals seized of raters before them are required to pass orders strictly in accordance with the parameters of the constitution, the law and the rules and regulations lawfully framed under the law. **No Court has any jurisdiction to grant arbitrary relief without the support of any power granted by the constitution or the law.** This basic and fundamental principle of jurisprudence appears to have eluded the attention of the Tribunal which has clearly exceeded its jurisdiction power and authority in granting relief to the Respondent.*

*We have carefully gone through the case law cited by the learned counsel for the Respondent and find that the same is distinguishable on law as well as facts. **It is not a hard and fast rule that where there are serious allegations against an employee which are denied by hint the department is under an obligation to conduct a regular inquiry in all circumstances.** As stated above, in case the sufficient documentary), evidence available on record which is enough to establish the charge, it can, after recoiling reasons, which are of course justiciable, dispense with the inquiry in the interest of expeditions conclusion of departmental proceedings. Courts can always re-examine the reasons assigned by the departmental authority for dispensing with the requirement of regular inquiry and if such reasons cite not found cogent and legally sustainable, the cowl has all requisite powers and is not debarred from sending the mater back to the department to hold a regular inquiry. In the case in hand, the departmental authority gale cogent reason fir dispensing with the requirement of regular inquiry and the Tribunal did not find any fault with the same. Consequently, the judgment relied upon by the learned counsel for the Respondent do not in any manner advance his case. Even otherwise, as noted above, the Respondent never challenged the findings of the Tribunal in so far as it upheld the findings of the departmental authorities. He cannot therefore be heard at this stage to reopen the entire case and argue it afresh once having accepted the verdict of the Tribunal.*

3. A copy of the judgment of Federal Service Tribunal Lahore and Supreme of Pakistan are enclosed and deserves to be circulated for guidance, strict compliance and quoting in the parawise comments to be filed in court cases to be contested before FST/ High Court etc in future.

4. This issues with the approval of the Director General.

{No. Law. 2-211/2016(Lit-II)

Dated: 14-01-2021 }

(63)

Amor - A

No. 292
FEDERAL SERVICE TRIBUNAL, LAHORE BENCH,
1-Fane Road, Lahore.

To,

Dated. 11/3/19

Mr. Muhammad Afzal, Ex-Postal clerk, R10,
Chak No. 245-RB, Abbas Pur, Tehsil & Distt Faisalabad.

NOTICE

SUBJECT: COPY OF THE ORDERS PASSED BY THE TRIBUNAL IN APPEAL NO. 549 (L) - 16

FILED BY Muhammad Afzal

AGAINST PPo.

A certified copy of the judgment/order passed by the Tribunal in the above noted case is sent herewith for information/compliance.

By order

(RASHID AHMAD SIDDIQUI)
ASSTT REGISTRAR

COPY TO

1. The Secretary Establishment Division, Islamabad.
2. The Solicitor, Justice Division, Islamabad.
3. The Chief Postmaster, Faisalabad CPO.
4. The Dy PMG, Postal Region, Faisalabad.

Deputy Postmaster General
Faisalabad Region Faisalabad.
14-MAR-2019

(RASHID AHMAD SIDDIQUI)
ASSTT REGISTRAR
Tel: 042-37325514

Judgment Sheet
IN THE FEDERAL SERVICE TRIBUNAL, LAHORE
Appeal No.549(L)/2016

Date of Institution : 20.07.2016
Date of Hearing : 18.02.2019
Date of Judgment : 28.02.2019

Before: Ch. Shahid Naseer and
Mr. Shuja Ud Din, Members

Appellant: Muhammad Afzal, Ex-Postal Clerk. Resident of
Chak No.245-RB, Abbaspur Tehsil and District,
Faisalabad

Versus

1. Chief Postmaster Faisalabad G.P.O
2. Deputy Postmaster General Postal Region
Faisalabad

Present: Sheikh Iqbal Mahmood Anjum, Advocate
Mr. Asif Nazir Awan, Advocate for the appellant
Rai Muhammad Ali Kharral, A.A.-G for the respondents
Mr. Muhammad Zahid, A.S as DR

JUDGMENT

CH. SHAHID NASEER, MEMBER: The brief facts of the instant appeal are that, the appellant was served with a Show Cause Notice dated 8.3.2016, by the Postmaster, Ghulam Muhammad Abad, Faisalabad G.P.O, being an Authorized Officer under Rule 5 of the Government Servants (E&D) Rules, 1973. The allegations, as mentioned, in the said Show Cause Notice, are as under:-

