

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1188/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/07/2022	<p>The appeal of Mr. Asjad Farooq presented today by Mr. Bilal Ahmad Kakzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on . Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No: 1188 / 2022

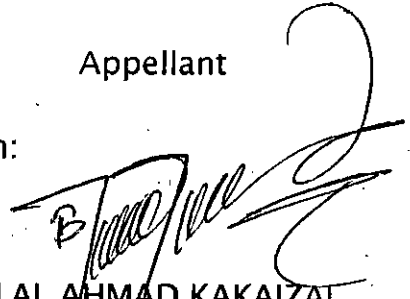
ASJAD FAROOQ Versus Government of Khyber Pakhtunkhwa etc

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Appellant

Through:



BILAL AHMAD KAKAIZAI
Advocate, Supreme Court of
Pakistan.

213, Sunehri Masjid Road,
Peshawar Cantt.
0300-9020098.

11

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2022

ASJAD FAROOQ,
Ex-Naib Qasid,
Mohallah Hafizabad, Nai Abadi,
Jhandi Station Kohat,

..... APPELLANT

Versus

1. GOVERNMENT OF KHYBER PAKHTUNKHWA,
Through Secretary Communication & Works Department,
Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
2. CHIEF ENGINEER, SOUTH-I,
Communication & Works Division, Peshawar.
3. EXECUTIVE ENGINEER,
Communication & Works, Building Division, Kohat.
4. SUPERINTENDING ENGINEER,
Communication & Works Circle, Kohat.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST IMPUGNED ORDER NO. 84/3-EG DATED
07.02.2022, ORDER NO. 313/2/7-E DATED 14.06.2022 AND ORDER
NO. 366/2/7-E DATED 10.07.2022.

(2)

Prayer: That on acceptance of this Service Appeal the Impugned Orders mentioned above may please be set-aside being against the law, and Appellant may please be reinstated in service with all back wages and benefits, with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

1. That, Appellant was appointed as Naib Qasid in BPS-01 vide Order dated 29.12.2014. He performed his duties to the entire satisfaction of his superiors; copy of the Appointment Order is attached as Annexure A.
2. That, during the course of employment an undated Notice of Absence was received by the Appellant, which was issued probably after 06.10.2021, as per its contents. The said Notice was properly replied by the Appellant however he had not retained the copy of the same but its submission is proved as per the contents of subject Impugned Orders, copy of the Absence Notice is attached as Annexure B.
3. That, on 07.02.2022, against the law and rules governing the subject, the Appellant was terminated from service, however the said Order was not communicated to the Appellant, copy of the Impugned Order dated 07.02.2022 is attached as Annexure C.
4. That, after getting knowledge of the issuance of Impugned Order dated 07.02.2022, the Appellant submitted its Appeal on 30.05.2022 to the Respondent No. 1 and on 31.05.2022 to Respondent No. 3, copies of the Appeals submitted by the Appellant are attached as Annexure D.
5. That, on 14.06.2022 the Appeal of the Appellant was dismissed by the Respondent No. 2 however the Appellant was asked to explain the reasons of delay in filing the Appeal, moreover the Appellant was also asked about submission of Medical Certificates etc, copy of the Impugned Appellate Order dated 14.06.2022 is attached as Annexure E.

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6. That, Appellant submitted its response to the Department wherein he clarified his position regarding late submission of Appeals etc before the Respondents, copies of the Appeal / Clarification dated 24.06.2022 along with Courier Receipt are attached is attached as Annexure F.
7. That, vide Impugned Appellate Order dated 10.07.2022, the Appeal of the Appellant was finally dismissed by the Appellant, copy of the Appellate Order is attached as Annexure G. hence this Service Appeal on the following amongst other grounds: –

GROUND:

- A. That, the Impugned Orders mentioned in the heading / subject of instant Appeal are illegal, unlawful, void and ineffective.
- B. That, the same are against the principles of Natural Justice, also.
- C. That, the Respondents Department has badly failed to reflect the true and actual position of the case of the Appellant in its Orders / Communications issued in this respect, therefore, the whole structure of allegations are in collapsed position which could not be substantiated and culminated in shape of a cessation of employment.
- D. That, the Appellant in his replies had mentioned his ailment but the Competent Authority never bothered to take a look upon his requests, copies of the Medical Certificates etc of the Appellant are attached as Annexure H.
- E. That, no Charge Sheet, Statement of Allegations or Show Cause Notice was ever served upon the Appellant before issuance of the Impugned Orders mentioned in the heading of the Appeal.
- F. That, the term "Termination" as a penalty has not been mentioned in any law of the Province and the Respondents had inflicted termination from service upon the Appellant which act on part of the Respondents is null and void and coram non-judice.

