

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No.989/2018

Date of Institution ... 07.08.2018  
Date of Decision ... 10.02.2021

Anwar Zeb Khan Assistant Director, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, Government of Khyber Pakhtunkhwa R/O Village Palosai Tlarzai, Tehsil & District Peshawar.

... (Appellant)

**VERSUS**

1. Chief Secretary, Government of Khyber Pakhtunkhwa Civil Secretariat, Peshawar and two others.

... (Respondents)

**Present:**

Parvez Khan,  
Attorney/Advocate

... For appellant.

Muhammad Riaz Khan Paindakheil,  
Assistant Advocate General

... For respondent No.1.

Amir Javid,  
Advocate

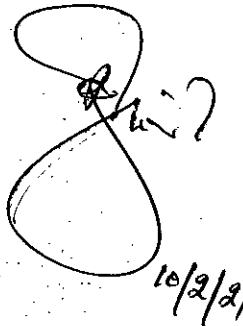
... For respondents No.2 & 3

ROZINA REHMAN  
MIAN MUHAMMAD

... MEMBER (J)  
... MEMBER (E)

**JUDGMENT**

**ROZINA REHMAN, MEMBER:** This appeal has been filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated March 30<sup>th</sup>, 2018 vide which services of the present appellant were dispensed with under

  
10/2/21

Regulation 17 (3) of KPPRA (Appointment and Conditions of Services) Regulations, 2017.

2. Brief facts of the case are that a vacancy of Assistant Director (Enforcement) was advertised by the respondents' Department and after observing all codal formalities, appellant was finally appointed on the said post. During service, he applied for three months leave without pay by submitting a proper application. Despite submission of proper application, his services were dispensed with vide impugned order dated 30<sup>th</sup> March, 2018. He submitted departmental appeal which was not responded to, hence, the instant service appeal.

3. Learned counsel for appellant argued that the appellant had submitted proper application for leave without pay and the matter was also discussed with his seniors but even then, his services were dispensed with without giving him proper opportunity of being heard. He submitted that no show cause notice was issued and no proper inquiry was held.

4. Conversely, learned A.A.G raised objection on the maintainability of the present appeal that the appellant is not a civil servant within the contemplation of Constitution of Islamic Republic of Pakistan 1973. He argued that the appellant being an employee of KPPRA (Statutory Authority) constituted under KPPRA Act, 2012 was neither dismissed nor any stigma was put against his candidature while leaving his services during probation period and that his services were dispensed with under the mandate of Regulation 17(3) of KPPRA Service Regulations, 2017 which stipulates that:

"On or before the completion of probationary period or the extended probationary period, as the case may be, the Appointing Authority may, if in the opinion of the said authority, the work and conduct of

8/2/21

(Regulation 17 (3) of KPPRA (Appointment and Conditions of Services) Regulations, 2017.

2. Brief facts of the case are that a vacancy of Assistant Director (Enforcement) was advertised by the respondents' Department and after observing all codal formalities, appellant was finally appointed on the said post. During service, he applied for three months leave without pay by submitting a proper application. Despite submission of proper application, his services were dispensed with vide impugned order dated 30<sup>th</sup> March, 2018. He submitted departmental appeal which was not responded to, hence, the instant service appeal.

3. Learned counsel for appellant argued that the appellant had submitted proper application for leave without pay and the matter was also discussed with his seniors but even then, his services were dispensed with without giving him proper opportunity of being heard. He submitted that no show cause notice was issued and no proper inquiry was held.

4. Conversely, learned A.A.G raised objection on the maintainability of the present appeal that the appellant is not a civil servant within the contemplation of Constitution of Islamic Republic of Pakistan 1973. He argued that the appellant being an employee of KPPRA (Statutory Authority) constituted under KPPRA Act, 2012 was neither dismissed nor any stigma was put against his candidature while leaving his services during probation period and that his services were dispensed with under the mandate of Regulation 17(3) of KPPRA Service Regulations, 2017 which stipulates that:

"On or before the completion of probationary period or the extended probationary period, as the case may be, the Appointing Authority may, if in the opinion of the said authority, the work and conduct of

8  
10/2/21

the employee has not been satisfactory, dispense with the service of the employee, if he was appointed to that post by initial appointment, or revert to the previous post in case of appointment by transfer”.

