HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 933 of 2020

[*Abdul Jabbar v. Federation of Pakistan and others*]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner	:	Abdul Jabbar, appearing in person
Respondents by	:	M/s Sajjad Muhammad Zangejo, Advocate and Ashfaque Hussain Abro, Assistant Attorney General Sindh
Date of Hearing	:	**12.08.2026**
Date of Announcement	:	**20.08.2026**

O R D E R

ARBAB ALI HAKRO, J. – Through this constitutional petition, the petitioner assails the order dated 18.03.2019, whereby the petitioner, then serving as Area Manager, State Life Insurance Corporation of Pakistan, Kandhkot, Sukkur Zone, was dismissed from service, and the further order dated 19.11.2019, by which the Standing Committee of the Board of Directors, having recommended the dismissal, had its recommendation ratified by the Board at its 272nd meeting held on 07.10.2019, and which rejected his departmental appeal against the dismissal.

2. Shorn of unnecessary detail, the case set out in the petition is that the petitioner joined the respondent-Corporation in 1998 as a Sales Representative and, over the following years, rose to the post of Area Manager, Sukkur Zone, "A" Category, vide letter dated 10.08.2011, effective from 02.08.2011. He describes himself as a consistently top-performing officer, having earned various performance certificates and a cash award of Rs.9,50,000/-, which he claims was withheld from him without justification. Being an "employee" of the Corporation for all purposes under the State Life Employees (Service) Regulations, 1973, in terms of his own appointment letter, he contends that his services could not have been terminated except after a proper enquiry and hearing. According to the contents of the petition, a charge-sheet dated 06.04.2018 was served upon him, to which he replied on 16.04.2018, and an

enquiry followed, concluding after some three to four months. The petitioner states that the enquiry findings did not establish any allegation against him and that, at the highest, some minor irregularities and lapses in following SOPs were noted, for which the enquiry itself recommended nothing beyond a warning or withholding of bonus. He was nevertheless served a Final Show-Cause Notice on 25.10.2018, to which he replied on 03.11.2018, pointing to the enquiry's own findings in his favour, and was subsequently granted a personal hearing on 15.01.2019 at the Regional Office, Hyderabad, which he attended. Contrary to his expectation, he received a letter of dismissal on 18.03.2019, followed by an order for recovery of the alleged loss. The petitioner further pleads that his salary and other emoluments had been withheld from August, 2017 till April 2018, well before any charge-sheet was framed against him, and that despite legal notices issued on his behalf and even after certain internal approvals for release of the withheld amounts, the same were never paid to him. He preferred a departmental appeal on 26.03.2019, which too was rejected, and he received the final order of dismissal being upheld on 19.11.2019.

3. The principal grievance raised in the petition is that he has been made to suffer for a wrong for which another employee, Naresh Kumar, had already been proceeded against and dismissed in respect of the very same sum, and that it is unjust to punish two different employees with the same penalty for what, on the petitioner's version, is one and the same act of embezzlement, especially when he claims he was not even at the relevant posting when the act occurred. It is also averred that the cashier concerned, without whose cooperation the alleged manipulation of cheques could not have taken place, went unpunished, exposing what he calls a selective and disproportionate action against him alone, despite twenty years of unblemished, according to him, award-winning service. On this basis, the petitioner prays that the order of dismissal be declared illegal and set aside, and that all salaries, perks, back benefits and bonuses withheld from him be released.

