

BEFORE THE KHYBER-PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 703/2018

Date of institution ... 23.05.2018
Date of judgment ... 30.04.2019

Muhammad Usman, Junior Clerk (BPS-11),
O/O Assistant Agriculture Engineer, Chitral

... (Appellant)

VERSUS

1. The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Agriculture Engineering, Tarnab Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 04.01.2018 WHEREBY
MINOR PENALTIES OF STOPPAGE OF TWO ANNUAL
INCREMENTS AND WARNING/CENSURE WERE IMPOSED
ON THE APPELLANT AND AGAINST NOT TAKING
ACTION ON THE DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN THE STATUTORY PERIOD OF
NINETY DAYS.

Mr. Noor Muhammad Khattak, Advocate.

.. For appellant.

Mr. Riaz Ahmad Paindakheil, Assistant Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. AHMAD HASSAN

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the
appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General
alongwith Mr. Muhammad Nawaz, Assistant Agriculture Engineer for the
respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant
is serving as Junior Clerk in Agriculture Department. He was imposed minor
penalties of stoppage of two annual increments without accumulative effect and

*MC Amin
30.4.2019*

warning to be careful in future vide order dated 04.01.2018 on the allegation of misconduct. The appellant filed departmental appeal on 25.01.2018 which was not responded hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant is serving in Agriculture Department as Junior Clerk. It was further contended that the appellant was imposed aforesaid minor penalties of stoppage of two annual increments and warning on the allegation of misconduct. It was further contended that the competent authority was required to mention specific period under FR-29 for stoppage of annual increments but he has not specified any period and has violated the provision of FR-29. It was further contended that neither charge sheet, statement of allegation was framed or served upon the appellant nor proper regular inquiry was conducted nor any final show-cause notice was issued to the appellant therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant is serving in Agriculture Department. It was further contended that the appellant was charged for smoking in public place as well as harassment of female officers therefore, inquiry committee was constituted to conduct inquiry against the appellant and the inquiry committee submitted inquiry report dated 21.12.2017, recommended the appellant for the aforesaid penalties and accordingly the competent authority has imposed minor penalties of stoppage of two annual increments and warning to be careful in future therefore, it was contended that the appellant was imposed aforesaid penalties after fulfilling all the codal formalities and prayed for dismissal of appeal.

*AC Anam
30.4.2019*

6. Perusal of the record reveals that the appellant is serving in Agriculture Department as Junior Clerk. He was imposed aforesaid penalties on the allegation of misconduct on the basis of only fact finding inquiry but neither charge sheet, statement of allegation was framed or served upon the appellant nor proper regular inquiry was conducted nor any final show-cause notice alongwith copy of inquiry was issued to the appellant nor opportunity of personal hearing and defence was provided to the appellant. Meaning thereby that a proper regular inquiry was not conducted before ^{imposing on} ~~imposed~~ the aforesaid penalties therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct de-novo inquiry in the mode and manner prescribed by Government Servants (Efficiency & Disciplinary) Rules, 2011 including framing of charge sheet, statement of allegation, issuing of final show-cause notice alongwith copy of inquiry report providing opportunity of personal hearing and defence to the appellant and thereafter, pass order deem appropriate. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.04.2019

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Ahmad Hassan
(AHMAD HASSAN)
MEMBER

30.04.2019

Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith Mr. Muhammad Nawaz, Assistant Agriculture Engineer for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct de-novo inquiry in the mode and manner prescribed by Government Servants (Efficiency & Disciplinary) Rules, 2011 including framing of charge sheet, statement of allegation, issuing of final show-cause notice alongwith copy of inquiry report providing opportunity of personal hearing and defence to the appellant and thereafter, pass order deem appropriate. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

30.04.2019



(AHMAD HASSAN)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

20.11.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is busy before Darul Qaza Swat. Granted. To come up for arguments on 09.01.2019 before D.B


Member


Member

09.01.2019

Appellant in person and Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Muhammad Nawaz Assistant Agriculture engineer for the respondents present. Appellant requested for adjournment as his counsel is not in attendance .Adjourned. To come up for arguments on 08.032019 before D.B.


Member


Member

08.03.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Muhammad Nawaz, Assistant Agriculture Engineer for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 30.04.2019 before D.B.


(M. AMIN KHAN KUNDI)
MEMBER


(M. HAMID MUGHAL)
MEMBER

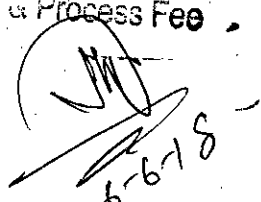
06.06.2018

Learned counsel for the appellant present. Preliminary arguments heard.

Aggrieved against the order dated 04.01.2018 of imposition of penalty of stoppage of 2 annual increments without cumulative effect and warning to be careful in future, the appellant has filed the present service appeal. The departmental appeal of the appellant went un-responded.

Points raised 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 notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 08.08.2018 before S.B


Appellant Deposited
Security & Process Fee



08.08.2018

Learned counsel for the appellant and Mr. Kabirullah Khattak, AAG for the respondents present. Written reply not submitted learned Additional Advocated General requested for time to file written reply/comments. Granted. To come up for written reply/comments on 28.09.2018 before S.B.


Member


Muhammad Amin Khan Kundi
Member

28.09.2018



Mr. Amir Zaman, clerk of counsel for the appellant present. Mr. Muhammad Nawaz, Assistant Agriculture Engineer alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder, if any, and arguments on 20.11.2018 before the D.B.


Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 703/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23/05/2018	<p>The appeal of Mr. Muhammad Usman presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	28/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/06/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 703 /2018

MUHAMMAD USMAN

VS

GOVT: OF KPK

INDEX

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 703 /2018

Mr. Muhammad Usman, Junior Clerk (BPS-11),
O/O Assistant Agriculture Engineer, Chitral.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 756

Dated 23/5/2018

..... APPELLANT

VERSUS

- 1- The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Agriculture Engineering, Tarnab Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER DATED 04.01.2018
WHEREBY MINOR OF PENALTIES OF STOPPAGE TWO
ANNUAL INCREMENTS AND WARNING/CENSURE WERE
IMPOSED ON THE APPELLANT AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN THE STATUTORY PERIOD OF
NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 04.01.2018 may very kindly be set aside and the respondents may be directed to restore/release the two annual increments of the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as follows:-

- 1- That appellant is serving the respondent Department as Junior Clerk in the respondent Department. That right from appointment the appellant is serving the respondent Department quite efficiently and up to the entire satisfaction of his superiors.
- 2- That during service as Junior Clerk in the respondent Department a complaint was lodged against the appellant on the basis of some baseless allegations. That due to the above mentioned complaint the

Filed to-day
Registrar

respondent No.2 without conducting fact finding inquiry straight away initiated one sided Departmental inquiry against the appellant. Copy of the inquiry is attached as annexure.....A.

3- That during the pendency of Departmental inquiry the appellant was transferred and posted as Junior Clerk in office of the Assistant Agriculture Engineer, Chitral vide order dated 26.10.2017. Copy of the order dated 26.10.2017 is attached as annexure..... B.

4- That in the above mentioned one sided Departmental inquiry the appellant was recommended for minor penalty of stoppage of two annual without accumulative along with another minor punishment of censure. ~~Copy of the report is attached as annexure..... G.~~

5- That on the basis of the said recommendation of the one sided Departmental inquiry the respondent No.2 issued the impugned order dated 4.1.2018 in utter disregard of law and rules. Copy of the impugned order is attached as annexure G.

6- That feeling aggrieved from the impugned order dated 04.01.2018 the appellant preferred Departmental appeal before the respondent No.1 on 25.1.2018 which was properly forwarded but no reply has been received so far. Copies of the Departmental appeal and forwarding letters are attached as annexure..... DJ&E.

7- That appellant having no other remedy but to file the instant service appeal before this august Tribunal on the following grounds amongst the others.

GROUND:

A- That the impugned order dated 04.01.2018 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That appellant has not been treated by the respondent Department in accordance with law and rules and the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That appellant has been punished on the basis of a baseless complaint which has not been inquired by the respondents through proper legal procedure.

D- That no charge sheet and statement of allegation has been issued to the appellant by the respondent No.2 before issuing the impugned order dated 04.01.2018.

