SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
Mrs. Justice Ayesha A. Malik
Mr. Justice Shahid Waheed

CPLA NO.714 OF 2026
[On appeal against the judgment dated 15.01.2026 passed by the Federal Service Tribunal, Islamabad in Appeal No.808(R)CS/2024]

Jawad Abbasi ...Petitioner(s)

Versus

Director General Intelligence Bureau Division, Islamabad and another ...Respondent(s)

For the Petitioner(s) : Mr. Aftab Alam Yasir, ASC
Syed Rifaqat Hussain Shah, AOR

For the Respondent(s) : N.R.

Date of Hearing : 27.10.2026

JUDGMENT

Shahid Waheed, J.-The principle that governs this case is a simple one, and its simplicity is reason to apply it with full vigour. The dignity of a woman, whether she is a wife, sister, daughter, mother or fellow citizen, is a fundamental value protected by the Constitution. Respect for that dignity is not merely a matter of personal morality; it is an obligation that the State is entitled to expect from every person in its service. The conduct of a civil servant is not judged exclusively by the manner in which he performs his official duties. His character, integrity and conduct in private life may also become relevant where they bear upon his suitability to hold public office, the discipline of the service or public confidence in the institution he serves. A person's conduct towards those within his own home may, in appropriate circumstances, reveal qualities of character that cannot be disregarded merely because the conduct occurred beyond the workplace.

2. Through this petition under Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973 **("the Constitution")**, the petitioner seeks leave to appeal against the judgment dated 15.01.2026 of the Federal Service Tribunal **("the Tribunal")**. That judgment dismissed

his service appeal and maintained the major penalty of compulsory retirement from service.

3. The petitioner was serving as a Cook in the Intelligence Bureau ("IB") when disciplinary proceedings were initiated against him under the Civil Servants (Efficiency and Discipline) Rules, 2020 **("the Rules")**. Four charges were framed. In substance, they were: (a) that he was involved in FIR No. 294 dated 12.05.2022, registered under section 324 of the Pakistan Penal Code, 1860 ("PPC"), on the allegation that he had set his wife on fire; (b) that he was ill-mannered and short-tempered in his behaviour; (c) that his conduct was criminal, unprofessional and prejudicial to good order and service discipline; and (d) that his conduct had adversely affected the reputation and discipline of the department. On conclusion of the departmental proceedings, the competent authority found the charges established and, by order dated 14.06.2024, imposed the major penalty of compulsory retirement. His departmental appeal was rejected, and his service appeal was dismissed by the Tribunal. Hence this petition.

4. In support of the petition, learned counsel for the petitioner advanced two contentions. First, that the occurrence was a private domestic matter between husband and wife, unconnected with the petitioner's official duties, and that conduct outside the workplace and office hours cannot constitute misconduct under the Rules. Second, that the petitioner has been acquitted in the criminal case; that the criminal court accepted his plea that his wife had attempted suicide; and that the departmental inquiry therefore erred in disbelieving that very plea.

5. We are not persuaded by either contention. The question is not whether every aspect of a civil servant's private life is subject to departmental control; it plainly is not. The question is whether the conduct complained of, once established through proceedings conforming to the Rules and to the principles of natural justice, falls within the statutory definition of misconduct and bears a sufficient nexus with the discipline, integrity, suitability or reputation of the public service. Three matters therefore arise: (i) whether the conduct alleged is capable of constituting misconduct; (ii) whether it was independently established in departmental proceedings distinct from the criminal case, and whether the petitioner's

acquittal affects that finding; and (iii) whether those proceedings, and the penalty imposed, complied with the Rules and with due process.

