SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present

Justice Muhammad Ali Mazhar
Justice Shahid Bilal Hassan

CPLA.No.82-L, 131-L To 137-L, 157-L To 165-L, 182-L to 185-L, 192-L to 214-L of 2026

Against the Judgment dated 27.10.2025 passed by the Punjab Service Tribunal, Lahore in Appeals No.75, 1879, 1135, 2314, 2315, 2316, 2317, 2318, 2435, 2436, 2437, 2438, 2439, 3521, 3522, 3286, 3586, 3587, 5138, 5380, 5420, 5473, 5474, 1870, 1871, 1872, 1964, 2606, 2607, 2019, 2020, 2021, 5468, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 5469, 5470, 5471 & 5472/2023.

Secretary Irrigation, Government of Punjab and Others (In CPs.82-L, 132-L, 133-L, 134-L, 157-L to 160-L, 163-L, 164-L, 165-L, 192-L, 195-L, 196-L, 197-L, 201-L, 204-L, 205-L, 207-L, 209-L, 210-L & 214-L/2026)

Government of Punjab through the Secretary Irrigation, Lahore and Others (In CPs.131-L, 162-L, 182-L, 183-L,184-L,193-L, 194-L, 198-L, 199-L, 202-L, 203-L, 206-L, 208-L & 212-L/2026)

Chief Secretary, Government of Punjab, Civil Secretariat, Lahore and Others (In CPs.136-L, 137-L, 161-L, 185-L, 211-L & 213-L/2026)

...Petitioner (s)

Versus

Hamza Mukhtar (In CP.82-L/2026)
Faiz Ahmad (In CP.131-L/2026)
Khadim Hussain (In CP.132-L/2026)
Rana Muhammad Gulfam (In CP.133-L/2026)
Ali Raza (In CP.134-L/2026)
Muhammad Ashraf (In CP.135-L/2026)
Muhammad Younas (In CP.136-L/2026)
Ghulam Nabi (In CP.137-L/2026)
Muhammad Ramzan (In CP.157-L/2026)
Muhammad Asif (In CP.158-L/2026)
Vikram Masih (In CP.159-L/2026)
Waqar Ali (In CP.160-L/2026)
Sher Muhammad (In CP.161-L/2026)
Muhammad Abid (In CP.162-L/2026)
Ali Sher (In CP.163-L/2026)
Ghulam Nabi (In CP.164-L/2026)
Muhammad Javed Khursheed (In CP.165-L/2026)
Shakeel Ahmad (In CP.182-L/2026)
Sadaqat Ali (In CP.183-L/2026)
Mohsin Ali (In CP.184-L/2026)
Muhammad Yaqoob (In CP.185-L/2026)

Noor Ahmad	(In CP.192-L/2026)
Abdul Khaliq	(In CP.193-L/2026)
Azhar Ali Asghar	(In CP.194-L/2026)
Muhammad Hanif	(In CP.195-L/2026)
Muhammad Asghar	(In CP.196-L/2026)
Muhammad Akram	(In CP.197-L/2026)
Maqsood Ahmad	(In CP.198-L/2026)
Khurshid Ahmad	(In CP.199-L/2026)
Qasim Ali	(In CP.200-L/2026)
Muhammad Asif	(In CP.201-L/2026)
Shahzaib Ali	(In CP.202-L/2026)
Ahsan Raza	(In CP.203-L/2026)
Muhammad Wakeel	(In CP.204-L/2026)
Muhammad Farman Yaqoob	(In CP.205-L/2026)
Muhammad Anas	(In CP.206-L/2026)
Muhammad Irfan	(In CP.207-L/2026)
Asif Ali	(In CP.208-L/2026)
Muhammad Yaqoob	(In CP.209-L/2026)
Mukhtar Ahmad	(In CP.210-L/2026)
Qadir	(In CP.211-L/2026)
Muhammad Safdar	(In CP.212-L/2026)
Qasim Ali	(In CP.213-L/2026)
Muhammad Nasir	(In CP.214-L/2026)

...Respondents

For the Petitioner (s) : Mr. Omer Farooq Khan, Assistant Advocate General, Punjab along with Ms. Sehar Ch., Law Officer, Irrigation Department (In all cases)

For the Respondent(s) **:** Mr. Abid Hussain Chaudhry, ASC: C.P.L.A.Nos.82-L, 137-L, 157-L, 195-L, 196-L, 197-L, 200-L, 204-L, 207-L, 209-L, 210-L, 214-L of 2026

Respondents in Person: C.P.L.A.Nos.159-L, 161-L, 163-L, 165-L, 185-L, 194-L, 199-L, 201-L, 202-L, 203-L ,206-L/2026

Remaining Respondent(s) **:** N.R.