- E- That no show cause notice has been served by the respondents on the appellant before issuing the impugned order dated 4.1.2018 against the appellant.
- F- That no opportunity of personal hearing/defense has been given to the appellant before issuing the impugned order dated 04.01.2018.
- G- That the complainant has not been cross examined by the respondents and as such the respondents violated E&D Rules 2011.
- H- That no regular inquiry has been conducted in the matter of the appellant which is as per Supreme Court judgments is necessary punitive actions against the Civil Servants.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 21.5.2018

APPELLANT



MUHAMMAD USMAN

THROUGH:



NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI
ADVOCATES

A - (4) 49

OFFICE ORDER

A committee of the following officers is hereby constituted to conduct inquiry of complaint submitted by Engr. Kalsoom Rehman, Assistant Agricultural Engineer, Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab Peshawar against Mr. Muhammad Usman, Junior Clerk, in this office now transferred/posted in office of the Assistant Agricultural Engineer, Chitral regarding:-

- a. **Smoking in public place.**
- b. **Harassment of Female Officer.**
- c. **Insult of an Officer.**

1.	Engr. Naseem Javed, Deputy Director, Planning, Directorate of Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar	Chairman
2.	Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat.	Member
3.	Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra.	Member

They are directed to furnish the report of their finding alongwith recommendation within 15 days positively.

SD/(ENGR MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 6943-48 / DAE/Asstt. ^{ESHA:} ~~Asstt.~~ 3/68 dated Tarnab, the 30/10/2017

Copy of the above alongwith a copy of complaint is forwarded to:-

- 1- Engr. Naseem Javed, Deputy Director, Planning Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar;
- 2- Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat.
- 3- Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;

for information and necessary action.

- 4- Engr. Kalsoom Rehman, Asstt: Agricultural Engineer (H/Q) Agricultural Engineering Khyber Pakhtunkhwa, Tarnab Peshawar for information with reference to her complaint dated 25/10/2017;
- 5- The Assistant Agricultural Engineer, Chitral for information and the remarks to direct the above named Junior Clerk of your office to present before the above committee as and when call;
- 6- Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Chitral with the remarks to follow the direction of committee as per rules.
- 7- Personal file of above named official.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

30/10/17 30/10/17

Muhammad 30/10/17

ATTESTED

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No. 9039 /DAE/Estt/
To

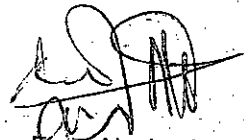
dated Tarnab, the 21 /12 /2017

The Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

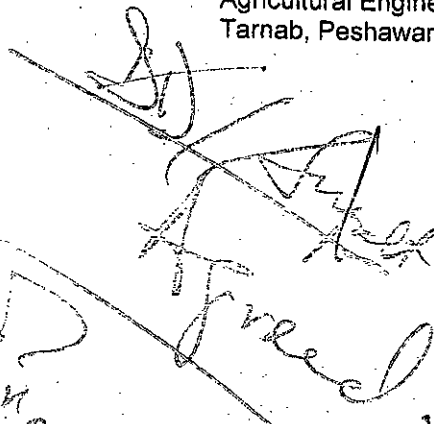
Subject: INQUIRY REPORT

Reference: Your office order No. 6943-48/D/Account:3/68 dated 30/10/2017.

Memo: Enclosed please find the inquiry report on the subject cited above for information and further necessary action.



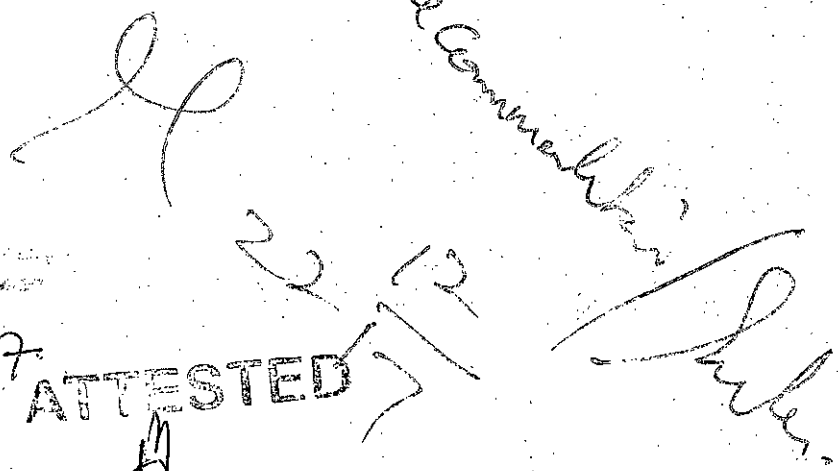
Engr. Nasim Javed
Deputy Director Planning
Agricultural Engineering, Khyber Pakhtunkhwa,
Tarnab, Peshawar



Raza Javed

Estt. Auth. A.
22/12
22/17

Rozman Khan
Khan



4505
22-12-2017

ATTESTED



22/12

505
⑥

INQUIRY REPORT

Background:

The undersigned's have been nominated as inquiry officers vide Director office order no. 6943-48/D/Account:3/68 dated 30/10/2017 to conduct the inquiry regarding complaint (Annexure-A) filed by Engr.Kulsoom Rehman, Assistant Agricultural Engineer, Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar against Mr. Muhammad Usman, Junior Clerk (J/C) in the same office, now transferred/posted in office of the Assistant Agricultural Engineer, Chitral.

Brief History:

Engr.Kulsoom Rehman filed a complaint against Mr. Muhammad Usman J/C of this department that there was a bad smell of smoking around her office. She asked Mr.Rafaqat Ali (PS to DAE) that who is smoking around her room. Mr.Rafaqat Ali asked Mr. Zain UIAbidin (J/C) who is sitting in adjacent room to her office. Zin UIAbidin further told Mr. Muhammad Usman not to smoke in my office. Mr. Muhammad Usman started shouting and came to Mr.Rafaqatoffice while officer was attending official call. officer warned him to stop shouting and she left the room, but Mr. Muhammad Usman kept shouting outside Engr.KulsoomRehman's office. So, an inquiry is ordered to probe in to the factual position.

Proceedings:

The committee visited office of the Deputy DirectorAgricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar on date 9/11/2017 at 10:00 AM in compliance to Deputy Director Planning, Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar letter no. 1465-66/AAE(F.O) Dated 3/11/2017.

A written Statement of both complainant and accused was taken/recorded by the committee one by one and attached as Annexure-B.

Findings:

Findings are as follows:

1. At the time of complaint Mr. Muhammad Usman was not present at his office.
2. Mr. Muhammad Usman shouted in front of Engr.Kulsoom Rehman, which is misbehavior/ insult of an officer.
3. Keeping in view harassment act 2010, the personal harassment of female officer Engr.Kulsoom Rehman was not involved.

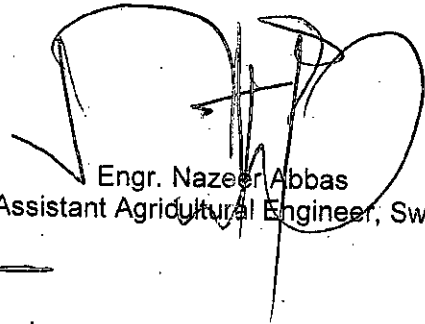
Recommendations:

After thorough investigation the committee recommended that;

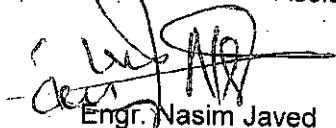
1. The two annual increments of Mr. Muhammad Usman must be stopped, as he misbehaved with a female officer.
2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E & D rules 2011.



Engr. Maria Javed
Assistant Agricultural Engineer, Manshera



Engr. Nazeer Abbas
Assistant Agricultural Engineer, Swat



Engr. Nasim Javed
Deputy Director Planning
Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab, Peshawar

ATTESTED



OFFICE ORDER

B-7


Mr. Muhammad Usman, Junior Clerk in office of the undersigned is hereby transferred/posted in office of the Assistant Agricultural Engineer, Chitral against the vacant post of Junior Clerk in the interest of public service with immediate effect.