He, therefore, requested for dismissal of the instant service appeal.

5. We deem it appropriate to resolve the issue of jurisdiction. As per appointment letter, the present appellant was selected for the post of Assistant Director (Enforcement BPS-17) in Khyber Pakhtunkhwa Public Procurement Regulatory Authority. Learned counsel for appellant was directed to produce any documentary evidence to establish that the appellant was a civil servant. Despite affording numerous opportunities, he was unable to produce any document in support of his claim. It is established beyond any shadow of doubt that appellant is not a civil servant in terms of Sub Section-1(b) of Section 2 of Khyber Pakhtunkhwa Civil Servants Act, 1973. Our view point is further strengthened by Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. The appellant being not a civil servant cannot invoke the jurisdiction of this Tribunal. As this Tribunal lacks jurisdiction, therefore, we would not like to touch the merits of the case. Reliance is placed on Muhammad Mushtaq Qureshi and others Vs. Government of Khyber Pakhtunkhwa and others, reported in 2019 PLC (C.S) 565.

6. In view of the above stated facts, this appeal is dismissed. The appellant may seek remedy before any other appropriate forum, if so advised.

With no order as to costs. File be consigned to the record room.

ANNOUNCED.  
10.02.2021

(Mian Muhammad)  
Member (E)

(Rozina Rehman)  
Member (J)

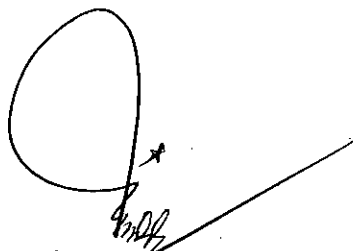
10.02.2021 Appellant with counsel present.

Riaz Khan Paindakhel learned Assistant Advocate General alongwith Syed Ali Abbas A.D present. Counsel for respondent No. 2 & 3 present.

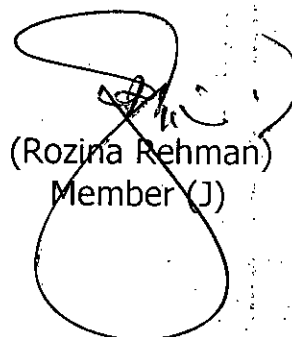
Vide our detailed judgment of today of this Tribunal placed on file, the present service appeal is dismissed. The appellant may seek remedy before any other appropriate forum, if so advised. With no order as to costs. File be consigned to the record room.

ANNOUNCED.

10.02.2021



(Mian Muhammad)  
Member (E)



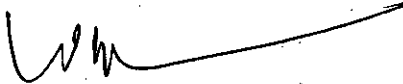
(Rozina Rehman)  
Member (J)



13.11.2020

Junior to counsel for the appellant and Addl.A.G for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 28.01.2021 for hearing before the D.B.

  
(Atiqur Rahman Wazir)  
Member

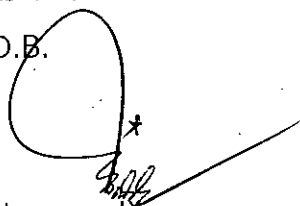
  
Chairman

28.01.2021

Appellant with counsel present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Syed Ali Abbas A.D present. Counsel for respondents No.2 & 3 present.


Arguments heard. To come up for order on 10.02.2021 before this D.B.


  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)

09.03.2020

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 02.04.2020 before D.B.

  
Member

  
Member

02.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 29.06.2020 before D.B.

  
Reader

29.06.2020

Due to COVID19, the case is adjourned to 24.09.2020 for the same as before.

