Penalties and Dismissal from Service under Pakistani Law

Efficiency and Discipline Rules, Regular Inquiry, Article 10-A and Proportionality (1990–2026)

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Abstract

This paper examines 100 reported judgments on major penalties — dismissal, removal and compulsory retirement — 86 of the Supreme Court of Pakistan and 14 of the Peshawar High Court, decided between 1990 and 2026 and collected on the Pakistan Law Site. The answers in Annexure A are given in the words of the reports. The main findings are that a regular inquiry may be dispensed with only for compelling reasons recorded in writing (2022 SCMR 327), and never where facts are disputed (2023 SCMR 291; 2019 PLC(CS) 224); that an inquiry without a fair opportunity of defence is not a regular inquiry (2025 SCMR 632); that the penalty must reflect the degree of moral culpability (2024 SCMR 309); that acquittal does not, as a rule, end departmental proceedings (2021 SCMR 1419), although the latest authority holds that acquittal on the same accusation leaves nothing to decide (2026 SCMR 843); and that on reinstatement the officer is restored as if the unlawful order had not been passed (PLD 2026 SC 145).

Keywords: dismissal; removal; compulsory retirement; regular inquiry; show-cause notice; Article 10-A; proportionality; acquittal; absence from duty; back benefits.

1. Introduction

Major penalties end careers, and most of the reported litigation turns on four questions: whether a regular inquiry was required and fairly held, whether the penalty is proportionate, what effect a criminal acquittal has, and what the officer recovers on reinstatement. The Supreme Court has also repeatedly checked Service Tribunals that reduce penalties without reasons.

2. Sources and Method

All research was done on the Pakistan Law Site only. Supreme Court searches were run over all years for "regular inquiry" (233 results), "proportionality" (47), "acquittal departmental proceedings" (58), "personal hearing dismissal" (48) and "compulsory retirement" (445, first page screened); Peshawar High Court searches for "dismissal from service inquiry" (26). Results were screened for an actual holding on a penalty; 86 Supreme Court and 14 Peshawar High Court judgments were kept. For every judgment the full report was opened on the site to take the bench, case number and date. Each answer in Annexure A quotes the report; where the report gives a hearing date instead of a decision date, it is shown "(heard)". Judgments that settle the law on each point are marked ✓ *Mother judgment*.

3. The Law in Phases

3.1 The regular inquiry

There is no hard and fast rule that a regular inquiry must follow every show-cause notice, but dispensing with it requires "compelling and justiciable reasons assigned in writing" (2022 SCMR 327). Where the reasons are not sustainable, the matter goes back for a regular inquiry (2020 SCMR 1029; 2011 SCMR 1655), and where the allegations rest on disputed facts the employee "cannot be denied a right of regular inquiry" (2023 SCMR 291; 2019 PLC(CS) 224). An inquiry is not a regular inquiry "unless fair opportunity is provided to defend the charges" (2025 SCMR 632); a fact-finding inquiry is only a preliminary step (2022 SCMR 745; 2017 SCMR 356). Denial of cross-examination or of the chance to examine witnesses leads to a de novo inquiry (2025 SCMR 453; 2011 SCMR 1327), as do ex parte proceedings (2025 SCMR 353; 2025 SCMR 92) and violations of Article 10-A (2026 SCMR 461; 2023 SCMR 1135). For a major penalty, natural justice requires a regular inquiry, defence and personal hearing (2008 SCMR 1369); the Peshawar High Court holds that a show-cause notice alone is not enough where a stigma is attached (2005 PLC(CS) 964; 2019 PLC(CS) 255).

The exceptions are settled: admitted absence needs no regular inquiry (2021 SCMR 144; 2021 SCMR 1367; 2021 SCMR 1358), undenied documents leave nothing to rebut (2013 SCMR 1904; 2025 SCMR 2103), a probationer may be dispensed with without inquiry (2020 SCMR 1401), and personal hearing by the authority is needed only where the rules require it (1999 SCMR 1237; 1991 SCMR 1755).

3.2 Proportionality and the quantum of penalty

"Penalty should be proportionate to the guilt" and must "reflect the degree of moral culpability" (2024 SCMR 309); the relevant factors are past record, length of service, intention and impact on discipline (2026 SCMR 1509). Proportionality must itself be used with restraint, for "its misuse can undermine the very values it seeks to uphold" (2026 SCMR 357). Interference is warranted only where the penalty is "unreasonable, perverse, excessively harsh" (2025 SCMR 733), guided by "the gravity of misconduct and charges" (2023 SCMR 407). Compulsory retirement for mere negligence was harsh (2024 SCMR 92), and back benefits may be proportioned to the fault (2021 SCMR 962).

But long service is no ground to convert dismissal for fraud into compulsory retirement (2023 SCMR 770), and the Supreme Court has restored penalties reduced by Tribunals without reasons or against the record (2025 SCMR 374; 2023 SCMR 803; 2022 SCMR 673; 2022 SCMR 2114; 2021 SCMR 1560; 2021 SCMR 1027; 2021 SCMR 959; 2021 SCMR 710; 2021 SCMR 584; 2021 SCMR 400). The Tribunal cannot "assume the role of the competent authority" (2021 SCMR 1560), and the Supreme Court does not re-weigh fair findings merely because another view is possible (PLD 2026 SC 521).

3.3 Criminal acquittal and departmental proceedings

The settled rule is that the two run independently (2005 SCMR 948; PLD 2024 SC 795). Acquittal "could not and did not automatically knock off the outcome of the departmental proceedings" (2021 SCMR 1419); it may be considered but "cannot be the sole determining factor" (2023 SCMR 2111); departmental proceedings are a fact-finding, inquisitorial exercise "without the heavier procedural riders" of criminal law (2022 SCMR 1796; 2022 SCMR 2147; 2021 SCMR 420), and the State's failure in the criminal case gives no "shield of double jeopardy" (2020 SCMR 1708; 2024 SCMR 1757; 2006 SCMR 1005; 2007 SCMR 562; 2004 SCMR 540). A member of a disciplined force with criminal antecedents is unfit for reinstatement (2022 SCMR 1770).

3.4 Absence from duty

Admitted absence needs no inquiry (2021 SCMR 144), an officer must join duty once leave is refused (2011 SCMR 1429), afterthought excuses fail (1991 SCMR 381), lengthy absence justifies dismissal (2013 SCMR 567), and a lenient view to avoid a break in service is not exoneration (2025 SCMR 489). The authority must still impose a penalty commensurate with the gravity of the absence (2025 SCMR 708).

