

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT, ABBOTTABAD

Service Appeal No. 1043/2018

Date of Institution ... 20.08.2018

Date of Decision ... 17.02.2021

Nabeel Ahmad Junior Clerk Commissioner's Office Hazara Division
Abbottabad.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Senior Member Board
of Revenue Khyber Pakhtunkhwa Peshawar and two others.

... (Respondents)

Muhammad Arshad Khan Tanoli,
Advocate

... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents.

ROZINA REHMAN

... MEMBER (J)

ATIQU-UR-REHMAN WAZIR

... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : Appellant was serving as Junior Clerk. He
was charged for misusing the office of Secretary to Commissioner for
immoral purposes. He was charge sheeted on the same allegation which

17/2/21

was replied and he denied all the allegations leveled against him but the appellant was punished with major penalty of reduction to two stages in time scale vide impugned order dated 25.10.2017. He filed departmental appeal which was rejected, hence, the present service appeal.

2. Learned counsel for appellant argued that the appellant is innocent and that the allegations of using the office of Secretary to Commissioner for immoral purposes was not proved against the appellant, therefore, punishment of reduction of two stages in time scale is illegal, against law and facts. He argued that no proper inquiry as per procedure and law was conducted and no opportunity was afforded to the appellant to cross-examine the complainant in free and fair manner. He submitted that as per law, reduction of two stages in the time scale for unlimited period is not maintainable and the impugned order is liable to be set aside.

3. Conversely, learned A.A.G argued that all legal and codal formalities were complied with by the competent authority by appointing an inquiry officer who inquired into the matter and submitted proper inquiry report and recommended major penalty of dismissal from service as required under the relevant rules. In spite of that, lenient view was taken and major penalty of reduction of two stages in time scale was imposed upon appellant. He submitted that Senior Member Board of Revenue exercised his powers under the prescribed rules. He, therefore, requested for dismissal of the instant appeal.

4. As a result of an inquiry conducted against the appellant, the appellant was awarded major penalty of Reduction of two stages in time scale in pursuance of Rule-4 (1)(b)(i) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 without mentioning the time



17/2/21

period. Rule-4 (1)(b)(i) of the ibid Rules is hereby reproduced for ready reference:

4. **Penalties.**___ The following are the minor and the major penalties, namely:

(a) Minor penalties:

(i) --

(ii) --

(iii) --


(b) Major penalties:


(i) reduction to a lower post or pay scale or to a lower stage in a time scale for a maximum period of five years.

In the instant case, major penalty of reduction of two stages in time scale was imposed upon the present appellant but with no specification of time limit.

5. In view of the situation, the instant appeal is accepted. Keeping in view the nature of case, his penalty of reduction of two stages in a time scale is fixed for a maximum period of three years w.e.f 25.10.2017. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED.
17.02.2021


(Attiq ur Rehman Wazir)
Member (E)
Camp Court, Abbottabad


(Rozina Rehman)
Member (J)
Camp Court, Abbottabad

19 .01.2021

Due to COVID-19, the case is adjourned for the same on 17.02.2021 before D.B.


READER


17.02.2021 Appellant present through counsel.


Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Arguments heard. Vide detailed judgment of today of this Tribunal placed on file, the instant appeal is accepted. Keeping in view the nature of case, his penalty of reduction of two stages in a time scale is fixed for a maximum period of three years. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED.

17.02.2021

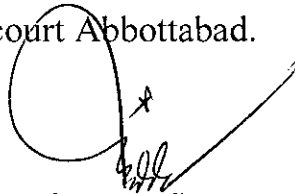

(ATIQU-UR-REHMAN WAZIR)
Member (E)
Camp Court, Abbottabad

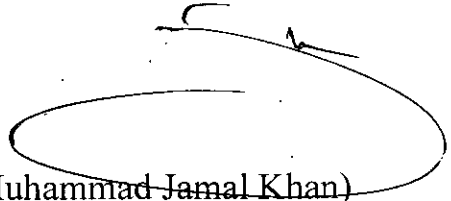

(ROZINA REHMAN)
Member (J)
Camp Court, Abbottabd

16.11.2020

Assistant to counsel for the appellant is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Babar, Assistant (Litigation) for respondents present.

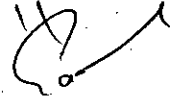
The Lawyers community is not appearing in the Tribunal for the reason that they are observing sough of the Hon'able Chief Justice, Peshawar High Court, Peshawar; therefore, the case is adjourned to 19.01.2021 for arguments before D.B at camp court Abbottabad.


(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member(J)
Camp Court Abbottabad

21.01.2020

Clerk to counsel for the appellant present. Written reply not submitted. Akhtar Zaman Assistant representative of the respondent department present and seeks time to furnish reply. Granted. To come up for reply/comments on 18.02.2020 before S.B at Camp Court Abbottabad.

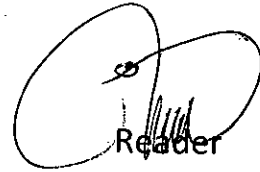


Member
Camp Court, Abbottabad

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.

Reader

Due to summer vacation case to come up for the same on 117
9 / 20 at camp court abbottabad.

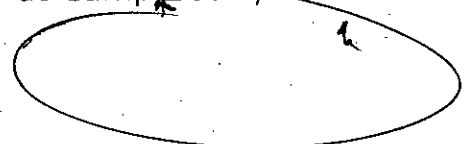


Reader

17.09.2020

Appellant is present in person. Mr. Usman Ghani, District Attorney alongwith representative of the department Mr. Adnan Anjum, Litigation Officer are also present.

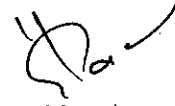
Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 3 which is placed on file record. Adjourned to 18.11.2020. File to come up for rejoinder and arguments before D.B at Camp Court, Abbottabad.



