

30.06.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Muhammad Saeed, Superintendent for respondents present.

Reply on behalf of respondents not submitted. Representative of the department seeks time for submission of written reply/comments. Request accepted. To come up for reply/comments on 11.08.2022 before S.B.





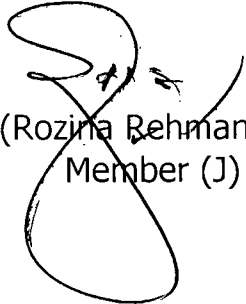
(Fareeha Paul)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 408/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/03/2022	<p>The appeal of Mr. Muhammad Javed resubmitted today by Mr. Nazir Ahmad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	12.04.2021	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>12-04-2022</u></p> <p> CHAIRMAN</p> <p>Appellant present through counsel. Preliminary arguments heard. Record perused.</p> <p>Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for reply/comments on 30.06.2022 before S.B.</p> <p> (Rozina Behman) Member (J)</p>


*Rs-500/-
admitted
1000/- Fee
A. J. J. 12/4/22*

The appeal of Mr. Muhammad Javed Head Fisheries Watcher Narran District mansehra received today i.e. on 23.02.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of charge sheet and enquiry report are not attached with the appeal which may be placed on it.
- 2- Copy of departmental appeal mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Page nos. 6, 7, 8, 10, 23, 27, 28, 30 and 31 of the appeal are illegible which may be replaced by legible/better one.

No. S39 /S.T,

Dt. 23-2- /2022

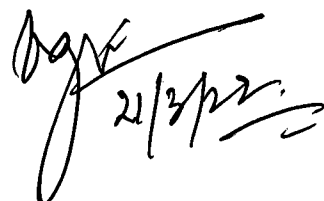

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nazir Ahmad Adv. Pesh.

In response to objection it is submitted that

1. it is a matter of explanation of punishment granted to the Appellant, so no need of charge sheet.
2. Appeal on 12-19 is attached.
3. Pages no 6, 7, 8, 10, 23, are legible, it will help to assist the member. Pages 27 to 31 are also which are available on law book, + even these pages are legible.

Re-submitted


21/2/22

Service Appeal No 408 /2022

Muhammad Javed Head Fisheries Watcher, Narran ,District Mansehra

Versus

Government of KhberPakhtunkhwa through Secretary Finance
Peshawar and others .

Secretary to Government of Khyber Pakhtunkhwa Agriculture,

INDEX

S. No	Description	Annexure	Pages
1.	Memo of Appeal and Affidavit	-	1-5
2.	Enquiry and punishment	A	6-9
3.	Order dated 20.9.2000	B	10-11
4.	Appeal submitted	C	12-19
5.	Application and advice of the Respondents no-1 and 2	D	20-30
6.	Impugned order dated 24.6.2021	E	31
7.	Wakalat nama		32


Appellant

Through


Nazir Ahmad

Advocate, Peshawar
High Court Peshawar.

Cell: 0301-8571879

0332-8540783.

①

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No 408 /2022

Muhammad Javed Head Fisheries Watcher, Narran ,District
Mansehra.....**Appellant**

Versus


1. Government of KhberPakhtunkhwa through Secretary Finance Civil Secretariat ,Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Agriculture, Live Stock , Fisheries and Cooperative , Peshawar.
3. Deputy Director Fisheries Mansehra**Respondents**

Service Appeal under Section 4 of the K.P Service Tribunal Act, 1973, against the impugned letter No-2100-01/DDF/M dated 24.06.2021 issued by the Respondent No- 3 where the observation and advice of the Respondent No-1 through letter dated 24.5.2021 is wrongly interpreted and conveyed and is against the rule in force and the increment deducted vide order dated 1.12.2000 having cumulative effect is denied to the appellant on his Appeal to the competent authority

Prayer:-

On acceptance of this Appeal The impugned letter No-2100-01/DDF/M dated 24.06.2021 issued by the Respondent No- 3 where the observation and advice of the Respondent No-1 through letter dated 24.5.2021 is wrongly interpreted and conveyed shall be declared null and void and against the rule in force and the increment deducted vide order dated 1.12.2000 having cumulative effect shall be granted to the appellant with all back benefits.

The pay and Pension of the appellant shall not be affected due to the deduction of the increment which as per law is construed to be provisional and not permanent.



Respectfully Sheweth: - The need for the instant Appeal before the Tribunal arises due to the following facts:

Facts:

1. That the Appellant was posted under the supervision of Assistant Director Fisheries Kaghan valley Balakot and was proceeded under the then NWFP (E & D) Rules 1973 by the enquiry officer dated 30.3.2000 and on 1.6 200 was recommended by him for the punishment with no mention of any Rule of stoppage of one increment for the year due on 1.12. 200 with word added accumulative effect and transfer from Mansehra.
(Copy is attached as Annexure A)
2. That on Appeal to the competent Authority the punishment was stand valid one and the appeal was rejected and the Appellant increment was stopped and he was transferred.
(The order dated 20.09.2000 is attached as Annexure B).
3. That the Appellant waited for the restoration of the increment after the lapse of one year as it was thought by him was for specific time as per rule been a minor punishment but was not restored and the appellant kept the matter alive as in his opinion the interpretation was not in accordance with the spirit of the law and the accumulative is wrongly written . That been disappointed again submitted a series of application for the restoration of the increment as per law it was not permanent as the permanent stoppage of increment was a major punishment effecting the pay of every month and the pension and commutation at the time of retirement
(The Appeals so submitted are attached as Annexure C).
4. That the Appellant lastly on 9.2.2021 filed an Application through proper channel and prayed for the solution of his problem which the department recommended and sought the opinion of the Finance department and then advised the Respondnet No-2 to solve it in the light of it .
(The application and advice of the concerned is attached as Annexure D).