3.5 Reinstatement and back benefits

When the foundational order is unlawful the superstructure collapses, and the officer "must be placed in the position they would have occupied had the unlawful action not occurred" (PLD 2026 SC 145). Exoneration brings reinstatement with consequential benefits (2025 SCMR 1916), subject to adjustment of earnings elsewhere (2014 SCMR 1263); interim reinstatement pending fresh inquiry may carry current salary (2026 PLC(CS) 521), while the Peshawar High Court has also applied "no work no gain" (2021 PLC(CS) 711). Salary paid to an ineligible appointee is not recovered under administrative acquiescence (PLD 2025 SC 560).

4. Where the Authorities Conflict or Leave a Gap

Acquittal. 2026 SCMR 843 holds that "once the criminal court has adjudged the civil servant not guilty on the same accusation, the departmental authority is left with nothing to determine". This sits uneasily with the line of cases holding that acquittal does not automatically end departmental proceedings (2021 SCMR 1419; 2023 SCMR 2111; 2024 SCMR 1757). The two can be read together where the departmental charge is identical to the criminal accusation and no separate misconduct is alleged; where the charge includes separate misconduct, the earlier line governs.

Back benefits. PLD 2026 SC 145 restores the officer fully; 2021 SCMR 962 permits partial denial in proportion to fault; the Peshawar High Court has applied "no work no gain" (2021 PLC(CS) 711). The outcome depends on whether the dismissal was void or merely disproportionate.

5. Practical Guide

For the officer. Demand a regular inquiry where facts are disputed (2023 SCMR 291); insist on cross-examination and defence (2025 SCMR 632); check for written reasons if the inquiry was dispensed with (2022 SCMR 327); argue proportionality with past record and length of service (2026 SCMR 1509); and, after acquittal, show that the charge is the same accusation (2026 SCMR 843).

For the department. Record reasons before dispensing with inquiry; give the charge sheet, evidence, cross-examination and personal hearing (2008 SCMR 1369); impose a penalty commensurate with the gravity (2025 SCMR 708); and, on appeal, resist reductions made without reasons (2021 SCMR 400).

6. Conclusion

The law requires a fair regular inquiry unless written compelling reasons justify dispensing with it, a penalty proportionate to culpability, independence of departmental from criminal proceedings save where acquittal disposes of the same accusation, and full restoration where dismissal was unlawful. Tribunals may correct harsh penalties but may not substitute leniency for reasons.

Annexure A — The Judgments in Question and Answer Form

All 100 judgments relied on, Supreme Court first and then the Peshawar High Court, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer.

Supreme Court of Pakistan (86)

1. 2026 SCMR 1509 — Director General Pakistan Post Office v. Muhammad Fayyaz

Before: Muhammad Ali Mazhar and Musarrat Hilali, JJ; Civil Petition No. 2601 of 2022, decided 9 March 2026

Q. What factors govern the quantum of punishment?

A. Factors "may be kept in mind, namely past conduct/track record, length of service, whether act of misconduct was intentional and conscious or unintentional and inadvertent, and impact of such misconduct on overall discipline, decorum, supervision and administration of the establishment."

2. 2026 SCMR 843 — Ghulam Murtaza v. District Police Officer, Gujrat ✓ *Mother judgment*

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; Civil Petition No. 4757 of 2024, decided 23 October 2025

Q. What is the effect of acquittal on the same accusation?

A. "Once the criminal court has adjudged the civil servant not guilty on the same accusation, the departmental authority is left with nothing to determine; the entire charge falls to the ground."

3. 2026 SCMR 461 — Muhammad Abid v. Government of Khyber Pakhtunkhwa

Before: Muhammad Ali Mazhar and Musarrat Hilali, JJ; C.P.L.A. No. 706 of 2021, decided 1 July 2025

Q. What follows a dismissal made without fair trial under Article 10-A?

A. The order was set aside and the matter remanded "to conduct a de novo inquiry into the allegations of misconduct after providing ample opportunity of defence."

4. 2026 SCMR 357 — District and Sessions Judge (Authority), Jhang v. Ghulam Shabbir ✓ *Mother judgment*

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; C.P.L.A. No. 2987-L of 2019, decided 7 May 2025

Q. What are the limits of proportionality in disciplinary penalties?

A. "While proportionality strengthens constitutional adjudication when properly employed, its misuse can undermine the very values it seeks to uphold---A disproportionate decision may also violate the rule of law."

5. 2026 SCMR 105 — Saeed Ahmed v. Nestle Pakistan Limited

Before: Muhammad Ali Mazhar, Syed Hasan Azhar Rizvi and Aqeel Ahmed Abbasi, JJ; C.P.L.A. No. 1285-K of 2022, decided 23 July 2025

Q. Can a penalty imposed by the employer be reduced?

A. It "may be revisited and converted into some lesser or alternative punishment if provided under the law but ... the set of circumstances of each and every case have to be considered minutely."

6. PLD 2026 SC 521 — Lahore High Court v. Muhammad Afzal Zahid

Before: Shahid Waheed, Naeem Akhtar Afghan and Muhammad Shafi Siddiqui, JJ; C.P.L.As. Nos. 642-L, 1606 and 2172 of 2025, decided 13 May 2026

Q. Will the Supreme Court re-weigh findings of a fair departmental inquiry?

A. No. It "does not interfere with findings in departmental proceedings merely on the ground that another view is possible on the material available on record." Removal restored.

7. PLD 2026 SC 145 — Tahir Kazmi v. Inspector General of Police, Punjab ✓ *Mother judgment*

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; Civil Petitions Nos. 3453-L of 2019 and 23-L of 2022, decided 14 May 2025

Q. What follows reinstatement after wrongful dismissal?

A. The doctrine of "Constructive Continuity and Vanishing Dismissal": "When the foundational order is without lawful authority, superstructure built upon it collapses---Civil servant must be placed in the position they would have occupied had the unlawful action not occurred."

8. 2025 SCMR 2103 — Ishtiaq Anwar v. Inspector General of Police Sindh

Before: Irfan Saadat Khan and Muhammad Shafi Siddiqui, JJ; Civil Petition No. 1437-K of 2022, decided 25 March 2025

Q. Is an inquiry always required under the Removal from Service (Special Powers) Ordinance, 2000?

A. Not where the documentary evidence is such that "there was no need to hold an inquiry." Leave refused.

9. 2025 SCMR 2071 — Muhammad Arshad v. Deputy District Food, Multan

Before: Shahid Waheed and Musarrat Hilali, JJ; C.P.L.A. No. 1919-L of 2016, decided 16 May 2025

Q. From what stage are flawed PEEDA proceedings restarted?

A. All orders were set aside "with a direction to start proceedings afresh from the stage when inquiry report was received."