SD/(ENGR. MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Endst: No. 6860-64 /DAE/Estt:/3/19 dated Tarnab, the 26 /10/2017

Copy forwarded to the -

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar;
 2. The District Accounts Officer, Chitral;
 3. The Assistant Agricultural Engineer, Chitral;
 4. The Accountant, of this office;
 5. The Official concerned.
- for information and necessary action.


Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab Peshawar.

ATTESTED



OFFICE ORDER

C-8 513

Whereas Engr. Kaisoom Rehman, Assistant Agricultural Engineer (HQ) Tarnab Peshawar has filed a complaint against Mr. Muhammad Usman, Junior Clerk in office of the undersigned now posted in office of the Assistant Agricultural Engineer, Chitral, regarding smoking in public area, harassment of Female Officer and insulting of an Officer. In this regards inquiry committee was constituted vide office order No.6943-48/DAE/Estt: 3/68 dated 30.10.2017 to inquire into the charge of misconduct leveled against him. The Committee submitted a report wherein the above named Junior Clerk was found guilty of charges against him. The Committee forwarded the following recommendations.

- i. **Stoppage of Two Annual increment. without accumulation effect and**
- ii. **Warn to be careful in future.**

Now therefore, in light of the above recommendation of Inquiry committee report the undersigned is pleased to impose the above penalties as required under E&D Rules-2011.

SD/-(ENGR MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 450-57 /DAE/Estt:/3/19/ dated Tarnab, the 04/01/2018

Copy of the above is forwarded to:-

1. Engr. Naseem Javed, Deputy Director, Planning Agricultural Engineering Khyber Pakhtunkhwa Tarnab Peshawar;
2. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat;
3. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
for information with reference to his inquiry report vide letter No.9039 dated 21.12.2017
4. Engr. Kaisoom Rehman, Assistant Agricultural Engineer, Head Quarter;
5. The Assistant Agricultural Engineer, Chitral;
6. The District Account Officer, Chitral;
for information and necessary action.
7. Mr. Muhammad Usman, Junior Clerk Assistant Agricultural Engineer Chitral;
8. Personal file in respect of Mr. Muhammad Usman, Junior Clerk;

P-503

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

3/4/18
4/18
A/A
M/A

ATTESTED

[Signature]

28/1

To

The Secretary Agriculture,
KPK, Peshawar.

D - 9

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 04.01.2018, WHEREBY THE PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS WITHOUT ACCUMULATIVE EFFECT AND WARNED TO BE CAREFUL IN FUTURE HAS BEEN IMPOSED UPON THE APPELLANT.

Respected Sir,

1. That the appellant is working in Agriculture Department as junior clerk and is performing his duty with the entire satisfaction of his superiors.
2. That charge sheet was issued to the appellant in the which the following charges were leveled against the appellant.
 - a) Smoking in public place.
 - b) Harassment of female officer
 - c) Insulting of an officer.The appellant submitted detail reply to the charge sheet and denied all the allegations.
3. That on the basis of above mentioned charges, inquiry was conducted against the appellant by the inquiry committee in which no proper opportunity of defence was provided to the appellant as neither any statement was recorded in the presence of the appellant nor gave him opportunity of cross examination. But despite that the inquiry committee held him responsible.
4. That on the basis of irregular inquiry, the penalty of stoppage of two annual increments without accumulative effect and warned to be careful in future was imposed upon the appellant vide order dated 04.01.2018 without issuing show cause notice to the appellant and without specifying the period of stoppage of increment. (Copy of order dated 04.01.2018 is attached as Annexure-A)
5. That now the appellant filed the departmental appeal on the following grounds.

GROUND:

- A) That the impugned order dated 04.01.2018 is against the law, rules and material on record, therefore not tenable and liable to be set aside.

ATTACHED

[Handwritten signature]

- 10
- B) That the inquiry proceeding was not conducted according to the prescribed procedure as the appellant was not provided proper chance of defence because neither any statement of witnesses was recorded in the presence of appellant nor any chance of cross examine of the witnesses was provided to the appellant, which is clear violation of law, rules and inquiry proceeding.
- C) That no opportunity of personal hearing was provided to the appellant before imposing the penalty, which means that the appellant was condemned unheard which is not permissible under the law.
- D) That even show cause notice was not issued to the appellant before imposing the penalty, which is the violation of law and rules.
- E) The penalty of stoppage of two annual increments without accumulative effect has been imposed upon the appellant without specification of time period, which is violation of basic E&D Rules 2011.
- F) That the appellant has been condemned unheard and has not been treated according to law and rules.

It is therefore, most humbly requested that on the acceptance of this departmental appeal impugned order dated 04.01.2018 may be set aside and restore the two annual increments of the appellant with all back and consequential benefits.

Date: 25.01.2018.

M. Usman
Appellant
Muhammad Usman Awan, Junior Clerk,
Office of Assistant Agricultural Engineer,
Chitral

Cell No. 0333-9279377



DIRECTORATE OF AGRICULTURAL ENGINEERING, KHYBER
PAKHTUNKHWA, TARNAB, PESHAWAR

G.T.Road, Tarnab Peshawar ☎ 091-2964063
E-mail daekpktarnab@gmail.com



E - (11)

No. 1654 /DAE/Estt: / 3/68

dated Tarnab, the

06/02 /2018

To,

The Section Officer (Estab),
Government of Khyber Pakhtunkhwa,
Agri; Livestock and Cooperative Department Peshawar.

Subject:

1. DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 01/01/2018, WHEREBY THE PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS WITHOUT ACCUMULATIVE EFFECT AND WARNED TO BE CAREFUL IN FUTURE HAS BEEN IMPOSED UPON THE APPELLANT.
2. APPEAL FOR CANCELLATION THE TRANSFER ORDER NO. 6860-64 DATED 26.10.2017.

Reference

Your office letter No. SOE (AD) VI-106/2017/Engg: dated 22/01/2018 and No. SOE (AD) VI-106/2017/Engg: dated 23/01/2018.

Memo:-

It is to inform you that Engr. Kalsoom Rehman, Assistant Agricultural Engineer (H/Q) Tarnab Peshawar has filled in a complaint against Mr. Muhammad Usman, Junior Clerk regarding his behavior/ harassment being a female Officer vide her complaint dated 25/10/2017 (Annexure-A). A Committee for the purpose was constituted vide this office order No. 6943-48/DAE/Estt: 3/68 dated 30/10/2018 (Annexure-B). The committee submitted their findings vide letter No. 9039 dated 21/12/2017 (Annexure-C). The recommendation of the Committee is re-produced below:-

- 1. The Two annual increments of Mr. Muhammad Usman must be stopped, as he misbehaved with a female Officer.*
- 2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E&D rules 2011.*

The competent authority agreed with the above recommendations of the Committee and issued office order accordingly. Furthermore the official concerned has been already transferred to the office of Assistant Agricultural Engineer, Tarnab Peshawar (Annexure-D).

Submitted for information and further necessary action please.

Encl: as above.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

ATTESTED



DIRECTORATE OF AGRICULTURAL ENGINEERING, KHYBER
PAKHTUNKHWA, TARNAB, PESHAWAR.

☒ G.T. Road, Tarnab Peshawar ☎ & 📠 091-2964063
E-mail daekpktarnab@gmail.com



12

No. 2663 /DAE/Estt: / 3/68 dated Tarnab, the 08/03/2018
To,

The Section Officer (Estab),
Government of Khyber Pakhtunkhwa,
Agri; Livestock and Cooperative Department Peshawar

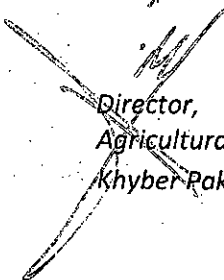
Subject: **DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 01/01/2018, WHEREBY
THE PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS WITHOUT
ACCUMULATIVE EFFECT AND WARNED TO BE CAREFUL IN FUTURE HAS BEEN
IMPOSED UPON THE APPELLANT.**

Reference Your office letter No. SOE (AD) VI-106/2017/Engg: dated 28/02/2018

Memo:-

Enclosed please find herewith Self-contained Note alongwith relevant documents
on the subject cited case for favour of information and further necessary action as desired please.

Encl: as above.


Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

ATTESTED



VAKALATNAMA

Before the KPK Service Tribunal Peshawar.

OF 2018.