Date of Hearing **:** 01.07.2026

Judgment

Muhammad Ali Mazhar, J: These Civil Petitions for leave to appeal are directed against the consolidated Judgment dated 27.10.2025 passed by the Punjab Service Tribunal, Lahore **(PST)** in Appeals No.75, 1879, 1135, 2314, 2315, 2316, 2317, 2318, 2435, 2436, 2437, 2438, 2439, 3521, 3522, 3286, 3586, 3587, 5138, 5380, 5420, 5473, 5474, 1870, 1871, 1872, 1964, 2606, 2607, 2019,

2020, 2021, 5468, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 5469, 5470, 5471 & 5472/2023.

2. The compendium of facts divulge that disciplinary proceedings were initiated against the respondents, namely, Qadir, Khurshid Ahmad and some others (hereinafter referred to as Group-1 of the respondents/appellants) who were retired from service on medical grounds on different dates. The departmental proceedings were initiated against them under Rule 1.8 (a) of the Pension Rules, 1963, and they were penalized on the accusation that they secured retirement on medical grounds by dint of bogus "Invalidation Certificates". Whereas the remaining respondents/appellants such as Hamza Mukhtar, Sadaqat Ali and others (hereinafter referred to as Group-2) got the job on the quota of invalidated/incapacitated civil servants pursuant to Rule 17-A of the Punjab Civil Servants (Appointments & Condition of Service) Rules, 1974 **(1974 Rules)** and since such certificates were found to be bogus hence they were awarded major penalty of dismissal from service along with recovery of pay. The departmental appeals were moved but remained undecided, hence the respondents preferred service appeals before the PST which were allowed vide impugned consolidated judgment.

3. The learned Assistant Advocate General, Punjab argued that as many as 44 invalidation certificates were declared bogus by the department. It was further contended that appointments were nullified on the ground that basic invalidation certificates of their predecessors in service were fake and bogus but this aspect was ignored by the PST solely on the ground that the disciplinary proceedings were initiated after the lapse of statutory period of limitation and allowed the appeals of the second set of employees. It was further contended that appointment letters were obtained under Rule 17-A of 1974 Rules through fraud and misrepresentation but the learned PST without taking into account material produced by the Administrative Department set aside the penalty orders. He further averred that the employer has the prerogative to get verified or re-verified any documents/certificates

of a person employed at any stage of service for satisfaction even though it was not mentioned in the letter of appointment and no right can be claimed on the basis of an illegal order despite having taken effect. He further argued that the respondents deserved the major penalty in terms of Section 4 (1)(b)(i) & (vi) as well as Section 7 (b) read with Section 5(1)(a) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 **(PEEDA 2006)**. He further argued that there was no need to conduct regular inquiry against the respondents as there was sufficient documentary material available on record regarding the respondent's misconduct therefore, the major penalty of dismissal from service along with recovery of pay was imposed vide order dated 28.10.2022. He concluded his submissions with the request that the matter may be remanded to the PST to decide the appeals afresh

4. The learned counsel for the respondents and some of the respondents appearing in person vehemently supported the impugned judgment and argued that the invalidation certificates were accepted after due verification. Furthermore, the disciplinary action was taken without holding any regular inquiry. The basic controversy as to why the invalidation certificates were accepted as genuine and jobs were allowed and subsequently declared bogus is a crucial aspect that could not be decided without holding regular inquiry but no opportunity was afforded to the respondents to defend the charge.

5. Heard the arguments. A scrutiny of the impugned judgment, particularly its core or central reasoning demonstrate that proceedings under PEEDA 2006 should have been initiated within the prescribed timeframe; the proceedings initiated under Rule 1.8 (a) of the Pension Rules, 1963 were in violation of section 21 of the PEEDA 2006; the proceedings were initiated and finalized after the lapse of more than two years of the retirement which were held illegal; the invalidation certificates of the parents of the respondents were verified from the relevant quarters of the Health Department but the respondents were terminated on the charge that they

maneuvered bogus invalidation certificates and illegally got the appointments; the Secretary Irrigation had written to Secretary Health for an inquiry into the matter of issuance of alleged bogus invalidation certificates, which inquiry was not conducted; the invalidation certificates were once re-verified and were found to have been legally issued documents and thereafter the same were declared to be bogus documents by the same Health Authorities; if prescribed procedure was not followed by the Authority before the issuance of invalidation certificates, that lapse on their part shall not adversely affect rights of the second set of appellants; finally, the learned PST reinstated into service all the respondents who were appointed under Rule 17-A of 1974 Rules and intervening period was treated as leave of the kind due.