10. 2025 SCMR 1924 — Malik Muhammad Ramzan v. Commissioner Sargodha Division

Before: Musarrat Hilali, Aqeel Ahmed Abbasi and Miangul Hassan Aurangzeb, JJ; Civil Petition No. 2768-L of 2022, decided 19 June 2025

Q. What is the remedy for a dismissal without proper hearing under PEEDA?

A. A "de novo inquiry ... while providing him sufficient opportunity of being heard in terms of sections 9 and 10 of Punjab Employees Efficiency, Discipline and Accountability Act, 2006."

11. 2025 SCMR 1916 — Muhammad Niaz Khan v. R.P.O. Sheikhupura Region

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; C.P.L.A. No. 2283-L of 2016, decided 12 May 2025

Q. What follows a dismissal contrary to constitutional norms?

A. It "was accordingly set aside---The petitioner stood exonerated and was directed to be reinstated in service from the date of his original dismissal, with all consequential benefits."

12. 2025 SCMR 733 — Muzammal Khan v. Inspector General of Police, Lahore

Before: Ayesha A. Malik and Malik Shahzad Ahmad Khan, JJ; Civil Petition No. 1354 of 2023, decided 4 February 2025

Q. When does a Tribunal or Court interfere with a penalty?

A. Where it considers the penalty "unreasonable, perverse, excessively harsh, or by exercising leniency"; no such case for absence was made out. Leave refused.

13. 2025 SCMR 708 — Muhammad Nasir Ismail v. Government of Punjab

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; C.P.L.A. No. 3062 of 2022, decided 25 February 2025

Q. What must the authority do on revisiting a penalty for absence?

A. “Impose a penalty commensurate with the gravity of misconduct.”

14. 2025 SCMR 632 — Aamir Akbar v. Additional Superintendent of Police, Bahawalpur ✓ *Mother judgment*

Before: Amin-ud-Din Khan, Muhammad Ali Mazhar and Syed Hasan Azhar Rizvi, JJ; Civil Petition No. 921-L of 2017, decided 4 December 2024

Q. When is an inquiry a 'regular inquiry'?

A. “Regular inquiry cannot be considered or labeled as regular inquiry unless fair opportunity is provided to defend the charges”; the Tribunal must ascertain whether due process under Article 10A was followed.

15. 2025 SCMR 489 — Secretary, Law and Parliamentary Affairs Department, Punjab v. Ali Ahmad Khan

Before: Amin-ud-Din Khan, Muhammad Ali Mazhar and Irfan Saadat Khan, JJ; Civil Petition No. 2330-L of 2019, decided 23 October 2024

Q. Does treating absence leniently to avoid a break in service amount to exoneration?

A. No; it “did not amount to exoneration from period of absence.” The Tribunal's order was set aside.

16. 2025 SCMR 453 — Tariq Khan v. Additional Director General (North), FIA

Before: Muhammad Ali Mazhar and Syed Hasan Azhar Rizvi, JJ; Civil Petitions Nos. 3463 and 3464 of 2021, decided 7 November 2024

Q. What if cross-examination is not allowed in the inquiry?

A. The matter “was remanded to departmental authorities for de novo inquiry.”

17. 2025 SCMR 374 — Chairman Pakistan Ordnance Factories Board v. Akhtar Tanveer

Before: Ayesha A. Malik, Irfan Saadat Khan and Shahid Bilal Hassan, JJ; Civil Petition No. 1017 of 2022, decided 27 November 2024

Q. Can the Tribunal reduce a penalty arbitrarily?

A. No; it “exceeded its jurisdiction by arbitrary exercise of discretion which was illegal and without lawful authority”; the penalty was restored.

18. 2025 SCMR 353 — Director General, Intelligence Bureau v. Babar Ali Solangi

Before: Muhammad Ali Mazhar and Irfan Saadat Khan, JJ; Civil Petition No. 281-K of 2022, decided 15 October 2024

Q. What is required after an ex parte departmental inquiry is set aside?

A. An inquiry officer “should conduct an impartial regular inquiry, and during the inquiry proceedings, the respondent should be afforded ample opportunity of defence.”

19. 2025 SCMR 92 — Faisal Ali v. District Police Officer, Gujrat

Before: Amin-ud-Din Khan, Muhammad Ali Mazhar and Irfan Saadat Khan, JJ; Civil Petition No. 3109-L of 2016, decided 23 September 2024

Q. What follows an ex parte inquiry where the official was acquitted on benefit of doubt?

A. The judgment was set aside and “the matter was remanded to the Service Tribunal to decide the appeal afresh in accordance with law.”

20. PLD 2025 SC 560 — Shahbaz Latif v. DIG, Pakistan Railways Headquarters Office

Before: Syed Mansoor Ali Shah and Aqeel Ahmed Abbasi, JJ; C.P.L.A. No. 2646 of 2023, decided 19 May 2025

Q. Can salary be recovered from an employee dismissed for ineligibility at appointment?

A. No recovery, under administrative acquiescence; but "the petitioner's dismissal from service, on account of ineligibility at the time of appointment, would remain intact."

21. 2024 SCMR 1896 — Javed Ali v. Inspector General of Police, Sindh

Before: Muhammad Ali Mazhar and Syed Hasan Azhar Rizvi, JJ; Civil Petitions Nos. 499-K and 519-K of 2023, decided 6 August 2024

Q. What follows where the Tribunal decided dismissal appeals without proper hearing?

A. Remanded "to decide the appeals of petitioners on merits after providing equal opportunity of hearing to the parties."

22. 2024 SCMR 1831 — Superintendent of Police, Headquarters, Lahore v. Ijaz Aslam

Before: Syed Mansoor Ali Shah, Athar Minallah and Malik Shahzad Ahmad Khan, JJ; Civil Petitions Nos. 3105-L to 3114-L and 3119-L to 3122-L of 2023, decided 7 August 2024

Q. Can driver constables appointed on fake licences be reinstated?

A. No; the judgment granting relief was set aside "and the dismissal orders of the respondents passed by the department were upheld."

23. 2024 SCMR 1757 — Ghulam Murtaza Sheikh v. The Chief Minister, Sindh

Before: Muhammad Ali Mazhar and Irfan Saadat Khan, JJ; Civil Petitions Nos. 646-K to 647-K of 2021, decided 9 August 2024

Q. Does acquittal bar disciplinary proceedings?

A. No; it "does not mean that he could not be called upon to face disciplinary proceedings on account of misconduct or dereliction of his duties."