4. Upon notice, the Chairman, State Life Insurance Corporation of Pakistan, and the Executive Director (P&GS), arrayed as Respondents No.2 and 3, filed their comments resisting the petition. It was urged as a

preliminary objection that the petition is not maintainable, that this Court lacks jurisdiction to entertain it, and that no right of the petitioner stood infringed, since the respondents had proceeded strictly within the four corners of the State Life Employees (Service) Regulations, 1973. On the facts, it is stated that the petitioner, together with five other officials of the Sukkur Zone, was found involved in a fraud of Rs.50,00,000/- relating to prize distribution money and the cancellation of renewal payment receipts of policyholders, following a complaint received from six Sales Managers of the Zone, which led to the constitution of a Fact-Finding Committee on 15.06.2017. It is further stated that the enquiry found that the petitioner had himself issued fake premium receipts under his own signature against fresh proposals, when the underlying cheques had in truth been tendered by policyholders towards renewal premium, a fact clearly recorded on the reverse of the cheques, and that one such cheque, never shown to have been deposited in the bank, was used to generate receipts in favour of two different policyholders bearing different dates, which the respondents describe as a deliberate act and not a mere lapse. It is denied that any other official similarly placed escaped action, and it is maintained that the petitioner was afforded every opportunity of hearing, both before the Competent Authority and before the Standing Committee in appeal, before the punishment of dismissal was finally confirmed. The comments conclude with a prayer that the petition, being without substance, be dismissed with costs.

5. The petitioner filed an affidavit in rejoinder, controverting the respondents' stand. He has deposed that the allegation of a Rs.50,00,000/- fraud involving him and five other officials is nowhere to be found in the charge-sheet, the statement of allegations, or the enquiry proceedings, and was introduced for the first time in the comments, which, according to him, betrays an attempt to improve upon a case the respondents know to be legally unsustainable. He has further averred that all the receipts referred to in allegations No.1 to 4 relate to a single transaction, that none of them is forged, and that the Corporation suffered no loss whatsoever on his account. He has also stated that the complaint on which the entire proceedings were founded did not even name him and was in fact directed against Naresh Kumar, who was dismissed on that count, and that the petitioner's name did not surface at any stage of those proceedings. On this basis, he has

described the respondents' preliminary objections as factually incorrect and legally untenable, meriting no consideration.

6. The petitioner, who argued the matter in person, reiterated the stand taken in the petition and the rejoinder. He submitted that the Enquiry Officer appointed by the Corporation, after examining the record and hearing both sides, had, in clear terms, recorded that neither he nor the cashier was found directly involved in the fraud, and that the material produced by the management representative fell short of proving the charge, warranting at best a warning in view of his long and clean service record. He argued that the Competent Authority, while ordering his dismissal, did not assign any independent reason for departing from this categorical finding of the very enquiry it had itself constituted, and instead proceeded to treat him as having personally received and misappropriated Corporation funds. He pressed the point that Naresh Kumar had already been dismissed for the identical defalcation from the identical policyholder, and questioned the propriety of two employees being separately punished for what was, in substance, a single loss. He also submitted that the cashier, whose participation was indispensable to the alleged manipulation, was spared any real punishment, which, in his view, exposed the discriminatory character of the action taken against him. He accordingly prayed that the impugned orders be set aside and that he be restored to service with all consequential benefits.

7. Learned counsel appearing for Respondents No.2 and 3, on the other hand, supported the impugned orders. He submitted that the petitioner had been proceeded against strictly in accordance with the Regulations of 1973, had been served with a charge-sheet, given the opportunity to reply, subjected to a regular enquiry, issued a final show-cause notice, granted a personal hearing, and thereafter heard once more at the appellate stage, so that no stage of the process could be said to be wanting in fairness. As to the enquiry findings pressed by the petitioner, he submitted that the very same report also recorded, without ambiguity, that the petitioner had issued premium receipts and prepared the Daily Collection Statement in his own hand, functions exclusively falling within the domain of the cashier; that he had done so by treating renewal premiums as fresh business; and that a cheque never deposited in the Corporation's account had been used to raise

two separate receipts for two different policyholders, a state of affairs which, in his submission, could not be explained away as innocent oversight. He submitted that it was on an appraisal of this very material that the Competent Authority and, later, the Standing Committee arrived at their conclusions, and that such concurrent findings of fact, reached after due process, do not call for interference in the constitutional jurisdiction of this Court. He further submitted that the case of Naresh Kumar, being a separate and independent matter, afforded no parity to the petitioner in respect of misconduct personally attributable to him, and prayed that the petition be dismissed with costs.