(4)

- G. That, the Appellant had submitted the Medical Certificates which were illegally and unlawfully declared as bogus without any report or letter from the concerned authorities and without confronted the same to the Appellant.
- H. That, the Respondents had failed to communicate the Impugned Order dated 07.02.2022 to the Appellant hence the rejection / dismissal of Appeal on the basis of limitation was not warranted by law.
- I. That, it was incumbent upon the Respondents to have completed the proceedings of Rule 9 of KP E & D Rules, 2011 however if the Appellant was in contact with the Respondents, Rule 9 was not applicable rather the conduct of Regular Enquiry was mandatory.
- J. That, the whole proceedings against the Appellant are full of malafides against the Appellant on behalf of the Respondent Department, probably in order to vacate the sanctioned post held by the Appellant and to accommodate any blue eyed incumbent.
- K. That, the Impugned Termination Order was never communicated to the Appellant however soon after getting the same, the Appellant submitted his Departmental Appeal which could not be termed as time barred.
- L. That, Respondents Department has no documentary proof of communicating the Impugned Order to the Appellant.
- M. That, even otherwise during the period of Corona Epidemic, the period of filing Appeal or doing any other act has been protected.
- N. That, no meaningful or purposeful chance of personal hearing was afforded to the Appellant nor were any legal and justifiable enquiry proceedings held.
- O. That, the action taken by the Respondents is arbitrary, malafide and an example of bad governance.

(5)

- P. That, Impugned Orders are violative of Constitution of Islamic Republic of Pakistan, 1973.
- Q. That, since the Respondents have not validly and legally communicated the inflicting of penalty order upon the Appellant, hence his Appeal cannot be treated as time barred.

It is, therefore, requested that subject Appeal be accepted as prayed for.

Appellant

Through:



BILAL AHMAD KAKAIZAI
Advocate, Supreme Court of
Pakistan.

213, Sunehri Masjid Road,
Peshawar Cantt.
0300-9020098.

(6)

BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2022

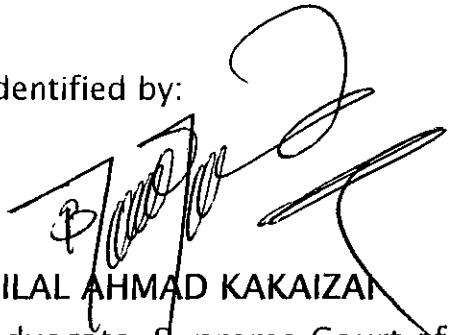
ASJAD FAROOQ *Versus* Government of Khyber Pakhtunkhwa etc

AFFIDAVIT

I, ASJAD FAROOQ, Ex-Naib Qasid, Mohallah Hafizabad, Nai Abadi, Jhandi Station Kohat, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Deponent

Identified by:


BILAL AHMAD KAKAIZAI
Advocate, Supreme Court of Pakistan.

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BEFORE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2022

ASJAD FAROOQ *Versus* Government of Khyber Pakhtunkhwa etc

ADDRESSES OF PARTIES.

APPELLANT:

ASJAD FAROOQ, Ex-Naib Qasid, Mohallah Hafizabad, Nai Abadi, Jhandi Station Kohat,

RESPONDENTS:

1. Government of Khyber, Pakhtunkhwa, Through Secretary Communication & Works Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Chief Engineer, South-I, Communication & Works Division, Peshawar.
3. Executive Engineer, Communication & Works, Building Division, Kohat.
4. Superintending Engineer, Communication & Works Circle, Kohat.

Appellant

Through:


BILAL AHMAD KAKAI ZAI

Advocate, Supreme Court of
Pakistan.

213, Sunehri Masjid Road,
Peshawar Cantt.
0300-9020098.