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5. That the Respondent No-3 without properly analyzing the opinion of the Finance and Live stock denied the grant of increment to the to the Appellant till today and still his salary is paid to him without the increment so deducted.

(The impugned order is attached as Annexure E).

Being aggrieved and no other forum available under the law hence an Appeal is preferred on the following grounds:

Grounds:-

- A. That the Appellant is entitled to the restoration of the increment with all back benefits as per rule the increment cannot be stopped for indefinite time.
- B. That the payment of pay and pension is a recurring cause of action therefore time is not an adverse factor and the limitation cannot be run against the period of appeal. The apex court has many judgments over this point of law.
- C. That it is held in numerous judgments of the Supreme Court of Pakistan that no one shall suffer due to pathetic and negligent attitude of the government officials.
- D. That the Appellant has a legitimate expectancy to receive all the benefits w. e f. Expiry of one year and stoppage of it permanently till retirement is against rules and law rather is harsh and illegal one.
- E. That the Appellant did suffer for uncommitted sin been a low grade employee and his children now shall not suffered.
- F. That it is the mandate of Constitution of Islamic Republic of Pakistan that every person shall be treated in accordance with law and no act shall be done which is detrimental to his health, body and property.


4

- G. When law permits an act to be done in a particular manner then that act must be done as such and not otherwise.
- H. That Section 24-A of the General causes Act provides that the state functionaries must act fairly, justly and in transparent manner.

Therefore this Appeal may be accepted as prayed above.


Appellant

Through


Nazir Ahmad Advocate.
High Court at Peshawar
Cell: 0301-8571879

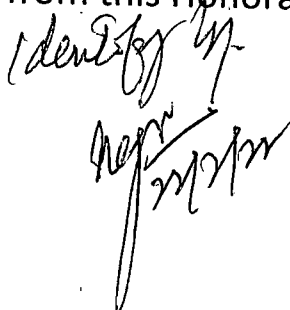
Certificate

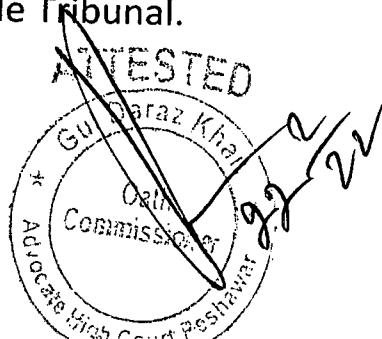
Certified that the appellant has not filed any appeal in respect of the same subject matter before this Tribunal.


Appellant

Affidavit

Muhammad Javed a head watcher man R/O Balakot and a servant of the Fisheries Department do hereby affirm and declare on oath that contents of this Appeal and accompanying application is true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable Tribunal.






Deponent

Service Appeal No _____/2022

Muhammad Javed Head Fisheries Watcher, Narran ,District
Mansehra.....**Appellant**

Versus

Government of KhberPakhtunkhwa through Secretary Finance
Peshawar and others**Respondents.**

Application for condonation of delay if any

Respectfully Sheweth :

1. That the appellant filed the appeal for restoration of increment and was hoping to be decided positively in his favour as law favours him but the Respondent No -3 not only delayed it but also adversely decided it
2. That the pay and pension is a recurring cause of action so the law of limitation does not attracted to the instant case .
3. That the delay if any is , is not intentional and the appellant in time prayed for it but due to domestic problem and financial constraint was unable to come in time.
4. That the appellant has a lot of respect for law and court and tender apology for delay if any.
Therefore the delay if any shall be condoned and the appeal may be decided on merit.

Appellant

Through

Nazir Ahmad Advocate.
High Court at Peshawar
Cell: 0301-8571879

⑤
OFFICE ORDER

In exercise of the powers vested in me under the Government of S&GAD Notification No.SOS.III 1-206/74/IV dated 9.4.1975 and other relevant Notifications I, Mr. Umar Hayat Assistant Director Fisheries Kaghan Valley Balakot in the Capacity of "AUTHORITY" hereby appoint Mr. Abdullah Shah EFO Alli Batagram c/o A.D. Fisheries Abbottabad as Authorized Officer to contact enquiry in case of Mr. Muhammad Javeed Fisheries Watcher office of the undersigned under the Government of NWFP, servant (E&D) Rules 1973 on the charges of Mis-Conduct etc.

List of allegation is enclosed.

Sd/-
(UMAR HAYAT)
ASSISTANT DIRECTOR FISHERIES
KAGHAN VALLEY BALAKOT.

No. 181-84/ADF

Dated Balakot the 30/3/2000

Copy to.

1. Mr. Abdullah Shah EFO c/o A.D. Fisheries Abbottabad for information and further necessary action.
2. The Director of Fisheries, NWFP, Peshawar for information please.
3. Mr. Muhammad Javeed Fisheries Watcher.
4. Head Clerk for information. He is directed with held the pay of concerned official w.e.f 1.3.2000 to 6.3.2000 till decision of enquiry.