- a. Pocketed/Misappropriated a sum of Rs. 107170/- under head MVT, Income Tax and Professional Tax, as reported by verification committee vide his reports dated 07.09.2015, 02.10.2015, 21.10.2015, 02.12.2015, 27.01.2016 and 10.02.2016.
- b. Responsible for causing difference of Rs. 1278420/- in consumption of Arms license stamps, which leads to use of bogus / fake stamps, amounting to said extent.
- c. Failed to maintain the PT records and PT statement as per procedure of the department.
- d. He remained indulged in fraudulent activities and committed serious irregularities during the said period and in connivance with Postmaster Mr. Asad Qayyum and in bilateral partnership with him misappropriated Govt. money with tentamounted towards heavy corruption by you.
- e. Failed to perform his legitimate duties.
- f. Cheating the Department.”
- g. Dishonesty.”

The appellant submitted his reply/defense statement dated 9.4.2016. Thereafter the Authority issued a predetermined major penalty of "Dismissal from Service" vide impugned order dated 20.4.2016, which was assailed before the Appellate Authority, who also rejected his departmental appeal on 23.6.2016.

2. The learned counsel for the appellant has contended that the impugned orders are arbitrary, illegal and *coram non judice*. The appellant has been shown as a Clerk of Ghulam Muhammad Abad, Faisalabad G.P.O, whereas the Statement of Allegations is related to duties of Clerk, Katchehry Post Office/TSO, where from he was transferred to Ghulam Muhammad Abad, Faisalabad G.P.O. The Katchehry Post Office was under the administrative control of ASPs (T) and he should initiate disciplinary proceedings against the appellant, hence the whole disciplinary proceedings made by the Postmaster Ghulam Muhammad Abad, were without any lawful authority and *coram non judice*. The learned counsel for the appellant has further contended that for submitting defence statement, the relevant record was not provided to the accused. He has referred a case-law, reported as Secretary (Funds) Economic Advisor v. Intiaz Mehmood and others [2009 PLC (C.S.) 797]. The learned counsel has also emphasized that the impugned order was issued on the basis of preliminary inquiry, conducted by M/s Abdul Hamid, Assistant Superintendent Chinniot, South Division and Amjad Ali, ASPs (Office), Faisalabad, which is not tenable in the light of the ruling of the Hon'ble Supreme Court of Pakistan, as held in Allah Yar v. General Manager, Railways Headquarters, Lahore and another (2001 SCMR 256), Abdul Qayyum v. D.G., Project Management Organization, JS HQ, Rawalpindi and others [2003 PLC (C.S.) 353]. Further asserted that extreme penalty against minor acts, defeats the reformatory concept of punishment in administration of justice. Reliance is placed on Auditor-General of Pakistan and others v. Muhammad Ali and others (2006 SCMR 60). Lastly, the appellant's contention is that major penalty may not be imposed without conducting regular inquiry and in his case the regular inquiry has been dispensed with, without recording any tangible reason, hence the impugned order dated 20.4.2016 whereby penalty of "Dismissal from

Appeal No. 549(L)/2016

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"Service" was imposed and order dated 23.6.2016 whereby the departmental appeal was rejected are illegal, violation of principles of punishment and natural justice, hence the same be set aside for his reinstatement in service.

3. Vehemently contesting the appeal, the respondents have maintained that it is a case of misappropriation and embezzlement of huge Government money, which may not be dealt with only on technicalities. The appellant was involved in misappropriation of Rs. 107170/- under "MVT, Income Tax and Professional Tax" and consumption / using of bogus arms licenses amounting to Rs. 1278420/- He remained involved in fraudulent activities and committed serious irregularities, during his posted, in connivance with Postmaster Asad Qayyum. A Verification Committee vide reports dated 07.09.2015, 02.10.2015, 21.10.2015, 02.12.2015, 27.01.2016 and 10.02.2016, pointed out the said misappropriation. Thereon a Show Cause Notice was issued and finally he was dismissed from service. The learned A.A.-G has further maintained that the Verification Committee found some frequent cuttings/over-writings/alterations/tampering, especially