(10)

OFFICE OF THE
EXECUTIVE ENGINEER
C & W DIVISION KOHAT
No. 1757/13-EG

A
8

Dated Kohat the 27/12/14

OFFER OF APPOINTMENT

On the recommendation of Departmental Promotion / Appointment selection Committee as per meeting held on 26th December 2014, Mr. Asjid Farooq S/O Faiz Qaiser resident of Shakardara present address Mohallah Hafiz Abad Nai Abadi Jhandi Station Kohat, is hereby Appointed as Naib Qasid in PBS-1 against the vacant post in the office of the Executive Engineer C&W Division Kohat on the following terms and conditions:

1. He will get pay at the minimum of PBS-1 (4800-150-9300) including usual allowances as admissible under the rules. He will also be entitled to annual increment as per existing policy.
2. He shall, be governed by the KP Civil Servant Act 1973 and all the laws applicable to the Civil Servants and rules made there under.
3. He shall, for all intents and purposes, be a civil servant except for purpose of pension or gratuity. In lieu of pension and gratuity, G.P fund deduction will be made toward his pay at the prescribed rate.
4. His employment in Communication and Works Department is purely temporary and his services are liable to be terminated without assigning any reasons at fourteen (14) days prior notice or on the payment of 14 days notice will be necessary or in lieu there of 14 pay will be forfeited.
5. He shall, initially be on probation for a period of two years extendable upto 3 years.
6. He shall, produce a Medical Certificate of fitness from the Medical Superintendent, DHQ Hospital Kohat before reporting himself for duty as required under the rules.
7. He has to join duty at his own expenses.
8. If he accept the post on the above conditions, he should report to the office of undersigned within 14 days of the receipt of this offer and produce domicile and health / age certificate.

EXECUTIVE ENGINEER

Copy to:

1. The Section Officer (Establishment) C&W Department, Peshawar
2. The Sub Divisional Officer, Roads C&W Sub Division Kohat.
3. The District Account Officer Kohat
4. Mr, Asjid Farooq S/O Faiz Qaiser resident of Shakardara present address Mohallah Hafiz Abad Nai Abadi Jhandi Station Kohat

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محکمہ سی اینڈ ڈبلیو ڈی پارٹنمنٹ خیبر پختون خواہ پشاور بلڈنگ ڈویژن کوہاٹ۔

نوٹس غیر حاضری

احمد فاروق ولد فیض قیصر نائب قاصد بلڈنگ ڈویژن کوہاٹ محلہ حافظ اباد نئی ابادی جنڈی سٹیشن کوہاٹ کئی دنوں سے ڈیوٹی سے غیر حاضر ہے۔ جسکی وجہ سے اسکو کئی رجسٹرڈ خط گھر کے پتے پر بھیج دئے گئے ہیں۔ اور آخری نوٹس نمبر 354/3-E dated 6.10.2021 بھیج دیا گیا ہے۔ کہ ڈیوٹی پر حاضر ہو جائے۔ اور غیر حاضری کی وجوہات بیان کرے۔ مگر ابھی تک ڈیوٹی پر حاضر نہیں ہوا۔ لہذا E&D روز سب روز 9 کے تحت اچکوا اطلاع دیجاتی ہے۔ کہ 15 پندرہ دن کے اندر حاضر ہو جائیں اور اپنی غیر حاضری کی وجوہات بیان کرے ورنہ اچکے خلاف یکطرفہ کارروائی عمل میں لائی جائیگی۔

بجکم
ایگزیکٹو انجینئر بلڈنگ ڈویژن کوہاٹ۔



10

10

**OFFICE OF EXECUTIVE ENGINEER
BUILDING DIVISION KOHAT**

Ph: No. 0922-860078

FAX 0922-860052

Email cwdkohat@gmail.com

No. 84/3-EG

Dated 07/09/2022

OFFICE ORDER

Mr. Asjid Farooq Naib Qasid of this Division was served with various notices to perform duty regularly but he was still continuously absent from duty. He was therefore directed through publishing Notice in the daily News Paper AAJ dated 17.1.2022 & daily express dated 19.1.2022 vide No. INF(P)/276/22 as per Sub Rule 9 of E&D Rules to attend the duty and explain the reasons of absence. Mr. Asjid attended the office on 24.1.2022 and submitted application stating that from the date of his appearance he will attend the office regularly in which he failed again. At last he was further directed vide Notice No.20/3- EG dated 25.1.2022 to attend duty upto 2.2.2022 but he did not respond til date.