30/3/2000
ASSISTANT DIRECTOR FISHERIES
KAGHAN VALLEY BALAKOT

Abdullah
Najir

(b)

(6)

(7)

8

**REPORT AND FINDINGS OF DEPARTMENTAL PROCEEDING AGAINST
MR. MUHAMMAD JAVEED FISHERIES WATCHER KAGHAN VALLEY BALAKOT UNDER
SECTION 10, S.P. & D. RULES/1973.**

BRIEF HISTORY:

The Assistant Director Fisheries, Kaghan Valley Balakot made his office letter No. 181-84 dated 30.3.2000, appointed the undersigned as authorised officer to conduct enquiry against Mr. Muhammad Javeed Fisheries Watcher involved in willfull absence from duty and disobedency of good order of his immediate officer. The undersigned directed the official Mr. Muhammad Javeed Fisheries Watcher, Balakot vide this office letter No. 148-49 dt: 12.4.2000 to present on 2.5.2000 in the office of Asstt. Director Fisheries Kaghan Valley Balakot for said enquiry.

ENQUIRY PROCEEDURE:

The accused was present on 2.5.2000 in the office of Assistant Director Fisheries Kaghan Valley Balakot. Show cause alongwith statement of illegation was in simple urdu. The accused in his reply has submitted that he admits his mis statement and guilty. Photo copy original is present.

FINDING:

The detail verbal replies of the accused before the undersigned supported the relevent record/statement seen inspected are enclosed in original inquiry report.

In light of the above statement/personal hearing it was observed that the accused was involved in the same, charged against him (Admitted his written statement).

CONCLUSIVE REMARKS/PROPOSED ACTION.

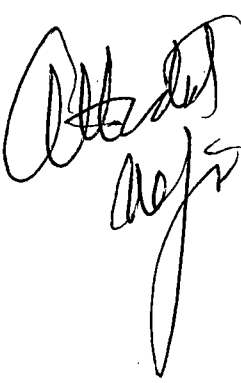
Under the circumstances I in the capacity of authorised officer imposed the following minor penalties:

- Now*
- 1) Stopage of one increment for the year, due on 01.12.2000 with (Accumulative effect)
 - 2) Transfer from Mansehra to any other area.

I would also request the authority to instruct the concern forum/office to release the pay/allowances and other pending bill of Mr. Muhammad Javeed Fisheries Watcher Balakot according to the Rules immediately.

The absent time may be consider as Extra Ordinary Leave.

Sd/-
EXTENSION FIELD OFFICER
(Fisheries)
Mansehra(Allai)



OFFICE OF THE EXTENSION FIELD OFFICER ALLAI TROUT HATCHERY BATAGRAH.

25/9/6/2000
PP

8

The Assistant Director Fisheries,
Kaghan Valley Balakot.

the 01 /06/2000.

NO: 160 /EFO

Dated

SUBJECT:- INQUIRY REPORT AGAINST MR. MOHAMMAD JAVEED
FISHERIES WATCHER.

Ref: Your office letter No. 181-84, dt: 30-3-2000.
Kindly find enclosed enquiry report and decision of
undersigned (authorised officer) the said enquiry for necessary
action and perusal please.

EXTENSION FIELD OFFICER
ALLAI TROUT HATCHERY BATAGRAH.

Enclosure

No 434
dt: 12-6-2000
Rsg:
Mr. Mohd Javed P/W for if
ADP

that the accused was involved in the same, charged against him (admitted his
written statement).

CONCLUSIVE REMARKS/PROPOSED ACTION.

Under the circumstances I in the capacity of authorised
officer imposed the following minor penalties:

- 1) Stopage of one increment for the year, due on 01.12.2000 with
(Accumulative effect)
- 2) Transfer from Mansehra to any other area.

I would also request the authority to instruct the concern forum/
office is to relase the pay/allowances and other pending bill of Mr. Muhammad
Javeed Fisheries Watcher Balakot according to the Rules immediatly.

The absent time may be consider as Extra Ordinary Leave.

[Handwritten signature]

Sd/-
EXTENSION FIELD OFFICER
(Fisheries)
Mansehra (Allai)

OFFICE OF THE ASSISTANT DIRECTOR FISHERIES, KAGHAN VALLEY BALAKOT.

To

The Director of Fisheries,
N.W.F. Province, Peshawar.

No. /FF/ADF(Kaghan) Dated Balakot, the /6/2000.

Subject:- TRANSFER OF MR. MUHAMMAD JAVEED FISHERIES WATCHER.

Memorandum

As per proposal of Authorised Officer vide his letter No. 161/EFO dated 1.6.2000 copy of statement/report attached which is self contained, who recommended transfer of Mr. Muhammad Javeed Fisheries Watcher from Kaghan Valley to any other area in N.W.F.P.

It is further added that the above named official may please be transfer from this office.

Submitted for further necessary action please.

Encl: Two

ASSISTANT DIRECTOR FISHERIES
KAGHAN VALLEY BALAKOT

No. 442-43 /FF/ADF(Kaghan) Dated Balakot, the 13/6/2000.

Copy to:-

1. The Authorised Officer/Extension Field Officer Trout Hatchery Allal for information w/r to his no quoted above.
2. Mr. Muhammad Javeed Fisheries Watcher for information.

Alwa Hayat
13/6/2000
ASSISTANT DIRECTOR FISHERIES
KAGHAN VALLEY BALAKOT.

Alwa Hayat
ADF

②

OFFICE OF THE ASSISTANT DIRECTOR FISHERIES, KAGHAN VALLEY BALAKOT.