Muhammad Usman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KPK

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Usman

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 23 / 05 / 2018

M. Usman
CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

Muhammad MAAZ MADNI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No. **0345-9383141**

DEA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 703/2018

Date of institution ... 23.05.2018
Date of judgment ... 30.04.2019

Muhammad Usman, Junior Clerk (BPS-11),
O/O Assistant Agriculture Engineer, Chitral

... (Appellant)

VERSUS

1. The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Agriculture Engineering, Tarnab Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 04.01.2018 WHEREBY MINOR PENALTIES OF STOPPAGE OF TWO ANNUAL INCREMENTS AND WARNING/CENSURE WERE IMPOSED ON THE APPELLANT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

Mr. Noor Muhammad Khattak, Advocate.

.. For appellant.

Mr. Riaz Ahmad Paindakheil, Assistant Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. AHMAD HASSAN

.. MEMBER (JUDICIAL)

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General
alongwith Mr. Muhammad Nawaz, Assistant Agriculture Engineer for the
respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant
is serving as Junior Clerk in Agriculture Department. He was imposed minor
penalties of stoppage of two annual increments without ^{accumulative} effect and

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more than 04 times the transfer orders of the appellant were issued which is against the fundamental rights and highly discriminatory in nature.

7. That the Election Commission of Pakistan had imposed ban on transfer and posting of any Civil Servant/ Government Servant and if any posting/transfer order is deemed proper then the prior permission of the (ECP) is to be obtained. It is to be noted that this exception is afforded in extra ordinary circumstances and should rarely be resorted to in acute and dire need and that too much sparingly and individually in important cases. But what happened here the Respondent department under the umbrella of this exceptional sanction mechanism applied for and was granted sanction of a thorough reshuffling of the whole department and that too was made subject to the sheer discrimination and favoritism.
8. That in the garb of the aforementioned empowerment and sanction from ECP and Establishment department, the appellant was repatriated to his parent department while the favourties and blue eyed were simply transferred and posted to other field duties, thus feeling aggrieved the appellant moves the instant Departmental appeal upon the following grounds inter alia:-

Grounds:

A. That persistent orders of transfer and posting of any Civil Servant/Government servant is always hazardous and injurious to the Potential and capabilities of the such civil servant /Government servant and has always been depreciated and discouraged by the Superior Courts, being always held as violation to fundamental rights and not solely to the service rights.

B. That the impugned transfer and posting orders are highly discriminatory ones and at the same time the repatriating of the Appellant to his parent department without any rem and reason and without observing the law on subject while all the blue eyed ones were posted and transferred to their favourite places of posting and were left in field is highly discriminatory and void and amount to falling of the bolt from the blue upon the Appellant.

4.1.2018

warning to be careful in future vide order dated 14.01.2018 on the allegation of misconduct. The appellant filed departmental appeal on 25.01.2018 which was not responded hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant is serving in Agriculture Department as Junior Clerk. It was further contended that the appellant was imposed ~~aforsaid~~ minor penalties on the allegation of misconduct. It was further contended that neither charge sheet, statement of allegation was framed or served upon the appellant nor proper ~~inquiry~~ regular inquiry was conducted nor any final show-cause notice was issued to the appellant therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant is serving in Agriculture Department. It was further contended that the appellant was charged for smoking in public place as well as harassment of female officers therefore, inquiry committee was constituted to conduct inquiry against the appellant and the inquiry committee submitted inquiry report dated 21.12.2017, recommended the appellant for the aforesaid penalties and accordingly the competent authority has imposed minor penalties of stoppage of two annual increments and warning to be careful in future therefore, it was contended that the appellant was imposed aforesaid penalties after fulfilling all the codal formalities and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant is serving in Agriculture Department as Junior Clerk. He was imposed aforesaid penalties on the allegation of misconduct but neither charge sheet, statement of allegation was framed or served upon the appellant nor proper ^{regular} inquiry was conducted nor any

of stoppage of two annual increments and warning

It was further contended that the competent authority was aggrieved to mention specific period under P.R-29 for stoppage of annual increment but the law is not specified any period as has indicated in Provision of P.R-29 FR -

on the basis of only fact of finding inquiry

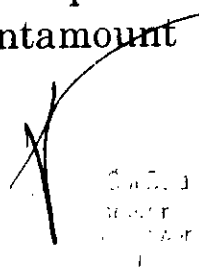
C. That such reshuffling on such higher scale and that too whom infested with malicious intentions, at this moment when the General Elections are to be nighly held in nigh future give rise to many questions as the removal of officials at the helm of powers having influential characters which can be availed by candidates of election campaign and for whose appeasement this reshuffling at this crucial moment of this higher scale has been carried is unwarranted and void.

D. That without going in to minute details it would be suffice to mention here that persons who are holding same positions of responsibility on Current Charge Basis to other field offices instead of repatriating all the officials working on CCB to the parent department and thus only the appellant was subject to unfettered discrimination and even only on this score the impugned office order is void and illegal.

E. That it is pertinent to mention her that the Establishment Department of Khyber Pakhtunkhwa had not sanctioned the transfer and posting of one Gul Shahzada, Naib, Tehsildar Abbottabad, but violating the same, even that individual has been transferred which shows the malafide and discriminatory approach of the Respondents and renders the impugned transfer orders as hollow one.

F. That the normal tenure of transfer and posting can only be allowed to be left in rare and exceptional cases and that to in a defined public interest. But here the Appellant has repeatedly been transferred, transferred and transferred for no reasons, which is certainly not a good omen.

G. That posting and transferring any Civil Servant/Government Servant on Current Charge Basis is a defined mechanism of service laws and a procedure is detailed in Esta Code while the accrued rights, accrued thereupon, are fully protected under the same code whose details are provided under rule 9 of Transfer, Promotion and Appointment Rules of 1989. But here the situation is volte-face and the Appellant is repatriated to parent department without any justification and the same tantamount to violation of only service laws.


Sd/-
[Illegible]
[Illegible]

final show-cause notice alongwith copy of inquiry was issued to the appellant nor opportunity of personal hearing and defence was provided to the appellant. Meaning thereby that a proper regular inquiry was not conducted before imposed the aforesaid penalties therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct proper de-novo regular inquiry including framing of charge sheet, statement of allegation, issuing of final show-cause notice alongwith copy of inquiry report providing opportunity of personal hearing and defence to the appellant and thereafter, pass ~~appropriate~~ ^{appropriate} order deemed ~~proper~~ ^{appropriate}. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.04.2019

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(AHMAD HASSAN)
MEMBER

My Government Statement (with their copy and discipline) Rate 2011

28

H. That no one can be condemned unheard, nor anyone can be condemned for no wrong.

I. That from every angle and perspective the impugned transfer and posting orders are illegal, discriminatory, void, unwarranted, vexatious, unlawful and is liable to be cancelled and set aside.

It is, therefore, most humbly requested that on acceptance of the instant departmental appeal, the impugned notification NO. Estt:IP/T/27057 dated 09/07/2018 of the office of Senior Member Board of Revenue may graciously be cancelled and set aside and if the same is not feasible in the circumstances then the same impugned Notification and office order may graciously be modified to the extent of the Appellant and his name be struck off/ deleted from the list of transferred Tehsildars and be left at his place of serving/posting and even if the same is not feasible then the Appellant be posted and transferred in the same capacity of Tehsildar /Recovery Officer on Current Charge Basis likewise others of the same impugned transfer and posting Notification.

Dated: 11/07/2018

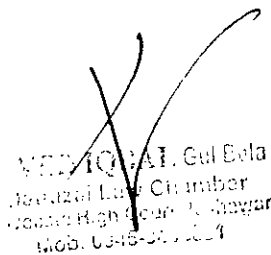


Appellant

Abdul Rehman

Tehsildar/Recovery Officer

PESCO, Peshawar Circle



VERMICAL Gul Bela
Journal Club Chamber
20000 High Court, Peshawar
Mob. 0345-367224

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 703/2018

Muhammad Usman, Junior Clerk (BPS-11), O/O Assistant Agriculture Engineer,
Chitral.