Therefore In view of the above , the services of Mr.Asjid Farooq Naib Qasid is hereby terminated with immediate effect in the best interest of Government/public..

EXECUTIVE ENGINEER

Copy to :

1. The Sub Divisional Officer Building Sub Division No. 1 Kohat for information.
2. The Divisional Accounts Officer Local.
3. Mr. Asjid Farooq for information.

EXECUTIVE ENGINEER.

خدمت جناب سیکرٹری جی - سلاطہ کونسل

D

پینل مابین عالی سرورین سٹی نائب قاض
سلاطہ کونسل

جناب / بولچہ اردو پبلشرز 84/3-29 جی اے جناب ایگزیکٹو سیکرٹری

2022.02.07

پبلشرز ڈوٹ مین کوٹلیا معروف عنوان

پبلشرز ڈوٹ مین نائب قاض سلاطہ کونسل سید مجتبیٰ صاحب
جوئی پورہ رینڈی رائف منڈی کونسل سٹی ایلوئی سے سرانجام کر کے اس کے ذریعے
صیت اسمی قسمی کونسل سٹی ایلوئی سے سلاطہ کونسل کو بھی کونسل سٹی ایلوئی
کو رقم ادا کیا گیا ہے

پبلشرز ڈوٹ مین نائب قاض سلاطہ کونسل سید مجتبیٰ صاحب
سٹی ایلوئی پبلشرز ڈوٹ مین سید مجتبیٰ صاحب کی طرف سے
ڈاکٹر اے جی ایم کے ساتھ سلاطہ کونسل سٹی ایلوئی کے پبلشرز ڈوٹ مین
سے سلاطہ کونسل سٹی ایلوئی کے ساتھ سلاطہ کونسل سٹی ایلوئی کے
رہنے کی پبلشرز ڈوٹ مین سٹی ایلوئی کے ساتھ سلاطہ کونسل سٹی ایلوئی کے

پبلشرز ڈوٹ مین نائب قاض سلاطہ کونسل سید مجتبیٰ صاحب
صاحب سلاطہ کونسل سٹی ایلوئی کے ساتھ سلاطہ کونسل سٹی ایلوئی کے
مذکورہ پبلشرز ڈوٹ مین سٹی ایلوئی کے ساتھ سلاطہ کونسل سٹی ایلوئی کے

پبلشرز ڈوٹ مین سٹی ایلوئی کے ساتھ سلاطہ کونسل سٹی ایلوئی کے
سلاطہ کونسل سٹی ایلوئی کے ساتھ سلاطہ کونسل سٹی ایلوئی کے
پبلشرز ڈوٹ مین سلاطہ کونسل سٹی ایلوئی کے ساتھ سلاطہ کونسل سٹی ایلوئی کے

19

11-A

P-11

پہلے سے قلم اور ڈیڑھ گھنٹہ کا نام لکھا ہے۔

12. اس وقت سے من نائب قلم نے غیر قانونی طور پر دائرہ کار میں لکھی ہے۔ اس کے ساتھ ساتھ دیگر قلموں کی زبردستی سے قلموں کی طرف سے من نوبت علیحدگی میں سے غیر قانونی ہے۔

13. اس میں نائب قلم اور اس کے ساتھ ساتھ دیگر قلموں کی ذمہ داری میں سے ہے۔ اس کے ساتھ ساتھ دیگر قلموں کی ذمہ داری میں سے ہے۔ اس کے ساتھ ساتھ دیگر قلموں کی ذمہ داری میں سے ہے۔

14. اس میں نائب قلم اور اس کے ساتھ ساتھ دیگر قلموں کی ذمہ داری میں سے ہے۔ اس کے ساتھ ساتھ دیگر قلموں کی ذمہ داری میں سے ہے۔ اس کے ساتھ ساتھ دیگر قلموں کی ذمہ داری میں سے ہے۔

یہاں پر اس کے ساتھ ساتھ دیگر قلموں کی ذمہ داری میں سے ہے۔ اس کے ساتھ ساتھ دیگر قلموں کی ذمہ داری میں سے ہے۔ اس کے ساتھ ساتھ دیگر قلموں کی ذمہ داری میں سے ہے۔