6. We take up the first contention, which engages the first matter. Rule 2(1)(k) of the Rules defines "misconduct" to include conduct prejudicial to good order or service discipline, conduct contrary to the Government Servants (Conduct) Rules, 1964, and conduct unbecoming of an officer and a gentleman. Rule 3(b) permits proceedings where a civil servant is considered or reported to be guilty of misconduct. Nothing in this language confines misconduct to acts committed during office hours or within departmental premises. The expression "unbecoming of an officer and a gentleman" is, by its nature, directed at a person's character and conduct generally, not merely at the discharge of official functions. The word "gentleman" is not a title conferred by a letter of appointment. It is a standard of conduct, and its first and truest test is how a man treats those who live under his roof and depend upon his restraint. A gentleman does not cease to be one when he takes off his uniform; nor does a man who abuses his wife become one when he puts it on. At the same time, "misconduct" is not a licence to regulate every private disagreement, personal indiscretion or lapse of temperament merely because the person concerned is a government servant. Conduct outside duty becomes the department's concern only where its gravity, or its connection with the service, reflects upon the employee's fitness to hold public office or upon public confidence in the institution. Comparative jurisprudence is to the same effect. The United States Code permits adverse action against a federal employee only "for such cause as will promote the efficiency of the service" (5 U.S.C. § 7513(a)), which has been read as requiring a nexus between off-duty conduct and the service. Labour jurisprudence likewise recognises that off-duty conduct may justify discipline where it harms the employer's reputation, renders the employee unable to discharge his duties satisfactorily, or makes co-workers reluctant to work with him. Judged by this standard, the description of the occurrence as a "private domestic matter" must be firmly rejected. The walls of a home are not a jurisdictional boundary, and violence does not become private because it is committed behind a closed door. Fire does not become a family affair because it is lit indoors. The allegation is not of a quarrel or a harsh word. It is that the petitioner set his wife on fire, an act which, if established, is among the gravest forms of violence one person can inflict upon another.

It is no incident of married life; it is an assault on the life and dignity of a human being. The law treats it accordingly. The FIR was registered under section 324 PPC, which punishes an attempt to commit qatl-i-amd, and burn injuries independently attract the provisions on hurt in Chapter XVI PPC. The legislature has thus classified such conduct as a public wrong against the State, not a private dispute to be settled between spouses.

7. The Constitution points the same way. The right to life under Article 9 and the inviolability of the dignity of man under Article 14 protect a wife within her home as fully as any citizen in a public place. The Constitution does not stop at the threshold of a home; it walks in with every woman who lives there. Article 25(3) permits special provision for the protection of women, and the legislature has acted upon it through, among other enactments, the Punjab Protection of Women against Violence Act, 2016 and the Domestic Violence (Prevention and Protection) Act, 2020 for the Islamabad Capital Territory. Pakistan is also a State Party to the Convention on the Elimination of All Forms of Discrimination against Women, under which violence against women is recognised as a form of discrimination that the State must act to eliminate. The burning of women in their homes, frequently passed off as a kitchen or stove accident or as attempted suicide, is a grave and recurring social evil in this country. The plea of suicide is often the final injury inflicted upon a burnt woman, having been robbed of her safety, she is then robbed of the truth, and her suffering is recast as her own doing. A public institution cannot treat such an allegation against one of its own employees as none of its concern; indifference would be a failure of institutional duty, not a mark of respect for privacy. Conduct of this gravity bears directly on the petitioner's suitability for public service. A civil servant found, on proper inquiry, to have used potentially lethal violence against his own spouse displays a want of self-control and a disregard for human life. Such conduct is wholly unbecoming of a government servant and prejudicial to good order and service discipline within the meaning of Rule 2(1)(k). Where he then seeks to escape responsibility by casting the blame upon the victim, claiming that she set herself alight, he adds deceit to violence. A man who sets his wife on fire and then calls it her suicide has failed twice, first as a husband and then as a witness to the truth; such a man cannot be called a gentleman. Public confidence in the civil service rests on the assurance that those who serve the State respect the dignity of those around them,

and a civil servant who denies that respect to his own wife forfeits the trust on which his office depends. The consideration is weightier in the IB, a department entrusted with sensitive functions of the State, where the reliability, temperament and integrity of every employee, whatever his rank or post, are integral to institutional discipline and public confidence. The department's sensitivity, however, adds weight to misconduct once established; it does not dispense with proof of the charge, observance of due process, or compliance with the Rules. The first contention accordingly fails.