APPELLANT

Versus

1. The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar
2. The Director, Agriculture Engineering, Tarnab Khyber Pakhtunkhwa
Peshawar

RESPONDENTS

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DIRECTOR
Agril: Engineering
PK Tarnab, Peshawar

Peshawar office order No. 6943-48/DAE/Estt: 3/68 dated 30.10.2017
(Annexure-B) with the TOR as below:-

- a. *Smoking in public place.*
- b. *Harassment of Female Officer.*
- c. *Insult of an Officer.*

The Inquiry Committee submitted their fact and finding report after thorough investigation/ statement of the complainant, appellant and others with the following recommendations. (Annexure-C)

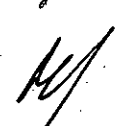
- a. *Two annual increments of the appellant must be stopped.*
- b. *Warn to be careful in future.*

The Competent Authority agreed with the recommendation of the Inquiry Committee and stopped two annual increments of the appellant and issued warning vide office order No. 450-57/DAE/Estt: 3/19 dated 04.01.2018 (Annexure-D).

3. Para is correct to the extent that the appellant was transferred to the office of Assistant Agricultural Engineer, Chitral by the Competent Authority on administrative ground and now transferred back to office of the Assistant Agricultural Engineer, Tarnab Peshawar vide office order No. 866-72/DAE/Estt: 3/2 dated 22.01.2018 (Annexure-E).
4. Para is correct to the extent of recommendations of the Inquiry Committee a minor penalty of stoppage of two annual increments of the appellant as per para-4 (a) of E & D rules-2011 by the Inquiry Committee. However the appellant also compromised and apologised with the complainant admitted in writing (Annexure-F).
5. Same as mentioned in Para-3 & 4 above of the Fact
6. No comments.
7. No comments.

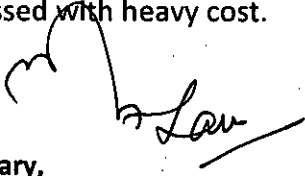
GROUND.

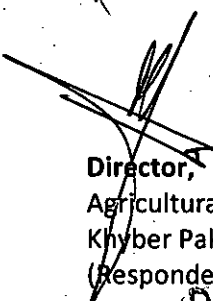
- A. The para is incorrect order dated 04.01.2018 is passed in accordance with law as mentioned in Para-2.
- B. The para is incorrect hence denied. The appellant was offered full opportunity and he was treated in accordance with law.
- C. Same as mentioned in Para-B above of the Fact


DIRECTOR
Agril: Engineering
Tarnab, Peshawar

- D. Same as mentioned in Para-A above of the Fact
- E. Same as mentioned in Para-A above of the Fact
- F. Same as mentioned in Para-A above of the Fact
- G. The para is denied as the Inquiry Committee examined the case with full concentration and gave full opportunity to the appellant.
- H. The para is denied as mentioned in Para-2.
- I. The other grounds may be agitated at the time of arguments.

It is therefore prayed that the appeal of appellant may be dismissed with heavy cost.


Secretary,
Government of Khyber Pakhtunkhwa;
Agriculture, Livestock & Cooperation
Department, Peshawar
(Respondent No.1)


Director,
Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar
(Respondent No.2)
DIRECTOR
Agril: Engineering
K Tarnab, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: 703/2018

Muhammad Usman,
Junior Clerk (BPS-11)
O/o Assistant
Agricultural Engineer,
Chitral


Versus

1. The Secretary Agriculture
Department, Khyber
Pakhtunkhwa, Peshawar
2. Director Agriculture Engineering
Tarnab Khyber Pakhtunkhwa,
Peshawar.

AFFIDAVIT

I, Mr. Muhammad Nawaz, Assistant Agricultural Engineer, Tarnab Peshawar, do hereby solemnly affirm and declare that the contents of accompanying Para Wise Comments submitted by Respondents No. 01 and 02 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT


Muhammad Nawaz
Asstt. Agri. Engineer
Tarnab Pesh M.P.
17201-6039530-3.

Identified by

www.agriengineering.kp.gov.pk

DIRECTORATE OF AGRICULTURAL ENGINEERING,
KHYBER PAKHTUNKHWA, TARNAB, PESHAWAR



G.T.Road, Tarnab Peshawar ☎&☎ 091-2964063

E-mail: dae@pktarnab@gmail.com

No. _____/DAE/Dev/

Dated Tarnab the 25/10/2017

To,

The Director,
Agriculture Engineering Department
Khyber Pakhtunkhwa, Peshawar.

Subject: COMPLAINT AGAINST RUDE BEHAVIOR/ HARASMENT BY JUNIOR CLERK.

Memo:

There was extremely bad smell of smoking around the undersigned office as your good self knows that smoking is prohibited in the public place. The undersigned only complained about smoking adjacent to her room and did not mention any name while just ask Mr. Fafaqat (PA to Director) that who is smoking. Mr. Rafaqat asked Zain ul Abaideen (Junior Clerk) to do not smoke near to the undersigned office, while he may go to some open area for smoking. Zain ul abideen further then told Usman not to smoke near to the undersigned office. The junior clerk Usman started shouting and came to the undersigned while she was attending an official call and started arguing by using rude and ill words. The undersigned asked him to stop arguing and shouting. The undersigned came to her own room but Usman did not stop shouting and he was saying outside the undersigned office that "I will continue smoking and even drinking and no one can stop him from doing so". Mr. Rafaqat is the eye witness of all above happening.

Submitted for your kind perusal and further necessary action please.

Kalsoom
Assistant Agriculture Engineer (H/Q)
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab
Peshawar

3635
26/10/2017

[Handwritten notes and signatures on the left side of the page]

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B

547 49

OFFICE ORDER

A committee of the following officers is hereby constituted to conduct inquiry of complaint submitted by Engr. Kalsoom Rehman, Assistant Agricultural Engineer, Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab Peshawar against Mr. Muhammad Usman, Junior Clerk, in this office now transferred/posted in office of the Assistant Agricultural Engineer, Chitral regarding:-

- a. **Smoking in public place.**
- b. **Harassment of Female Officer.**
- c. **Insult of an Officer.**

1.	Engr. Naseem Javed, Deputy Director, Planning, Directorate of Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar	Chairman
2.	Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat.	Member
3.	Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra.	Member

They are directed to furnish the report of their finding alongwith recommendation within 15 days positively.

SD/(ENGR MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 6943-48 /DAE/^{Estt.}Actt:3/68 dated Tarnab, the 30/10/2017

Copy of the above alongwith a copy of complaint is forwarded to:-

- 1- Engr. Naseem Javed, Deputy Director, Planning Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar;
- 2- Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat.
- 3- Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;

for information and necessary action.

- 4- Engr. Kalsoom Rehman, Asstt: Agricultural Engineer (H/Q) Agricultural Engineering Khyber Pakhtunkhwa, Tarnab Peshawar for information with reference to her complaint dated 25/10/2017;
- 5- The Assistant Agricultural Engineer, Chitral for information and the remarks to direct the above named Junior Clerk of your office to present before the above committee as and when call;
- 6- Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Chitral with the remarks to follow the direction of committee as per rules.
- 7- Personal file of above named official.

Director
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

30/10/17

M. A. J.

3168P/IMP

She 503

No. 9039 /DAE/Estt:/ dated Tarnab, the 21 /12/2017
To

The Director,
Agricultural Engineering,
Khyber Pakhtunkhwa; Tarnab, Peshawar

Subject: INQUIRY REPORT

Reference: Your office order No. 6943-48/D/Account:3/68 dated 30/10/2017.

Memo: Enclosed please find the inquiry report on the subject cited above for information and further necessary action.

Engr. Nasim Javed
Deputy Director Planning
Agricultural Engineering, Khyber Pakhtunkhwa,
Tarnab, Peshawar

Handwritten notes:
Approved
Recommend for Recommendation
22/12/17

Handwritten notes:
Estt. Asst. A.
21/12
22/17

Handwritten notes:
4505
22-12-17

Handwritten notes:
22/12/17

55

INQUIRY REPORT

Background:

The undersigned's have been nominated as inquiry officers vide Director office order no. 6943-48/D/Account:3/68 dated 30/10/2017 to conduct the inquiry regarding complaint (Annexure-A) filed by Engr.Kulsoom Rehman, Assistant Agricultural Engineer, Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar against Mr. Muhammad Usman, Junior Clerk (J/C) in the same office, now transferred/posted in office of the Assistant Agricultural Engineer, Chitral.