104

⑩

To, Mr. Muhammad Javeed,
F/Watcher, NARAN.

Amir B

NO: 712 /PF/ADF Date: Balakot, the 20 /09/2000.

SUBJECT: APPEAL.

REFERENCE: Your appeal dt: 01/07/2000 & NF, NQFF, Peshawar letter No. 2193/C-6/
NF/ dt: 01/09/2000.

⑦

Your said appeal considered as per rules and following minor penalties imposed on you by the authorised officer, ^{all} stand valid:-

1. Stoppage of increment for the year due on 01/12/2000(accumulative).
2. Absent leave ^{period} ~~XXXX~~ will be treated ^{as} extra ordinary leave without pay.

Assistant Director Fisheries
Kaghan Valley Balakot

*Attended
mg*

OFFICE OF THE ASSISTANT DIRECTOR FISHERIES, KAGHAN VALLEY BALAKOT.

To

The Director of Fisheries,
N.W.F. Province, Peshawar.

No. /FF/ADF(Kaghan) Dated Balakot, the ___/6/2000.

Subject:- TRANSFER OF MR. MUHAMMAD JAVEED FISHERIES WATCHER.

Memo:

As per proposal of Authorized Officer vide his letter No. 161/EFO dated 1.6.2000 copy of statement/report attached which is self contained, who recommended transfer of Mr. Muhammad Javeed Fisheries Watcher from Kaghan Valley to any other area in N.W.F.P.

It is further added that the above named official may please be transfer from this office.

Submitted for further necessary action please.

Encl: Two

ASSISTANT DIRECTOR FISHERIES
KAGHAN VALLEY BALAKOT

No. 442-43 /FF/ADF(Kaghan) Dated Balakot, the 13/6/2000.

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2. Mr. Muhammad Javeed Fisheries Watcher for information.

Alina Hayat
13/6/2000
ASSISTANT DIRECTOR FISHERIES
KAGHAN VALLEY BALAKOT.

Alina Hayat

①

خدمت خراب ڈسٹرکٹ آفیسر صاحب فشرز ہائیر اینڈ ماہروں

②

۲۲

دفترت ملرڈ کالی ماتہ انٹرنیٹ

Amesbury

STAMP NO 86
DATE 11/04/2001
District Office, Peshawar

دفترت ذیل عرض ہے

عجیب

③

۱۔ ایک سال کی گزشتہ سال 2000 کی مادہ انٹرنیٹ دیکھ کر انورڈی کے مدد

میں دوں دی تھی جسکی انورڈی کے بعد میں لا پتہ ہو گیا اور اسکی وجہ سے
اور ساتھ کوتاہی عاف و فضلی ہے۔ لیکن میں نے مادہ انٹرنیٹ

2000 میں جسے میں نے ترقی دیا ہے اسکی وجہ سے
Accumulate کے بٹوں پر سے رقم ہٹا کر اسکی منتقلی
کے آرڈر فار نشان کے ساتھ ساتھ انٹرنیٹ دوز میں دیکر 2000

حالیہ سال اور تقابلات بھی یہاں شکر و خیر ہے۔

4/12
2001

فشرز ہائیر اینڈ ماہروں
فشرز ہائیر اینڈ ماہروں

Attest
Muz

Muz

Muz

Muz

(14)

(85)

اگر وہ حساب دیکھ کر اپنے لیے یہ فیصلہ کر لے کہ وہ اپنے پاس رکھے۔
درخواست گزار کو بحالی فراہم کی جائے۔ (13)

حالیہ حساب
پندرہ سال کے اندر سال 2000 کے سالوں کے اندر طلبہ ایک
انٹرویو کے ساتھ ساتھ وہ اس کے لیے انٹرویو کے لیے طلبہ کو
انٹرویو (Amendatus) کے طور پر تجویز کیے گئے۔
اس لیے انہیں انٹرویو (Non Amundatus) کے آزاد فرمائے
گئے۔ اس لیے انہیں ان سے بچایا جائے۔
چاہے کہ اس درجہ سے وہ اس کے لیے (معاذ اللہ) رہے۔
(تاریخ)

اس کے لیے
اس کے لیے

Attested
by

(13)

گرفت جناب ڈسٹرکٹ آفیسر صاحب زینت آباد منسہرا

۱۱ فوٹو اسٹیٹ میٹرز، کھالی انٹرنیٹ

1093

11-2-04
PF

جناب عالی ۱۱ فوٹو اسٹیٹ میٹرز

۲۰۰۰ کے سال کے انٹرنیٹ

(74)

بلسہ انٹرنیٹ میں ہے

اسی جناب سے بڑے بڑے اسٹور کھولے گئے

ان کے ساتھ انٹرنیٹ بحال کی جا

سٹی ٹائمر آپ کے عمر درازیا کیلئے دو ماہہ ریٹ

میں توڑنے ہوئے۔

may be forwarded to

DF

۱۱/۲/۰۴
۱۱ فوٹو اسٹیٹ میٹرز

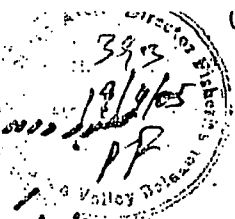
No 1838 /PF/DOF (Manshra) Dated the 12/02/2004.

Forwarded in original to the Director Fisheries, NWFP, Peshawar, for further necessary action as per rules please.