24. 2024 SCMR 1250 — Abdullah Channah v. The Administrative Committee

Before: Muhammad Ali Mazhar and Irfan Saadat Khan, JJ; Civil Appeal No. 653-K of 2022, decided 8 April 2024

Q. Can judicial officers' service appeals against the Administrative Committee be non-suited?

A. No; they "cannot be non-suited on the ground of maintainability."

25. PLD 2024 SC 795 — Raja Tanveer Safdar v. Mrs. Tehmina Yasmeen

Before: Munib Akhtar, Ayesha A. Malik and Shahid Waheed, JJ; Civil Petition No. 3644 of 2020, decided 24 April 2024

Q. Does a departmental penalty bar other proceedings on the same facts?

A. No; each case goes "before different forums with distinct penal consequences"; the "argument of double jeopardy was misplaced."

26. 2024 SCMR 309 — Pervaiz Hussain Shah v. Secretary to Government of Punjab, Food Department ✓ *Mother judgment*

Before: Syed Mansoor Ali Shah, Sayyed Mazahar Ali Akbar Naqvi and Irfan Saadat Khan, JJ; Civil Petitions Nos. 1007 and 1112-L of 2022, decided 14 November 2023

Q. What is proportionality in penalties?

A. "Penalty should be proportionate to the guilt---Notion of proportionality requires that the punishment ought to reflect the degree of moral culpability associated with the offence."

27. 2024 SCMR 92 — Mst. Shahida Siddiqa v. Allied Bank Limited

Before: Syed Mansoor Ali Shah, Sayyed Mazahar Ali Akbar Naqvi and Irfan Saadat Khan, JJ; Civil Appeals Nos. 836-L and 837-L of 2013, decided 14 November 2023

Q. Is compulsory retirement proportionate where only negligence is proved?

A. No; it "would definitely be harsh"; demotion to a lower grade with back benefits was upheld.

28. 2023 SCMR 2111 — Manzar Abbas v. District Police Officer, Sargodha

Before: Yahya Afridi, Sayyed Mazahar Ali Akbar Naqvi and Athar Minallah, JJ; Civil Petitions Nos. 3041 and 3105 of 2020, decided 15 June 2023

Q. How is an acquittal treated in disciplinary proceedings?

A. It "may be considered during disciplinary proceedings but cannot be the sole determining factor."

29. 2023 SCMR 1135 — Raja Muhammad Shahid v. The Inspector General of Police

Before: Muhammad Ali Mazhar and Syed Hasan Azhar Rizvi, JJ; Civil Petition No. 545-K of 2021, decided 20 April 2023

Q. What follows compulsory retirement without opportunity of defence?

A. Reinstatement subject to refund of dues and a de novo inquiry "concluded within a period of two months", back benefits "subject to the final outcome."

30. 2023 SCMR 803 — Divisional Superintendent, Postal Services, D.G. Khan v. Nadeem Raza

Before: Syed Mansoor Ali Shah and Ayesha A. Malik, JJ; Civil Petition No. 3855 of 2022, decided 17 January 2023

Q. Can the Tribunal reduce removal for misappropriation?

A. No; the reduction failed "the test of proportionality"; removal from service was restored.

31. 2023 SCMR 770 — Allah Ditta v. Deputy Postmaster General (Admn.), Northern Punjab Circle ✓ *Mother judgment*

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Muhammad Ali Mazhar, JJ; Civil Petition No. 2602 of 2019, decided 5 October 2022

Q. Is long service a ground to convert dismissal for fraud into compulsory retirement?

A. No. Otherwise employees would act "with the confidence and assurance that the dismissal order from service will be converted into compulsory retirement ... by taking a lenient view."

32. 2023 SCMR 407 — Ijaz Badshah v. Secretary, Establishment Division

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Muhammad Ali Mazhar, JJ; Civil Petition No. 3813 of 2019, decided 12 October 2022

Q. What guides judicial review of a penalty?

A. "It is the gravity of misconduct and charges which predominately guides the exercise of judicial review."

33. 2023 SCMR 291 — Chief Engineer, GEPCO v. Khalid Mehmood ✓ *Mother judgment*

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Muhammad Ali Mazhar, JJ; Civil Appeals Nos. 1685 to 1687 of 2021, decided 3 October 2022

Q. When can a regular inquiry not be denied?

A. Where allegations are "based on disputed questions of facts, then obviously the employee cannot be denied a right of regular inquiry."

34. 2022 SCMR 2147 — Muhammad Nawaz Khan v. Inspector General of Police, Punjab

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Muhammad Ali Mazhar, JJ; Civil Petition No. 2277 of 2019, decided 11 October 2022

Q. How do departmental proceedings differ from criminal trial?

A. They assess suitability "through a fact finding method, which is somewhat inquisitorial in nature, but it is without the heavier procedural riders otherwise required in criminal jurisdiction."

35. 2022 SCMR 2114 — Government of Khyber Pakhtunkhwa v. Nargis Jamal

Before: Sardar Tariq Masood, Amin-ud-Din Khan and Muhammad Ali Mazhar, JJ; Civil Appeal No. 19 of 2022, decided 6 October 2022

Q. Can the Tribunal set aside compulsory retirement for unauthorized foreign travel and absence proved in inquiry?

A. No; the Tribunal's judgment was set aside "and the punishment of compulsory retirement awarded to respondent was restored."

36. 2022 SCMR 1796 — Postmaster General, Karachi v. Arshad Ali

Before: Sajjad Ali Shah and Muhammad Ali Mazhar, JJ; Civil Appeal No. 18-K of 2021, decided 2 August 2022

Q. Does acquittal decide the departmental case?

A. No; the department assesses suitability by a fact-finding method "without the heavier procedural riders otherwise required in criminal jurisdiction."

37. 2022 SCMR 1770 — Faraz Naveed v. District Police Officer, Gujrat

Before: Umar Ata Bandial, C.J., Sajjad Ali Shah and Muhammad Ali Mazhar, JJ; Civil Petition No. 3122 of 2020, decided 28 February 2022

Q. Can a police official with criminal antecedents be reinstated?

A. No; a member of a disciplined force "should be a person of utmost integrity ... and a person having criminal antecedents would not be fit to be restored or reinstated."

38. 2022 SCMR 1520 — Muhammad Iqbal v. Regional Police Officer, Sahiwal

Before: Umar Ata Bandial and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Petition No. 2692-L of 2016, decided 3 January 2022

Q. What follows dismissal for a narcotics case later ending in acquittal?

A. The Tribunal's judgment was set aside, leaving the department "at liberty to commence fresh disciplinary proceedings ... by the grant of opportunity of hearing."