8. Learned Assistant Attorney General, representing Respondent No.1, adopted the submissions made by learned counsel for Respondents No.2 and 3 and added that the Federation of Pakistan had been impleaded only in a formal capacity, the Corporation being an autonomous body regulated by its own service rules, and that no relief could, in any event, be claimed against Respondent No.1 in the absence of any allegation of wrongdoing attributable to it. He further submitted that where a delinquent employee has already been proceeded against through the full departmental hierarchy up to the Board of Directors, this Court would ordinarily be slow to reappraise the sufficiency of the evidence unless a case of mala fide, want of jurisdiction, or breach of the principles of natural justice is made out on the record, and that no such case, in his submission, stands made out here.

9. We have heard the petitioner in person at length, learned counsel for Respondents No.2 and 3, and learned Assistant Attorney General for Respondent No.1, and, with their assistance, gone through the entire record placed on record.

10. The preliminary objection raised on behalf of Respondents No.2 and 3, that this Court "lacks jurisdiction to adjudicate the instant petition under the provision of Article 212 of the Constitution," does not commend itself to this Court. Article 212 excludes the ordinary jurisdiction of this Court only in respect of the terms and conditions of service of persons who are, properly speaking, in the "service of Pakistan" and for whom a Service Tribunal has been constituted. It has no application to the employees of an autonomous statutory corporation whose service is regulated not by the Civil Servants

Act, 1973, but by regulations the Corporation itself is empowered to frame. The very Regulations under which the petitioner was proceeded against recite, on their face, that they were made "in exercise of the powers conferred by Article 49 of the Life Insurance (Nationalization) Order, 1972," with the previous approval of the Federal Government and duly notified as S.R.O. 57(1)/73. The petitioner's own appointment letter dated 10.08.2011 records, under the heading "SERVICE," that he is "an EMPLOYEE for all purpose under the State Life Employees (Service) Regulations 1973" and that his appointment "is governed under the said regulations as amended from time to time." It is by now well settled, since the Supreme Court's verdict in ***Muhammad Mubeen-us-Salam***[1] that employees of statutory corporations whose terms and conditions of service are regulated by such statutory rules, as distinct from ordinary contracts of private employment, may enforce those rules through the ordinary courts, including the constitutional jurisdiction of this Court under Article 199, precisely because they fall outside the exclusive domain reserved to Service Tribunals. Respondents No.2 and 3 have not shown, nor even suggested, the existence of any Tribunal to which the petitioner's grievance could otherwise lie. The preliminary objection is accordingly overruled.

11. A related question, though not directly raised, deserves a word on whether the petitioner approached this Court without first exhausting his departmental remedy. He did not. He preferred a Departmental Appeal on 25.03.2019 under Regulation 33 of the Regulations. It was heard by the Standing Committee of the Board at its 4th meeting on 27.08.2019, ratified by the Board at its 272nd meeting on 07.10.2019 and rejected by order dated 19.11.2019; the present petition was filed thereafter, on 08.09.2020. This is unlike the position that confronted a Bench of this Court at Sukkur in ***Muhammad Janib Ujjan***[2], where a petition by another employee of the same Corporation was dismissed in *limine* for want of exhaustion of the departmental appeal. That infirmity does not attach to the present petition, and the objection, had it been formally taken, would have failed equally.