District Officer
Fisheries
Manshra at Balakot

Waqar
Waqar

Waqar Ali



دور رسد و درودستان خاوند صاحب مدد. بازه سرکل بهر
% پشاور تھنہ تھنہ صاحب مدد. بازه سرکل
مدد و پشاور تھنہ تھنہ صاحب مدد

15

مدد و پشاور تھنہ تھنہ صاحب مدد. بازه سرکل
مدد و پشاور تھنہ تھنہ صاحب مدد

مدد و پشاور تھنہ تھنہ صاحب مدد. بازه سرکل
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مدد و پشاور تھنہ تھنہ صاحب مدد. بازه سرکل
مدد و پشاور تھنہ تھنہ صاحب مدد

مدد و پشاور تھنہ تھنہ صاحب مدد. بازه سرکل

P/A
P/A
19/4/05

18-4-05

Atted
Muzra

(4)

گفتاورادمان صاحب دارالکتاب سنبل مشیز ک. پ. ک. پشاور
۵/۴ کسرت عابد اسٹینٹ دارالکتاب سنبل مشیز نئے بلوچ
ضلع کابل

دو کتبہ گزشتہ چھ ماہ کی ارسال 1/12/2000 کی اینول (Amial)

(16)

انگریزی ایک انوار کی بنا پر سنبل مشیز
سنبل مشیز کے اسٹینٹ اسٹینٹ سنبل مشیز
سنبل مشیز کے اسٹینٹ اسٹینٹ سنبل مشیز
سنبل مشیز کے اسٹینٹ اسٹینٹ سنبل مشیز
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سنبل مشیز کے اسٹینٹ اسٹینٹ سنبل مشیز

Forced. D. G. Stevens
R. P. K. Postman Pakistan
Nasiray anas

Abdul
Razaq

کریما صاحبہ - ڈیوٹی ڈائری میں ہر جمعہ شہرہ منگوانے کے لیے (5)

موجودہ آڈٹ کے لیے سائل 2001 میں ایک انکوائری کی بنیاد پر
سامنے آنے والی کمیٹی پر عبور کیا گیا

سائل نمبر 10 کے لیے ایس کے جی کے پاس

کسی ایس کے جی کے پاس
انکوائری کے لیے جانے

(17)

سائل نمبر 10 کے لیے ایس کے جی کے پاس

Check by report

23/1/2002

Attested
Muz

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② کیرما صبا - ڈی ڈی ڈاٹ نیٹ ویب سائٹ پر ماحولیات
صبا علیکا:

①9 ٹیڈیا مینڈاٹیشن ویب سائٹ سال 2001 سے ایک ایسی ایڈورٹائزنگ کمپنی

سائنس انٹرنیٹ سائٹ پر ویڈیو بنانا

سائٹ پر ویڈیو کی ایڈیشن کرنا

لکسز ایڈیٹریاں کرنا، سائٹ پر ویڈیو کی ایڈیشن کرنا

سائٹ پر ویڈیو کی ایڈیشن کرنا

Abbas
Raza



OFFICE OF THE
DEPUTY DIRECTOR FISHERIES
MANSEHRA

Phone & Fax No#0997-381422
Email:-fisheries_mansehra@yahoo.com

18

Annexure
D

No 1600 Dated 09/02/2021

To

The Director General Fisheries,
Khyber Pakhtunkwa Peshawar.

20

Subject:- APPLICATION FOR RESTORATION OF ANNUAL INCREMENT FOR THE YEAR 2000, IN RESPECT OF MR. MUHAMMAD JAVED HEAD FISHERIES WATCHER.

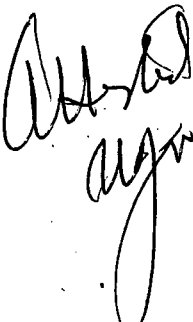
Please find enclosed herewith an application received from Mr. Muhammad Javed Head Fisheries Watcher of this office regarding his restoration of Annual Increment stopped during the year 2000, for information and further necessary action as deem proper please.

DEPUTY DIRECTOR FISHERIES
MANSEHRA

CC:

Mr. Muhammad Javed Head Fisheries Watcher Naran for information w/c to his application dated 09/02/2021


DEPUTY DIRECTOR FISHERIES
MANSEHRA



(19)

کے ساتھ جناب دیوبند کے ڈائریکٹر صاحب کو بھیجا ہے۔

(21)

جناب عالی:-

دوید ہائے گزشتہ حصہ مسائل کی انٹرنیٹ طے سال 2000 سے اسٹاپ ڈائریکٹر
 شہزادہ کاغان دہلی (مالکنہ) نے انٹرنیٹ کی سہولت پر سنہ کی
 کوئی سرسٹیک پیج نمبر 9 یا 11 بجے مسائل کی انٹرنیٹ
 سال 2000 کو بند کی گئی جو کہ اولیٰ سے مطالبہ دوبارہ نکالی جا سکتی ہے۔
 لیسہ مسائل جناب سے بذریعہ درخواست عرض کرتا ہے کہ مسائل کی انٹرنیٹ
 دوبارہ نکالنے کے لئے ڈائریکٹر جنرل شہزادہ سے آرڈر پارٹی کے
 اعتراضات کے مطابق سیکشن (Salimghar) کی جانب سے اور سال 2000
 کی انٹرنیٹ بحال کرنے کے لئے مالی تعاون سے کیا جائے۔
 مسائل جناب کی طرف سے درج ذیل کے لئے وہ مانگوں دیئے جائیں۔

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دفعہ
 سال 2000 کا وہ حصہ
 9-2-2007

(20) کی طرف سے جاری کی گئی ہے۔
فہرست ناموں کے ساتھ
(22)

سید بانو گزشتہ سال 2001 میں ایک انٹرویو کی بنا پر
اس کی انٹرویو میں یہ بتایا گیا
تھا کہ وہ اس وقت بھی اس کے ساتھ ہے
کسی نے اسے اس کے ساتھ انٹرویو
کیا گیا ہے۔
دعا ہے۔

اس کے ساتھ ساتھ

Handwritten signature

Check by report
as per rules
9/2/21

GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK, FISHERIES &
COOPERATIVES DEPARTMENT

778
7/4/21

No. SO (LFC) AD/1-1/2021
Dated Peshawar the 05th July 2021

23

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Finance Department.