8. We now turn to the second contention, which engages the second matter. Criminal and departmental proceedings differ in purpose, forum, standard of proof and consequence. A criminal prosecution determines whether the accused has committed an offence against the State and is punishable for it; guilt must be proved beyond reasonable doubt, on evidence admissible under the Qanun-e-Shahadat Order, 1984 **("the Qanun-e-Shahadat")**. Departmental proceedings determine whether the employee has committed misconduct and whether he remains fit to be retained in service. They are not bound by the strict rules of evidence, and they lead not to punishment but to a service consequence. The two may proceed simultaneously; neither bars the other, and the result of one does not dictate the result of the other. This Court has consistently so held. In Khaliq Dad v. Inspector General of Police **(2004 SCMR 192)**, it was held that criminal and departmental proceedings may run concurrently. In Dr. Sohail Hassan Khan v. Director General (Research), Livestock and Dairy Development Department, Punjab **(2020 SCMR 1708)** and District Police Officer, Mianwali v. Amir Abdul Majid **(2021 SCMR 420)**, this Court recognised the distinct character of the two proceedings and held that the outcome of a criminal case does not, by itself, determine disciplinary proceedings founded on independently established misconduct. The distinction rests on the nature of each. Disciplinary proceedings are regulatory and protective, designed to preserve the integrity of the service; criminal proceedings are punitive, designed to punish an offence against society. The distinction, however, cuts both ways. It frees the department from awaiting the outcome of the trial, but it does not permit the department to substitute an accusation for evidence. An FIR records an allegation; it is not proof of it. Suspicion may open an inquiry; only evidence can close it against the employee. In Ghulam Murtaza v. District

Police Officer, Gujrat **(2026 SCMR 843)**, this Court held that where departmental action rests solely on the employee's nomination in a criminal case, without an independently examined and established charge of misconduct, the mere registration or pendency of the FIR cannot sustain a penalty. FIR No. 294 could therefore do no more than furnish the occasion for inquiry. Whether the penalty stands depends on the charges framed, the evidence led in the departmental proceedings, the findings of the inquiry officer, and the reasons recorded by the competent authority.

9. Measured against this standard, the departmental case did not rest on the FIR alone. The department framed distinct charges concerning the petitioner's behaviour, its prejudice to service discipline, and its effect on the department's reputation. The inquiry officer recorded the petitioner's statement, examined thirteen witnesses in his presence and subject to his cross-examination and, on an evaluation of that evidence, found the charges proved. The petitioner's plea that his wife had attempted to take her own life was specifically examined and found to be unsupported by the evidence. The inquiry took neither the accuser's word nor the accused's; it took the evidence, and the evidence did not bear out the story of suicide. The findings therefore rest on material independently examined in the departmental proceedings, assessed by the standard of proof appropriate to them. Had the additional charges merely restated the FIR in different words, without independent material, their number or wording could not have cured the want of proof. That is not this case. It follows that the petitioner's second contention has no force. An acquittal records that the prosecution failed to prove the charge beyond reasonable doubt, on evidence admissible under the Qanun-e-Shahadat. It does not declare that the conduct did not occur, nor that the employee remains fit for service. The criminal court asks whether guilt has been proved to the exacting criminal standard; the departmental authority asks whether misconduct is established on the material before it, by the standard appropriate to disciplinary proceedings. A finding that the prosecution's case left room for doubt is not a finding that the defence was true. When a criminal court extends to an accused the benefit of a plausible plea, it does not certify that plea as fact for every other forum. An acquittal is a verdict that guilt was not proved; it is not a certificate of good conduct. Nor do the findings of a criminal court bind the departmental authority, which must form its own view on its own record. The inquiry officer did not

borrow his conclusion from the prosecution; he reached it on evidence of his own. That the criminal court, on the evidence before it and under the stricter rules that govern it, gave weight to the suicide plea does not render the departmental finding perverse. Two forums applying different standards to different bodies of evidence may reach different conclusions without either being in error. Different considerations might arise where the departmental penalty rested solely on the criminal charge, so that its foundation fell with the acquittal. As we have found, that is not the case. The decisions in Dr. Sohail Hassan Khan and Amir Abdul Majid (supra) fully answer the contention. In substance, the petitioner asks this Court to prefer one forum's appreciation of evidence over another's, which is not the function of this Court under Article 212(3). A plea that raises doubt in a criminal court does not compel belief in a departmental inquiry.