39. 2022 SCMR 745 — Usman Ghani v. The Chief Post Master, GPO Karachi

Before: Sajjad Ali Shah and Muhammad Ali Mazhar, JJ; Civil Appeal No. 1-K of 2021, decided 28 December 2021

Q. How does a regular inquiry differ from a fact-finding inquiry?

A. In a regular inquiry the employee must be allowed "to cross-examine the witnesses"; a fact-finding inquiry is internal, to see "whether ... a proper case of misconduct was made out to initiate disciplinary proceedings."

40. 2022 SCMR 673 — Government of Khyber Pakhtunkhwa v. Dr. Liaqat Ali

Before: Gulzar Ahmed, C.J. and Muhammad Ali Mazhar, J; Civil Appeal No. 835 of 2021, decided 6 January 2022

Q. Could the Tribunal convert removal into compulsory retirement here?

A. No; the modification was set aside "and the penalty of removal from service was restored."

41. 2022 SCMR 327 — Senior Superintendent of Police (Operations) v. Shahid Nazir ✓ *Mother judgment*

Before: Gulzar Ahmed, C.J., Mazhar Alam Khan Miankhel and Muhammad Ali Mazhar, JJ; Civil Appeal No. 608 of 2021, decided 12 October 2021

Q. When may the department dispense with a regular inquiry?

A. There is no hard and fast rule, but "if the department wanted to dispense with the regular inquiry there must be some compelling and justiciable reasons assigned in writing."

42. 2022 SCMR 313 — Bilal Hussain (deceased) v. President, National Bank of Pakistan

Before: Gulzar Ahmed, C.J. and Mazhar Alam Khan Miankhel, J; Civil Appeal No. 746 of 2021, decided 16 November 2021

Q. Is a branch manager's penalty excessive because a subordinate got less?

A. No; the subordinate functioned under his directions; "penalty of compulsory retirement from service imposed upon the appellant was maintained."

43. 2021 SCMR 1886 — Deputy Inspector General of Police, Lahore v. Sarfraz Ahmed

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 648 of 2021, decided 4 October 2021

Q. Can a constable's absence and criminal links be excused?

A. No; "his attitude could not be excused and tolerated"; dismissal maintained.

44. 2021 SCMR 1560 — The Chief Postmaster General, Multan v. Hameed-ud-Din

Before: Gulzar Ahmed, C.J. and Ijaz ul Ahsan, J; Civil Appeal No. 1010 of 2020, decided 25 June 2021

Q. Can the Tribunal step into the authority's shoes on embezzlement?

A. No; it could not "assume the role of the competent authority and hold that embezzlement or misappropriation was not proved"; dismissal restored.

45. 2021 SCMR 1419 — Province of Punjab v. Khadim Hussain Abbasi ✓ *Mother judgment*

Before: Gulzar Ahmed, C.J. and Ijaz ul Ahsan, J; Civil Appeal No. 201 of 2020, decided 13 April 2021

Q. Does acquittal automatically undo a departmental penalty?

A. No; acquittal "could not and did not automatically knock off the outcome of the departmental proceedings if all legal and procedural formalities and due process had been followed independently."

46. 2021 SCMR 1367 — Tasawar Hussain v. Deputy Commissioner, District Jhelum

Before: Gulzar Ahmed, C.J., Mazhar Alam Khan Miankhel and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 130 of 2021, decided 8 June 2021

Q. Is a regular inquiry needed for admitted wilful absence?

A. "Where the absence from duty was admitted, there was no need to hold regular inquiry."

47. 2021 SCMR 1358 — Fayyaz Hussain v. Executive District Officer (Education), City District Government Rawalpindi

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Petition No. 3525 of 2018, decided 10 March 2021

Q. Same question on admitted absence?

A. "Where the absence from duty was admitted, there was no need to hold regular inquiry."

48. 2021 SCMR 1213 — Allied Bank Limited v. Zulfiqar Ali Shar

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 82 of 2016, decided 26 April 2021

Q. Is termination simpliciter of a convicted bank employee lawful?

A. Yes; requirements of S.O. 12(3) “had properly and adequately been met”; termination restored.

49. 2021 SCMR 1077 — Member (Administration), Federal Board of Revenue v. Mian Khan

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Petition No. 1033 of 2020, decided 20 April 2021

Q. What did the Court say about prolonged disciplinary proceedings?

A. They should be avoided; delay “caused physical stress, loss of reputation in public eyes, which ultimately led to mental agony for a public servant.”

50. 2021 SCMR 1051 — Fayyaz Ullah Khan v. Peshawar High Court, Peshawar

Before: Gulzar Ahmed, C.J. and Ijaz ul Ahsan, J; Civil Petition No. 2902 of 2018, decided 15 April 2020

Q. Can a judge charged with living beyond means succeed without showing his means?

A. No; he filed no material “to substantiate his plea that he possessed the means.” Leave refused.

51. 2021 SCMR 1027 — Senior General Manager/CEO, Pakistan Railway Headquarters v. Abdul Rauf Shamoon

Before: Gulzar Ahmed, C.J. and Ijaz ul Ahsan, J; Civil Appeal No. 10 of 2021, decided 19 April 2021

Q. Can the Tribunal reinstate an engine driver who passed a red signal causing an accident?

A. No; the Tribunal had not considered important aspects; “penalty of dismissal from service imposed upon the respondent was restored.”

52. 2021 SCMR 962 — Muhammad Sharif v. Inspector General of Police, Punjab

Before: Manzoor Ahmad Malik and Syed Mansoor Ali Shah, JJ; C.Ps. Nos. 517-L, 1019-L, 1062-L, 1232-L of 2016 and 1929-L of 2017, decided 28 April 2021

Q. May back benefits be partly withheld on reinstatement?

A. Yes, “while maintaining a proportion between the gravity of the fault of the civil servant and special/extenuating circumstances of the case.”