Subject:

APPLICATION FOR RESTORATION OF ANNUAL INCREMENT
FOR THE YEAR 2000, IN RESPECT OF MR. MUHAMMAD JAVED
HEAD FISHERIES WATCHER

Dear Sir,

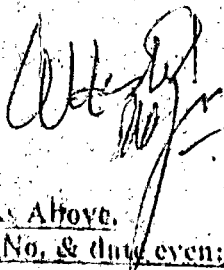
1. I am directed to refer to the subject noted above and to enclose herewith a copy of Director General (Fisheries), Khyber Pakhtunkhwa letter No. 2672/01-ESF dated 03-03-2021 alongwith other connected documents (which are self-explanatory) for necessary action, please.

2. I am further directed to state that one Muhammad Javed, Head Fisheries Watcher (BPS-09) O/O Deputy Director Fisheries, Manjehra was proceeded and proved into his misconduct and subsequently one annual increment due on 01-12-2001 with accumulative effect was stopped which was required to have been restored w.e.f 01-12-2001 but the same has not yet been restored.

3. Forgoing in view, advice of Finance Department is solicited, that as to whether the annual increment of Muhammad Javed, Head Fisheries Watcher (BS-09) can be restored w.e.f 01-12-2001 after a lapse of almost of 20 years or otherwise.

Yours faithfully,

ESTH

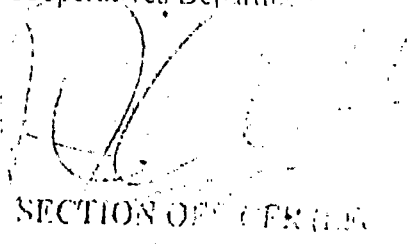


MUHAMMAD JAVED
SECTION OFFICER

Encs as Above.
Ends! No. & date even:

Copy forwarded for information to:

1. Director General (Fisheries), Khyber Pakhtunkhwa, Peshawar w/r to his above quoted letter.
2. P.S to Secretary Agriculture, Livestock, Fisheries & Cooperatives Department
3. Master File.



SECTION OFFICER



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

[facebook.com/GoKPFDP](https://www.facebook.com/GoKPFDP)

twitter.com/GoKPFDP

NO. FD (SOSR-1) 2-123/2021 (M. Javed)

Dated Peshawar the: 24-05-2021

To:

The Section Officer (LFC),
Agriculture, Livestock, Fisheries & Cooperative Deptt
Peshawar.

(Handwritten initials)

Subject:

APPLICATION FOR RESTORATION OF ANNUAL INCREMENT
FOR THE YEAR 2000, IN RESPECT OF MR. MUHAMMAD JAVED,
HEAD FISHERIES WATCHER.

I am directed to refer to your letter No SO (LFC) AD/2-23/2020 dated 05-04-2021, on the subject noted above and to advise that the instant case may be examined under Section 4(a)ii of NWFP (now Khyber Pakhtunkhwa) Government Servants (E&D) Rules, 1973 and under Section 2(ii) Government decisions of Services Problems & Solutions which are crystal clear (copies enclosed).

(Handwritten signature)
**(REHMAT KHAN)
SECTION OFFICER (SR-1)**

(Handwritten signature)

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(Handwritten date)

Government of Pakistan Establishment Division U.O. No. 407/62-DI, dated 3.5.62, passed to the Government of Pakistan Ministry of Finance, circulated by the Comptroller and Auditor General of Pakistan circular No. 694-NGE/1/25-62 Dated 28th May, 1962.]

(i) **Withholding of increment with cumulative effect.**

The increment could be stopped for a specific period having regard to the principle under-laying fundamental rule 29. The intention of the rule is to protect the service benefits of the Government servant from indefinite punishments. Therefore, withholding authority is under legal obligation to state the period for which it is withheld.

The following two questions were referred to the Ministry of Finance for decision under repealed rule 4(1)(b) of the Government Servants (E & D) Rules, 1960 which is identical worded to the Rule of 1973.

Government decisions: -

Whether in view of the specific phrase "for a specified" period used in rule 4(1)(b) of the Government Servants (E & D) Rules, 1960, the orders for withholding an increment can be given cumulative effect or not. If an increment is stopped with cumulative effect, the loss to an individual can extend to the entire period of his service and can afterwards affect the amount of pension as well. Thus the punishment awarded is not restricted to "specified period" as required under the rules.