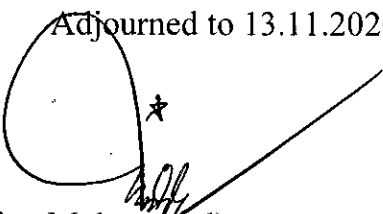
  
Reader

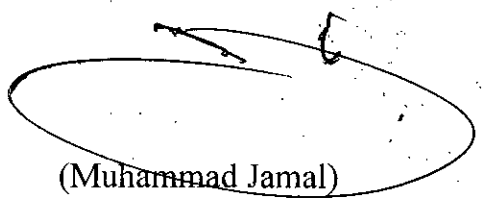
24.09.2020

Mr. Pervaiz Khan, counsel for the appellant is present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Sangeen Khan, Advocate for respondents No. 1 and 2 is present.

Learned counsel for the appellant submitted rejoinder and is seeking time for addressing his arguments.

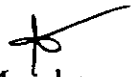
Adjourned to 13.11.2020 for arguments before D.B.


  
(Mian Muhammad)  
Member (E)

  
(Muhammad Jamal)  
Member(J)

26.12.2019

Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for respondent No.1 present. Learned counsel for respondents No.2 & 3 also present. Arguments of learned counsel for respondents heard. Main plea of learned counsel for respondents No.2 & 3 is that being an employ of statutory organization, the appellant does not enjoy the status of civil servant moreover the services of the appellant were dispensed with during his probation period. Learned counsel for the appellant argued the case at some length, however seeks adjournment for further arguments. Admittedly the appellant is an employ of statutory organization. In the interest of justice request of learned counsel for the appellant for adjournment for further arguments is acceded to. Adjourn. To come up for further arguments on 28.01.2020 before D.B

  
Member

  
Member

28.01.2020

Clerk to counsel for the appellant present. Addl:AG for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 09.03.2020 before D.B. Appellant be put on notice for the date fixed.

  
Member

  
Member



23.10.2019

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General for respondent No.1 present. Learned counsel for respondents No.2 & 3 present.

Instant application is with the prayer for restoration of appeal No.989 of 2018, which was dismissed for non-prosecution on 07.05.2019. The application has been submitted on 14.05.2019 on the ground that the date of hearing was mis-noted by the appellant inadvertently. It is supported by a duly sworn affidavit and is strongly opposed on behalf of respondents.

The application in hand, is allowed against payment of cost of Rs.1000/-. The appeal shall be restored to its original number and shall come up for hearing on 26.12.2019 before D.B.

  
Member

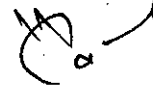
  
Chairman

30.08.2019

Counsel for the petitioner present. Mr. Ziaullah, DDA for respondents present. Notices of application for restoration of appeal be issued to the respondents for submission of reply. Office is directed to requisition original file from the record room. To come up for further proceedings on 04.10.2019 before D.B.



(Ahmad Hassan)  
Member




(M. Hamid Mughal)  
Member

04.10.2019

Learned counsel for the petitioner present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Sajid Superintendent for the respondent No.2 present. Learned Additional Advocate General seeks time to furnish reply. Respondent No.3 be put to notice for reply. Adjourn. To come up for reply/further proceedings on 17.10.2019 before D.B



Member



Member

17.10.2019

Learned counsel for the petitioner present. Mr. Zia Ullah learned Deputy District Attorney alongwith Sajid Superintendent present. Learned counsel for respondents No.2 & 3 present and seeks time to furnish reply of the instant application. Adjourn. To come up for reply and arguments on 23.10.2019 before D.B.