53. 2021 SCMR 959 — Secretary Elementary and Secondary Education Department, KP v. Noor-ul-Amin

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 985 of 2020, decided 22 February 2021

Q. Can the Tribunal soften removal of one who never returned from ex-Pakistan leave?

A. No; “the modification of penalty by the Tribunal was not in accordance with law.”

54. 2021 SCMR 710 — Director General, Directorate General of Training and Research (Inland Revenue) v. Ijaz Younas

Before: Gulzar Ahmad, C.J., Ijaz ul Ahsan and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 1122 of 2020, decided 2 March 2021

Q. What if the Tribunal's finding on unauthorized absence has no record support?

A. The finding “was wholly unsupported by the record”; dismissal restored.

55. 2021 SCMR 584 — Deputy Postmaster General, Central Punjab v. Habib Ahmed

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Appeal No. 498 of 2020, decided 27 January 2021

Q. Can the Tribunal set aside dismissal for misappropriation without reasons?

A. No; it gave no "cogent, legally sustainable and valid reasons"; dismissal restored.

56. 2021 SCMR 545 — Asif Ali v. The Inspector General, Pakistan Railway Police

Before: Gulzar Ahmed, C.J. and Ijaz ul Ahsan, J; Civil Appeals Nos. 508 and 509 of 2019, decided 14 January 2021

Q. Is dismissal justified where the inquiry fully implicates the officials?

A. Yes; "penalty of dismissal from service was maintained."

57. 2021 SCMR 420 — The District Police Officer, Mianwali v. Amir Abdul Majid

Before: Umar Ata Bandial and Qazi Muhammad Amin Ahmed, JJ; Civil Petition No. 1567-L of 2019, decided 19 November 2020

Q. What standard governs departmental proceedings after acquittal?

A. A "fact finding method, somewhat inquisitorial in nature without heavier procedural riders" of criminal jurisdiction.

58. 2021 SCMR 400 — Divisional Superintendent, Postal Services, Faisalabad v. Muhammad Zafarullah

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Munib Akhtar, JJ; Civil Appeal No. 420 of 2020, decided 10 November 2020

Q. Can the Tribunal modify dismissal without reasons?

A. No; it acted in an "arbitrary, unstructured and whimsical manner without recording any reasons"; dismissal restored.

59. 2021 SCMR 144 — National Bank of Pakistan v. Zahoor Ahmed Mengal ✓ *Mother judgment*

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Munib Akhtar, JJ; Civil Appeal No. 681 of 2020, decided 26 November 2020

Q. Is a regular inquiry needed for admitted absence?

A. "Where the fact of absence from duty was admitted, there was no need for holding of a regular enquiry for that there was no disputed fact involved to be enquired into."

60. 2020 SCMR 1708 — Dr. Sohail Hassan Khan v. Director General (Research), Livestock and Dairy Development Department, Punjab

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Qazi Muhammad Amin Ahmed, JJ; Civil Petitions Nos. 4185, 4209 and 4504 of 2019, decided 20 August 2020

Q. Does criminal acquittal give a shield against departmental action?

A. No; "State's failure on the criminal plane did not provide shield of double jeopardy to a delinquent officer."

61. 2020 SCMR 1401 — Rizwana Altaf v. Chief Justice, High Court of Sindh

Before: Umar Ata Bandial, Faisal Arab and Sayyed Mazahar Ali Akbar Naqvi, JJ; Civil Petition No. 3952 of 2019, decided 9 June 2020

Q. Is a regular inquiry needed to dispense with a probationer?

A. No; "it mattered not if the competent authority expresses such reason without conducting a regular inquiry."

62. 2020 SCMR 1029 — Chief Postmaster Faisalabad, GPO v. Muhammad Afzal

Before: Gulzar Ahmed, C.J. and Ijaz ul Ahsan, J; Civil Appeal No. 2063 of 2019, decided 27 April 2020

Q. What if reasons for dispensing with inquiry are not sustainable?

A. The Court "was not debarred from sending the matter back to the department to hold a regular inquiry."

63. 2020 SCMR 1018 — Muhammad Shoaib Ahmed v. The Controller General of Accounts

Before: Gulzar Ahmed, C.J. and Qazi Muhammad Amin Ahmed, J; Civil Appeal No. 2065 of 2019, decided 13 May 2020

Q. What follows an improper inquiry against an officer after retirement?

A. The matter was "remanded to the department to hold regular enquiry."

64. 2020 SCMR 656 — Government of Pakistan, Federal Board of Revenue v. Nawaz Ali Sheikh

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sajjad Ali Shah, JJ; Civil Petition No. 669-L of 2018, decided 3 February 2020

Q. Can the Tribunal set aside dismissal where inefficiency and corruption are supported by record?

A. No; the findings "were supported by the record and quite justified"; dismissal maintained.

65. 2020 SCMR 653 — Mehmood Ahmed v. District Police Officer, Bahawalpur

Before: Gulzar Ahmed, C.J., Ijaz ul Ahsan and Sajjad Ali Shah, JJ; Civil Appeal No. 1736 of 2019, decided 18 February 2020

Q. What is needed before enhancing a penalty?

A. Opportunity to show cause under Rule 12(iii); there was "no infringement" and the enhanced dismissal stood.

66. 2017 SCMR 356 — Muhammad Naeem Akhtar v. Managing Director, WASA, LDA, Lahore

Before: Umar Ata Bandial and Manzoor Ahmad Malik, JJ; Civil Appeal No. 328-L of 2009 and C.M.A. No. 06-L of 2011, decided 29 November 2016

Q. Can a fact-finding inquiry replace a regular inquiry for inefficiency?

A. No; dismissal was set aside for "holding regular enquiry after giving him full opportunity of representation."

67. 2014 SCMR 1263 — Engineer Majeed Ahmed Memon v. Liaquat University of Medical and Health Sciences

Before: Sarmad Jalal Osmany, Gulzar Ahmed and Mushir Alam, JJ; Civil Appeal No. 17-K of 2009, decided 28 April 2014

Q. What benefits follow exoneration in a fresh inquiry?

A. "Back benefits etc. subject to adjustment from pay and salary which he had withdrawn elsewhere from the date of dismissal till date of reinstatement."