(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT ABBOTTABAD

21.10.2019

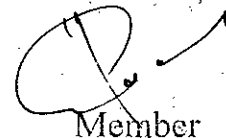
Clerk of counsel for the appellant present. Mr. Usman Ghani District Attorney present. Qazi Ubaidur Rahman, Assistant for the respondents present and seeks further time to submit written reply. Adjourn. To come up for written reply/comments on 20.11.2019 before S.B at Camp Court, Abbottabad.



Member
Camp court, A/Abad

20.11.2019

Clerk to counsel for the appellant present. Written reply not submitted. Khan Bahadur Assistant representative of the respondent department present and seeks time to furnish reply. Granted. To come up for written reply/comments on 17.12.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court, A/Abad

17.12.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Bahadar Khan, Assistant for the respondents present. Written reply on behalf of respondents not submitted. Representative of respondents seeks further adjournment. Last chance is granted. Adjourned to 21.01.2020 for written reply/comments before S.B at Camp Court Abbottabad.



(Muhammad Amin Khan Kundi)
Member.
Camp Court Abbottabad

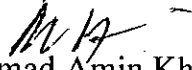
24.05.2019

Counsel for the appellant Nabeel Ahmed present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Commissioner Office as Junior Clerk. He was imposed major penalty of reduction of two stages in time scale vide order dated 25.10.2017 on the allegation of misconduct. The appellant filed departmental appeal on 22.11.2017 which was rejected vide order dated 16.07.2018 hence, the present service appeal on 20.08.2018. Learned counsel for the appellant contended that neither inquiry was conducted in the mode and manners prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 nor opportunity of cross examination was provided nor opportunity of personal hearing and defence was provided to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant need consideration. The 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 the respondents for written reply/comments for 19.08.2019 before S.B at Camp Court Abbottabad.


Appellant Deposited
Security & Process Fee

27/5/19


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

19.08.2019

No one present on behalf of appellant. Written reply not submitted. Ubaid ur Rehman Assistant representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 21.10.2019 before S.B at Camp Court, Abbottabad.


Member
Camp Court A/Abad

19.10.2018


Counsel for the appellant Mr. Muhammad Arshad Khan Tanoli, Advocate present and made a request for adjournment. Granted. To come up for preliminary hearing on 19.12.2018 before S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

19.12.2018

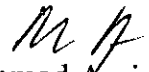
Learned counsel for the appellant requests for adjournment for further preparation of brief.

Adjourned to 21.02.2019 for arguments before S.B at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

21.02.2019



Clerk of counsel for the appellant present and requested for adjournment. Adjourned to 24.05.2019 for preliminary hearing before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1043/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/08/2018	<p>The appeal of Mr. Nabeel Ahmad received today by post through Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR</p>
2-	10-9-18	<p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19/10-18</u>.</p> <p> MEMBER</p>

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHUWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal. No 1043 A/2018

Nabeel Ahmed Junior Clerk Commissioner's Office Hazara Division Abbottabad.

Appellant

Versus

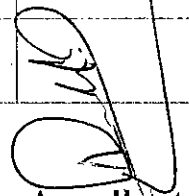
Govt of KPK through Senior Member Board Of Revenue KPK, Peshawar & others.

...RESPONDENTS

Service Appeal

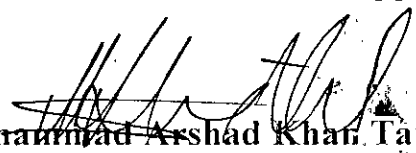
Index

S.no	Description	Page#	Annexure
1.	Service Appeal on behalf of Appellant along with Affidavit & Certificate	1-7	
2.	Copy of charge sheet dated 18-09-2017	8-9	A
3.	Copy of reply to the charge sheet	10-12	B
4.	Copy of impugned order dated 25-10-2017	13	C
5.	Copy of departmental appeal dated 22-11-2017	14-15	D
6.	Copy of rejection letter dated 16-03-2018	16-17	E
7.	Wakalatnama	18	


Appellant

Through

Dated: _____/2018


Muhammad Arshad Khan Tanoli
Advocate High Court, Abbottabad

1

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHUWA PESHAWAR

Service Appeal No. 1043/2018

Nabeel Ahmed Junior Clerk Commissioner's office Hazara Division Abbottabad.

Appellant

Versus

1. Government of KPK through senior member board of revenue ^{KPK} ~~KPK~~ ^{Pakhtunkhwa} ~~Service Tribunal~~
Peshawar.
2. Commissioner Hazara Division Abbottabad
3. Assistant to Commissioner (REV/GA) Hazara Division Abbottabad.

Diary No. 1311
Dated 20/8/18

Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974 FOR DECLARATION TO THE EFFECT THAT RESPONDENT NO 2 IMPOSED MAJOR PENALTY OF REDUCTION OF 2 STAGES ⁱⁿ ~~AND~~ TIME SCALE UPON THE APPELLANT VIDE ORDER DATED 25-10-2017 WHICH IS AGAINST THE LAW RULES ON THE SUBJECT. HENCE, THE IMPUGNED ORDER DATED 25-10-2017 AND REJECTION ORDER DATED 16-07-2018 ARE LIABLE TO BE SET ASIDE.

Filed 10 day
20/8/18
Registrar

PRAYER ON ACCEPTANCE OF INSTANT SERVICE APPEAL, IMPUGNED ORDER DATED 25-10-2017 AND REJECTION LETTER DATED 16-07-2017 MAY GRACIOUSLY BE ORDERED

LETTER DATED 16-07-2017 MAY GRACIOUSLY BE ORDERED TO BE SET ASIDE . ANY OTHER RELIEF WHICH THIS HONOURBALE COURT DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT..

Respectfully Sheweth,

1. That the appellant is serving as junior clerk in the office of respondent no 2 and performing his duties with utmost dedication and devotion . The appellant always moved to the frontline of action as and when found bottlenecks in the smooth functioning of the department.
2. That respondent department alleged allegation of misusing the office of secretary to the commissioner for immoral purposes and allowing a man and woman in the said office for immoral purposes which is against the facts. In this regard, respondent no 2 charge sheeted the appellant on the same allegation stating therein that on 09-09-2017 at 9:00 pm the appellant directed naib Qasid to open the office of secretary to commissioner Hazara division for misusing and immoral

activities. In this regard charge sheet dated 18-09-2017 is attached as **Annexure "A"**.