Member

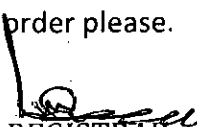




Member

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal's Restoration Application No. 214/2019

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 14.05.2019                | <p>The application for restoration of appeal No. 989/2018 submitted by Anwar Zeb Khan may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"><br/>REGISTRAR 14/5/19</p> |
| 2     | 15-5-19                   | <p>This restoration application is entrusted to D. Bench-I to be put up there on <u>26/06-19</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |
|       | 26.06.2019                | <p>None for the applicant present. Mr. Muhammad Jan, DDA for respondents present. Due to incomplete bench case is adjourned to 30.08.2019 before D.B.</p> <p style="text-align: right;"><br/>Reader</p>                                   |

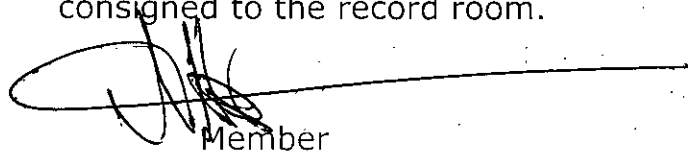
989/18

07.05.2019

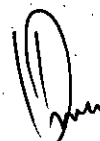
Nemo for appellant. Mr. Muhammad Jan,  
DDA for respondent No. 1 and Mr. Ihtishamul Haq,  
Advocate for respondents No. 2 & 3 present.

On the last date the matter was adjourned  
for today in presence of learned counsel for the  
appellant. Today, despite repeated calls no one is  
in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be  
consigned to the record room.



Member



Chairman


ANNOUNCED  
07.05.2019

17.1.2019

Counsel for the appellant and Addl. AG for respondents No. 1 and 2 alongwith Muhammad Sohail Assistant present.


Mr. Muhammad Kamran Siddiqui, Advocate made appearance on behalf of Mr. Amir Javed Advocate, Legal Advisor for respondent No. 3, and submitted an authority letter in the name of latter from Managing Director KPPRA, which is placed on file. He requests for further time for submission of requisite reply.

Adjourned to 05.03.2019 on which date the reply/comments shall positively be submitted by the respondents.

  
Chairman

05.03.2019

Learned counsel for the appellant present. Mr. Amir Javed Advocate, Legal Advisor for the respondent No.3 present. Mr. Faisal Irshad representative of the respondents department submitted written reply which is placed on file. To come up for rejoinder/arguments on 07.05.2019 before D.B

  
(Muhammad Hamid Mughal)  
Member

30.11.2018

Learned counsel for the appellant alongwith Attorney of the appellant present. Deputy District Attorney present.

Preliminary arguments heard.

The appellant (Ex-Assistant Director Khyber Pakhtunkhwa Public Procurement Regulatory Authority) has filed the present service appeal against the order dated 30.03.2018 whereby his services were dispensed with under regulation 17 (3) KPPRA (Appointment & Conditions of Service) Regulations, 2017 due to unsatisfactory work and conduct during the probation period.

Learned counsel for the appellant inter-alia argued that the services of the appellant were dispensed with without adopting the due process. On the other hand learned Deputy District Attorney argued inter-alia that the appellant being ex-employee of a Regulatory Authority, does not qualify the status of civil servant. Pro and Contra arguments need further consideration. The appeal is admitted for regular hearing subject to all just legal objections including the issue of jurisdiction/maintainability. 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 17.01.2019 before S.B.

Appellant Deposited  
Security & Process Fee



Member

16.10.2018

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present. At the very outset of the proceedings learned counsel for the appellant was asked whether he had submitted Wakalat Nama in this appeal or otherwise? He clarified that the appellant being his son had given him power of attorney dated 06.08.2018 for protecting his interests. In support of his contention he produced a photocopy of Order-III of Code of Civil Procedure 1908, where persons holding Power of Attorney can appear in the courts on behalf of parties.

While going through the contents of the appeal, it was observed that the appellant was an ex-employee of Khyber Pakhtunkhwa Public Procurement Regulatory Authority. It is presumed that being an employee of an authority he was not civil servant in terms of definition of civil servant given in Civil Servant Act 1973.