and during his visit, he felt verification of the office work so he recommended past work verification of PT work of Katchehry Post Office, Faisalabad for the last three years on regional level. A Committee comprising M/s Amjad Ali, ASPS (O) Faisalabad Division and Abdul Hameed Khan, ASPS Chiniot Sub-Division, having scrutinized the work of the office, submitted a past verification report, related to the period w.e.f. 1.8.2012 to 31.7.2015 and found misappropriation of Rs.1,07,170/-, in the Head of MVT and difference of Rs.12,78,420/- in consumption of Arms License Stamps, whereas bogus and non-maintenance of record also came to light. Resultantly, the Committee held Asad Qayyum, the then Postmaster Katchehry Post Office and Muhammad Afzal, PT Clerk Katchehry Post Office (appellant) responsible for commission of fraud in PT work vide Reports dated 7.9.2015, 2.10.2015, 21.10.2015, 2.12.2015, 27.1.2016 and 10.2.2016. During inspection, some frequent cuttings/over-writings/alterations/tampering, especially in PT-24 Receipts, came under observation, which created doubts and question marks, on the credibility and integrity of the appellant, who was, then, dealing with the office work. In the light of the said detailed Verification Report, a Show Cause Notice dated 8.3.2016 was issued, under the charges of "Inefficiency," "Misconduct" and "Corruption" and the allegations as mentioned in preceding para-1 above. The whole matter was related to the documents, therefore, the Authorized Officer felt no need of appointing any Inquiry Officer or constituting an Inquiry Committee, as empowered under Section 5(1)(ii)(iii) of the Government Servants (E&D) Rules, 1973. The reason of the same has been given by the Authorized Officer that the allegations were crystal clear and *prima facie*, proved against the appellant. So in this regard, not to conduct a regular inquiry, does not carry any legal infirmity.

6. The learned counsel for the appellant has also raised another objection that to file a defence statement the appellant was not provided with the relevant record / report, therefore, it was difficult for him to defend himself. The objection of the appellant may not be believed as the appellant submitted his defence statement, consisting of so many pages and therein more or less so many documents have also been

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referred, which could not be humanely possible to remember and recall the previous record, dealt with by him. He has tried to clarify his position in his defence statement, but in vain. In the light of the Show Cause Notice, previous record and the defence statement, finally, on 20.04.2016, the Competent Authority, Chief Postmaster, Faisalabad G.P.O imposed a major penalty of "Dismissal from Service." Before passing the impugned order, personal hearing was granted to the appellant by the Competent Authority and the appeal, whereby the impugned order dated 20.04.2016, was assailed, was also a lengthy document, wherein more or less, so many justifications have been given. Even then the Appellate Authority vide detailed order dated 23.6.2016, having considered all the relevant aspects, material and reports of the case, confirmed the major penalty.

7. In this case, as is evident from the above facts that Asad Qayyum, the then Postmaster, Katchehry Post Office, the accomplice, was also involved in the said scam, who was dismissed from service and vide judgment of this Tribunal dated 18.5.2017 in Appeal No.470(L)/2016, his penalty was upheld. A Review Petition No.21/2017, against the above judgment, was also rejected on 11.8.2017 being misconceived and untenable. Meaning thereby that both the persons were involved in the offence of "Inefficiency," "Misconduct" and "Corruption." The appellant was a PT Clerk, whose duty was to directly deal with the concerned persons. In this way, the appellant may not be exonerated from the allegations as leveled against him.

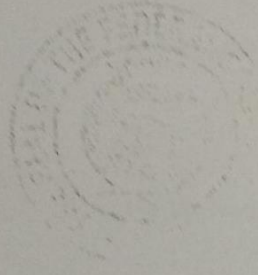
8. Mr. Asif Nazir Awan, Advocate has moved an application for placing documents on the record, related to the Investigation Report conducted by the F.I.A whereby Investigating Officer observed that the allegation of fraud does not stand proved against M/s Asad Qayyum and Muhammad Afzal. The said Findings are not supportive in this case, because the way to deal with the matters in a criminal case and under the disciplinary proceedings are altogether different. Moreover, at one and the same time, the criminal proceedings / investigation and the civil disciplinary proceedings may run side by side. To fortify this point, the case, The Deputy Inspector-General of Police, Lahore and