14301-2446705-1
258574

30/11/2019

منیجر احمد فاروق علیہ منافع قلم کے لئے لکھی ہے۔

11-B

مقامی ایجنسیوں اور اداروں کے ذریعے جانچ کر کے
 نوٹری سے برہانہ کر کے باہر لے جانا جو نوٹری سے
 چھوٹے گاؤں میں ہیں۔ یہ نوٹری 017 اور 018 کے تحت
 لا کر نکال دیں۔ نوٹری سے لے کر گاؤں میں لے جانا

مقامی نوٹری سے برہانہ کر کے باہر لے جانا
 نوٹری سے برہانہ کر کے باہر لے جانا جو نوٹری سے
 چھوٹے گاؤں میں ہیں۔ یہ نوٹری 017 اور 018 کے تحت
 لا کر نکال دیں۔ نوٹری سے لے کر گاؤں میں لے جانا

31/05/2022

البدین

آب گائیدار، اصغر فاروقی نائب قاضی

(Signature)

20/6/2022 Date.

DAIRY NO 556/3 Date 20-6-2022

XEN	
SDO	
DAO	
JHD	
HC	

حضور صاحب الیکٹریک صاحب بلائٹ ڈویژن کوئی
صاحب عالی

سوال - ایپل برائے بجائی نائب قاضی محمد فاروق

(11-B)

تذاریش ہے۔ لم ^{سائل} کو محمد الیکٹریک صاحب نے
توڑی سے برعاصد کرنے باہر کر دیا تھا۔ چونکہ ^{سائل} کے
چھوٹے کھائی ہیں۔ میں ہی واحد کفیل اور سرکاری
توڑ تھا۔ جس کو قہر سے ہڈیاں کے کھائی نہیں دیا۔ پریشان
ہے۔

کھذا التجا کجانی ہے۔ ^{سائل} کو توڑی اور سرخیال
کرنے کا حکم دیا اور مشورہ دینے کا موقع دیا۔
میں توڑی ہوئی۔

31/05/2022 مورخہ

الذمہ

آ۔ کا کبلا، محمد فاروق نائب قاضی

22-6-2022

OFFICE OF THE
* Case No. 556/3-199
Date 22-6-2022
CIVIL DIVISION ROHAT



OFFICE OF THE CHIEF ENGINEER (SOUTH-I)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

Email:- c.engineer.fata@gmail.com Phone:- 091-9211725 / 091-9211482 / 091-9210428

No 313/217-E

Dated Peshawar the 14/06/2022

To,

Mr. Asjid Farooq (Ex-Naib Qasid), C&W Department,
Resident of Shakar Darra, Kohat.
CNIC No. 14301-2444705-1
Cell # 0334-9258574

Subject: - APPEAL FOR REINSTATEMENT IN SERVICE.

1. This is with reference to your appeal dated 30.05.2022 submitted before the Secretary to the Govt. Khyber Pakhtunkhwa, C&W Department Peshawar for your reinstatement in service.
2. Perusal of your application and submitted documents reveals that your services were terminated on 07.02.2022 whereas you submitted appeal on 03.05.2022 which is time barred as appeal period is 30-days. You are therefore, directed to explain the reasons of delay.
3. Also, explain reasons as to why the OPD chit, medical leave certificate granted by DHQ Teaching Hospital KDA Kohat dated 23.01.2022 and Lab: test dated 23.01.2022 were not submitted to the office of the Executive Engineer Building Division Kohat at the then, when absentia notice was published against you and subsequently you attended the office on 24.01.2022.
4. Your reply should reach to the undersigned within 07-days of the receipt of this letter but not later than 15-days of its receipt.

(Engr. Shakir Habib)
Chief Engineer (South-I)
C&W Department Peshawar
(Appellate Authority)

Copy forwarded to the: -

1. Superintending Engineer C&W Circle Kohat.
2. Executive Engineer Building Division Kohat with the direction to serve a copy of this letter on the aforesaid Ex-Naib Qasid in case not deliver through post.

Chief Engineer (South-I)

The Chief Engineer (South II)
C&W Department, Muzaffargarh.