6. The preamble of PEEDA 2006 draws attention to the objectives of its promulgation which include the measures for improvement of efficiency, discipline and accountability of employees and made it applicable to (i) employees in government service; (ii) employees in corporation service; and (iii) retired employees of government and corporation service; provided that proceedings under this Act are initiated against them during their service or within one year of their retirement. According to Section 3 of the Act, an employee shall be liable to be proceeded if he is (i) inefficient or has ceased to be efficient for any reason; or (ii) guilty of misconduct; or (iii) guilty of corruption or is reasonably considered to be corrupt; or (iv) engaged or is reasonably believed to be engaged in subversive activities, and his retention in service is prejudicial to national security, or is guilty of disclosure of official secrets to any unauthorized person. However, Section 21 of PEEDA 2006 is quite significant to the controversy involved in the present proceedings which provides that subject to this Act, all proceedings initiated against the employees having retired or in service, shall be governed by the provisions of this Act and the rules made thereunder. <u>According to the original proviso, in the case of retired employee, the proceedings so initiated against him were to be finalized not later than two years of his retirement.</u> However, the erstwhile proviso appended to Section 21 was

substituted by the Punjab Employees Efficiency, Discipline and Accountability (Amendment) Act 2026 (XVII of 2026) for the following:

> "Provided that in case of a retired employee, the proceedings so initiated against him shall be finalized within two years of his retirement and in case, such proceedings are not completed within two years, the competent authority may, for the reasons to be recorded in writing, extend the time period for a specific duration".

7. The substitution of earlier proviso in 2026 will apply prospectively whereby in case proceedings are not finalized within two years, the competent authority may, for the reasons to be recorded in writing, extend the time period for a specific duration but in the case at hand, it will have no application rather the earlier proviso will have the effect under which it was made mandatory that in the case of retired employee, the proceedings so initiated against him were to be finalized not later than two years of his retirement and in the original proviso, the competent authority was not vested with any power or authority to extend the time period for a specific duration for the reasons to be recorded in writing.

8. Compliant with the original proviso that is applicable in the present case, the proceedings so initiated against a retired employee, should have been finalized not later than two years of his retirement. According to N.S.Bindra Interpretation of Statutes, 12th edition, p. 435, the negative words used in a provision that prescribed some statutory requirement made, as a general rule, that requirement mandatory even if no penalty was prescribed for non-compliance of that requirement. The intention of the legislature is gleaned that the incorporation of the proviso made it mandatory to conclude the proceedings against a retired employee not later than two years of his retirement. The negative words meant in its quintessence as legislative contrivance to render a statutory provision obligatory and unavoidable. A negative clause in a proviso is created to unambiguously keep a tight rein on or rule out something that might otherwise be allowable under the main

provision. According to the rule of interpretation of statues, a negative proviso in general bounds the operation of the main provision as an exception rather than structuring an independent rule but it precludes the general provision from being interpreted without limitation and aids to remove elusiveness or vagueness vis-à-vis the power or authority so it should not be exercised beyond the intention of the legislature. The negative words are largely taken into account as resilient benchmarks of mandatory requisites when the language is discernable and unequivocal. The main provision sets down the rule whereas the proviso attached with the said provision qualifies the rule so the Court is bound to see what is ruled out from the general rule and what can and cannot be done. The restriction to complete and finalize the inquiry not later than two years of retirement of a civil servant is not purposeless but to be realistic, enough time has already been provided under the law according to the old proviso. If the departmental authority fails to adhere to an already reasonable timeframe then it reflects the reckless conduct and laxity of the department/inquiry officer/committee. The right to conduct and complete the inquiry against a retired employee is neither open ended nor at the sweet will of the employer but it is regulated by the law. Initiating the disciplinary proceedings beyond the period of limitation provided under the PEEDA 2006 or dragging the disciplinary proceedings for an unrestricted or indefinite period and/or lasting for an unknown or unstated length of time amounts to a sword of Damocles hanging over an employee's head with constant and looming threat of a sudden disaster. At this moment, the quotation of a Latin legal maxim "*verba legis non est recedendum"* is quite suitable which deciphers that "from the words of the law, there must be no departure". Whereas another Latin maxim *"A communi observantia non est recedendum"* translates that "there should be no departure from common observance, usage, or established practice."