others v. Anis-ur-Rehman Khan (PLD 1985 Supreme Court 134) is referred, wherein it was held that "The scope and the law applicable to the criminal trial was different from that applicable to departmental inquiry' The competent authority was not therefore, duty bound under any provision or principle of law to await and follow the judicial verdict in the case." In *Amir Abdullah v. Superintendent of Police, and others* (1989 SCMR 333), it was held that "the objects of prosecution on a criminal charge and departmental disciplinary proceedings are entirely different; one relates to the enforcement of the criminal liability and the other is concerned with the service discipline. Acquittal on a criminal charge has no bearing on the disciplinary proceedings." The issue was further highlighted in *Government of N.-W. F.P. through Secretary, Finance, Excise and Taxation Department, Peshawar and 2 others. v. Aurangzeb* (2003 SCMR 338) "Even otherwise, the prosecution on criminal charge and departmental disciplinary proceedings were entirely different as one relates to the enforcement of criminal liability whereas the other is concerned with the service discipline, as such, acquittal on criminal charge had no bearing on disciplinary proceedings. Reference may be made to *Amir Abdullah v. Superintendent of Police and others* (1989 SCMR 333); and *Government of Pakistan through Secretary M/o Finance and others v. Asif Ali and others* (2006 SCMR 1005) "The prosecution before a regular Court for the charge of criminal misconduct, and the departmental proceedings for the charge of misconduct being governed by different laws and the rules of procedure, are entirely different. The misconduct under Government Servants (E&D) Rule, 1973, means conduct prejudicial to the good order of service discipline or of unbecoming of an officer and a gentleman and contrary to Government Servants (Conduct) Rules, 1964 whereas the charge of criminal misconduct is based on the element of mensrea and criminal intent. The criminal Courts in the light of strict observance of law of evidence, have to judge the admissibility of the evidence to hold a person guilty of the criminal charge, but in case of the charge of misconduct, the departmental authorities are not required to follow the technicalities of law."

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9. Lastly, as record reflects, the appellant served about 36 years in the respondent-Department. In case he is dismissed from service, his monetary loss is definitely hit his retired life. There is no justification to deprive someone from his legal right in respect of his long long service, which is on his credit. It is against the principles of Natural Justice that no one should be deprived of his livelihood after rendering 36 years' service. Undoubtedly, the allegations, as above, have blemished his career, but there is no justification to consider his previous record fruitless. Moreover, it is also justified to save him from carrying stigma of "Dismissal from Service." Hence, considering the length of service, the penalty of "Dismissal from Service" is hereby converted into "Compulsory Retirement" from the date of his dismissal, with all the pensionary benefits, which may be paid within six months definitely. The appeal is disposed of accordingly.

10. No order as to costs.



sd- MEMBER sd- MEMBER

Lahore, the
28th February, 2019
'توبہ الراء'

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE GULZAR AHMED, CJ
MR. JUSTICE IJAZ UL AHIAN

Civil Appeal No. 2063 of 2019
Against judgment dated 23.02.2019 of Federal
District Tribunal, Lahore, passed in Appeal
No. 14704 of 2016.

Chief Petitioner, Faisalabad & others

Petitioner(s)

VERSUS

Muhammad Afzal

Respondent(s)

For the Petitioner(s) : Minn Aghbar Ali, DAG
Raja Abdul Ghaffar, AOR
Muhammad Zahid, AS

For the Respondent(s) : Hafiz S. A. Rehman, Sr.ASC,
Hafiz Hafiz ur Rehman, ASC

Date of Hearing : 21.04.2020

ORDER

GULZAR AHMED, CJ. We have heard the learned
counsel for the parties and have gone through the material
available on record. For reasons to be recorded separately,
this appeal is allowed and the impugned judgment dated
23.02.2019 is set aside.

ISLAMABAD, THE
21.04.2020
ZAR/
Not Approved For Reporting.

Handwritten signature and date: 16/5/2020

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:
MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE IJAZ UL AHSAN

CIVIL APPEAL NO.2063 OF 2019.
(Against the judgment dated 28.02.2019
passed by the Federal Service Tribunal, Lahore
in Appeal No.549(L)/2016).

Chief Postmaster Faisalabad, GPO & another. ...Appellant(s)

Muhammad Afzal. ...Respondent(s)

Versus

For the Appellant(s): Mian Asghar Ali, DAG.
Raja Abdul Ghafoor, AOR.
M. Zahid, A.S.

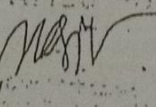
For the Respondent(s): Hafiz S. A. Rehman, Sr. ASC.
Hafiz Hifz-ur-Rehman, ASC.

Date of Hearing: 27.04.2020.

ORDER

IJAZ UL AHSAN, J.- This appeal with the leave of the Court arises out of a judgment of the Federal Service Tribunal, Lahore dated 28.02.2019. Through the impugned judgment the penalty of dismissal from service awarded to the Respondent by the departmental authorities was converted into compulsory retirement from the date of his dismissal, with all pensionary benefits which were directed to be paid within six months.