[1] Muhammad Mubeen-us-Salam v. Federation of Pakistan (PLD 2006 SC 602)
[2] Muhammad Janib Ujjan v. Chairman, State Life Insurance Corporation of Pakistan (C.P. No. D-593 of 2020, order dated 15.07.2020)

12. Before turning to the merits, it is necessary to be clear about the limits within which this Court operates. This Court does not sit as a court of appeal over a departmental enquiry, and it is no part of its function, in proceedings under Article 199, to re-weigh evidence already weighed by a competent domestic forum or to substitute its own view of what punishment might have been more apt, merely because it might, sitting as the original authority, have taken a different view. That much has been repeatedly emphasized by the superior courts, including in ***Postmaster General Sindh Province, Karachi and others***[3], where it was held that punishment is primarily a matter for the administrative authority and that courts intervene only where the authority's view is unreasonable, rests on irrelevant considerations, or is otherwise contrary to law. But that restraint is not unlimited. It does not extend to a case where the very authority that imposed the penalty has, without any fresh evidence and without confronting the record before it, arrived at a conclusion contrary to the specific and reasoned findings of its own Enquiry Officer; nor does it extend to an order that invokes provisions of the Regulations having no connection whatsoever to any charge ever framed; nor to a penalty so disconnected from what was actually established as to fail even the most basic requirement of a rational and proportionate response. The Supreme Court, in Federation of Pakistan through Secretary Establishment Division, Islamabad[4], while recognizing that a Competent Authority may agree or disagree with the recommendation of an Enquiry Officer and pass its own order, made it equally clear that such disagreement must be founded on the record and supported by reasons; an authority is not free simply to assert a graver conclusion than the one its own enquiry returned. The present case is examined against this framework and not as an appellate reappraisal of guilt or innocence.

13. The Enquiry Report of 23.07.2018 is the only stage of these proceedings at which the charges against the petitioner were tested against evidence, in the sense that witnesses could have been produced, cross-examination invited and counter-evidence led. On Allegation No.1, the core embezzlement charge of Rs.2,157,375/-, the enquiry record itself notes, in terms, that "no any witness was produced by Management Representative,"

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[3] Postmaster General Sindh Province, Karachi and others v. Syed Farhan (2022 SCMR 1154)
[4] Federation of Pakistan through Secretary Establishment Division, Islamabad v. Shafqat-ur-Rehman Ranjha and others (2021 SCMR 153)

and the Enquiry Officer's finding was that the petitioner "may be not directly involved in cheque tempering case and there is no strong proof found against him," concluding in unambiguous language that the allegation was "not established." On Allegations No.2 to 4, again with no witness produced by the management side, the Enquiry Officer found only that the petitioner had issued premium receipts and prepared and signed the Daily Collection Statement in his own hand, both functions properly belonging to the cashier, and that he had failed to escalate the resulting irregularities to higher authorities; this was held established, but expressly and only "to the extent of irregularities," a phrase repeated by the Enquiry Officer at every stage of his conclusions and plainly chosen to distinguish this finding from a finding of forgery, embezzlement or dishonesty.

14. What is decisive is the Enquiry Officer's own overall assessment, recorded in paragraphs 78 and 79 of the Report, which the petitioner placed squarely before the Competent Authority in his reply dated 03.11.2018 to the Final Show-Cause Notice, and which no subsequent order in these proceedings has ever addressed. The Enquiry Officer recorded: "The Main point is that Mr. Abdul Jabbar Solangi and Mr. Abdul Ghani Shaikh were not found directly involved in this fraud but negligence occurs by them, it is further the evidences which provided by M.R. is not enough to prove their guilt clearly, so only partial action needs to be taken against them as a Warning letter..., prior to their past records for serving the Corporation with neat and clean service record we are giving them one more chance to perform their duties well in the future," adding, in paragraph 79, that "further action needs to be taken against the higher authorities for not paying attention on the complaints provided by the employees/field workers." On any fair reading, this is an exoneration of the petitioner on the charge that mattered most, coupled with a recommendation of the mildest available disciplinary response and a pointed observation that institutional responsibility for what occurred at the Kandhkot cash counter lay elsewhere, with those who had ignored repeated reminders dated 18.03.2016, 09.05.2016, 28.06.2016 and 01.09.2016 about the state of affairs at that very counter.