13

RECEIVED	
13/07/22	
13/07/22	
13/07/22	
13/07/22	
13/07/22	
13/07/22	
13/07/22	
13/07/22	
13/07/22	

Subject:

APPEAL FOR REINSTATEMENT IN SERVICE

Sir,

With reference to appeal of the appellant your conduct vide letter 1337/74 dated 14.6.2022 has raised some queries about appeal moved by the appellant:

1. In the said memo your good self has raised the question of delay in moving the appeal.
2. That why the OPDF Chit/Medical certificate granted by DHO Hospital Kohat on dated 23.1.2022 and laboratory test 23.1.2022 were not submitted to the office of Executive Engineer Building Division Kohat when absentee notice published against you and subsequently you attended office on 14.1.2022

Sir,

The appellant in reply to question/query very humbly and respectfully submit as under:

1. Regarding the delay submission of appeal it is submitted that after recovery from disease H/B the appellant on 14.4.2022 went to the office of worthy Executive Engineer Building Division Kohat for resuming the duty but unfortunately the appellant was inform in the said office that appellant was terminated from service and the appellant after hectic efforts succeeded to procure copy of punishment order from his own source. The appellant was never informed by office or by any messenger from the office regarding punishment awarded to him.

As stated above the appellant came to know about the punishment awarded to him on 14.4.2022, hence period of limitation will start from 14.4.2022 instead of 7.2.2022

Sir,

Keeping in view such a reality one can conclude that the period of limitation would start from 14.4.2022 and thus the period of limitation is not applicable upon the appellant. In fact the appellant deserve condonation in delay of filing the instant appeal.

Respected sir,

If the above argument is not convincing in that case too the appellant's appeal deserve to be decided on merit irrespective of taking in consideration of period of limitation and in this regard the appellant very respectfully submit and refer decision of

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Hon: supreme of Pakistan, where in it has been held that decision of case on merit is to be always encouraged instead of non suiting litigant on technical ground including ground of limitation Copy of judgment is enclose.

Respected sir

The appellant very respectfully object upon the punishment order in the KP Government Service (inefficiency and disciplinary rules 201), in the major punishment. Reduction to a lower post /pay scale, compulsory retirement , removal from service and dismissal from service have been provided in the said rules no where the word(termination) is laid down, hence the word termination is alien to the service rules and thus such punishment is not operative on the right of the appellant and he can be still resumed on service at this score alon the order of punishment legally deserves to set side and appellant may be reinstated in the service from date of punishment.

(2)

Respected sir,

Regarding the objection raised by your goodself that on 24.1.20222 why the appellant did not deliver OPD Chit and Lab: report etc in this regard the appellant humbly submit that he delivered all the above mentioned document to the then worthy Xen: but he refused to accept and retain the said document. The appellant was having no other alternative except to return from the office dis appointed.

Respected sir

Regarding other important factor the appellant humbly submit that no charge sheet and statement of allegation were served upon the appellant in this regards the services tribunal of the then NWFP has held that no charge sheet/statement of allegation framed and entire proceeding conduct on basis of show cause notice, no opportunity given to appellant to cross examination witnesses, impugners order set-aside(copy of judgment is enclosed)

Sir,

In another judgment by the Service tribunal it has been laid that in case of absence such fact could not be assessed without regular recording evidence, appellant was not only deprived of opportunity to defend himself but punishment was

To

The Chief Engineer (South -1)
C&W Department, Peshawar.

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Subject: APPEAL FOR REINSTATEMENT IN SERVICE

Sir,

With reference to appeal of the appellant your goodself vide letter 313/2/7-E dated 14.6.2022 has raised some queries about appeal moved by the appellant :

1. In the said memo your goodself has raised the question of delay in moving the instand appeal.
2. That why the OPDF Chit/Medical certificate granted by DHQ Hospital KDA Kohat on dated 23.1.2022 and laboratory test 23.1.2022 were not submitted to the office of Executive Engineer Building Division Kohat when absentee notice published against you and subsequently you attended office on 14.1.2022

Sir,

The appellant in reply to question/query very humbly and respectfully submit as under:

1. Regarding the delay submission of appeal it is submitted that after recovery from disease H/B the appellant on 14.4.2022, went to the office of worthy Executive Engineer Building Division Kohat for resuming the duty but unfortunately the appellant was inform in the said office that appellant was terminated from service and the appellant after hectic efforts succeeded to procure copy of punishment order from his own source. The appellant was never informed by office or by any messenger from the office regarding punishment awarded to him.