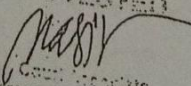
2. Briefly stated the facts necessary for disposal of this appeal are that the Respondent who was working as a Postal Clerk was proceeded against under the Government

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Servants (E&D) Rules, 1973. The allegations mentioned in the show cause notice were as follows:

- a. Pocketed/Misappropriated a sum of Rs.1071170/- under head MVT, Income Tax and Professional Tax, as reported by verification committee vide his reports dated 07.09.2015, 02.10.2015, 21.10.2015, 02.12.2015, 27.01.2016 and 10.02.2016.
- b. Responsible for causing difference of Rs.1278420/- in consumption of Arms license stamps, which leads to use of bogus/fake stamps, amounting to said extent.
- c. Failed to maintain the PT records and PT statement as per procedure of the department.
- d. He remained indulged in fraudulent activities and committed serious irregularities during the said period and in connivance with Postmaster Mr. Asad Qayyum and in bilateral partnership with him misappropriated Govt. money with tentamounted towards heavy corruption by you.
- e. Failed to perform his legitimate duties.
- f. Cheating the Department.
- g. Dishonesty."

3. The Respondent submitted his reply/defence statement which was found unsatisfactory, by the competent authority. The requirement of regular inquiry was dispensed with on the ground that all evidence against the Respondent was in the form of record and documents and it was found that during the period with effect from 01.08.2012 to 31.07.2015 a sum of Rs.107,170/- had been misappropriated in the Head of

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Court Secretary
Supreme Court of Pakistan
Islamabad

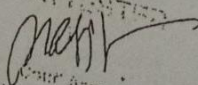
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1996 APPEAL NO 2963 OF 2019

MVT and there was a difference of Rs.1278420/- in consumption of Arms License Stamps. A Committee of senior officials of the Postal Department was constituted to conduct a fact finding inquiry which on the basis of official records and documents found Mr. Asad Qayyum, the then Postmaster Katchehry Post Office and the Respondent responsible for commission of acts of misappropriation and embezzlement. Consequently, a regular inquiry was dispensed with and Mr. Asad Qayyum, Postmaster and the Respondent were visited with the penalty of dismissal from service. Their departmental appeals were rejected. They approached the Service Tribunal by way of appeals. We have been informed that the appeal filed by Mr. Asad Qayyum was rejected, his CPLA was also dismissed by this Court and a review petition filed by him met the same fate. However, in the case of the Respondent although the Tribunal came to the conclusion that regular inquiry had correctly been dispensed with, the charge of misappropriation and embezzlement stood proved and the objection of non provision of relevant records enabling the Respondent to prepare his defence had no substance and that the fact that the investigation report of Federal Investigation Agency (FIA) did not find enough evidence of commission of fraud to warrant a criminal prosecution the same had no bearing on the outcome of the departmental inquiries, yet the Tribunal proceeded to observe as follows:

"Undoubtedly, the allegations, as above, have blemished his career, but there is no justification to save him from carrying stigma of "Dismissal from

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 Judge Advocate
 Supreme Court of Pakistan
 Islamabad

Service". Hence, considering the length of service, the penalty of Dismissal from Service is hereby converted into "Compulsory Retirement" from the date of his dismissal, with all the pensionary benefits, which may be paid within six months definitely."

4. Aggrieved of the aforementioned judgment the department sought leave to appeal which was granted vide order dated 10.12.2019 in the following terms:

"Learned DAG contends that respondent was employed as Postmaster, Ghulam Muhammad Abad, Faisalabad GPO. A charge-sheet was issued to him alleging that he has committed misappropriation amounting to Rs.1,285,590/-. The regular enquiry was dispensed with for the reason that whole case of misappropriation against the respondent was based on documentary evidence. The respondent though denied the allegation in his reply to the charge sheet but sufficient material connecting him with the misappropriation, was available in the shape of evidence and having been granted personal hearing, he was dismissed from service. The respondent challenged the order of dismissal by filing of a service appeal before the Federal Service Tribunal, Lahore (the Tribunal), the Tribunal also found that the respondent had committed misappropriation but merely on the ground that he has 36 years service in the department, converted his penalty of dismissal into that of compulsory retirement. Learned DAG contends that Government employee, who is proved to have committed misappropriation of the Government fund, could not be dealt with leniently and maximum penalty has to be imposed upon him, which was done and the Tribunal without there being justifiable reason available, converted the penalty into compulsory retirement, which was not legally justified.

2. The contentions raised by the learned DAG require consideration. Leave to appeal is granted to consider, inter alia the same. The appeal shall be heard on the available record but the parties are allowed to file additional documents within a period of one month. As the matter relates to service, office is directed to fix the same preferably after three months."