Pre-admission notice is given to the Addl: AG on the maintainability of present appeal including the point pertaining to the Power of Attorney. Case to come up for further proceedings on 30.11.2018 before S.B.

  
(Ahmad Hassan)  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 989/2018

| S.No. | Date of order proceedings   | Order or other proceedings with signature of judge   |
|-------|-----------------------------|--|
| 1     | 2                           | 3  |
| 1-    | 10/08/2018<br><br>11-8-2018 | <p>The appeal of Mr. Anwar Zaib Khan resubmitted today by Mehwish Pervaiz 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;"><i>[Signature]</i><br/>REGISTRAR 10/8/18</p>  |
| 2-    | 20.08.2018                  | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21-8-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i><br/>CHAIRMAN</p> <p>Due to Eidul Azha vacation<br/>The case is adjourned to <u>16/10/18</u>.</p> <p style="text-align: right;"><i>[Signature]</i><br/>READER:</p> |



The appeal of Mr. Anwar Zeb Khan Assistant Director Khyber Pakhtunkhwa Public Procurement Regulatory Authority Peshawar received today i.e. on 07.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is not signed by the counsel.
- 2- One set/copy of the memo of appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1552 /S.T,

Dt. 08/8 /2018.

[Signature]  
REGISTRAR 2/8/18.

SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mehwish Pervez Adv. Pesh.

*Needful donej*  
*[Signature]*  
2/8/18

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

SERVICE APPEAL NO. 989 /2018

Anwar Zeb Khan

VERSUS-

Government of KPK through,  
Chief Secretary & others

**- I N D E X -**

| S.No       | Description of Documents                        | Page      | Annex    |
|------------|---|-----------|----------|
| 1.         | Service Appeal                                  | 1-4       | -        |
| 2.         | Affidavit                                       | 5         | -        |
| 3.         | Address of the parties                          | 6         | -        |
| 4.         | Application u/s 151 C.P.C r/w sec- 7 of S.T Act | 7         |          |
| 5.         | Advertisement for the post                      | 8         | A        |
| 6.         | Job Description & post nature (Regular)         | 9-10      | B        |
| 7.         | Interview Call                                  | 11        | C        |
| 8.         | Offer of Appointment                            | 12        | D        |
| 9.         | Joining Report                                  | 13        | E        |
| 10.        | Appointment Notification                        | 14        | F        |
| 11.        | Application for leave                           | 15        | G        |
| 12.        | Publication in daily "Mashriq"                  | 16        | H        |
| 13.        | Explanation                                     | 17        | I        |
| 14.        | Acceptance to offer                             | 18        | J        |
| <b>15.</b> | <b>Impugned Order</b>                           | <b>19</b> | <b>K</b> |
| 16.        | Departmental Appeal                             | 20        | L        |

Dated: 31.07. 2018

  
Anwar Zeb Khan (Appellant)

Through  
His Counsel and Legal Attorney

CELL: 0346-9166204



- 1 -

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

SERVICE APPEAL NO. 989 /2018

Anwar Zeb Khan, Assistant Director, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, Government of Khyber Pakhtunkhwa, R/O Village Palosi Tlarzai, Tehsil & District Peshawar.

Khyber Pakhtunkhwa  
Service Tribunal  
(Appellant)

Darcy No. 1243

Dated 07-8-2018

-: VERSUS: -

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Secretary Finance/Chairman Board of Directors, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Managing Director, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, 2<sup>nd</sup> Floor, KP-Bar Council Building, Government of Khyber Pakhtunkhwa, Peshawar.

