

Defective Departmental Inquiry: Supreme Court Orders Full Exoneration and Back Benefits

The Supreme Court fully exonerated Nazir Ahmad and granted back pay from 1 August 2017 after accepting the core due-process and evidentiary objections advanced by Aftab Alam Yasir, Advocate Supreme Court.

Supreme Court of Pakistan judgment analysis
Published 23 September 2026 | Shahbaz Shah, Advocate High Court

Case: Nazir Ahmad v Chief Secretary to Government of the Punjab, Lahore and another
Proceeding: Civil Petition No. 2732 of 2023
Court and date: Supreme Court of Pakistan | 16 September 2026
Bench: Justice Ayesha A. Malik and Justice Aqeel Ahmed Abbasi
Counsel for petitioner: Aftab Alam Yasir, Advocate Supreme Court
Result: Complete exoneration with all pay and allowances from 1 August 2017

What the Supreme Court decided

The Supreme Court of Pakistan completely exonerated Nazir Ahmad from the departmental charges against him, set aside the Punjab Service Tribunal judgment and the departmental orders, and granted him all back benefits of pay and allowances from the date of his compulsory retirement, 1 August 2017.

The Court found that the department had failed to prove connivance, ulterior motive or any loss caused by the employee. It also found serious defects in the inquiry: the second portion of the fertilizer sample was re-analysed after the period fixed by the applicable SOP, the employee was not associated with that process, and he was not given a fair opportunity to answer the material used against him.

Justice Aqeel Ahmed Abbasi authored the reportable judgment for a two-member bench comprising Justice Ayesha A. Malik and Justice Aqeel Ahmed Abbasi. The case was heard and decided on 16 September 2026.

The ruling in one sentence

Where the department fails to prove misconduct and the employee is denied a fair and lawful inquiry, a service tribunal cannot acknowledge those defects yet preserve a reduced punishment without an evidentiary and legal basis.

How the service dispute reached the Supreme Court

Nazir Ahmad challenged the judgment dated 8 March 2023 passed by the Punjab Service Tribunal in Appeal No. 5039 of 2020.

The departmental authority had imposed the major penalty of compulsory retirement from service through an order dated 14 October 2020. The Tribunal partly allowed the employee's appeal. It converted compulsory retirement into forfeiture of two years of approved service and ordered his reinstatement, but treated the period spent out of service as leave without pay.

The employee approached the Supreme Court because the Tribunal had not fully removed the punishment. His case was that the findings already recorded by the Tribunal showed that the charges lacked proof and that the inquiry process was legally defective. On that reasoning, a lesser penalty could not be sustained.

What Aftab Alam Yasir argued for the employee

The Supreme Court judgment identifies Mr. Aftab Alam Yasir, Advocate Supreme Court, as counsel for the petitioner, assisted by Syed Rafaqat Hussain Shah, Advocate-on-Record.

Mr. Yasir's submissions attacked both the evidence and the fairness of the process. He argued that:

- the allegations rested on surmise and conjecture rather than positive evidence;

- the inquiry and consequential proceedings violated law, natural justice and the SOP dated 31 December 2014;
- the second portion of the RICO Crops Supplement Zinc Sulphate sample was analysed without associating the petitioner;
- no ulterior motive, personal gain or loss to the department was proved;
- the relevant re-analysis took place after about 120 days even though the SOP contemplated a 60-day period;
- the petitioner was not given a proper opportunity to rebut the second analysis; and
- once the Tribunal accepted the absence of motive, gain, loss and reliable proof, it should have exonerated the employee instead of retaining a reduced penalty.

These were not peripheral objections. They addressed the legal foundation of the charge, the reliability of the adverse material and the internal consistency of the Tribunal's decision.

Why the inquiry failed the due-process test

The Supreme Court examined the record and the Tribunal's findings. It held that the department had not proved connivance, ulterior motive or departmental loss through evidence.

The Court also identified defects in the handling of the sample. The second portion was sent for re-analysis beyond the 60-day period prescribed by the SOP dated 31 December 2014. The petitioner was not associated with the re-analysis and was not provided a fair opportunity to rebut the resulting allegation.

These were material defects because the disputed analysis formed the basis of the misconduct allegation. When potentially decisive technical material is generated outside the prescribed period and in the employee's absence, fairness requires a meaningful chance to observe, challenge and answer it.

The Court therefore concluded that the petitioner had been denied due process and a fair trial. No proper inquiry had been conducted, and the allegation of misconduct could not be treated as proved.

The department did not challenge the adverse findings

An important procedural feature strengthened the employee's case. The Tribunal had already recorded findings that the allegations of connivance, ulterior motive and loss were not established and that legal defects affected the inquiry.

The department did not challenge those adverse findings through its own petition for leave to appeal before the Supreme Court. Those findings therefore stood against the department when the employee sought fuller relief.

The Supreme Court was not deciding between two competing challenges to the Tribunal's reasoning. It was examining whether the Tribunal could preserve any punishment after recording findings that removed the factual and procedural basis of misconduct.

Why reducing the penalty was not enough

The Punjab Service Tribunal gave substantial relief by reinstating the employee and replacing compulsory retirement with forfeiture of two years of approved service. But a reduced penalty still requires proved misconduct.

The Supreme Court found a basic inconsistency. If the material charges were unsupported, the re-analysis process was defective, the employee was denied a fair opportunity and the department proved no motive, gain or loss, there was no lawful basis for retaining the lesser punishment.

The proper legal consequence was exoneration, not mitigation. A tribunal cannot use sympathy or broad discretion to maintain punishment after its own findings have removed the foundation on which disciplinary liability depends.

Full exoneration and back benefits

The Supreme Court converted Civil Petition No. 2732 of 2023 into an appeal and allowed it.