9. No doubt in the case of General Post Office, Islamabad etc. v. Muhammad Jalal **(PLD 2024 SC 1276)**, this Court has struck down

rules allowing special job quotas for children or spouses of civil servants who die in service or declared invalidated/incapacitated but for sure the judgment applies only prospectively and cannot undo the past and closed transaction or appointments made pursuant to the Rule which was very much in vogue and field at that relevant time so it does not apply to the case under consideration. If the bone of contention is distilled to its essence, the controversy relates to the appointment of progenies of "invalidated or incapacitated" civil servants hence Rule 17A of 1974 Rules is quite relevant which provides that notwithstanding anything contained in any rule to the contrary, whenever a civil servant dies while in service or is declared invalidated/incapacitated for further service, one of his unemployed children or his widow/wife may be employed by the Appointing Authority against a post to be filled under Rules 16 and 17 for which he/she possesses the prescribed qualification and experience and such child or the widow/wife may be given 10 additional marks in the aggregate by the Public Service Commission or by the appropriate Selection Board or Committee provided he/she otherwise qualifies in the test/examination and/or interview for posts in BS-6 and above. It is further provided that one child or widow/wife of a Government servant who dies while in service or is declared invalidated/incapacitated for further service shall be provided a job against posts in BS-1 to 5 and the posts of Junior Clerks (BS-7) in the department in which the deceased Government servant was working, without observance of formalities prescribed under the rules/procedure, provided such child or the widow/wife is otherwise eligible for the post.

10. An invalidated or incapacitated civil servant means an employee who has been officially declared permanently mentally or physically unfit to perform his job responsibilities due to ailment or corporeal or somatic injury or infirmity which makes him unable to return to work. The literal meaning of the expression "incapacitated" means droughts of physical or mental capacity to perform the duty while

the expression “invalidated” denotes an employee who has been retired or removed from service on medical grounds due to incapacitation after examination and verification by the Medical Board and issuing invalidated/incapacitated Certificate. The invalidation certificates were issued by the Medical Board comprising Consultant Physician, Assistant Professor of Surgery, Chief Consultant Ophthalmology and Medical Superintendent, Services Hospital Lahore and countersigned by Director General Health Services, Punjab which were conveyed through the proper channel. If there was any doubt to the genuineness, it could not be proved or verified unless properly confronted and verified by the Medical Board Members but nothing is on record to demonstrate that any effort was made in this regard but the department in a slipshod manner assumed that the certificates are forged without conducting any regular inquiry.

11. Much reliance was made by the learned Assistant Advocate General, Punjab on Rule 1.8 (a) of the Pension Rules, 1963 with reference to the good conduct which has been made an implied condition of every kind of pension but before embarking on this Rule, it is also expedient to first have a glimpse of the Punjab Civil Services Pension Rules **(Punjab Rules)** which have been made applicable with effect from 14.10.1955. Even under these Rules, according to Rule 1.8, good conduct is an implied condition of every kind of pension. For the ease of reference, Rule 1.8 of the Punjab Rules is reproduced as under:-

> (a) Good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be convicted of serious crime or be found to have been guilty of grave misconduct either during or after the completion of his service, provided that before any order to this effect is issued, the pension sanctioning authority shall give full opportunity to the pensioner to vindicate his position.
>
> (b) Government reserves to themselves the right of recovery from the pension of Government pensioner on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence, or fraud of such Government pensioner during his service, provided that such departmental proceedings shall not be instituted after more

> than a year from the date of retirement of the Government pensioner.
>
> Note- If the departmental proceedings are not completed within one year after retirement of the Government servant, he may be allowed to draw up to 80% or less of full pension so as to ensure that Government loss in full is recovered from the balance. In the case of judicial proceedings, judgment of the court may be awaited. If the proceedings are delayed beyond one year after retirement, reduced pension may be allowed as in the case of pensioners facing departmental proceedings.
>
> (c) In case the amount of pension granted to a Government servant is afterwards found to be in excess of that to which he is entitled under the rules, he shall be called upon to refund such excess.