(Respondents)

**APPEAL U/S 4 R/W SECTION 7 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED OFFICE ORDER NO.MD/KPPRA/ESTABLISHMENT/1-8/2017-18 OF MARCH 30, 2018.**

**BY ACCEPTING THIS APPEAL THE IMPUGNED OFFICE ORDER MAY GRACIOUSLY BE SET ASIDE AND APPELLANT RE-INSTATED ON HIS POST WITH FULL BACK BENEFITS WITH COST AND DIRECTIONS ISSUED TO THE RESPONDENTS ACCORDINGLY.**

**ANY OTHER RELIEF DEEMED APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE NOT SPECIFICALLY ASKED FOR, OR ARISE DURING PENDENCY OF THE APPEAL, MAY ALSO BE GRANTED TO THE APPELLANT.**

*RESPECTFULLY SHEWETH:*

**FACTS:**

Facts giving rise to the present appeal are as under: -

1. The respondents provincial Government in Public Procurement Regulatory Authority Khyber Pakhtunkhwa advertised the vacancy of Assistant Director (Enforcement) as of regular post. The appellant as on-job candidate, applied, competed in open merits and was selected for the post. The respondents on reaching concurrence on file and after completing all codal formalities finally appointed the appellant on the post. Advertisement, Job Description, Interview call, Offer of appointment, Appointment Notification and Joining report of the appellant, all are enclosed as annex- A,B,C,D,E & F respectively.
2. During his service the appellant applied for 03 months leave without pay. He also in person discussed his leave exigency with his seniors who verbally agreed and advised to submit application for leave and proceed. The appellant acted accordingly:

Filed to-day

Registrar

7/8/18

Re-submitted to-day  
and filed.  
Registrar 10/2/18

Application as annex- G. the appellant, however, was visiting his office part time to discharge his important work.

3. To his surprise a relative of the appellant informed him that a notice for joining duty has been appeared in the daily MASHRIQ Peshawar. Appellant immediately rushed to the Human Resource (HR) section and asked for reason of the surreptitious publication when the appellant was very much present in his office, looking after his seat.
4. Appellant immediately submitted his Explanation with his resumption of duty report. Appellant also requested for payment of salary due. The appellant was informed that an explanation dated 20.02.2018 was sent on the appellant postal address therefore with no reply the publication was made. The appellant checked such postal communication which was not proved sent or received to the appellant. The appellant protested the mischievous paper generation to his detriment and asserted that when he was available in office how such publication could be made. The appellant was informed on condition of anonymity that seniors wants to appoint another person recommended from the CM office. Copies of publication, resumption report and application for salary due as annex- H, I, J respectively.
5. To further add to his miseries, the appellant was issued impugned office Order of March 30, 2018 later, dispensing with his services in illegal and in unceremonial fashion, when he was very much present in his office and discharging his duties. **Impugned order as annex-K.**
6. The appellant submitted departmental Appeal/Representation dated 09.04.2018 which was not responded within the statutory period hence this service appeal on the following grounds, amongst others.

**G R O U N D S :**

The following grounds are taken for the relief solicited in the caption of the service appeal in addition to the grounds to be put forth at the time of arguments.

- A. That, the appellant had proceeded on leave under the benediction of his seniors, dully submitting his application for leave without pay, sought for very genuine reasons, discussed with his seniors. However he has regularly been visiting office and doing necessary office work during the intervening period as advised. On issuing of mischievous publication of 28<sup>th</sup> February, 2018 in daily the ‘Mashriq’ Peshawar surreptitiously, the undersigned next day joined his full regular duties, also submitting his explanation dated 07.03.18 well before his removal from service. The contents of publication contained:

**“(You are further advised to immediately join your duty and submit a written explanation on your unauthorized leave within seven days of the publication of this notice otherwise strict disciplinary action will be initiated against you which may end on your removal from service).”**

The italic words reproduced above verbatim were supposed to be meaningful and purposeful and not mere a formability for imposition of punishment. The appellant had already resumed his regular duties before dispensing with his service. Further, his Leave application as well as his Explanation both are not rejected and communicated. The penalty was imposed without meeting codal formalities and fulfilling prior due processes.