3. That the appellant replied to the charge sheet wherein refused /denied the so-called allegation leveled in the charge sheet against the appellant vide reply to the charge sheet dated 29-09-2017. Copy of reply to the charge sheet is attached as **Annexure "B"**.
4. That respondent No.2 without following the prescribed procedure as well as providing opportunity to the appellant to defend his case imposed major penalty of reduction of 2 stages in time scale vide impugned order dated 25-10-2017. Copy of impugned order dated 25-10-2017 is attached as **Annexure "C"**.
5. That feeling aggrieved, the appellant filed departmental appeal against the punishment of major penalty of reduction of two stages in time scale on 22-11-2017. Copy of departmental appeal dated 22-11-2017 is attached as **Annexure "D"**.
6. That departmental appeal remained under consideration before the next higher authority which was rejected on 16-07-2018 whose copy was received by the appellant on 06-07-2018. Copy of rejection letter dated 16-07-2018 and covering letter dated 30-07-2018 are attached as **Annexure "E"**.

Hence , the instant service Appeal is filed inter alia on the following grounds.

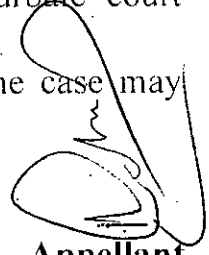
Grounds

- a) That the appellant is innocent and during the course of inquiry, so called allegation of using of office of secretary to commissioner for immoral purposes has not been proved against the appellant. Therefore , impugned reduction of two stages in the time scale is illegal and against the law and facts. Hence, same is liable to be set-aside.
- b) That when law prescribes something which is to be done in a particular manner that must be done in that manner and not otherwise .That the major penalty imposed against the appellant is arbitrary one sided, malafide and the same is liable to be set aside.
- c) That no proper inquiry as per procedure and law has been conducted and no opportunity of defending the case of the Appellant has been provided. Besides, no opportunity has been afforded to the Appellant to cross examine the complainant in free and fair manner. In such eventuality, impugned order is liable to be set aside.

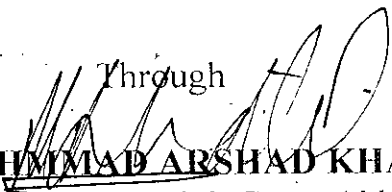
- d) That respondent department has led the Appellant to the place which is utterly unknown to the principle of natural justice, jurisprudence and fair play.
- e) That as per law, reduction of two stages in the time scale for unlimited period is not maintainable and the impugned order is liable to be cancelled. Besides, superior courts have already held in so many cases that such punishment cannot be imposed for unlimited period. The relevant judgment of the superior courts shall be cited at the time of arguments.
- f) That the matter relates to the terms and conditions of service therefore service appeal is maintainable before honourable tribunal.
- g) That there is no other prompt and efficacious remedy available to the appellant except invocation of jurisdiction of this honourable tribunal.
- h) That other legal and factual point shall be agitated at the time of agreement with the permission of this Honourable tribunal.

(6)

Prayer on acceptance of instant Service Appeal ,
impugned order dated 25-10-2017 and rejection letter
dated 16-07-2017 may graciously be ordered to be set
aside . Any other relief which this Honourable court
deem appropriate in the circumstances of the case may
also be granted to the appellant.



Appellant

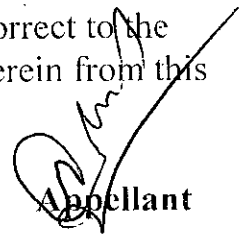
Through

MUAHMAD ARSHAD KHAN TANOLI
Advocate High Court Abbottabad
&

Dated: ____/2018

WAQAR ORAKZAI
Advocate High Court

VERIFICATION :-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this honourable Court.



Appellant

7

BEFORE THE SERVICE TRIBUNAL, KHYBER

PAKHTUNKHUWA , PESHWAR

Service Appeal. No. _____/2018

Nabeel Ahmed Junior Clerk Commissioner's office Hazara Division Abbottabad.

Appellant

Versus

Government of KPK through senior member board of revenue KPK, Peshawar and others.

Respondents

SERVICE APPEAL

AFFIDAVIT

Nabeel Ahmed Junior Clerk Commissioner's Hazara Division Abbottabad, do hereby solemnly affirm and declare that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD / Estb/ 3/4/6068-69
Dated 18/9/2017

Annex "A"

8

CHARGE SHEET

I, Mr. Muhammad Akbar Khan, as Competent Authority, hereby charge you, Mr. Nabeel Ahmad, Junior clerk of this office as follows:

That you committed the following acts of misconduct which is pre judicial to good order and service discipline:

1. On 09/09/2017 at 09:00PM you came to the Main Commissioner office building and directed Mr. Jawad, Naib Qasid, who was performing duty as Chowkidar to open the door of the office of the Secretary to Commissioner Hazara Division saying that your guest were coming there.
2. The office of Secretary to Commissioner Hazara Division was misused by you immorally/unlawfully alongwith your guests. The police have recovered bottle of liquor from office room.
3. Reportedly a young lady was also seen running out of the building. The media persons reportedly tried to chase the lady and a man who was also running out of the building but did not succeed.
4. The SHO Cantt: Abbottabad was asked by this office to register an FIR to this effect.
5. All your above stated activity have been reported by Jawad Tariq Naib Qasid/Chowkidar on duty that day.

By reason of the above, you appear to have been guilty of misconduct, under rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of penalties specified in rule 4 of the rules ibid.

For the purpose of inquiry against you with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following (s) is constituted under rule 10 (1) (a) of the ibid rules with directions to complete the enquiry within 15 (fifteen) days and submit final findings to this office for further necessary action:

- i. Mr. Tasleem Khan, Deputy Commissioner, Haripur.
- ii. _____

You are, therefore, directed to submit your written defence within seven days of the issue of this Charge Sheet to the inquiry officer /inquiry committee, failing which it shall be presumed that you have no defence to offer and in that case ex-parte action will be taken against you.

