

**IN THE SUPREME COURT OF PAKISTAN**  
(APPELLATE JURISDICTION)

**PRESENT:**

MR. JUSTICE GULZAR AHMED, HCJ  
MR. JUSTICE IJAZ UL AHSAN  
MR. JUSTICE SAJJAD ALI SHAH

4 AFR

**Civil Appeal No.1736 of 2019.**

(Against the judgment dated 19.2.2018 of the Punjab Service Tribunal, Lahore Camp at Bahawalpur passed in Service Appeal No.60 of 2017)

Mehmood Ahmed.

...Appellant(s)

**Versus**

District Police Officer, Bahawalpur, etc.

...Respondent(s)

For the Appellant(s):

Mr. Arif Chaudhry, ASC  
Ch. Akhtar Ali, AOR

For the Respondent(s):

Syed Wajid Ali Gillani, Addl. A.G. Pb.  
Shahid Iqbal, DSP, Legal, Bahawalpur

Date of Hearing:

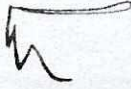
18.02.2020.

**ORDER**

**Gulzar Ahmed, CJ.-** The appellant was employed as Sub-Inspector (SI) and posted at P.S. City Yazman. An FIR No.134/2014 dated 07.06.2014 under Sections 365-B/376 PPC was registered at Police Station City Yazman. The SDPO Yazman inspected the site on 07.06.2014 and thereafter directed the appellant to arrest the main accused in the said FIR vide CD No.1/A dated 07.06.2014. The appellant did not take any interest in arresting the main accused. He was again issued another CD No.6 dated 21.06.2014 by the SDPO for arresting the main accused in the said FIR but he still did not arrest the main accused and after about one and a half month the main accused managed to obtain pre-arrest bail. The appellant was proceeded against departmentally by issuing of charge-sheet and ultimately dismissed



from service. The appellant challenged his dismissal order by filing of service appeal, which (appeal) was allowed and the matter was remanded for holding of a regular inquiry against the appellant. Thereafter, the DSP Legal, Bahawalpur was appointed as Inquiry Officer, who gave many opportunities to the appellant to appear before him but the appellant failed to appear in the enquiry. At one stage, the appellant made application for change of Inquiry Officer and also filed a writ petition in this regard, however, such request of the appellant was disallowed vide order dated 15.6.2016 and ultimately, the Inquiry Officer gave his report dated 15.7.2016 by which he found the appellant guilty of the offence and finally, penalty of reduction in rank from SI to Assistant Sub-Inspector was imposed upon the appellant under the relevant provisions of the Punjab Police (Efficiency & Discipline) Rules, 1975 **(the Police Rules, 1975)**, vide order dated 23.09.2016. The appellant seems to have filed the departmental appeal. While such departmental appeal was under consideration, the competent authority found that the penalty imposed upon the appellant was disproportionate to the gravity of misconduct committed by him and thus, he was afforded by the Regional Police Officer, Bahawalpur **(the RPO)** an opportunity of being heard in person, in the orderly room on 2.2.2017. After having heard the appellant, the RPO enhanced the penalty to that of dismissal from service vide office order No.522-23/PS(243-16/2016), dated 2.2.2017. Such order was challenged by the appellant by filing of a service appeal before the Punjab Service Tribunal **(the Tribunal)**, which (appeal) came to be dismissed by the impugned judgment dated 19.2.2018.






2. The learned counsel for the appellant contends that no show-cause notice for enhancement of the penalty was given to the appellant and thus, the very enhancement of penalty was not in accordance with law. He further contends that the rule of natural justice have been violated in this regard. Learned counsel has made reference to Rule 12(iii) of the Police Rules, 1975. In the first place, we note that in the very para-wise comments filed by the RPO, in para-v of the grounds, he has stated as follows:-

*"v. It is incorrect. On examining his case, it came forth that formal enquiry has held him guilty of the delay in investigation which resulted in the suicide of the victim. The delinquent official was unable to account for his delay in arresting the accused. He was afforded an opportunity of being heard in person in the orderly room held on 2.2.2017 and it seems that he was awarded lesser punishment than the gravity of his misconduct. Therefore, under rule 12(i & iii) of Punjab Police (E&D) Rules, 1975 the punishment was enhanced to dismissal from service vide this office order No.522-23/PS (243-16/2016), dated 2.2.2017."*

Sub-rule (iii) of Rule 12 of the above rules reads as follows:-

*"(iii) in all cases in which officers propose to enhance an award they shall before passing final orders, give the defaulter concerned an opportunity showing cause, either personally or in writing, why his punishment should not be enhanced."*

3. The very reading of the above Sub-rule shows that in all cases, in which officers propose to enhance an award, they shall before passing final orders give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced. As noted in the





comment of RPO (respondent No.2 before the Tribunal), it is clearly established that on 2.2.2017 the appellant was called in the orderly room by the RPO himself and he was given personal hearing on the point of enhancement of penalty and after such hearing been provided to the appellant, the penalty was enhanced vide order dated 2.2.2017. The stance taken by the RPO, in his above reproduced comments, is not controverted nor disputed before us.

4. The above provision of rules provides that opportunity to show cause is to be given either personally or in writing. As the opportunity has been given to the appellant to show cause personally and he has been heard in this regard, thus, in our view, no infringement of Sub-rule (iii) of Rule 12 of the Police Rules, 1975 has been made nor the principles of natural justice were violated. Having considered the arguments of the learned counsel and having gone through the record of the case, along with the impugned judgment, we find no illegality in the same, nor has any pointed out to us. Therefore, the appeal is dismissed.

**ISLAMABAD.**

18.02.2020.

M. Azhar Malik/

*Not Approved For Reporting*

TL

Amir  
25/2/20