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5. The learned counsel for the Appellant submits that the charge of misappropriation stood established in the departmental hierarchy and the Tribunal also came to the same conclusion. It stood established that the Postmaster Mr. Asad Qayyum and the Respondent had indulged in misappropriation and embezzlement of Government money and the Tribunal did not find any reason to alter any of the findings of the departmental inquiry, yet it converted the penalty of dismissal from service to compulsory retirement for no rhyme or reason and in an arbitrary manner without due application of mind to the facts and circumstances of the case. He has relied upon "Assistant Director (Admn.) National Savings Centre and others v. Muhammad Anwar" (1990 SCMR 1214), "Federation of Pakistan through Secretary Finance; Government of Pakistan and others. v. Khalid Javed" (2009 SCMR 720) and "Chairman Dr. A.O. Khan, Research Laboratories and another. v. Malik Muhammad Hamid Ullah Khan" (2010 SCMR 302) to argue that where a charge of misappropriation has been established, the Tribunal lacks jurisdiction to alter the penalty in an arbitrary manner. He further maintains that the Tribunal has not assigned any cogent or legally sustainable reason to reduce the penalty of dismissal from service to that of compulsory retirement. He maintains that where the charge of misappropriation stood established in the departmental proceedings and the Tribunal upheld such findings, it had no choice but to award the penalty that was

competent authority, and the exercise of discretion by arbitrarily converting the penalty of dismissal from service into compulsory retirement for extraneous considerations constitutes excessive exercise of jurisdiction not vested in the Tribunal by law.

6. Learned counsel for the Respondent, on the other hand, has made an attempt to reopen the case and argued the same on merits. He has however frankly conceded that the Respondent has not challenged the judgment of the Tribunal to the extent that it upheld the findings of the departmental authorities relating to embezzlement and misappropriation. He has vehemently argued that the Respondent had been charged with serious offences which he had denied and in these circumstances the requirement of departmental inquiry could not have been dispensed with. In support of his contention the learned counsel for the Respondent has relied upon "Muhammad Javed Rashid, v. The Chief Engineer, O & M, WAPDA, Tarbela Dam Project, and others" (1990 SCMR 1543), "Saad Salam Ansari, v. Chief Justice of Sindh High Court, Karachi through Registrar" (2007 SCMR 1726) and "Farhad Ali, v. Director General, Pakistan Post Office and others" (2009 PLC (C.S.) 996).

7. We have heard the learned counsel for the parties at length, examined the record and gone through the case law cited at the bar. There is no denial of the fact that there were allegations of embezzlement and misappropriation against the

misappropriation was discovered during surprise inspection of the records which were being maintained by the Appellant under the supervision of the Postmaster. Such scrutiny led to discovery of misappropriation of Government funds in substantial sums. A thorough departmental inquiry found the Postmaster as well as the Respondent to have acted in connivance with each other in committing the said unlawful acts in consequence of which both were visited with the penalty of dismissal from service. Their departmental appeals failed which prompted them to approach the Federal Service Tribunal by way of appeals. The appeal filed by the Postmaster was dismissed and his penalty was upheld. His petition before this Court did not succeed and his review petition was also dismissed. In the appeal filed by the Appellant, the Tribunal went into the great detail in examining all legal procedural and factual aspects of the matter and came to the conclusion that there was no legal or procedural defect in the proceedings conducted by the department, the requirement of holding a regular inquiry was rightly dispensed with, the Respondent was provided all requisite documents and record to enable him to prepare his defence and that the failure of FIA investigation to find sufficient evidence to establish the charge of embezzlement and misappropriation in a criminal court to warrant a criminal conviction was of no consequence. Therefore, it found that the department was justified in finding the two officials guilty of misconduct, corruption, misappropriation, embezzlement, dishonesty and cheating etc.

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(Signature)
SECRETARY
FEDERAL SERVICE TRIBUNAL
ISLAMABAD

Surprisingly, after having recorded all the above findings the Tribunal arrogated to itself the jurisdiction to modify the penalty of dismissal from service to compulsory retirement. There is no cavil with the proposition that under Section 5 of the Service Tribunals Act, the Tribunal enjoys powers to modify any order passed by the departmental authorities but such power is required to be exercised carefully, judiciously and after recording reasons for the same. In the present case, the penalty in question had been imposed by the departmental authority on the basis of established charges and the major penalty of dismissal from service was imposed upon him in accordance with the law and the rules. In these circumstances, we are at a loss to understand how and from where the Tribunal derived the authority to exercise a power in favour of the Respondent in such an arbitrary unstructured and whimsical manner. We have found the exercise of jurisdiction by the Tribunal to be wholly without any lawful authority whatsoever, specially so where no reasons, let alone cogent have been assigned for exercise of jurisdiction in this manner by the Tribunal.