Intimate as to whether you desire to be heard in person.

A statement of allegations is enclosed.

(Muhammad Akbar Khan)

Commissioner,

Hazara Division, Abbottabad.

Muhammad Arshad Khan Janoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

READER
Additional Commissioner
Hazara Division
Abbottabad

DISCIPLINARY ACTION

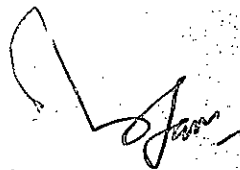
I Mr. Muhammad Akbar Khan, as competent Authority am of the opinion that Mr. Nabeel Ahmad, Junior Clerk of this office has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants E&D rule 2011

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STATEMENT OF ALLEGATIONS

1. On 09/09/2017 at 09:00PM he came to the Main Commissioner office building and directed Mr. Jawad, Naib Qasid, who was performing duty as Chowkidar to open the door of the office of the Secretary to Commissioner Hazara Division saying that his guests were coming there.
2. A while after, some private persons came in a car and all of them entered the office room.
3. The office room was misused by him immorally/unlawfully. The police have recovered bottle of liquor from the office room.
4. It has also been reported that a young lady alongwith a man was also seen running out of the office building.
5. The SHO Cantt: Abbottabad was asked by this office to register FIR to this effect.

C.T.C
M.A.K. 22/11/2017

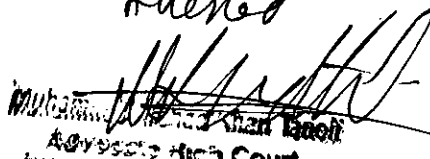


(Muhammad Akbar Khan)

Commissioner,

Hazara Division, Abbottabad.

Attested



Muhammad Nabeel Ahmad
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

Annex "B.1"

10

Mr. Muhammad Tasleem Khan,
Deputy Commissioner, Haripur/
Inquiry Officer.

Subject: REPLY OF CHARGE SHEET/STATEMENT OF ALLEGATIONS

Respected Sir,

In consequent upon the charge sheet issue vide No. CHD/Estb/3/4/6068-69 dated 18.09.2017 from the worthy Commissioner Hazara Division Abbottabad regarding the allegation of misconduct, misuse of office premises etc, on the other part of undersigned has been directed to submit the written reply within stipulated time period:

Prior to Parawise reply of the allegations, the conduct and performance of the undersigned appraised my superior officials determine more than once hence the same allegation could be based on some confusion, misunderstanding and attempt to denigrations which could be reflected in my yearly ACRs.

The Parawise reply is as under:

While perusal of the statement of allegations, it transpired that the Charge Sheet and Statement of Allegations has support no cogent evidence documents for the support of all allegations, neither the same evidence is provided to reply the charge sheet etc against the undersigned as such it is indispensable for reply.

Attested

Muhammad Arshad Khan, Esq.
Advocate High Court
Office No. 133, Adjacent to
Distt. Bar, Abbottabad

1. In reply of Para No (1) is baseless and made some confusion as such the undersigned never visited the Main Commissioner Office nor directed Mr. Jawad Tariq Naib Qasid to open the door for any guest neither he has to do so.
2. Para No.2 is incorrect. Undersigned never misuse the premises of office neither concerned with any liquor bottle etc has alleged. Undersigned is never use liquor etc. However, the same matter is concerning and responsibility of the concerned officials, who can betterly explain the

MIBs
22/11/2017

availability of bottles etc as such the undersigned has no concern nor allow the office of the Secretary to Commissioner, Hazara Division.

3. **Para No. 3** of the Charge Sheet is stagnating that despite of Chowkidars of different offices could not catch the man even the lady as alleged running out from the building premises even local Police was also involved to take action against the alleged unknown persons. It is further mentioned against the undersigned being the devoted official of Commissioner Office.

4. **In reply of Para No. 4** of Charge Sheet the S.H.O cantt has investigated the matter and found no evidence of the alleged occurrence hence, the SHO concerned obstructed to register the F.I.R.

5. **In reply of Para No. 5** of Charge Sheet, It is stagnated to note that apart from Mr. Jawad Tariq's statement no independent evidence has collected despite Mr. Jawad Tariq most of the other Chowkidars have always been present at the Commissioner Office hence any statement recorded on the name of Jawad Tariq is artificial concocted and self memo plated.

6. **Para No. 3** of the Charge Sheet, allegation is stagnating that the building of main CHD Office contains different offices i.e. Traffic Police, Rescue-1122, Elite Force personals beside the different Chowkidars of the concerned departments have always been present for the safeguard of the premises. It is also to inform that beside the above officials local police of the Cantt, City also patrolling these areas being more sensitive and heart of the city despite of all above even a lady has alleged could not be catch to prove the allegation which has the prime witness of aforesaid occurrence. It is pertinent to mention that the local police of PS Cantt: Abbottabad took the immediate action in the matter but all such efforts could not endorsed

11

ETC
NIBS
22/11/2017
Muhammad Arshad Khan T.
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

the truth of allegations as mentioned in the charge sheet, hence baseless and conspiracy against the undersigned.

7. It is submitted that if there is any valid proof of allegations leveled against me then they should have produced before the honourable enquiry officer.

In the light of above, it is very humbly prayed that I may very kindly be exonerated from the charges leveled against the undersigned and for reinstatement. I shall be very thankful.

Submitted please.

Dated: 25.09.2017

CTC
SMB

Yours Obediently,

22/11/2017

Nabeel Ahmad
Junior Clerk,

Office of the Commissioner,
Hazara Division, Abbottabad.