Brief History:

Engr.Kulsoom Rehman filed a complaint against Mr. Muhammad Usman J/C of this department that there was a bad smell of smoking around her office. She asked Mr.Rafaqat Ali (PS to DAE) that who is smoking around her room. Mr.Rafaqat Ali asked Mr. Zain UIAbidin (J/C) who is sitting in adjacent room to her office. Zin UIAbidin further told Mr. Muhammad Usman not to smoke in my office. Mr. Muhammad Usman started shouting and came to Mr.Rafaqat office while officer was attending official call. officer warned him to stop shouting and she left the room, but Mr. Muhammad Usman kept shouting outside Engr.KulsoomRehman's office. So, an inquiry is ordered to probe in to the factual position.

Proceedings:

The committee visited office of the Deputy Director Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar on date 9/11/2017 at 10:00 AM in compliance to Deputy Director Planning, Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar letter no. 1465-66/AAE(F.O) Dated 3/11/2017.

A written Statement of both complainant and accused was taken/recorded by the committee one by one and attached as Annexure-B.

Findings:

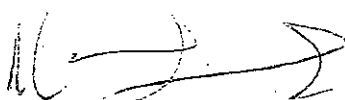
Findings are as follows:

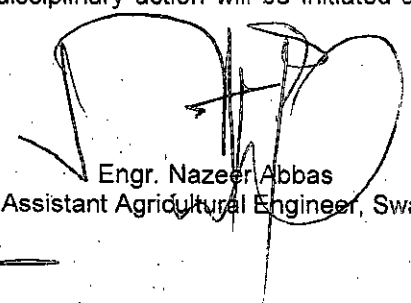
1. At the time of complaint Mr. Muhammad Usman was not present at his office.
2. Mr. Muhammad Usman shouted in front of Engr.Kulsoom Rehman, which is misbehavior/insult of an officer.
3. Keeping in view harassment act 2010, the personal harassment of female officer Engr.Kulsoom Rehman was not involved.

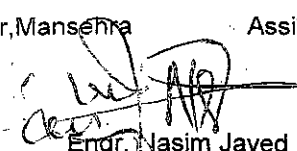
Recommendations:

After thorough investigation the committee recommended that;

1. The two annual increments of Mr. Muhammad Usman must be stopped, as he misbehaved with a female officer.
2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E & D rules 2011.


Engr. Maria Javed
Assistant Agricultural Engineer, Manshera


Engr. Nazeer Abbas
Assistant Agricultural Engineer, Swat


Engr. Nasim Javed
Deputy Director Planning
Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab, Peshawar

565

OFFICE ORDER

Whereas Engr. Kalsoom Rehman, Assistant Agricultural Engineer (HQ) Tarnab Peshawar has filed a complaint against Mr. Muhammad Usman, Junior Clerk in office of the undersigned now posted in office of the Assistant Agricultural Engineer, Chitral, regarding smoking in public area, harassment of Female Officer and insulting of an Officer. In this regard inquiry committee was constituted vide office order No.6943-48/DAE/Estt: 3/68 dated 30.10.2017 to inquire into the charge of misconduct leveled against him. The Committee submitted a report wherein the above named Junior Clerk was found guilty of charges against him. The Committee forwarded the following recommendations.

- i. **Stoppage of Two Annual increment. without accumulation effect and**
- ii. **Warn to be careful in future.**

Now therefore, in light of the above recommendation of Inquiry committee report the undersigned is pleased to impose the above penalties as required under E&D Rules-2011.

SD/(ENGR MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

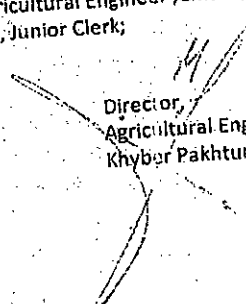
Endst: No. 450-57 /DAE/Estt:3/19/

dated Tarnab, the

04/01/2018

Copy of the above is forwarded to:-

1. Engr. Naseem Javed, Deputy Director, Planning Agricultural Engineering Khyber Pakhtunkhwa Tarnab Peshawar;
2. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat;
3. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
for information with reference to his inquiry report vide letter No.9039 dated 21.12.2017.
4. Engr. Kalsoom Rehman, Assistant Agricultural Engineer, Head Quarter;
5. The Assistant Agricultural Engineer, Chitral;
6. The District Account Officer, Chitral;
for information and necessary action.
7. Mr. Muhammad Usman, Junior Clerk Assistant Agricultural Engineer, Chitral;
8. Personal file in respect of Mr. Muhammad Usman, Junior Clerk;


Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

475

OFFICE ORDER

The following Junior Clerks of this Department is hereby transferred/posted from and to the offices as noted against each in the interest of public service with immediate effect:-

S. No.	Name & Designation	From	To
1.	Mr. Ihsan Shahzad, Junior Clerk	Office of the Assistant Agricultural Engineer, Tarnab Peshawar	Office of the Director, Agricultural Engineering, Khyber Pakhtunkhwa Tarnab Peshawar against the vacant post.
2.	Mr. Muhammad Usman, Junior Clerk	Office of the Assistant Agricultural Engineer, Chitral.	Office of the Assistant Agricultural Engineer, Tarnab Peshawar vice S. No. above.

SD/ (ENGR: MAHMOOD JAN BABAR)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab, Peshawar.

Endst: No. 866-72 /DAE/Estt./ dated Tarnab, the 21 /2018

Copy forwarded to the:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar;
2. The District Account officer, Chitral;
3. The Assistant Agricultural Engineer, Chitral;
4. The Assistant Agricultural Engineer, Tarnab Peshawar;
5. The Accountant of this office;
6. The above named officials,

for information and necessary action.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab, Peshawar
29/2/18
22/18

بیان کہ میں نے کبھی قسم کی واسطہ نہیں کی اور نہ ہی میری
کوئی ارادہ تھا اور نہ میں کبھی اس میں موجود تھا جس کو بیان
موجود ہے۔ میری میں نے اس کے ساتھ ساتھ
اور عاقبت کے الزامات پر صحیح طریقہ غلطی سے اور فوج میں کمر
نہی پرکاش میں تھا اس کے ساتھ ساتھ اور اس میں کبھی کوئی اور
میں نے اس میں حضرت خواجہ ہوں اور باقی کے حضرت
کامیابیوں اور آئینہ فساد اور اس کے ساتھ ساتھ
میں نے اس کے ساتھ ساتھ
میں نے اس کے ساتھ ساتھ
میں نے اس کے ساتھ ساتھ

AAE (#/a) Tarnab Peshawar

Mr. Usman J/c has admitted his
mistake of misbehaviour. and apologies
for his misbehaviour.
your comments / views are required
in this regard.

As Mr. Usman J/c has admitted his mistakes
and asks for apology and promise that he
will never give chance to have any such complaint

mistake from his side, I accept his
apology, and take my complaint ^{back} while
giving him a chance to improve his
behavior and character.

Falsoon

AAE (H/O)

11/9/2017

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 703 /2018

MUHAMMAD USMAN

VS


GOVT. OF KPK

INDEX

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APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 703 /2018

Mr. Muhammad Usman, Junior Clerk.(BPS-11),
O/O Assistant Agriculture Engineer, Chitral.

Khyber Pakhtunkhwa
Service Tribunal

Diney No. 756

Dated 23/5/2018

..... **APPELLANT**

VERSUS

- 1- The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Agriculture Engineering, Tarnab Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER DATED 04.01.2018
WHEREBY MINOR OF PENALTIES OF STOPPAGE TWO
ANNUAL INCREMENTS AND WARNING/CENSURE WERE
IMPOSED ON THE APPELLANT AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN THE STATUTORY PERIOD OF
NINETY DAYS**

PRAYER:

That on acceptance of this appeal the impugned order dated 04.01.2018 may very kindly be set aside and the respondents may be directed to restore/release the two annual increments of the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as follows:-

- 1- That appellant is serving the respondent Department as Junior Clerk in the respondent Department. That right from appointment the appellant is serving the respondent Department quite efficiently and up to the entire satisfaction of his superiors.
- 2- That during service as Junior Clerk in the respondent Department a complaint was lodged against the appellant on the basis of some baseless allegations. That due to the above mentioned complaint, the

ATTESTED

SECRETARY
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

respondent No.2 without conducting fact finding inquiry straight away initiated one sided Departmental inquiry against the appellant. Copy of the inquiry is attached as annexure.....A.