- (ii) Whether the stoppage of increment with cumulative effect, should still remain a minor penalty in terms of rule 4(1)(b) Ibid, although it results in substantial financial loss to the accused which extends beyond the period specified in the order.
- (2) The matter was considered by the Ministry of Finance in consultation with the Establishment Division and the Law Division and the following decisions have been taken on the points referred to in para-1 above.
- (i) Under the provisions of Rules (4) (1) (b) of the government Servants (E & D) Rules, 1960, the punishment of withholding the increment can be given only for a specified period i.e., the punishing authority must indicate the quantum of punishment. As soon as the period of punishment expires, the person concerned would, in future, draw pay as if no punishment of withholding the increment was awarded to him.
- (ii) The withholding of increment will continue to be classified as a minor penalty.

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At the bottom of the page, there is a handwritten signature.

If at all, it is intended by the punishing authority that the person concerned should be punished with a kind of punishment having cumulative effect on his emoluments, the authority should pass such orders with reference to clause (b) of sub-Rule (I) of rule 4 of the government Servants (E & D) Rule 1960. In other words the authority should reduce the person concerned to a lower post or time-scale or to a lower stage in a time-scale. Such reduction being major penalty, the punishing authority would of course be required to observe the procedure prescribed for awarding the major penalties viz. the issuance of Show-Cause Notice etc.

(Comptroller and Auditor General of Pakistan's Circular letter No 134-NGE.1/25.62 dated the 31st January 1963, addressed to all Accountants-General etc.)

In a number of judgements the various courts have dilated upon the question of withholding of increments with or without cumulative effect. The courts are of the considered view that increment can only be stopped without cumulative effect. In this behalf, reference can be made to the following judgements.

(PLC 1984 (CS) 598) (PLC 1984 (CS) 769) (PLC 1984 (CS) 827)
 (PLC 1985 (CS) 662) (PLC 1987 (CS) 647) (PLC 1988 (CS) 889)

Right of appeal.

Withholding of promotion or increment is appealable. By virtue of Rule 3 of Civil Servants (Appeal) Rules. A Civil Servant aggrieved by any order passed or penalty imposed by the competent authority relating to the terms and conditions of his service, may within thirty days from the date of communication of the order to him, prefer an appeal to the (next higher) competent authority. Where no provision of appeal or review exists in the relevant rules of the department in respect of any order, section 22(2) of Civil Servants Act, 1973 could be invoked.

The appeal against an adverse order is a constitutional right. The article 4(2)(b) of the constitution guarantees to citizens that "No person shall be prevented from or to be hindered in doing that which is not prohibited by law" (PLD-1991 S.C. 24 para-19)

(k) Pre-cautions to be observed.

While awarding penalty the event of promotion of Government Servant when falls due and stage of pay scale at which he is drawing pay invariably be kept in view. In case

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NOTIFICATION

30th November, 1973.

No. SOS-III(S&GAD) 1-80/73.—In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act No. XVIII of 1973), the Governor of the North West Frontier Province is pleased to make the following rules namely:

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1. *Short title, commencement and application.*—(1) These rules may be called the North West Frontier Province Government Servants (Efficiency and Discipline) Rules, 1973.

(2) They shall come into force at once and shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

- (a) "accused" means a Government servant against whom action is taken under these rules;
- (b) "authority" means the Governor or an officer or authority designated by him to exercise the powers of the authority under these rules;
- (c) "authorised officer" means an officer authorised by the authority to perform functions of an authorised officer under these rules;
- (d) "Government" means the Government of North West Frontier Province;
- (e) "misconduct" means conduct prejudicial to good order or service discipline or contrary to the West Pakistan Government Servants (Conduct) Rules, 1966 or unbecoming of an officer and a gentleman and includes any act on the part of Government servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on Government or any Government Officer in respect of any matter relating

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4. Penalties:--(1) The following are the minor and major penalties, namely:

(a) Minor Penalties:--

- (i) Censure;
- (ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post;
- (iii) stoppage for a specific period, at an efficiency bar in the time scale, otherwise than for unfitness to cross such bar.
- (iv) recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order.

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(b) Major penalties:--

- (i) Reduction to a lower post, grade or time scale, or to a lower stage in a time scale;
 - (ii) compulsory retirement;
 - (iii) removal from service; and
 - (iv) dismissal from service.
- (2) Removal from service does not, but dismissal from service does, disqualify for future employment.
- (3) In this rule, removal or dismissal from service does not include the discharge of persons:--
- (a) appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
 - (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
 - (c) engaged under a contract, in accordance with the terms of the contract.

5. Enquiry procedure:--The following procedure shall be observed when a Government servant is proceeded against under these rules:

*Adhered
Nijr*



GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK, FISHERIES &
COOPERATIVES DEPARTMENT

No. SO (LFC) AD/2-23/2020
Dated Peshawar the 04th June 2021

151 To
16/6/21

The Director General (Fisheries),
Khyber Pakhtunkhwa, Peshawar.

Subject:

APPLICATION FOR RESTORATION OF ANNUAL INCREMENT
FOR THE YEAR 2000, IN RESPECT OF MR. MUHAMMAD JAVED
HEAD FISHERIES WATCHER

I am directed to refer to your letter No. 3672/DGF/Estt. dated 03-03-2021 on the subject noted above and to enclose herewith a copy of an advice received in the matter vide Finance Department, Govt. of Khyber Pakhtunkhwa letter No. FD(SOSR-1)2-123/2021 (M. Javed) dated 24-05-2021 alongwith its enclosures (which is self-explanatory) for further necessary action, please.