68. 2013 SCMR 1904 — Muhammad Aslam v. Auditor-General of Pakistan

Before: Mian Saqib Nisar and Amir Hani Muslim, JJ; Civil Appeal No. 159 of 2011, decided 10 July 2013

Q. Can an accused plead lack of opportunity where the documents are undenied?

A. No; he "could not take the plea that he was deprived of an opportunity to rebut the charge."

69. 2013 SCMR 567 — Muzaffar Ali v. Commandant Rangers

Before: Tassaduq Hussain Jillani and Sarmad Jalal Osmany, JJ; Civil Petition No. 60-L of 2012, decided 12 December 2012

Q. Is dismissal for nearly three years' absence without leave unwarranted?

A. No; the “penalty awarded to petitioner was not unwarranted.”

70. 2012 SCMR 979 — Muhammad Musa v. Habib Bank Limited

Before: Sarmad Jalal Osmany and Gulzar Ahmed, JJ; Civil Appeal No. 1157 of 2008, decided 11 April 2012

Q. Will the Court substitute a lenient penalty without mitigating circumstances?

A. No; “no mitigating circumstances having been found”, the appeal was dismissed.

71. 2011 SCMR 1655 — Mst. Firdous Batool v. Executive District Officer

Before: Khilji Arif Hussain and Mian Saqib Nisar, JJ; Civil Petition No. 1992-L of 2010, decided 22 June 2011

Q. Is a regular inquiry needed where allegations need evidence?

A. Yes; the “nature of allegation ... required recording of evidence”; a fresh inquiry may be held.

72. 2011 SCMR 1429 — Muhammad Ilyas Sheikh v. Secretary/Chairman, Ministry of Railways

Before: Mahmood Akhtar Shahid Siddiqui and Mian Saqib Nisar, JJ; Civil Petition No. 1608-L of 2010, decided 3 June 2011

Q. Must an officer join duty after refusal of extension of leave?

A. Yes; “he did not join duty, which he was bound to do.” Leave refused.

73. 2011 SCMR 1327 — Muhammad Afzal v. Regional Police Officer, Bahawalpur

Before: Mehmood Akhtar Shahid Siddiqui and Mian Saqib Nisar, JJ; Civil Petition No. 1196-L of 2010, decided 3 June 2011

Q. What if the accused is not allowed to examine witnesses?

A. The lapse “resulted into miscarriage of justice”; a de novo regular inquiry was directed.

74. 2011 SCMR 244 — Chief Executive, HESCO (WAPDA) v. Sikandar Ali Khawaja

Before: Sardar Muhammad Raza Khan and Syed Zawwar Hussain Jaffery, JJ; Civil Petition No. 981 of 2008, decided 28 May 2009

Q. Will the Supreme Court interfere with a Tribunal's well-founded penalty finding?

A. No; the judgment “was based on proper appreciation of material available on record.”

75. 2008 SCMR 1369 — Naseeb Khan v. Divisional Superintendent, Pakistan Railways ✓ *Mother judgment*

Before: Abdul Hameed Dogar, C.J., Ijaz-ul-Hassan Khan and Ch. Ejaz Yousaf, JJ; Civil Petition for Leave to Appeal No. 466 of 2008, decided 26 May 2008

Q. What does natural justice require before a major penalty?

A. A regular enquiry and “opportunity of defence and personal hearing ... otherwise civil servant would be condemned unheard.”

76. 2007 SCMR 1786 — Ghulam Mustafa Shehzad v. Lahore High Court

Before: Rana Bhagwandas, Actg. C.J. and Sardar Muhammad Raza Khan, J; C.P.L.A. No. 2601 of 2005, decided 21 June 2007

Q. Is a regular inquiry always required?

A. Whether to hold one depends “upon the facts and circumstances of each case.” Leave dismissed.

77. 2007 SCMR 562 — Superintendent of Police, D.I. Khan v. Ihsanullah

Before: Abdul Hameed Dogar and Mian Shakirullah Jan, JJ; Civil Petition No. 384-P of 2005, decided 14 November 2006

Q. Is reinstatement on acquittal automatic?

A. No; reinstatement after acquittal "was not sustainable in law"; dismissal maintained.

78. 2006 SCMR 1005 — Government of Pakistan v. Asif Ali

Before: Muhammad Nawaz Bhatti and Mian Shakirullah Jan, JJ; Civil Appeals Nos. 1781 and 1782 of 2001, decided 11 October 2005

Q. Does acquittal under section 265-K exonerate in departmental proceedings?

A. It "might be a relevant factor ... but could not be, as such, a reason to exonerate him from the charge of misconduct."

79. 2005 SCMR 948 — Dawood Ali v. Superintendent of Police

Before: Javed Iqbal and Faqir Muhammad Khokhar, JJ; Civil Petition No. 810-L of 2000, decided 28 February 2003

Q. Can departmental and criminal proceedings run together?

A. Yes; they "could be taken simultaneously and independent of each other."

80. 2004 SCMR 540 — Syed Muhammad Iqbal Jafri v. Registrar, Lahore High Court

Before: Sh. Riaz Ahmad, C.J., Qazi Muhammad Farooq and Abdul Hameed Dogar, JJ; Civil Petition No. 432-L of 2003, decided 1 December 2003

Q. Is the authority bound by an acquittal?

A. No; it may inquire "without being influenced by the decision of the acquittal."

81. 2003 SCMR 1095 — Ghulam Rasool v. Commissioner, Lahore Division

Before: Abdul Hameed Dogar and Tanvir Ahmad Khan, JJ; Civil Petition No. 3435-L of 2001, decided 15 April 2002

Q. What is the effect of an admission at the personal hearing?

A. Admitting issuing many arms licences was "admission of guilt"; dismissal upheld.

82. 2000 SCMR 1387 — Hassan Akhtar Kirmani v. Chairman, Ministry of Interior and Narcotics Control

Before: Ajmal Mian, C.J., Abdur Rehman Khan and Ch. Muhammad Arif, JJ; Civil Appeal No. 866 of 1995, decided 13 January 1998

Q. Can an officer who failed to deposit narcotics in the malkhana escape?

A. No; the allegation "was also not denied by him"; appeal dismissed.

83. 1999 SCMR 1901 — Muhammad Ashiq v. Settlement Commissioner

Before: Ajmal Mian, C.J., Sh. Riaz Ahmed and Ch. Muhammad Arif, JJ; Civil Appeal No. 654 of 1994, decided 22 March 1999

Q. When is dismissal upheld?

A. Where the "inquiry conducted was strictly in accordance with rules" and the allegations were "fully proved."

84. 1999 SCMR 1237 — Fouzia Ahmad v. First Women Bank Ltd.

Before: Saiduzzaman Siddiqui and Nasir Aslam Zahid, JJ; Civil Petition No. 582-K of 1998, decided 28 January 1999

Q. Is personal hearing by the competent authority always required?

A. Not where the “relevant Service Rules had not provided the requirement of personal hearing by the Competent Authority before final order.”