3- That during the pendency of Departmental inquiry the appellant was transferred and posted as Junior Clerk in office of the Assistant Agriculture Engineer, Chitral vide order dated 26.10.2017. Copy of the order dated 26.10.2017 is attached as annexure..... B.

4- That in the above mentioned one sided Departmental inquiry the appellant was recommended for minor penalty of stoppage of two annual without accumulative along with another minor punishment of censure.

5- That on the basis of the said recommendation of the one sided Departmental inquiry the respondent No.2 issued the impugned order dated 4.1.2018 in utter disregard of law and rules. Copy of the impugned order is attached as annexure C.

6- That feeling aggrieved from the impugned order dated 04.01.2018 the appellant preferred Departmental appeal before the respondent No.1 on 25.1.2018 which was properly forwarded but no reply has been received so far. Copies of the Departmental appeal and forwarding letters are attached as annexure..... D & E.

7- That appellant having no other remedy but to file the instant service appeal before this august Tribunal on the following grounds amongst the others.

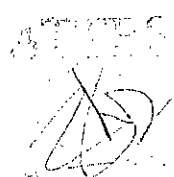
GROUND:

A- That the impugned order dated 04.01.2018 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That appellant has not been treated by the respondent Department in accordance with law and rules and the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That appellant has been punished on the basis of a baseless complaint which has not been inquired by the respondents through proper legal procedure.

D- That no charge sheet and statement of allegation has been issued to the appellant by the respondent No.2 before issuing the impugned order dated 04.01.2018.



E- That no show cause notice has been served by the respondents on the appellant before issuing the impugned order dated 4.1.2018 against the appellant.

F- That no opportunity of personal hearing/defense has been given to the appellant before issuing the impugned order dated 04.01.2018.

G- That the complainant has not been cross examined by the respondents and as such the respondents violated E&D Rules 2011.

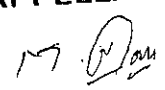
H- That no regular inquiry has been conducted in the matter of the appellant which is as per Supreme Court judgments is necessary punitive actions against the Civil Servants.

I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 21.5.2018

APPELLANT


MUHAMMAD USMAN

Certified to be true copy

THROUGH:


NOOR MUHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI
ADVOCATES

Date of Presentation of Appeal 03-07-18
Number of Words 1200
Copying Fee 8-0
Urgent 2-0
Total 10-0
Name of Copyist [Signature]
Date of Completion 03-07-18
Date of Delivery of Copy 03-07-18

A-4

OFFICE ORDER

A committee of the following officers is hereby constituted to conduct inquiry of complaint submitted by Engr. Kalsoom Rehman, Assistant Agricultural Engineer, Directorate of Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar against Mr. Muhammad Usman, Junior Clerk, in this office now transferred/posted in office of the Assistant Agricultural Engineer, Chitral regarding:-

- a. Smoking in public place.
- b. Harassment of Female Officer.
- c. Insult of an Officer.

1.	Engr. Naseem Javed, Deputy Director, Planning, Directorate of Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar	Chairman
2.	Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat	Member
3.	Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra	Member

They are directed to furnish the report of their finding alongwith recommendation within 15 days positively.

SD/- (ENGR MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Enst: No. 6943-48 / DAE/Asstt 3/68 dated Tarnab, the 30/10/2017

Copy of the above alongwith a copy of complaint is forwarded to:-

- 1- Engr. Naseem Javed, Deputy Director, Planning Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar;
- 2- Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat;
- 3- Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;

for information and necessary action.

- 4- Engr. Kalsoom Rehman, Asstt. Agricultural Engineer (H/Q) Agricultural Engineering Khyber Pakhtunkhwa, Tarnab Peshawar for information with reference to her complaint dated 25/10/2017;
- 5- The Assistant Agricultural Engineer, Chitral for information and the remarks to direct the above named Junior Clerk of your office to present before the above committee as and when call;
- 6- Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Chitral with the remarks to follow the direction of committee as per rules.
- 7- Personal file of above named official.

Director
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

30/10/17 30/10/17

30/10/17

ATTESTED

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3/68 PUP

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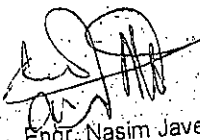
No. 9059 /DAE/Estt/
To

dated Tarnab, the 21 / 12 /2017

The Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Subject: INQUIRY REPORT
Reference: Your office order No. 6943-48/D/Account:3/68 dated 30/10/2017

Memo: Enclosed please find the inquiry report on the subject cited above for information and further necessary action.



Engr. Nasim Javed
Deputy Director Planning
Agricultural Engineering, Khyber Pakhtunkhwa,
Tarnab, Peshawar


Approved
Procurer

Estt. Asst. A. A.
22/12
22/17

Recommended
22/12
22/17

4505
22-12-2017

ATTESTED



22/12
22/17

505
6

INQUIRY REPORT

Background:

The undersigned's have been nominated as inquiry officers vide Director office order no. 6943-48/D/Account:3/68 dated 30/10/2017 to conduct the inquiry regarding complaint (Annexure-A) filed by Engr. Kulsoom Rehman, Assistant Agricultural Engineer, Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar against Mr. Muhammad Usman, Junior Clerk (J/C) in the same office, now transferred/posted in office of the Assistant Agricultural Engineer, Chitral.

Brief History:

Engr. Kulsoom Rehman filed a complaint against Mr. Muhammad Usman J/C of this department that there was a bad smell of smoking around her office. She asked Mr. Rafaqat Ali (PS to DAE) who is sitting in adjacent room to her office. Zin UIAbidin further told Mr. Muhammad Usman not to smoke in my office. Mr. Muhammad Usman started shouting and came to Mr. Rafaqat office while officer was attending official call. officer warned him to stop shouting and she left the room, but Mr. Muhammad Usman kept shouting outside Engr. Kulsoom Rehman's office. So, an inquiry is ordered to probe in to the factual position.

Proceedings:

The committee visited office of the Deputy Director Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar on date 9/11/2017 at 10:00 AM in compliance to Deputy Director Planning, Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar letter no. 1465-66/AAE(F.O) Dated 3/11/2017.

A written Statement of both complainant and accused was taken/recorded by the committee one by one and attached as Annexure-B.

Findings:

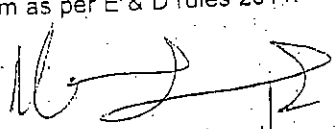
Findings are as follows;

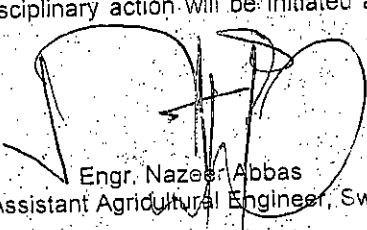
1. At the time of complaint Mr. Muhammad Usman was not present at his office.
2. Mr. Muhammad Usman shouted in front of Engr. Kulsoom Rehman, which is misbehavior/insult of an officer.
3. Keeping in view harassment act 2010, the personal harassment of female officer Engr. Kulsoom Rehman was not involved.

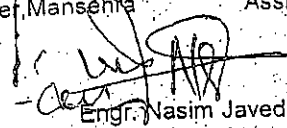
Recommendations:


After thorough investigation the committee recommended that:

1. The two annual increments of Mr. Muhammad Usman must be stopped, as he misbehaved with a female officer.
2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E & D rules 2011.


Engr. Maria Javed
Assistant Agricultural Engineer, Manshera


Engr. Nazeer Abbas
Assistant Agricultural Engineer, Swat


Engr. Nasim Javed
Deputy Director Planning
Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab, Peshawar

ATTESTED


OFFICE ORDER

B-7

Mr. Muhammad Usman, Junior Clerk in office of the undersigned is hereby transferred/posted in office of the Assistant Agricultural Engineer, Chitral against the vacant post of Junior Clerk in the interest of public service with immediate effect.

SD/(ENGR. MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Endst: No. 6860-64 /DAE/Estt/3/11 dated Tarnab, the 26/10/2017

Copy forwarded to the:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar;
2. The District Accounts Officer, Chitral;
3. The Assistant Agricultural Engineer, Chitral;
4. The Accountant, of this office;
5. The Official concerned.

for information and necessary action.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab Peshawar.