Encl as above:

Enclst. No. & date even:

Copy forwarded to information:

1. PS to Secretary Agriculture, Livestock & Cooperatives Deptt.
2. Master File.

Attestal
Signature

Signature
MUHAMMAD HUSSAIN
SECTION OFFICER (LFC)

Signature
SECTION OFFICER (LFC)

30

GOVT. OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL FISHERIES, 2, 3RD MILE ROAD PESHAWAR
PHONE NO. 091-921-2096 FAX NO. 091-921-2096

The Deputy Director Fisheries,
Mansherah

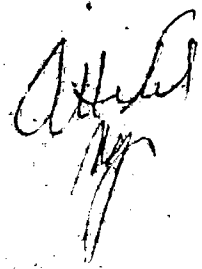
APPLICATION FOR RESTORATION OF ANNUAL INCREMENT FOR THE
YEAR 2000 IN RESPECT OF MR. MUHAMMAD JAVED, HEAD FISHERIES
WATCHER.

Enclosed find herewith a copy of letter No SO(LFC)AD/223/2000 dated
4/26/2001, alongwith enclosure received from Section Officer (LFC), Govt. of Khyber
Pakhtunkhwa, Agriculture, Livestock, Fisheries & Cooperative Department, which is
being forwarded for information and further necessary action.

DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR

Dated Peshawar the 23/06/2001

Copy forwarded to Section Officer (LFC), Govt. of Khyber Pakhtunkhwa,
Agriculture, Livestock, Fisheries & Cooperative Department for information with the
reference above please.



DIRECTOR GENERAL FISHERIES
KHYBER PAKHTUNKHWA
PESHAWAR



OFFICE OF THE
DEPUTY DIRECTOR FISHERIES
MANSEHRA

Phone & Fax No#0997-381422
Email:-fisheries_manshra@yahoo.com

Amendment
F

No *2100-01* DDF/M Dated: *24/06/2021*

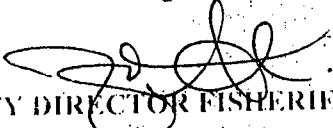
Mr. Muhammad Javed
Head Fisheries Watcher
Naran

31

Subject: APPLICATION FOR RESTORATION OF ANNUAL INCREMENTS FOR THE YEAR 2000 IN RESPECT OF MR. MUHAMMED JAVED, HEAD, FISHERIES WATCHER


Reference Director General Fisheries Khyber Pakhtunkhwa Peshawar letter No. 4544 dated 23/06/2021.

It is inform you that as per above reference letter and in light of Finance Department's letter No. FD (SOR-1) 2-123/2021(M) Javed dated 24/05/2021 under Section -F (a) ii of NWFP (Now KPK) Govt. Servant (E&D) rules 1973 and under Section 2(ii) (M) as mentioned therein and also discussed with District Accounts Officer Manshra, the Increment deducted vide entry dated 01/12/2000, having cumulative effect cannot be granted to you.


DEPUTY DIRECTOR FISHERIES
MANSEHRA

CC:-

The Director General Fisheries Khyber Pakhtunkhwa Peshawar


DEPUTY DIRECTOR FISHERIES
MANSEHRA

Attest
[Signature]

Wakalat nama

In the Service Tribunal KPk Peshawar

32

Muhammad JavedAppellant

VS

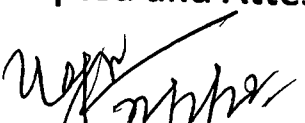
Government of KPN through secretary Finance and Others
Respondents

I Muhammad Javed head watchman Narran the Appellant , do hereby appoint Mr. Nazir Ahmad Advocate, High Court at Peshawar as my Counsel in subject proceedings and authorize him to appear, plead, compromise, withdraw or refer the matter for arbitration for me without any liability for his default and with the authority to engage/appoint any other advocate/counsel at my expense if necessary and receive all sums and amounts payable to me and to all such acts which he may deem necessary for protecting my interests in the matter. He is authorized to file Appeal, Revision, Review and Application for restoration or Application for setting-aside ex-parte decree proceedings on my behalf.


Appellant

Dated: 22.2.22

Accepted and Attested


Nazir Ahmad Advocate
High Court
Cell: 0301-8571879
: 0332-8540783
bc-10-7897

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SB

Appeal No. 408 of 20 22

M. Javed I Appellant/Petitioner

Versus

Through Secy Finance, Civil Secretariat, Peshawar Respondent

Respondent No. (1)

Notice to: —

Govt of KPK through Secy Finance Civil Secretariat
Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....30/05/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this
 office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....15th.....

Day of.....April.....20 22

For Pending

26
 Secy. Finance Dept
 Dairly No.....
 Date.....

[Signature]
 Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. SB

No.

408

Appeal No. M. Javed of 20 22

Appellant/Petitioner

Through Secy Finance Versus Secretariat Peshawar

Respondent

Respondent No.....

Notice to:

Secy to Govt of PPK Agriculture, live stock, Fisheries
& Cooperative Peshawar

Secretary Agriculture

No. 27/04/2022

Dated

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....
Day of April 20 22

For Reply

[Signature]

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

“B”

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.**

No.

Regd Appeal No.....408..... of 20 ..

.....*Mr. Javed*.....Appellant/Petitioner
Versus

.....*Through Secy Finance Civil Secretariat Peshawar*.....Respondent
Respondent No.....(3).....

Notice to: —

Deputy Director Fisheries Mansehra

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....31/05/2022.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is ~~attached~~. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....15th..

Day of.....April.....20 .. 22

For Regd

[Signature]
Registrar

**Khyber Pakhtunkhwa Service Tribunal,
Peshawar.**

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.