15. What followed the Enquiry Report is a close examination, because, in this Court's assessment, the case for the petitioner is at its strongest. The

Enquiry Report of 23.07.2018 speaks throughout of "irregularities" and demands proof. The Final Show-Cause Notice of 25.10.2018 already describes the same material as establishing charges "to the extent of... connivance in embezzlement and sheer negligence," a materially grave characterization for which no fresh evidence is identified anywhere on the file. The Dismissal Order of 18.03.2019 goes further still, recording that the petitioner "had been unauthorizedly signing the premium receipts on the stamps of Cashier during his absence and embezzling the amount so received," and holding him "guilty of dishonesty in connection with Corporation fund." The Appeal Order of 19.11.2019 adds yet another formulation, that the petitioner "tampered daily collection statements," and observes, in language this Court considers significant, that "if cash was received by you it was your responsibility to deposit the amount in SLIC's Bank Account." The word "if" is telling: an appellate authority confirming a dismissal for dishonesty ought to be in a position to say, as a matter of finding, that cash was received and not deposited; to frame the very foundation of the punishment in the conditional is to concede that no such finding was, in truth, ever made. At each of these four stages, the underlying facts relied upon are the same, namely that the petitioner personally issued receipts and prepared the Daily Collection Statement instead of the cashier; what changes, stage upon stage, is only the vocabulary in which those same facts are described, moving steadily from "irregularity" to "negligence" to "connivance" to "embezzlement" to "dishonesty," without a single witness being examined, a single fresh document being placed on record, or a single reason being given for preferring the graver description over the milder one the Corporation's own Enquiry Officer had settled upon after actually hearing the matter. Neither the Dismissal Order nor the Appeal Order so much as mentions paragraphs 78 and 79 of the Enquiry Report, still less explains why the specific and considered exoneration recorded there should not prevail. Silence of this kind, on a submission the petitioner had placed squarely on record, is not the reasoned disagreement that ***Shafqat- ur- Rehman Ranjha*** (supra) requires; it is simply an absence of reasons dressed up as a conclusion.

16. There is a further, and in my view a more fundamental, difficulty with the Dismissal Order, one that arises directly from the text of Regulation 30 of

the Regulations rather than from any external standard. The Charge Sheet dated 06.04.2018 called upon the petitioner to answer allegations falling under Regulation 30(1)(a) (breach of the rules, regulations or orders of the Corporation), 30(1)(c) (negligence or inefficiency), 30(1)(d) (committing or assisting in misappropriation or embezzlement of funds belonging to the Corporation), and 30(1)(e) (knowingly doing anything detrimental to the interest of the Corporation). The Dismissal Order, however, does not record a finding of guilt under any of these clauses; it records the petitioner guilty "which misconduct under Regulation No.30(2)(ii),(iv)& (v)." A plain reading of Regulation 30(2), which lists, "without prejudice to the generality of the term," a series of acts to be treated as misconduct, shows that sub-clause (ii) is "theft, fraud, or dishonesty in connection with the Corporation's property," sub-clause (iv) is "taking or giving bribes or any illegal gratification," and sub-clause (v) is "habitual absence without leave or absence without leave for more than ten days." Of these three, only sub-clause (ii) bears any conceivable relationship to the language of "dishonesty" used in the Dismissal Order, and even that finding, as already noted, was expressly declined by the Enquiry Officer. Sub-clauses (iv) and (v) are simply without foundation on this record: no charge of bribery or illegal gratification was ever framed against the petitioner, no evidence of any such thing was ever led, and the petitioner was never called upon to answer any such accusation. If anything, an allegation touching irregular attendance at the cash counter was levelled, in these very proceedings, against the co-delinquent cashier Abdul Ghani Shaikh and not against the petitioner, and even that allegation was held by the Enquiry Officer to be "not established." An order dismissing an employee of some twenty years' standing and directing recovery of a substantial sum from him cannot rest, even in part, on regulatory sub-clauses that correspond to nothing in the charge, the evidence or the enquiry findings. This is not a matter of degree or of weighing evidence differently; it is a case of the operative order invoking provisions of the very Regulations under which it purports to have been passed in a manner unconnected to the record before the Competent Authority, and to that extent the Dismissal Order does not reflect the considered application of mind that Regulation 31(2)(iii) of the Regulations requires.