85. 1991 SCMR 1755 — Muhammad Mansoob Butt v. Managing Director, PIA

Before: Shafiur Rahman and Rustam S. Sidhwa, JJ; Civil Petition for Leave to Appeal No. 407-R of 1989, decided 22 February 1990

Q. When must personal hearing be given?

A. It “had to be afforded under the rules of service only, when major penalty of dismissal was likely to be imposed.”

86. 1991 SCMR 381 — Muhammad Azam v. Pakistan International Airlines Corporation

Before: S. Usman Ali Shah and Abdul Qadeer Chaudhry, JJ; Civil Petition No. 281-R of 1989, decided 29 January 1990

Q. Can an afterthought plea excuse admitted absence?

A. No; the plea of his mother's ailment “being an afterthought was rightly rejected.”

Peshawar High Court (14)

87. 2026 PLC(CS) 1163 — Abdul Hameed Khan v. National Bank of Pakistan

Before: Syed Arshad Ali and Muhammad Tariq Afridi, JJ; Writ Petition No. 1711-P of 2023, decided 27 February 2025

Q. Will the High Court substitute its discretion for the Bank's in a loans-on-fake-documents case?

A. No; “no occasion or mandate to substitute the discretion exercised by the competent authority dismissing the petitioners from service was made out.”

88. 2026 PLC(CS) 521 — Wasi-ud-Din v. Government of Khyber Pakhtunkhwa

Before: Farah Jamshed and Inamullah Khan, JJ; Writ Petition No. 716-D of 2022, decided 5 May 2025

Q. What follows dismissal without regular inquiry?

A. An inquiry may be held, and “in the meanwhile, the petitioner was reinstated into service and he was entitled to current salaries.”

89. 2023 PLC(CS) 1415 — Mukhtar Muhammad Khan v. Shaheed Benazir Bhutto University, Sheringal

Before: Muhammad Naeem Anwar and Dr. Khurshid Iqbal, JJ; Writ Petition No. 297-M of 2020, decided 21 February 2023

Q. Does termination simpliciter need notice?

A. “If the termination was simpliciter, it did not require the issuance of any notice.”

90. 2023 PLC(CS) 650 — Muhammad Fayaz v. President, Zarai Taraqiati Bank

Before: Shakeel Ahmad and Syed Arshad Ali, JJ; Writ Petition No. 565-P of 2022, decided 3 October 2022

Q. What if the inquiry was unfair and the dismissal based on alien considerations?

A. The dismissal was set aside “as the same was based on alien considerations and he was reinstated in service.”

91. 2021 PLC(CS) 711 — Shahid Iqbal v. Government of Khyber Pakhtunkhwa

Before: Qaiser Rashid Khan, C.J. and S.M. Attique Shah, J; Writ Petition No. 3132-P of 2019, decided 26 January 2021

Q. What relief follows an unlawful termination in a public sector company?

A. The termination letter was set aside, but remuneration denied “under the principle of 'no work no gain'.”

92. 2021 PLC(CS)N 4 — Haider Ali v. The Managing Director, Bank of Khyber

Before: Rooh ul Amin Khan, Musarrat Hilali and Muhammad Ibrahim Khan, JJ; Writ Petition No. 2574-P of 2016, decided 18 June 2019

Q. How may the Bank proceed after its dismissal orders are set aside?

A. It “might proceed against the employees in accordance with the mandate of R.14.7 of Bank of Khyber Employees Service Rules, 2012.”

93. 2019 PLC(CS) 255 — Saeedullah Khan v. Deputy Inspector-General of Police, Mardan

Before: Waqar Ahmad Seth and Muhammad Younis Thaheem, JJ; Writ Petition No. 1620-P of 2017, decided 14 February 2018

Q. Can an employee charged with a crime be dismissed without inquiry?

A. No; dismissal “could only be imposed after serving show-cause notice and holding an inquiry”; restored “with all the back benefits.”

94. 2019 PLC(CS) 224 — Saleem Wazir v. Government of Khyber Pakhtunkhwa ✓ *Mother judgment*

Before: Lal Jan Khattak and Syed Arshad Ali, JJ; Writ Petition No. 1224-A of 2017, decided 7 February 2018

Q. When can a regular inquiry not be dispensed with?

A. Misconduct entailing removal or dismissal “must be inquired through regular inquiry which cannot be dispensed with in matter where controversial facts and ticklish questions are involved.”

95. 2018 PLC 209 — MCB Bank Limited v. The Labour Appellate Tribunal, Khyber Pakhtunkhwa

Before: Rooh-ul-Amin Khan and Muhammad Younis Thaheem, JJ; W.Ps. Nos. 2493 and 2494 of 2011, decided 18 January 2018

Q. Can a disproportionate penalty be modified?

A. Yes; a penalty “against the doctrine of proportionality, which was a recognized principle of justice, was correctly modified by the Labour Court.”

96. 2018 PLC(CS)N 125 — Muttahir Khan v. University of Peshawar

Before: Waqar Ahmad Seth and Rooh-ul-Amin Khan, JJ; W.P. No. 635-P of 2016, decided 19 January 2017

Q. Can the Court reduce dismissal for misappropriation of university funds?

A. No; the “Court could not enter into the quantum of punishment as same was the prerogative and domain of employer.”

97. 2015 PLC(CS) 1385 — Lt. Col. (Retd.) Sultan Zeb Khan v. Board of Governors, Fazle Haq College, Mardan

Before: Mazhar Alam Khan, C.J. and Rooh-ul-Amin Khan, J; Writ Petition No. 3070-P of 2013, decided 6 November 2014

Q. Can termination without stigma by a non-statutory body be challenged in writ?

A. No; the remedy “was only to claim damages”; the petition was not maintainable.

98. 2015 PLC(CS) 263 — Roshan Dani v. WAPDA

Before: Mian Fasih-ul-Mulk and Yahya Afridi, JJ; Writ Petition No. 4405 of 2010, decided 19 December 2013

Q. Do pensionary benefits survive a penalty imposed before retirement?

A. Yes; the legal heirs were to be paid “all pensionary benefits ... after deducting the penalty awarded to the late employee before his retirement.”

99. 2010 PLC(CS) 507 — Taj Muhammad Khan v. Chief Justice, Peshawar High Court

Before: Abdul Aziz Kundi, J; Service Appeal No. 3 of 2002, decided 3 February 2010

Q. Will dismissal by the Chief Justice as competent authority be disturbed?

A. No; it “could not be interfered with in appeal.”

100. 2005 PLC(CS) 964 — Sahibzada Muhammad Arshad v. Bank of Khyber

Before: Talaat Qayum Qureshi and Salim Khan, JJ; Writ Petition No. 1282 of 2000, decided 5 May 2005 (heard)

Q. Is a show-cause notice enough for dismissal on a stigmatizing charge?

A. No; “Mere issuance of show-cause notice was not sufficient compliance of legal requirements”; an inquiry with cross-examination was ordered.