As stated above the appellant came to know about the punishment awarded to him on 14.4.2022 , hence period of limitation will start from 14.4.2022 instead of 7.2.2022

Sir,

Keeping in view such a reality one can conclude that the period of limitation would start from 14.4.2022 and thus the period of limitation is not applicable upon the appellant. In fact the appellant deserve condonation in delay of filling the instant appeal.

Respected sir,

If the above argument is not convincing in that case too the appellant 's appeal deserve to be decided on merit irrespective of taking in consideration of period of

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the service with all back benefits. Hence the impugned order has lost its validity and appellant deserve reinstatement in service (copy enclosed)

Respected sir,

Since the appellant was suffering from H/B and it was dangerous for the other person to mix with them hence for the short period I more or less 15 days, the appellant remained isolated. The appellant was having good intension and he was having no malafide on his part, the appellant has more or less eight year service at his credit and during this period he never remained absent and nor awarded any punishment, hence the appellant humbly request that he may graciously be forgiven, I will remain alert in future, the appellant may kindly be reinstated in service with all back benefits.

The appellant and his family will pray for your long life and prosperity.

(ASJID FAROOQ)
Son of Fayaz Qaiser
Resident New Abadi Jandi
Station Hafiz Abad Kohat

Mobile No. 03349258574

UMS 1 UMS21831249

PAKISTAN POST OFFICE
U.M.S. RECEIPT

No. 762 Rs. 95/-

Name of addressee: Chief Engr (Civil)

Post town of destination: New Dept. Rawalpindi

Date stamp: [Stamp]

Signature of Booking official: 24/6

Service instruction over leaf



OFFICE OF THE CHIEF ENGINEER (SOUTH-I)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9211275, 091-9211181, 091-9211028

No. 5667-71
Dated Peshawar the 07/07/2022

To,

Mr. Asjid Farooq s/o Faiz Qaiser
(Ex-Nab Qasidi), Building Division Kohat

Present Address

Resident of Moh. Bah Haliz Aoad,
New Abadi, Jundi Station, Kohat

Address as per appeal

Mr. Asjid Farooq s/o Faiz Qaiser
Shakar Darra, Kohat

CNIC No. 14301-244705-1

Cell # 0334-9258571

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G

Subject: - APPEAL FOR REINSTATEMENT IN SERVICE.

Your appeal dated 30.05.2022 addressed to the Secretary to Govt. of Khyber Pakhtunkhwa C&W Department regarding your reinstatement in service is hereby rejected on the following grounds: -

- i) The medical prescriptions, admission slips and advice for medical rest which you submitted in support of appeal have been declared fake and bogus by the Medical Superintendent DHQ Teaching Hospital Kohat vide his letter No. 3212/F-5A dated 01.07.2022.
- ii) That your instant appeal is also Time Barred
- iii) Your reply to the queries/observations raised vide this office letter No. 313/27-E, dated 14.06.2022 is not convincing
- iv) In the reply dated 17.06.2022 you assumed, that no charge sheets/SoAs were issued and no inquiry conducted. In this connection, it is clarified that in the case of wilful absence from duty under Rule-9 of Government Servant E&D Rules, 2011, no Charge Sheet/SOAs or inquiry is needed required.
- v) In your reply, you relied on 02 Nos. decisions of Khyber Pakhtunkhwa Service Tribunal where the action was initiated by the authority under the Police Rules-1975 as both the cases are related to the Police Department, whereas your case is decided under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011
- vi) As per record provided by the Executive Engineer Building Division Kohat, you were not punctual in performance of your official duty w.e.f June, 2018 till the date of your termination/removal from service
- vii) Your application dated 24.01.2022 reveals that during your absence period you took care of your ailing father suffering from heart disease, whereas your stance was changed in your appeal dated 03.05.2022 mentioning therein that you Mr. Asjid Farooq are suffering from Hepatitis-B Disease

(Engr. Shakir Habibi)
Chief Engineer (South-I)
(Appellant Authority)

Copy forwarded to the:-

1. Superintending Engineer C&W Circle Kohat
2. Executive Engineer Building Division Kohat
3. P S to Secretary C&W Department Peshawar w/r to remarks/orders of worthy Secretary C&W Department Peshawar recorded on the face of appeal (copy attached) for kind information of Secretary C&W Department.