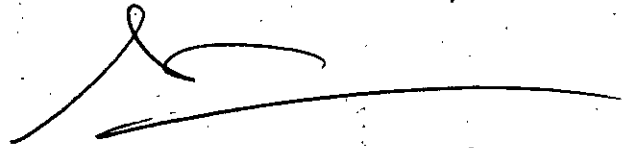
Attended
[Signature]

Advocate High Court
Office No. 33 Adjacent to:
Dist. Bar Abbottabad

Dy No 6792

PS/SML

22/11/17

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OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD /Estb/ 3/4/ 704569
Dated 25/10/2017

Annex "C"

13

Order:

Mr. Nabeel Ahmed, Junior Clerk (BPS-11) was charged as guilty of misconduct. He was proceeded under the Khyber Pakhtunkhwa, Government Servants (Efficiency and Disciplinary) Rules 2011, for the charges allegations leveled against him.

WHEREAS; Deputy Commissioner, Haripur was appointed as Inquiry Officer to probe into the charges leveled against the above official and submit final findings and recommendations.

AND WHEREAS; the inquiry Officer after having examined the charges, evidence produced before him and statement of accused official, submitted his report whereby the charges against the accused official are proved. The official was also heard in person.

Therefore, I, Muhammad Akbar Khan, Commissioner, Hazara Division, competent authority after having examined the charges, evidence produced, statement of accused official, findings of inquiry officer findings and recommendations of the inquiry officer, in exercise of powers conferred under Rule-4 (b) (i) of the Khyber Pakhtunkhwa Government Civil Servants (Efficiency and Disciplinary) Rules, 2011, hereby impose major penalty of Reduction of two stages in time scale upon Mr. Nabeel Ahmed, Junior Clerk (BPS-11).

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt' Bar Abbottabad

Commissioner
Hazara Division Abbottabad

Endst: Even No & Date:

Copy forwarded for information to:

1. PS to Commissioner, Hazara Division.
2. District Accounts Officer, Abbottabad.
3. Assistant Accounts Branch.
4. Official Concerned.
5. Personal File.

JTC
MIR
22/11/2012
Add: ... oner
Abbottabad

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

BEFORE THE WORTHY SENIOR MEMBER BOARD OF REVENUE,

KHYBER PAKHTUNKHWA, PESHAWAR

Annex "D"

14

Respectfully Sheweth!

1. Reference is made to impugned reduction order of two stages in time scale, reductions from BPS-11 to BPS-9 of the appellant vide impugned letter No. CHD/Estab/3/4/7045-49 dated 25.10.2017 (copy of impugned order dated 25.10.2017 is attached).
2. It is submitted that a so called allegations of misusing the office of respected Secretary to Commissioner for immoral purposes and harboring some person a man and women in the office of the Secretary to Commissioner for immoral purposes is absolutely baseless, concocted and frivolously.
3. That the appellant replied the charge sheet i.e. 18.09.2017 issued by the Commissioner Hazara Division wherein the applicant gave a detail reply. The contents of the reply not thoroughly examined by the authorities.
4. That the appellant is hardworking Junior Clerk, and earns very good ACR's. It is also worth to mention here that the applicant belongs to poor family and earns bread and butter from the swift of his brow.
5. That the applicant is arthodox stanch Muslim and observe 5 time prayers. Therefore, he cannot think resorting to illegal as well as immoral activities within premises of offices as well as outside the office.
6. That the applicant has been made a skip go for the alleged immoral acts of unknown man and lady. That on the request of the office of Commissioner Hazara Division, SHO, PS Cantt did not lodged FIR in the matter, perhaps he thought that the incidents was a concocted story.
7. That during so called inquiry, the appellant was not afforded opportunity of cross examine the chowkidar namely Jawad Tariq who levelled allegations against the appellant.

Arshad Khan Jahori
Advocate High Court
Office No. 33 Adjacent to
Dist Bar Abbottabad

8. That on the basis of partial and one sided inquiry conducted by Deputy Commissioner Haripur major penalty of reduction of two stages i.e. time scale for indefinite period have been imposed against the appellant vide order No. CHD/Estab/3/4/7045-49 dated 25.10.2017 which is arbitrary, proverse, and discriminatory as well as against the norms of justice and fair play.

In view of the above, it is requested that the impugned penalty of reduction of two stages of times scales against the appellant may kindly be set aside & obliged.

Yours Obediently,

Dated: 22.11.2017

Arrested
[Signature]
Advocate High Court
Office No. 33 Adjacent

[Signature]
Nabeel Ahmad,
Junior Clerk,
Commissioner's Office,
Hazara Division, Abbottabad.

Annex "E"

16



GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE AND ESTATE DEPARTMENT

No. Estt: II/Misc/Kohat/28826
Dated Peshawar the 30 07/2018

To

The Commissioner,
Hazara Division Abbottabad.

SUBJECT: DEPARTMENTAL APPEAL.

I am directed to refer your letter No. CHD/Estb/Appeal/File/2241-42 dated 07/03/2018 and to enclose copy of order dated 16.07.2018 passed by Senior Member Board of Revenue for your information please.

Attested

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

Assistant Secretary (Estt)

17

BEFORE THE SENIOR MEMBER BOARD OF REVENUE, KHYBER PAKHTUNKHWA

Title:- NABEEL AHMAD JUNIOR CLERK VERSUS COMMISSIONER HAZARA

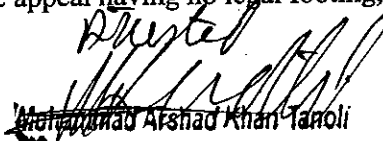
ORDER.


This is a departmental appeal filed by Mr. Nabeel Ahmad, Junior Clerk against order dated 25.10.2017 whereby minor penalty of reduction of two stages in time scale was imposed upon him.

Brief facts of the case are that on 09/09/2017 at 09:00 PM, the appellant Mr. Nabeel Ahmad Junior Clerk came to the main Commissioner office building and directed Mr. Jawad Tariq Naib Qasid who was performing his duty as Chowkidar to open the door of Secretary to Commissioner office saying that his guests were coming there. Reportedly he misused the office immorally/unlawfully alongwith his guests. On report, the police recovered a bottle of liquor from the office of Secretary to Commissioner Abbottabad. In this respect an enquiry was conducted against the appellant through Mr. Tasleem Khan the then Deputy Commissioner Haripur now Project Director Computerization of Land Record (Board of Revenue). The Inquiry Officer in his report recommended major penalty to be imposed upon the appellant under Rule 4(1)(b)(iv) of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011. The Commissioner Hazara, being the Competent Authority imposed minor penalty of reduction of two stages in time scale upon the appellant.