12. The West Pakistan Civil Services Pension Rules were made effective from 14.10.1955 but published in Gazette Notification on 21.06.1963 (commonly referred to as the Pension Rules, 1963) which apply to all Government servants under the rule-making control of the Government of (West) Pakistan who entered Government service on or after the 14th October, 1935; all Government servants who were in service on and before 14th October 1955; unless they opt to continue to be governed by the existing rules applicable to them; all pensioners who retired from Government service after the 14th October 1955, but before the date of publication of these rules, if they opt to be governed by these rules. A note is also appended which clarifies that “In the case of Government servants or pensioners who were in service on and before the 14th October 15, but died before the publication of these rules, it will be assumed that they opted for these rules. For the ease of reference, Rule 1.8 (a) of Pension Rules, 1963 is reproduced as under:-

> (a) Good conduct is an implied condition of every kind of pension. Government may withhold or with-draw a pension or any part of it if the pensioner be convicted of serious crime or be found to have been guilty of grave misconduct either during or after the completion of his service, provided that before any order to this effect is issued, the procedure regarding imposition of the penalty of removal from service shall be followed.

13. The Fundamental Rules and Supplementary Rules **(FR&SR)** define and determine the financial terms and conditions of

government employees such as pay, allowances, leave and travelling allowances etc. However, Rule 54-A, inserted vide S.R.O.1143 (I)/80, dated 10.11.1980, notified on 20.11.1980 is quite relevant which is reproduced as under:-

> "Rule-54-A. If a Government servant, who has been suspended pending inquiry into his conduct attains the age of superannuation before the completion of inquiry, the disciplinary proceedings against him shall abate and such Government servant shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty".

14. The Civil Service Regulations **(CSR)** is also somewhat relevant which contain Government instructions for regulating the service conditions (Pay, leave, pension, other allowances, etc.) of the Government employees in the civil departments. The Regulation 417-A which explicates as under:-

> "417-A. If an officer, who has been suspended pending inquiry into his conduct, attains the age of superannuation before completion of the inquiry, the disciplinary proceedings against him shall abate and such officer shall retire with full pensionary benefits and the period of suspension shall be treated as period spent on duty".

15. In the case of Abdul Wali v. WAPDA **(2004 SCMR 678)**, it was held that disciplinary proceedings cannot be taken against a civil servant for imposition of a major or minor penalty as contemplated by the E&D Rules after he has already retired from service on attaining the age of superannuation. The same opinion was drawn in Syed Sajjad Haider Kazmi v. Director-General (S&GAD) WAPDA **(2007 SCMR 1643)**. Whereas in the case of Muhammad Zaheer Khan v. Government of Pakistan **(2010 PLC (C.S.) 559)**, it was held that the disciplinary proceedings against an employee must be completed before his date of retirement. In the case of Province of Punjab through Conservator of Forest, Faisalabad v. Javed Iqbal **(2021 SCMR 328)**, this Court held in terms of proviso of Section 21 of PEEDA 2006 that the departmental proceedings initiated against a retired employee should be finalized not later than two years of his retirement, which was mandatory in nature, therefore, insertion of

the same had a specific purpose; to conclude the proceedings against a retired employee not later than two years of his retirement. Any proceedings after the said statutory period shall stand abated and any orders passed after the efflux of the said time period were void and had no legal effect. Yet again in the case of Chief Minister through Secretary Government of the Punjab, Irrigation Department, Lahore v. Muhammad Afzal Anjum Toor **(2024 PLC (C.S) 147),** this Court held that the real intention of the legislature with respect to Section 21 of the PEEDA Act was to improve the efficiency, discipline, and accountability of employees in government and corporate sector to governance. The Act primarily focuses on serving employees who achieve good and recognizes retired employees only if departmental service or within one year after their retirement. The Act sets Proceedings have been initiated against them either in specific timeframe for finalizing departmental proceedings against retired employees, i.e., not later than two years from date of their retirement. The proviso to Section 21 of the Act contains negative phrases that have an imperative effect, making it mandatory to conclude the proceedings against a retired employee within the prescribed timeframe. It was further held in the very same case that the disciplinary proceedings against the respondent initiated under Rule 1.8 (a) of the Pension Rules, 1963 were in violation of Section 21 of the PEEDA Act, 2006, which is a mandatory provision. As the respondent stood retired on 10.01.2017 and disciplinary proceedings were initiated against him on 24.02.2020, which was beyond the statutory period prescribed by the proviso to Section 21 of the PEEDA Act, 2006.