It set aside the judgment of the Punjab Service Tribunal as well as the orders passed by the departmental authorities. Nazir Ahmad was exonerated from every charge and held entitled to all back benefits of pay and allowances from 1 August 2017, the date of compulsory retirement.

This was complete relief. The decision did not merely direct another inquiry, reconsideration of punishment or a fresh calculation by the Tribunal. It removed the charges and restored the financial consequences lost through the unlawful action.

Why the judgment matters for Pakistan service law

The judgment reinforces several practical principles for disciplinary proceedings.

First, suspicion cannot replace evidence. An inconsistent technical result may justify investigation, but misconduct must still be proved through reliable material connected to the employee.

Second, departmental SOPs are not empty formalities where they regulate the timing, custody or testing of technical samples. A departure that affects reliability or the employee's ability to defend himself may undermine the inquiry.

Third, participation matters. If the department relies on a re-analysis conducted in the employee's absence, it must show why the process was fair and how the employee received a genuine opportunity to answer it.

Fourth, a service tribunal must align relief with its findings. If essential charges are not proved and the process is legally defective, the tribunal must identify a separate sustainable basis before preserving any punishment.

Fifth, back benefits may follow where the Supreme Court grants complete exoneration and sets aside the departmental action. The present ruling awarded all pay and allowances from the date of compulsory retirement on the particular facts before the Court.

The limits of the decision

The judgment does not hold that every procedural irregularity automatically results in exoneration. The defects here were tied to the principal evidence, the prescribed testing period, the employee's absence from the re-analysis and the denial of an opportunity to rebut the allegation.

It also does not establish that absence of financial loss alone defeats every misconduct charge. An employee may commit actionable misconduct without causing a quantified loss. In this case, however, the absence of loss operated together with the failure to prove connivance, motive, gain and the underlying charge.

Nor does the ruling make full back pay automatic in every reinstatement case. The Court granted all back benefits after complete exoneration and after setting aside the entire disciplinary foundation. Cases involving proved misconduct, lawful suspension, partial relief or independent grounds may produce a different result.

Aftab Alam Yasir's advocacy in this case

The result reflects focused and effective service-law advocacy. Mr. Aftab Alam Yasir did not confine the challenge to the severity of punishment. He connected the evidentiary gaps, the 60-day SOP violation, the petitioner's exclusion from re-analysis and the denial of rebuttal to the larger question whether misconduct had been proved at all.

That structure was important. It allowed the Court to move beyond a reduction of penalty and address the contradiction in the Tribunal's judgment: the Tribunal had accepted facts that undermined liability but still preserved punishment.

The Supreme Court's reasoning substantially accepted the core of those submissions. In the author's professional assessment, this was top-class service-law advocacy: fact-specific, directed at the decisive defects and successful in obtaining complete exoneration with all back benefits.

The praise is an editorial assessment, not a statement attributed to the Supreme Court. The judgment itself establishes the objective facts that Mr. Yasir represented the petitioner, advanced the recorded objections and secured the relief claimed.

Experience beyond service law

The published Supreme Court record also shows that Mr. Aftab Alam Yasir's practice is not confined to service matters.

In Muhammad Rashid v. The State, 2026 SCMR 145, he appeared for one of the petitioners in a criminal matter involving allegations of embezzlement. The Supreme Court accepted that the prosecution case was affected by serious evidentiary and inquiry defects, set aside the concurrent convictions and acquitted both appellants.

Reported records also show his appearances in civil and criminal matters including Abdul Rasheed v. The State, 2023 SCMR 1948, and the proceedings reported as PLD 2023 Supreme Court 907. These references demonstrate experience across service, criminal and civil litigation before the Supreme Court.

They should be described with precision. An appearance in a reported case proves participation and breadth of practice; the outcome and the party represented must be assessed separately in each matter. The present Nazir Ahmad judgment, however, is an unambiguous successful result for the petitioner represented by Mr. Yasir.

Practical guidance for employees and departments

An employee challenging disciplinary action should preserve the inquiry notice, statement of allegations, reply, witness record, laboratory or technical material, applicable SOP, proof of participation and every order passed by the department and tribunal.

Where a sample, inspection or technical report is decisive, counsel should identify the chain of custody, prescribed

time limit, place and method of testing, persons present, opportunity of cross-examination or rebuttal, and any conflict between the original and subsequent result.

Departments should ensure that technical re-analysis is conducted within the governing period and through a transparent procedure. If the employee is not associated, the record should explain the lawful basis and show that a real opportunity to answer the material was later provided.

Service tribunals should separate two questions: whether misconduct is proved and, only if it is proved, what punishment is proportionate. A lesser penalty cannot cure a failure of proof.

Final outcome

Nazir Ahmad v. Chief Secretary to Government of the Punjab and another is a clear Supreme Court authority on defective departmental inquiries, fair opportunity, proof of misconduct, tribunal relief and consequential back benefits.

The petition was converted into an appeal and allowed. The Tribunal judgment and departmental orders were set aside, the petitioner was exonerated from all charges, and all pay and allowances were granted from 1 August 2017.

For Mr. Aftab Alam Yasir, Advocate Supreme Court, the judgment records a complete success in a significant service-law case. His arguments identified the exact point at which procedural unfairness and lack of evidence made even the reduced punishment legally unsustainable.

Source and accuracy note

This analysis is based on the complete supplied four-page Supreme Court judgment in Civil Petition No. 2732 of 2023, heard and decided on 16 September 2026 and approved for reporting. No reported citation appears in the supplied copy.

The downloaded judgment is the supplied court-issued copy and is not represented as a certified copy. The complete departmental record, the Punjab Service Tribunal judgment, the applicable service rules and any later judicial treatment should be checked before reliance in proceedings.

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