Being aggrieved by the said order, the appellant filed the instant appeal before this forum.

The appellant was personally heard; however during the course of departmental proceedings; he could not rebut allegations of his presence in the office of his Senior Officer, late at night. The accused official could not even satisfy the Competent Authority as to why he asked Chowkidar on duty to open the office of Secretary to Commissioner. Moreover the perusal of impugned order dated 25.10.2017 revealed that the Competent Authority has already taken lenient view by imposing minor penalty, therefore the order dated 25.10.2017 passed by Commissioner Hazara whereby minor penalty of reduction of two stages in time scale was imposed is maintained and the appeal having no legal footing, stands dismissed.


Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad


Dr. Fakhre Alam
Senior Member

Announced
16.07.2018

کورٹ فیس

وکالت نامہ

بعدالت جناب جسٹس مسین سرولس ڈی ایچ ایچ

عنوان: نبیل احمد بنام P N S MBR

منجانب: Appellant

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

محمد ارشد خان تنوی رہنما وکنسٹ / وقار اودکزی رہنما

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرنے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

جگہ تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں

کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

Accepted

M. Ashed Khan

M. Ashed Khan

M. Ashed Khan

Lahore, Pak.

المرقوم:

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

SERVICE APPEAL No.1043 A/2018.

Nabeel Ahmed

-----Appellant

Versus

Through SMBR Peshawar and others.

-----Respondents

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S. No.	Documents	Page No./ Annexure
1	Parawise Comments along with Affidavit	1-2
2	Statement of Mr.Jawad Tariq Naib Qasid	A
3	Order of Inquiry Officer	B
4	Report/Report of Inquiry Officer	C
5	Order bearing No.CHD/Estb/3/4/7045-49, dated:25.10.2017 issued by office of the Commissioner Hazara Division Abbottabad (respondent No.2).	D

Dated:


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Nabeel Ahmed

SERVICE APPEAL No.1043 A/2018.

-----Appellant

Versus

Through SMBR Peshawar and others.

-----Respondents

Parawise Comments on Behalf of Respondents No.1, 2 and 3.

PARLIAMENTARY OBJECTIONS:

- i. The appellant has no cause of action.
- ii. That the appellant has not come with clean hands.
- iii. That the service appeal is not maintainable.
- iv. That the appeal is barred by law.

REPLY ON FACTS:

1. Pertains to record.
2. Incorrect. Mr. Jawad Tariq, Naib Qasid/ Chowkidar of office of the Commissioner Hazara Division Abbottabad (respondent No.2) in his statement states that on 9/9/2017 at 9:00 p.m, the appellant directed him to open the door of the office of the Secretary to Commissioner Hazara Division saying that his guests were coming, (copy of statement of Mr. Jawad Tariq, Naib Qasid/ Chowkidar is annexed as "A".)
3. Incorrect. As already stated at Para 2 of the facts.
4. Incorrect. The respondent No.2 adopted all legal/codal formalities. Vide office of the Commissioner Hazara Division Abbottabad (respondent No.2) letter No.CHD/Estb/3/4/6068-69, Mr. Muhammad Tasleem Khan, the then Deputy Commissioner Haripur was appointed as Inquiry Officer, copy is annexed as "B". The Inquiry Officer vide Inquiry Report recommended imposition of Major Penalty of Dismissal from Service as required under the relevant rules. Copy is annexed as "C". In spite of that, respondent No.2 while taking lenient view imposed major penalty of reduction of two stages in time scale upon the appellant. Copy is annexed as "D".
5. No comments.
6. It is stated that the Senior Member Board of Revenue, Khyber Pakhtunkhwa (respondent No.1) exercised his powers under the prescribed rules.

GROUND:

- a) Incorrect, in the light of facts explained at Para 2. The respondents' departments carried out all the proceedings as per law, rules and authority.
- b) Incorrect, as replied above.

- c) Incorrect. Appellant availed all the opportunities as explained above. Appellant failed to satisfy the Inquiry Officer, Competent Authority and Appellate Authority.
- d) Incorrect. There are documentary proofs of immoral act and attitude of the appellant.
- e) Incorrect. The appellant has been punished with major penalty of reduction of two stages in time scale as per rules vide order at Flag "D".
- f) Incorrect. All the allegations already stand proved, therefore, instant appeal is not maintainable.
- g) Incorrect. The appellant has not come before the Honourable Tribunal with clean hands and cannot invoke the jurisdiction of Honourable Tribunal.
- h) The appeal is not maintainable in the eyes of law due to the conduct of the appellant prejudicial to norms and prestige of government service.

It is therefore, humbly prayed that instant Service Appeal of the appellant may graciously be dismissed with costs.

Dated:



Senior Member Board of Revenue,
Government of Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1)



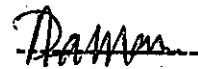
Commissioner,
Hazara Division Abbottabad.
(Respondent No.2).



Assistant to Commissioner (Rev./G.A.)
Hazara Division Abbottabad.
(Respondent No.3)

Affidavit

I, Akhtar Zaman, Assistant, Office of the Commissioner Hazara Division, Abbottabad do hereby solemnly affirm that contents of the parawise comments along with replication for application of suspension are true to the best of my knowledge and nothing has been concealed by this honourable court.