ATTESTED

[Handwritten signature]

C-8 513

OFFICE ORDER

Whereas Engr. Kalsoom Rehman, Assistant Agricultural Engineer (HQ) Tarnab Peshawar has filed a complaint against Mr. Muhammad Usman, Junior Clerk in office of the undersigned now posted in office of the Assistant Agricultural Engineer, Chitral, regarding smoking in public area, harassment of Female Officer and insulting of an Officer. In this regards inquiry committee was constituted vide office order No.6943-48/DAE/Estt: 3/68 dated 30.10.2017 to inquire into the charge of misconduct leveled against him. The Committee submitted a report wherein the above named Junior Clerk was found guilty of charges against him. The Committee forwarded the following recommendations.

- i. *Stoppage of Two Annual Increment, without accumulation effect and*
- ii. *Warn to be careful in future.*

Now therefore, in light of the above recommendation of Inquiry committee report the undersigned is pleased to impose the above penalties as required under E&D Rules-2011.

SD/-(ENGR MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 450-57 /DAE/Estt:3/19/ dated Tarnab, the 31/01/2018

Copy of the above is forwarded to:-

1. Engr. Naseem Javed, Deputy Director, Planning Agricultural Engineering Khyber Pakhtunkhwa Tarnab Peshawar;
2. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat;
3. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
for information with reference to his inquiry report vide letter No.9039 dated 21.12.2017
4. Engr. Kalsoom Rehman, Assistant Agricultural Engineer, Head Quarter;
5. The Assistant Agricultural Engineer, Chitral;
6. The District Account Officer, Chitral;
for information and necessary action.
7. Mr. Muhammad Usman, Junior Clerk Assistant Agricultural Engineer, Chitral;
8. Personal file in respect of Mr. Muhammad Usman, Junior Clerk;

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

31/1/18
4/18
AA
J/A

ATTESTED

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28/11

To
The Secretary Agriculture,
KPK, Peshawar.

D-9


SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 04.01.2018, WHEREBY THE PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS WITHOUT ACCUMULATIVE EFFECT AND WARNED TO BE CAREFUL IN FUTURE HAS BEEN IMPOSED UPON THE APPELLANT.

Respected Sir,

1. That the appellant is working in Agriculture Department as junior clerk and is performing his duty with the entire satisfaction of his superiors.
2. That charge sheet was issued to the appellant in the which the following charges were leveled against the appellant.
 - a) Smoking in public place.
 - b) Harassment of female officer
 - c) Insulting of an officer.The appellant submitted detail reply to the charge sheet and denied all the allegations.
3. That on the basis of above mentioned charges, inquiry was conducted against the appellant by the inquiry committee in which no proper opportunity of defence was provided to the appellant as neither any statement was recorded in the presence of the appellant nor gave him opportunity of cross examination. But despite that the inquiry committee held him responsible.
4. That on the basis of irregular inquiry, the penalty of stoppage of two annual increments without accumulative effect and warned to be careful in future was imposed upon the appellant vide order dated 04.01.2018 without issuing show cause notice to the appellant and without specifying the period of stoppage of increment. (Copy of order dated 04.01.2018 is attached as Annexure-A)
5. That now the appellant filed the departmental appeal on the following grounds.

GROUNDS:

- A) That the impugned order dated 04.01.2018 is against the law, rules and material on record, therefore not tenable and liable to be set aside.


ATTACHED


10

- B) That the inquiry proceeding was not conducted according to the prescribed procedure as the appellant was not provided proper chance of defence because neither any statement of witnesses was recorded in the presence of appellant nor any chance of cross-examine of the witnesses was provided to the appellant, which is clear violation of law, rules and inquiry proceeding.
- C) That no opportunity of personal hearing was provided to the appellant before imposing the penalty, which means that the appellant was condemned unheard which is not permissible under the law.
- D) That even show cause notice was not issued to the appellant before imposing the penalty, which is the violation of law and rules.
- E) The penalty of stoppage of two annual increments without accumulative effect has been imposed upon the appellant without specification of time period, which is violation of basic E&D Rules 2011.
- F) That the appellant has been condemned unheard and has not been treated according to law and rules.

It is therefore, most humbly requested that on the acceptance of this departmental appeal impugned order dated 04.01.2018 may be set aside and restore the two annual increments of the appellant with all back and consequential benefits.

Date: 25.01.2018.


 Appellant
 Muhammad Usman Awan, Junior Clerk,
 Office of Assistant Agricultural Engineer,
 Chitral
 Cell No. 0333-9279377



DIRECTORATE OF AGRICULTURAL ENGINEERING, KHYBER
PAKHTUNKHWA, TARNAB, PESHAWAR

G.T. Road, Tarnab Peshawar ☎ 091-2954063
E-mail daekpktarnab@gmail.com



E - 11

No. 7654 /DAE/Estt/ 3/68
To:

dated Tarnab, the 06/01/2018

The Section Officer (Estab),
Government of Khyber Pakhtunkhwa,
Agri; Livestock and Cooperative Department Peshawar.

Subject:

1. DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 01/01/2018, WHEREBY THE PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS WITHOUT ACCUMULATIVE EFFECT AND WARNED TO BE CAREFUL IN FUTURE HAS BEEN IMPOSED UPON THE APPELLANT.
2. APPEAL FOR CANCELLATION THE TRANSFER ORDER NO. 6860-64 DATED 26.10.2017.

Reference

Your office letter No. SOE (AD) VI-106/2017/Engg: dated 22/01/2018 and No. SOE (AD) VI-106/2017/Engg: dated 23/01/2018.

Memo:-

It is to inform you that Engr. Kaisoom Rehman, Assistant Agricultural Engineer (H/O) Tarnab Peshawar has filled in a complaint against Mr. Muhammad Usman, Junior Clerk regarding his behavior/ harassment being a female Officer vide her complaint dated 25/10/2017 (Annexure-A). A Committee for the purpose was constituted vide this office order No. 6943-48/DAE/Estt: 3/68 dated 30/10/2018 (Annexure-B). The committee submitted their findings vide letter No. 9039 dated 21/12/2017 (Annexure-C). The recommendation of the Committee is re-produced below:-

1. *The Two annual increments of Mr. Muhammad Usman must be stopped, as he misbehaved with a female Officer.*
2. *In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E&D rules 2011.*

The competent authority agreed with the above recommendations of the Committee and issued office order accordingly. Furthermore the official concerned has been already transferred to the office of Assistant Agricultural Engineer, Tarnab Peshawar (Annexure-D).

Submitted for information and further necessary action please.

Encl: as above.



Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

ATTESTED

12

DIRECTORATE OF AGRICULTURAL ENGINEERING, KHYBER PAKHTUNKHWA, TARNAB, PESHAWAR

G.T. Road, Tarnab, Peshawar. ☎&☎ 091-2964063
E-mail daekpktarnab@gmail.com

No. 2663 /DAE/Estt: /3/68
To,

dated Tarnab, the 08/03/2018

The Section Officer (Estab),
Government of Khyber Pakhtunkhwa,
Agri; Livestock and Cooperative Department Peshawar

Subject:

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 01/01/2018, WHEREBY THE PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS WITHOUT ACCUMULATIVE EFFECT AND WARNED TO BE CAREFUL IN FUTURE HAS BEEN IMPOSED UPON THE APPELLANT.

Reference
Memo:-

Your office letter No. SOE (AD) VI-106/2017/Engg: dated-28/02/2018

Enclosed please find herewith Self-contained Note, alongwith relevant documents on the subject cited case for favour of information and further necessary action as desired please.

Encl: as above.

[Signature]
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

ATTESTED

[Signature]

Ad

VAKALATNAMA

Before the KPIC Service Tribunal Peshawar

OF 2018

Muhammad Usman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KPIC

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Usman

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 23/05/2018

M. Usman
CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK
MUHAMMAD MAAZ MADNI
ADVOCATES

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No.0345-9383141

Sol (litigation) agricultural

(6)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 987 /ST

Dated 22 / 5 / 2019

To


The Director Agriculture Engineering,
Government of Khyber Pakhtunkhwa,
Tarnab Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 703/2018, MUHAMMAD USMAN.

I am directed to forward herewith a certified copy of Judgement dated 30.04.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.