17. Regulation 31(2)(iii) itself provides that "the report of the enquiry officer shall be considered by the competent authority who may accept or reject the report or, for reasons to be recorded in writing, order a fresh enquiry," following which the Competent Authority "shall give his decision." Three and only three courses are thus contemplated once an Enquiry Report is received: acceptance, rejection, or a direction for a fresh enquiry supported by recorded reasons. Read together with the principle in ***Shafqat-ur-Rehman Ranjha*** (supra) that a departure from an enquiry officer's recommendation must be reasoned, this Court is satisfied that where, as here, the Enquiry Officer has returned a specific finding favourable to the delinquent employee on the principal charge, a Competent Authority that proposes to displace that finding with a graver one must say so and must say why. The Dismissal Order does neither. It does not state that the Enquiry Officer's finding on Allegation No.1 is being rejected; it does not order a fresh enquiry; it simply proceeds, silently, as though paragraphs 78 and 79 had not been written. That is not consideration of the Enquiry Report within the meaning of Regulation 31(2)(iii); it is, at best, its disregard. This Court is conscious that in so holding it is not substituting its own assessment of the sufficiency of the evidence for that of the departmental authorities, which would indeed fall outside the legitimate scope of these proceedings; it is doing no more than holding the Competent Authority to the minimum obligation the Corporation's own Regulations impose upon it, an obligation that does not depend on this Court's view of the underlying facts at all.

18. Even if the matter is examined on the footing most favourable to the respondents, namely that only the misconduct actually and expressly found established by the Enquiry Officer is to be visited with punishment, being the petitioner's issuance of premium receipts and preparation of the Daily Collection Statement in place of the cashier and his failure to escalate the irregularities he observed, dismissal remains a strikingly disproportionate response. Dismissal is the gravest penalty available under Regulation 30(1), reserved in the ordinary run of things for misconduct of the kind particularized in Regulation 30(2), such as theft, fraud, dishonesty or bribery; the Corporation's own Enquiry Officer, who alone among the several authorities that dealt with this matter actually received and weighed evidence, considered a warning letter under Regulation 30(1)(i) to be sufficient, having

regard also to the petitioner's clean service record of roughly twenty years. The Supreme Court's most recent and considered articulation of the proportionality standard applicable to disciplinary penalties, in ***District and Sessions Judge (Authority), Jhang and others***[5], requires a penalty to be tested for legitimacy of aim, suitability, necessity, in the sense that no less restrictive alternative was reasonably available and for a fair balance between the officer's rights and the interest sought to be protected, holding further that "a disproportionate decision may also violate the rule of law." Tested against that standard, the dismissal imposed here fails, at the very least, at the stage of necessity: a less restrictive and on this record, entirely adequate alternative namely the warning contemplated by Regulation 30(1)(i) and recommended by the Corporation's own Enquiry Officer was demonstrably available and had already been assessed as sufficient by the one forum that actually examined the evidence.