کتاب AQR صفحہ 2 میرا بیان درج ذیل ہے۔

باب ۱۱ - گزشتہ رات ۰۹:۵۹ کو میں اپنی ڈیوٹی پر موجود تھا کہ اچانک

بارش دھڑک ہوئی کلرک نبیل احمد آیا ایک موٹر کار تھی اس کے ساتھ

زیادہ دو مندرے اور تھے جن کے میں نہیں جانتا۔ نبیل نے صحیحے کہا کہ

سٹیٹریٹری ڈوگمنٹر کا دفتر کولوں میں یہاں ہیں ہم ادھر پہنچیں گے

نک کہ کہنے پر میں نے دفتر کولوں کر رہا دیا۔ اس کے بعد میں

قریباً ۱۱:۳۰ پر میں نے ADC آفس کے چوکیدار کو مطلع کیا

کہ میں جا رہا ہوں یہ دفتر چیک کر لینا اس کے بعد میں دفتر

چلا گیا۔ جمع تقریباً ۱۱:۵۵ بجے صحیحے PA ڈوگمنٹر نے کال

کی کہ تم دفتر پہنچ آؤ میں آیا ٹوٹ پٹہ چلا کہ انقوتان وار

کو دفتر تم نہیں کیا اور ان کا سامان بھی ادھر پڑا ہوا تھا

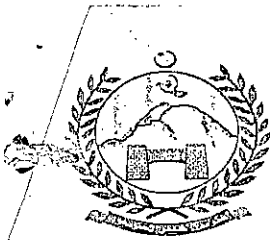
نیسے کہ خان بڈل، رتنور اور گلاکس (پڑے ہوئے تھے۔

انقوتان ہو گیا ہے ادھر گیا میں اس سے لاعلم ہوں

میرا بیان یہی ہے۔

حوار طارق
چوکیدار گمنٹر آفس
اسٹ۔ آباد

۱۵-۰۹-۲۰۱۷



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD /Estb/ 3/4/6068-69
Dated 18/9/2017

CHARGE SHEET

I, Mr. Muhammad Akbar Khan, as Competent Authority, hereby charge you, Mr. Nabeel Ahmad, Junior clerk of this office as follows:

That you committed the following acts of misconduct which is pre judicial to good order and service discipline:

1. On 09/09/2017 at 09:00PM you came to the Main Commissioner office building and directed Mr. Jawad, Naib Qasid, who was performing duty as Chowkidar to open the door of the office of the Secretary to Commissioner Hazara Division saying that your guest were coming there.
2. The office of Secretary to Commissioner Hazara Division was misused by you immorally/unlawfully alongwith your guests. The police have recovered bottle of liquor from office room.
3. Reportedly a young lady was also seen running out of the building. The media persons reportedly tried to chase the lady and a man who was also running out of the building but did not succeed.
4. The SHO Cantt: Abbottabad was asked by this office to register an FIR to this effect.
5. All your above stated activity have been reported by Jawad Tariq Naib Qasid/Chowkidar on duty that day.

By reason of the above, you appear to have been guilty of misconduct, under rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of penalties specified in rule 4 of the rules ibid.

For the purpose of inquiry against you with reference to the above allegations, an Inquiry Officer/Inquiry Committee, consisting of the following (s) is constituted under rule 10 (1) (a) of the ibid rules with directions to complete the enquiry within 15 (fifteen) days and submit final findings to this office for further necessary action:

- i. Mr. Tasleem Khan, Deputy Commissioner, Haripur.
- ii. _____

You are, therefore, directed to submit your written defence within seven days of the issue of this Charge Sheet to the inquiry officer /inquiry committee, failing which it shall be presumed that you have no defence to offer and in that case, ex-parte action will be taken against you.

Intimate as to whether you desire to be heard in person.

A statement of allegations is enclosed.

(Muhammad Akbar Khan)

Commissioner,
Hazara Division, Abbottabad.

DEPARTMENTAL / INQUIRY PROCEEDINGS AGAINST MR. NABEEL AHMAD, JUNIOR CLERK, COMMISSIONER OFFICE, HAZARA DIVISION, ABBOTTABAD.

Background:

The Commissioner, Hazara Division, Abbottabad was pleased to appoint the undersigned as Inquiry Officer under Rule-10 (1) (a) of the Khyber Pakhtunkhwa, Government Servants (Efficiency Discipline) Rules-2011, which was conveyed vide Commissioner, Hazara Division, Abbottabad CI Sheet No. CHD/Estb/3/4/6068-69 dated 18.09.2017 with the mandate to inquire into the following allegations levelled against Mr. Nabeel Ahmad, Junior Clerk, Commissioner's Office, Abbottabad reflected in Charge Sheet and Statement of Allegations: -

1. On 09.09.2017 at 09:00 PM you came to the Main Commissioner Office building and directed Mr. Jawad, Naib Qasid, who was performing duty as Chowkidar to open the door of the office of the Secretary to Commissioner, Hazara Division saying that his guests were coming there.
2. The office of Secretary to Commissioner, Hazara Division was misused by you and your guests immorally/unlawfully along with your guests. The Police have recovered bottles of liquor from the Office Room.
3. Reportedly a young lady was also seen running out of the building. The media persons reported to chase the lady and a man who was also running out of the building but did not succeed.
4. The SHO Cantt: Abbottabad was asked by this office to register an FIR to this effect.
5. All your above stated activities have been reported by Jawad Tariq, Naib Qasid / Chowkidar on that day.

Proceedings:

In pursuance of the direction contained in Para-4 of the Charge Sheet, the accused Official Mr. Nabeel Ahmad submitted his written defense dated 25.09.2017 (Copy attached as Annexure-A). The accused Official was also summoned to appear before the undersigned on 28.09.2017 at 02:00 PM for inquiry proceedings. Mr. Bakht Alam, Superintendent, Commissioner Office, Abbottabad also attended the proceedings as departmental representative.

Statement of the accused Official recorded who stated on oath that he was serving in the Commissioner's Office for the last 09 years and presently posted in Diary / Dispatch Branch in the Commissioner's Office. He knows his job, which was to diary the mail received and which was to be sent to the concerned Departments. In charge of his Branch was Malik Shabbir, Assistant and they used to sit in the same room. The official was cross examined as under (Original questions & answers are attached as Annexure-B):-

Q. No.1: On 09.09.2017 at 09:00 PM in the night, he came to Commissioner's Main Office and directed Mr. Jawad, Naib Qasid / Chowkidar was on duty as Chowkidar. He directed him to unlock the office room of Secretary to Commissioner for his guests. What does he want to say?