10. There remains the third matter, to wit, whether the proceedings and the penalty complied with the Rules and with due process. Disciplinary proceedings that may end a civil servant's career must conform to the principles of natural justice, which this Court has held are to be read into every statute conferring power to act to a person's prejudice: Mrs. Anisa Rehman v. P.I.A.C. **(1994 SCMR 2232)**. Since 2010, Article 10A of the Constitution has guaranteed a fair trial and due process in the determination of civil rights and obligations, and the right to remain in service on the terms of one's appointment is such a right. The common law is to the same effect. Ridge v. Baldwin **[1964] AC 40** settled that a person cannot be deprived of office for misconduct without notice of the charge and an opportunity to answer it. The Rules give these principles concrete form. They require that the accused be informed of the charges and the statement of allegations in writing, and that he be given a reasonable opportunity to submit a written defence. Where an inquiry is held, he must be allowed to participate, to cross-examine the witnesses against him and to produce evidence in his defence. He must be furnished with the inquiry report and heard before the final order is passed. Section 24A of the General Clauses Act, 1897 further requires the authority to act fairly, justly and with reasons. The record shows that these requirements were met. The petitioner was served with the charge sheet and statement of allegations on 07.06.2022 and submitted his reply on 12.02.2024. The inquiry officer examined the witnesses in his presence and afforded him the opportunity to cross-examine them. The inquiry report was supplied

to him, and he was personally heard by the competent authority before the order dated 14.06.2024 was passed. That order is in writing and states its reasons. Neither before the Tribunal nor before us has the petitioner identified any rule that was breached. He does not allege that a charge was left uncommunicated or that a witness was examined behind his back. Nor does he allege that he was refused the opportunity to defend himself, that an inquiry was wrongly dispensed with, that the inquiry officer or competent authority lacked jurisdiction, or that any finding rests on no evidence or on an irrelevant consideration. His two submissions go to the substance of the misconduct and have been answered above; neither is a complaint of procedural unfairness. The proceedings were conducted in conformity with the Rules and with the principles of natural justice. Fairness was not merely promised to the petitioner; it was given.

11. As to penalty, Rule 4 classifies compulsory retirement as a major penalty. Its imposition requires a judicious exercise of discretion, having regard to the gravity of the misconduct established, and an order in writing stating reasons. The quantum of penalty is primarily a matter for the competent authority. A court or tribunal will interfere only where the penalty is so disproportionate to the misconduct proved as to be arbitrary or to shock the conscience. No such disproportion exists here. The competent authority found it substantially established: (a) that the petitioner had inflicted violence of the kind alleged upon his wife; (b) that his plea of her attempted suicide was untrue; (c) that he was ill-mannered and short-tempered; (d) that his conduct was criminal, unprofessional and prejudicial to good order and discipline; (e) that he had brought the department into disrepute; and (f) that he posed a grave security risk to the department. Taken together, these findings disclose misconduct of the most serious character, aggravated by an attempt to shift the blame onto the very person he had harmed. Compulsory retirement is, moreover, the least severe of the major penalties. It carries no stigma of dismissal and preserves such retirement benefits as the petitioner may have earned. The competent authority could reasonably conclude that the petitioner's continuance in a sensitive department was untenable, and the penalty is measured rather than excessive. If anything shocks the conscience in this case, it is not the penalty but the conduct that invited it.

12. Article 212(3) of the Constitution does not confer a general appellate jurisdiction over the decisions of administrative tribunals. Leave may be granted only where the Court is satisfied that the case involves a substantial question of law of public importance. A complaint about the appreciation of evidence, or about the application of settled principles to the facts of an individual service dispute, does not meet that threshold. The principles governing this case are settled: (a) off-duty conduct of sufficient gravity may constitute misconduct; (b) departmental proceedings are distinct from, and independent of, criminal proceedings; (c) an acquittal in the criminal case does not, of itself, undo misconduct independently established in departmental proceedings; and (d) a penalty must rest on independently established charges, determined in proceedings conforming to the Rules and to natural justice. The Tribunal applied those principles correctly. The petitioner has shown no error of law, no breach of the Rules, no denial of a fair hearing and no finding unsupported by the record. Public service is a trust, and the conduct of those who hold it is a matter of public concern, at home as much as at work. Respect for women is not a private virtue that a civil servant may practise or neglect as he pleases; it is part of the character the State is entitled to expect of those who serve in its name. No substantial question of law of public importance arises.

13. Resultantly, this petition fails and is dismissed. Leave to appeal is refused.

JUDGE

JUDGE

Islamabad
27.10.2026
'APPROVED FOR REPORTING'
*Irfan Aslam/**