Chief Engineer (South-I)
(Appellant Authority)

(17) H

GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT HEADQUARTERS TEACHING HOSPITAL KOHAT

MEDICAL LEAVE CERTIFICATE

Signature and Thumb Impression of Patient _____

Certified that Mr/Ms Asjad Farooq STEWART Fayaz Pains
resident of Hafiz Abad City Kohat
Designation _____ Department C&W Kohat
having CNIC No. 14301-24447051 has been examined in this hospital vide
Emergency (C.P.D) Admission No. 5341 dated 28/1/2022

He / She is suffering from Hep. B
and is advised to take home rest along with the medications prescribed for a period of 02 weeks
w.e.f. 23/1/22 to 5/2/2022 for the restoration of his / her health.

Signature _____
Name of Doctor _____
Designation _____
PM&DC No. _____

Official Seal
MEDICAL OFFICER DHO
Hospital (KDA) Kohat

17

H
=

GOVERNMENT OF KHYBER PAKHTUNKHWA
DISTRICT HEADQUARTERS TEACHING HOSPITAL KOHAT

MEDICAL LEAVE CERTIFICATE

Signature and Thumb Impression of Patient _____

Certified that Mr/Ms Asjad Farooq SI/DAWAD Fayaz Qaisar
resident of Hafiz Abad City Kohat
Designation _____ Department CBW Kohat
having CNIC No. 14301-24447051 has been examined in this hospital vide
Emergency (O.P.D.) Admission No. 5341 dated 23/1/2022

He / She is suffering from Hepatitis B
and is advised to take home rest along with the medications prescribed for a period of 02 weeks
w.e.f. 23/1/22 to 31/2/2022 for the restoration of his / her health.

Signature _____
Name of Doctor _____
Designation _____
PM&DC No. _____
Official Seal _____

MEDICAL OFFICER DMC
Hospital (KDA) Kohat

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TEACHING HOSPITAL NDA KONLAT

OUT-PATIENT TICKET

2022

24/11/22

History of Present Illness Investigation Treatment Referral Test Findings

g/c Hep. B

Ad

HBS

Tes Hepatitis
-

Tes Elevasi
-

Tes Cidrus
-

Signature

Dr. [Signature]

L (02) [Signature]
23/11/22

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Al-Hasfir Computerised Clinical Laboratory Kohat

Izzat Khel Plaza Shop #4 Near Frontier Medical Centre Teerah Bazaar Kohat Kohat

Registered

M Zakir Khan Mob. 03349189435

Patient Name ASJID FAROOQ
Referred By SELF
Test HBS AG

Date 23 Jan 2022
Age 0

Lab. No. 5435
Sex MALE

HBS AG




BLOOD HBsAg (Test Done By Device Method)

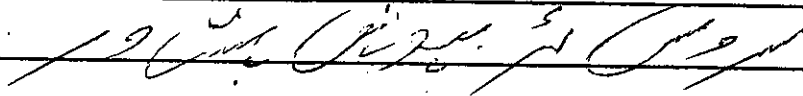
Result POSITIVE ✓

AL-HASFIR
Computerised Clinical Laboratory
Kohat

Signature

DMLT. (JIMS KPK Medical Faculty Peshawar)

قیمت 50 روپے	32367	 	
سید احمد کے زنی	ایڈوکیٹ:		
بار کونسل / ایسوسی ایشن نمبر: BC-11-1062		پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
رابطہ نمبر: 902009300			

بعدالت جناب: 

مخائب:	دعویٰ:
Appellant	
Asjad Farooq	علت نمبر:
بنام	مورخہ:
Govt. of KP etc	جرم:
	تھانہ:

باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی کاروائی متعلقہ آن مقام Peshawar کے لیے Bilal A-Kakayev کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جو اب دعوہ کا اوقافا... عواما... خاصا... ازہ قسم کا تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا کالت نامہ لکھ دیا تاکہ سند رہے

الرقوم:

العبد **گسواہ شد** الع
مقام کے لیے منظور ہے۔