Ans: Neither he went to Main Office nor he contacted Jawad, Chowkidar nor he directed him to unlock the office. These were mere allegations.

Q. No.2: He used the office of Secretary to Commissioner illegally, immorally, the guests who were with him also used the said office wrongly and the local Police recovered liquor from the said office room. What does he want to say?

Ans: Neither he went to office nor any guests were with him nor he had any knowledge of the recovery of liquor.

Q. No.3: Allegedly a young girl was seen running out of the building and a man who was running out of the building who were tried to be chased by media personnel but they could not succeed. What does he want to say?

Ans: He has no knowledge about it.

Q. No.4: In this regard, the Commissioner's Office wrote to SHO Cantt: Abbottabad for registration of FIR. What does he want to say in this regard?

Ans: He was absolutely unaware of any such action.

Q. No.5: On the allegations levelled against him and about his activities, Mr. Jawad Tariq Qasid / Chowkidar who was on duty on the day of occurrence, had given proper statement. What does he want to say in this regard?

Ans: He did not know as to whether he was on duty or not.

Findings / Recommendations:

Although the accused official vide his written statement dated 25.09.2017 and during cross examination on 28.09.2017 negated and denied all the charges levelled against him vide Complaint Sheet No. CHD/Estb/3/4/6068-69 dated 18.09.2017 as well as showed his unawareness about the episode, which is very astonishing. How come an official of an office where such an ugly siting occurred, could be unaware of anything whatsoever happened. The Commissioner's Office wrote No. CHD(ACR) 10917-19 dated 10.09.2017 for registration of FIR against Mr. Nabeel Ahmed, Clerk and was also suspended vide Order No. Estt/5869-74 dated 13.09.2017 but he stated that he did not know anything whatsoever. **Copies provided by Mr. Bakht Alam, Superintendent are annexed.**

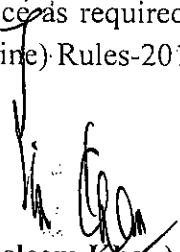
Vide his written statement as well as cross examination, Mr. Jawad Tariq, Naib Chowkidar, Commissioner's Office stated on OATH that Mr. Nabeel Ahmad, Junior Clerk came to the office on 09.09.2017 after 09:00 PM and directed him to open the office room of Secretary to Commissioner and remained there till 11:30 PM when he (Jawad Tariq) left the office for his home on account of serious illness of his wife. He also sent a text message to Mr. Nabeel Ahmad telling him to go to his home and asked him to lock the room while leaving the office. He also stated on OATH that he was present at his place of duty from 09:00 PM to 11:00 PM, did not go anywhere during this time and Mr. Nabeel Ahmad, Junior Clerk came to his room himself to see him.

From the perusal of record produced before, the undersigned, written statements and cross examinations of Mr. Nabeel Ahmad, Junior Clerk and Mr. Jawad Tariq, Naib Chowkidar, Commissioner's Officer, it has been proved beyond any shadow of a doubt that the accused official misused the office of Secretary to Commissioner, Hazara Division unlawfully and immorally allowing his guests due to which the esteemed office of the Commissioner of a Division was put in an embarrassing situation. Though the accused official has his own official room in the said premises and the nature of job i.e. Diary & Dispatch does not warrant any official emergency even then he choiced for the opening of the room of Secretary to Commissioner, which could well suit him to fulfill/committing his designs and lustful wishes with the complicity and active assistance of Jawad NQ/Chowkidar.

His written statement as well as what he stated during cross examination was a total lie to save his skin from disciplinary action as well as criminal proceedings against him. There is, therefore, no doubt that the accused official was mainly responsible for the whole episode of moral turpitude which he did not deserve any leniency causing a black stigma on the face of an esteemed institution.

This gross misconduct, unlawful / unauthorized and immorality on the part of the accused official renders him liable for imposition of Major penalty of Dismissal from Service as required by Rule-4(1)(b-iv) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011.

Submitted please.


(Tasleem Khan)
Deputy Commissioner
Haripur/Inquiry Office



OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD /Estb/ 3/4/ 704569
Dated 25/10/2017

Order:

Mr. Nabeel Ahmed, Junior Clerk (BPS-11) was charged as guilty of misconduct. He was preceded under the Khyber Pakhtunkhwa, Government Servants (Efficiency and Disciplinary) Rules 2011, for the charges allegations leveled against him.

WHEREAS; Deputy Commissioner, Haripur was appointed as Inquiry Officer to probe into the charges leveled against the above official and submit final findings and recommendations.

AND WHEREAS; the inquiry Officer after having examined the charges, evidence produced before him and statement of accused official, submitted his report whereby the charges against the accused official are proved. The official was also heard in person.

Therefore, I, Muhammad Akbar Khan, Commissioner, Hazara Division, competent authority after having examined the charges, evidence produced, statement of accused official, findings of inquiry officer findings and recommendations of the inquiry officer, in exercise of powers conferred under Rule-4 (b) (i) of the Khyber Pakhtunkhwa Government Civil Servants (Efficiency and Disciplinary) Rules, 2011, hereby impose major penalty of Reduction of two stages in time scale upon Mr. Nabeel Ahmed, Junior Clerk (BPS-11).

Commissioner
Hazara Division Abbottabad

Endst: Even No & Date:

Copy forwarded for information to:

1. PS to Commissioner, Hazara Division.
2. District Accounts Officer, Abbottabad.
3. Assistant Accounts Branch.
4. Official Concerned.
5. Personal File.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 482 /ST

Dated 04/03 / 2021


To

The Commissioner, Hazara Division,
Government of Khyber Pakhtunkhwa,
Abbotabad.

Subject: - JUDGMENT IN APPEAL NO. 1043/2018, MR. NABEEL AHMAD.

I am directed to forward herewith a certified copy of Judgement dated 17.02.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.