8. All Courts/Tribunals seized of matters before them are required to pass orders strictly in accordance with the parameters of the Constitution, the law and the rules and regulations lawfully framed under the law. No Court has any jurisdiction to grant arbitrary relief without the support of any power granted by the Constitution or the law. This basic and fundamental principle of jurisprudence appears to have eluded

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[Signature]
Sd/-
[Name]
[Designation]

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the attention of the Tribunal which has clearly exceeded its jurisdiction power and authority in granting relief to the Respondent.

9. We have carefully gone through the case law cited by the learned counsel for the Respondent and find that the same is distinguishable on law as well as facts. It is not a hard and fast rule that where there are serious allegations against an employee which are denied by him the department is under an obligation to conduct a regular inquiry in all circumstances.

As stated above, in case the departmental authorities come to the conclusion that there is sufficient documentary evidence available on record which is enough to establish the charge, it can, after recording reasons, which are of course justiciable, dispense with the inquiry in the interest of expeditious conclusion of departmental proceedings. Courts can always re-examine the reasons assigned by the departmental authority for dispensing with the requirement of regular inquiry and if such reasons are not found cogent and legally sustainable, the Court has all requisite powers and is not debarred from sending the matter back to the department to hold a regular inquiry. In the case in hand, the departmental authority gave cogent reasons for dispensing with the requirement of regular inquiry and the Tribunal did not find any fault with the same. Consequently, the judgments relied upon by the learned counsel for the Respondent do not in any manner advance his case. Even otherwise, as noted above, the Respondent never

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He cannot therefore be heard at this stage to reopen the entire case and argue it afresh once having accepted the verdict of the Tribunal.

10. For the afore-noted reasons, we find that the impugned judgment of the Federal Service Tribunal is unsustainable. Accordingly, we allow this appeal, set aside the judgment of the Federal Service Tribunal dated 28.02.2019 and restore the penalty imposed by the departmental authorities. There shall be no order as to costs.

11. Above are the reasons of our short order dated 27.04.2020. For ease of reference, the short order is reproduced below:

"We have heard the learned counsel for the parties and have gone through the material available on record. For reasons to be recorded separately, this appeal is allowed and the impugned judgment dated 28.02.2019 is set aside."

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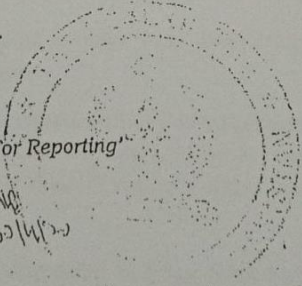
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MASH/1615/2020
Minister of Education
Government of Pakistan

ISLAMABAD.

27.04.2020.

Zubair/*

Not Approved For Reporting



Handwritten initials and date: 30/4/20

II. HOLDING OF POST OFFICE SAS EXAMINATION PART-II FOR THE JUNIOR ACCOUNTS (BPS-16) FOR PROMOTION TO THE POST OF ASSISTANT (BPS-17) IN PAKISTAN POST OFFICE DEPARTMENT (OTHER THAN DIRECTOR OF ACCOUNTS PAKISTAN POST OFFICE LAHORE.

It is notified for information of all the concerned that the next Post Office SAS Accountant Examination Part-II for appointment by promotion to the Post of Assistant Accounts Officer (BPS-17) against 2/3 quota for all eligible Junior Accountants (BPS-16) who have passed / qualified (Jr. Acctt. Part-I Departmental Examination) or have obtained exemptions in certain papers of previous examination as per rule will be held at Islamabad, Karachi Lahore, Hyderabad, Quetta, Rawalpindi, Peshawar and Multan Centers, from 25-01-2021 to 29-01-2021 according to the following time table:-

Date	Days	Paper	Time
25-01-2021	Monday	Paper-I “Commercial Accounting (theory)”	09:30 to 12:30 hrs
26-01-2021	Tuesday	Paper-II “ Cost Accounting (theory)”	09:30 to 12:30 hrs
27-01-2021	Wednesday	Paper-III “Organization and Methods (theory)”	09:30 to 12:30 hrs
28-01-2021	Thursday	Paper-IV “Foreign Post Accounts (Practical)”	09:30 to 12:30 hrs
29-01-2021	Friday	Paper-V “PLI Accounts (Practical)” with the aid of books	09:30 to 12:30 hrs

2. The Rules/ instructions contained in Appendix 25 of Post Office Manual Volume- IV must be followed for the candidates who appear for the first time or have exemption. The last date for receipt of applications from the intending candidates by the Head of Circles has been fixed as 08-01-2020. No application will be entertained by the Head of Circle after the target date. The departmental Junior Accountants (BPS-16) who have passed / qualified SAS Part-I Examination or have obtained exemptions in certain papers of previous SAS Part-II examination are eligible to appear in the SAS Part-II examination. They should submit their applications through proper channel to the Head of Circle concerned on the prescribed form along with receipt in original in form of ACG-67 granted by Post Office after depositing Rs. 5,00/- under Unclassified Receipt on account of Examination Fee (non-refundable) failing which no application will be entertained by the Head of Circles.