19. A further and independent difficulty with the impugned orders lies in the disparity of treatment between the petitioner and others similarly, or indeed more culpably, placed. Naresh Kumar, the Sales Officer consistently identified through this record, including by the Fact-Finding Committee constituted on 15.06.2017 and by the petitioner's own defence before the Enquiry Officer, as the person who actually diverted funds at the Kandhkot cash counter, was separately proceeded against and terminated from service on 02.05.2017, in connection with substantially the same loss now sought to be recovered from the petitioner. Abdul Ghani Shaikh, the Cashier charge-sheeted in the very same enquiry as the petitioner, on largely overlapping facts, fared markedly better: two of the three allegations against him were held not established and the third, like the petitioner's, only "to the extent of irregularities." The Enquiry Officer's recommendation of a warning was addressed to the petitioner and to Abdul Ghani Shaikh in the same breath, without distinction between them. Nothing on this record explains why the petitioner alone, of all those examined in the same enquiry and indeed of the "5 others officials of Sukkur Zone" the respondents' own Comments now say were involved, should have been visited with dismissal while the others were not. Such an unexplained disparity, particularly where the person actually found to have diverted the funds escaped with the comparatively lighter

[5] District and Sessions Judge (Authority), Jhang and others v. Ghulam Shabbir (2026 SCMR 357)

consequence of termination while the petitioner, exonerated of direct involvement by the Corporation's own Enquiry Officer, was dismissed with a stigma of dishonesty, sits uneasily with the guarantee of equal treatment among similarly placed employees under Article 25 of the Constitution, a principle restated in the corporate-service context in ***Member (Power), WAPDA, WAPDA House, Lahore and another***[6] and applied on closely comparable facts, of one employee dismissed for cash-counter irregularities while a co-employee received materially lighter treatment without any reason being assigned for the distinction, in ***National Bank of Pakistan through President, Karachi***[7].

20. Respondents No.2 and 3, in their Comments filed in these proceedings, have for the first time alleged that the petitioner, together with five other officials of the Sukkur Zone, was involved in a fraud of Rs.50,00,000/- concerning prize-distribution money. That allegation appears nowhere in the Charge Sheet, the Statement of Allegations, the Enquiry Report, the Final Show-Cause Notice, the Dismissal Order or the Appeal Order, each of which is confined to the Rs.2,157,375/- matter at the Kandhkot cash counter. The petitioner's Rejoinder meets this squarely, describing the allegation as one levelled "with mala fide intention" to improve a case the respondents' own record does not otherwise support. This Court finds no reason to differ. It is a settled principle, requiring no elaborate citation, that the legality of an order dismissing an employee must be judged by the reasons actually recorded in that order at the time it was passed; a respondent defending such an order in constitutional proceedings cannot supplement, still less rescue, those reasons by introducing, years later and in written pleadings alone, a fresh and hitherto untested charge that was never put to the delinquent employee and never examined by any enquiry. This Court accordingly leaves the Rs.50,00,000/- allegation entirely out of account and observes, without needing to say more, that its belated introduction does little to strengthen confidence in the process that led to the petitioner's dismissal.

21. The petitioner's reliance, in the petition itself, on Regulation 4(C)(1) and (2), concerning the six-monthly performance review of an Area Manager

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[6] Member (Power), WAPDA, WAPDA House, Lahore and another v. Sher Bahadur (2026 SCMR 838)
[7] National Bank of Pakistan through President, Karachi v. Roz-ud-Din and another (2025 SCMR 160)

and the graduated measures available where performance falls short of prescribed standards, does not, on examination, advance his case. That Regulation operates on a distinct track from the disciplinary machinery of Regulations 30 to 33, which was in fact invoked against him throughout. This Court's conclusions above rest on the latter, not the former. There remains, however, the petitioner's separate grievance regarding the stoppage of his salary and perquisites from August 2017 to April 2018, a period that preceded the Charge Sheet of 06.04.2018 altogether. Regulation 32(1) and (2) permits suspension of an employee only "for the purpose of conducting an enquiry against" him, and no enquiry, nor indeed any Charge Sheet, was in existence at any point during that period. No order of suspension of the kind Regulation 32(3) requires, in writing and taking effect on service upon the employee, has been placed on the record by the respondents to justify the stoppage. Even had such an order existed, Regulation 32(3) would have entitled the petitioner to a subsistence allowance equal to fifty per cent of his pay, not to a complete cessation of salary. It further provides that an employee ultimately found not guilty "shall be deemed to have been on duty during the period of suspension" and entitled to full pay for that period. The petitioner's own annexures, unrebutted in the Comments filed by Respondents No.2 and 3, show internal approvals dated 07.09.2017 and 03.05.2018 for release of the withheld amounts, never acted upon despite legal notices dated 16.04.2018, 22.06.2018 and 03.10.2018. On this material, the withholding of salary and perquisites for the period in question finds no support in the Regulations the respondents themselves invoke, and this claim stands to be allowed independently of the outcome on the disciplinary question.