16. All the more so, if the argument of the learned counsel for the petitioners is taken for granted that under Rule 1.8 of Pension Rules, the action could be taken against the retired employees for producing forge invalidation certificates even then, the fact remains that action could not be initiated without a procedural vehicle provided under some statute or rule to trigger the disciplinary action. The said rule though makes the good conduct as an implied condition of every kind of pension and Government may withhold or

withdraw a pension but before any such order is issued, the pension sanctioning authority has to provide full opportunity to the pensioner to vindicate his position and what was the mode and manner to provide opportunity of audience which is in fact a basic limb of right to fair trial and due process of law which could be afforded at best under the provision of PEEDA 2006 whereby Section 21 unequivocally states that proceedings against a retired employee shall be governed by the provisions of this Act and the rules made thereunder whereas its Section 20 explicitly provides an overriding effect if something found contrary to any other law for the time being in force. No independent procedure is provided under pension rules therefore for all intents and purposes, the proceedings could only be initiated under PEEDA 2006 while adhering to and following the exactitudes of the limitation period provided for commencing and culminating the disciplinary proceedings. In actuality, the actual cause of action was grounded on alleged forge invalidation certificates produced by fathers/respondents, (First Set) which were acknowledged by the department without any demur or express doubts. In the same breath jobs were allowed on the strength of the same certificates to the sons of invalidated/incapacitated employees/respondents (Second Set). The belated departmental action was rightly held barred by Section 21 of the PEEDA 2006 by the learned PST. The dismissal/termination orders issued to the respondents (Second Set) is also unlawful as no proper and ample opportunity was afforded to defend and inquiry was dispensed with without any lawful justification. The invalidation certificates could not be proved forged unless confronted to the members of the Medical Board after proper regular inquiry. On the basis of vague or inadequate departmental proceedings or the action barred by limitation, neither the pension could be stopped or recovered nor the services could be dismissed or terminated at the whims of the department. Nothing presented on record as to what due diligence was made at the time of presenting the invalidation certificates, on the contrary, the judgment of learned PST indicates that such certificates were

already verified. The entire departmental exercise/action appears to be nothing more than an attempt to mislead and hoodwink the respondents, without any statutory authority or legal sanction. Such conduct is not only devoid of lawful and statutory backing but also manifests gross departmental inefficiency, negligence, and lack of due diligence. The department, having remained inactive for the prescribed period, appears to have awakened only after the expiry of the limitation period, thereby rendering the belated departmental action legally untenable and without lawful justification.

17. At this point, we would like to quote a Latin maxim, "*sublato fundamento cadit opus*" which translates to "remove the foundation and the structure falls," being an indispensable foundational legal doctrine for preserving the consistency and firmness of the legal system. If on the basis of a void order, subsequent orders have been passed, either by the same authority or by other authorities, the entire series of such orders, together with the superstructure of rights and obligations built upon them, must fall, unless some statute or principle of law recognizes the changed position of the parties as legal. The termination/dismissal orders of the second set of respondents/employees is based on the cause of action that they obtained jobs on forged invalidation certificate but the inquiry against their predecessor was found barred under the provisions of PEEDA 2006 and even no due process was followed subsequently while terminating or dismissing them from service, therefore both actions were rightly held illegal by the learned PST.

18. As a fall back or alternative argument, the learned AAG submitted that since the respondents/employees (second set) did not perform their duties but the learned PST passed the order to treat their intervening period as leave of the kind due; therefore, he entreated that the impugned judgment may be modified to the extent that the absence period from the date of termination till the date of impugned judgment i.e. 27.10.2025 be treated as EOL without pay. The learned counsel for the respondents and the respondents present in the Court in person communally agreed to

the proposal of the learned AAG and categorically stated that they will not claim the leave of the kind due and have no objection if their absence period from the date of termination till the date of impugned judgment i.e. 27.10.2025 may be treated as EOL without pay.

19. In view of the foregoing, these Civil Petitions are converted into appeals and are partly allowed. Consequently, the direction in the impugned judgment regarding treatment of the intervening period as leave of the kind due is modified and the intervening period from the date of termination/dismissal of the respondents from service until the date of the impugned judgment shall be treated as Extraordinary Leave without pay. For the rest, the impugned judgment is maintained and shall remain unaltered.

Judge

Judge

Lahore
01.07.2026
Khalid
Approved for reporting.