3. The candidates will be required to make their own arrangements for departmental books and publications required for the examination.

4. All the Head of Circles will make necessary arrangements for providing the examination hall, adequate number of answer books and also nominate a Supervising Officer (not below BPS-19) as well as invigilators not below BPS-16 (other than Accounts Cadre) on the days indicated above under intimation to this Director General.

5. All the (Head of Circles are requested to issue Roll numbers to eligible candidates who fulfill the conditions of eligibility for admission to SAS Part-II Examination after careful scrutiny of their applications which may be carefully preserved and need not to be sent to this office. Roll Numbers to eligible candidates shall be allotted by the head of Circles concerned in a consecutive serial order in the following pattern which has to be strictly observed:-

S. No.	Name of Circle Office	Roll No. to be allotted to the candidates appearing in the examination
1	Central Punjab Circle, Lahore	001 to 100
2	Northern Punjab Circle, Rawalpindi	101 to 200
3	Southern Punjab Circle, Multan	201 to 300
4	Metropolitan Circle, Karachi / CCS, Karachi (candidates from % CCS, Karachi will submit application to PMG, Metropolitan Circle, Karachi)	301 to 400
5	Northern Sindh Circle, Hyderabad	401 to 500
6	FC, GB& AJK Circle, Islamabad	501 to 600
7	Khyber Pakhtunkhwa Circle, Peshawar	601 to 700
8	Northern PLI Circle, Lahore	701 to 800
9	Southern PLI Circle, Karachi	801 to 900
10	Baluchistan Circle, Quetta	901 to 1000
11	Directorate General, PPO, Islamabad/ ECO PSC, Isb (Applications are to be submitted to ADDG (HR) Dte-General PPO, Islamabad)	1001 to 1100

6. A list of candidates who are issued Roll Nos will be furnished to this office showing Sl. No. Name of Candidate (those who have exemptions and newly appear), designation with BPS, Name of Unit, Date of entry in BPS-16 on regular basis, Roll No. assigned to them, unclassified receipt No. date and papers exempted in previous exam with old Roll No. etc. on or before 15-01-2021.

7. Any application / request for relaxation of any condition, prescribed under the Recruitment Rules, is not entertainable.

{No. CP. 4-1/2020
Dated: 22-12-2020}

PART-III
POSTAL AND EXPRESS SERVICES

I. AMENDMENT TO D.G SPECIAL CIRCULAR NO. 08/2018 DATED 6TH AUG, 2018.

The following new post code numbers to the newly opened/ upgraded post offices of Southern Punjab Circle, Multan have been allotted as noted against each, which shall be inserted in DG Special Circular No. 08/2018 dated 6th Aug, 2018 under title "POST CODE DIRECTORY FIFTH EDITION CORRECTED UP TO 30-06-2018:-

Name of delivery Post office	Post Code allotted	Account Office	Province	POST CODE OF ATTACHED BRANCH OFFICES, IF ANY
Inaiti EDSO	63090	Bahawalpur GPO	Punjab	63091
Jamalpur EDSO	63050	Bahawalpur GPO	Punjab	63051

2. The working copies of the above DG's Special Circular shall be corrected accordingly.

{No. IM. 22-1/2007
Dated: 30-12-2020}

PART-IV
POSTAL SAVINGS, AGENCY FUNCTIONS AND
SPECIAL FINANCIAL SERVICE

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Nil

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PART-V
FINANCE AND BUDGET / ACCOUNTS

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Nil

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**PART-VI
GENERAL**

I. DIRECTORATE GENERAL PAKISTAN POST.

Directorate General's Circular No.....

Islamabad the,

The Pakistan Post Office Department regrets to announce the sad demise of Mr. Faisal Ayaz, Computer Programmer (BPS-17), Dte- General, Pakistan Post Office Islamabad on 08-12-2020. He was born on 15-08-1985 and joined the Pakistan Post Office Department as Computer Programmer (BPS-17) on 02-05-2017. During service he performed his duties with complete devotion and diligence.

2. While expressing profound sense of grief on the death of late Mr. Faisal Ayaz, Computer Programmer (BPS-17), the Director General of Pakistan Post conveys his deep sympathy and condolence to the members of the bereaved family. May Allah rest his soul in peace.

{No. Staff-1563}
Dated: 23-12-2020}