22. For the reasons set out above, this Court is satisfied that the petition is maintainable; that the Enquiry Officer's own findings, being the only findings in these proceedings actually reached on evidence, did not establish embezzlement, forgery, connivance, or dishonesty against the petitioner, but at most an irregularity in performing functions properly belonging to the cashier and a failure to escalate that irregularity; that the Dismissal Order and the Appeal Order departed from those findings without engaging with them, without recording reasons, and, in material part, by invoking sub-clauses of Regulation 30(2) that correspond to no charge ever framed

against the petitioner; that the penalty of dismissal, even taken against the lesser misconduct actually established, was disproportionate to it; that the petitioner was treated more harshly than others examined in the same enquiry without any explanation on the record; that the allegation of a Rs.50,00,000/- fraud raised for the first time in the Comments cannot be looked into, and that the withholding of the petitioner’s salary and perquisites between August 2017 and April 2018 was without lawful authority. At the same time, this Court is not persuaded that the record supports treating the petitioner as wholly blameless: the Enquiry Officer’s finding that he performed functions belonging to the cashier and failed to report known irregularities stands unchallenged and does constitute misconduct, if of a lesser order, under the Regulations. A blanket dismissal of the petition, as prayed by Respondents No.2 and 3, cannot accordingly be sustained; equally, an unconditional allowing of the petition in the full terms of the prayer, treating the petitioner as though no irregularity whatever had been found against him, would go beyond what this record supports.

23. In the result, this petition is **disposed of** in the following terms. The Dismissal Order dated 18.03.2019 and the Departmental Appeal Order dated 19.11.2019, together with the direction for recovery of Rs.2,157,375/- contained in the former, are set aside; in their place, and having regard to the misconduct actually established against the petitioner by the Enquiry Officer, the petitioner shall be treated as having incurred the minor penalty of censure under Regulation 30(1)(i) of the State Life Employees (Service) Regulations, 1973, and shall stand reinstated in service with effect from 18.03.2019, with continuity of service and seniority; he shall be entitled to arrears of pay, allowances and other consequential benefits for the intervening period, subject to adjustment of any amount already paid or recovered on any count connected with these proceedings, and subject to his disclosing to the Corporation, within thirty days of this order, particulars of any salaried employment he may have taken up elsewhere during that period, for such adjustment, if any, as the ordinary principles applicable to such disclosure may require; the direction for recovery of the balance sum of Rs.173,876/- stands set aside, and any amount already recovered from the petitioner’s own salary, dues or benefits on account of the Rs.2,157,375/- loss shall be refunded or adjusted in his favour within two months of this

order; the salary and perquisites withheld between August 2017 and April 2018 shall likewise be released to the petitioner within two months, and in the event the petitioner has since 18.03.2019, attained the age of superannuation or the post he held no longer exists in its former shape, the Corporation shall treat him, for all purposes including pensionary and terminal benefits, as having continued in unbroken service up to the relevant date, without actual physical restoration to the post being necessary. The claim regarding the cash award of Rs.9,50,000/- said to have been withheld is left open to be pursued departmentally; this Court expresses no opinion on its merits, the record before it being insufficient to decide that question. There shall be no order as to costs.

J U D G E

J U D G E

Abdul Basit