- B. That, the penalty imposed is major for which no prior due process was followed & completed. That, neither any enquiry was held nor appellant confronted to the charge of actionable wrong and he allowed to put his legal defense. Even no notice or show-cause was issued to the appellant or he afforded with any personal hearing.
- C. That the principle of "*Audi alteram partem* " (no person shall be condemned unheard) extends to all public proceedings affecting person or property of a person, inherent and embodied in adverse action.
- D. The action of the respondents is also exceptional on the grounds that the petitioner being civil servant, has neither been charged with any actionable wrong committed during his service nor any enquiry conducted for breach of any discipline whatsoever. The impugned notification was passed without personal hearing & notice thus nullity in law (**Reliance: 1986 S C M R 962**).
- E. That No Show cause notice is served upon the appellant before issuing impugned order affecting his valuable rights accrued to him from his appointment notification after the selection. That order affecting rights of a party cannot be passed without affording opportunity of hearing to the party (**Reliance: P L D 1964 Supreme Court 410**).
- F. " The principle of natural justice enshrined in the maxim "*audi alteram partem*" is one of the most important principles and its violation is always considered enough to vitiate even most solemn proceedings. Where adverse action is contemplated to be taken against the person/persons, he/they would have a right to defend such action, notwithstanding the fact that the statute governing their rights does not contain provision of the principles of natural justice and even in absence thereof, it is to be read/considered as a part of such statute in the interest of justice. It is important to note that the principle of natural justice is now made in-built part of civil contracts. This principle originates from Islamic system of justice as evidenced from historical episode when Iblees was scolded for having misled Hazrat Adam (p.b.h.) into disobedience of Allah's command. Almighty Allah called upon Iblees to explain his conduct and after having an explanation from him, which was found untenable, he was condemned and punished for all times to come. The principle of natural justice has to be applied in all kinds of proceedings strictly and departure therefrom would render subsequent actions illegal in the eye of law " (**Citation: 2005 S C M R 678, 2001 SCMR 934**).
- G. The appellant was very much in service and on duty. His unceremonious removal has no place in law and relevant rules as such. The appellant party has the right of pre-notice of the impugned adverse action (**Reliance: PLD 1964 Supreme Court 410**).
- H. That the "Authority should not act arbitrarily, unreasonably and in complete disregard of relevant rules and regulations---Discretion to be exercised has to be judged and considered in the background of facts and circumstances of each case---Discretion is not to be exercised on whims, caprices and mood of Authorities---Exercise of discretion is circumscribed by principles of justice and fairness---Authority exercising discretion should take into consideration and advance aim and object of the enactment, rule or regulation under which it was authorised to act; it should not act in complete negation of the object of such law, rule, regulation or established policy otherwise it would not be fair, reasonable and just exercise of power---Pre-conditions imposed for exercise of discretion should be honoured and respected unless for valid reasons, they have to be discarded" (**Citation : 1995 SCMR 650 [Supreme Court of Pakistan]**)
- I. That, respondents have committed serious legal and procedural errors while secretly processing summary in violation of consistent views of the superior courts

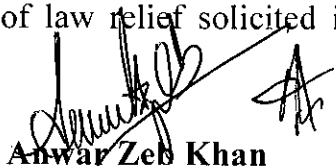
that proceedings should be as per law and free from legal lacuna so as to meet the ends of justice. Personal hearing though was almost mandatory whether it had been provided in the contract or not. That, Article 4 of the 1973 constitution guarantees "Right of individuals to be dealt with in accordance with law".

- J. That, petitioner has commensurating qualification & experience for the advertised post and his appointment does not suffer from any legal infirmity, ever complained or confronted to any charge whatsoever. Impugned orders, therefore, suffers from impropriety and did not conform to the mandatory requirements of law, relevant rules as well as principles of natural justice.
- K. The impugned Order is also not proper in present form and is against the relevant rules because the penalty imposed has no place in the list of penalties provided in the relevant rules. Therefore, the impugned order of dispensing appellant with services, is liable to be reversed on this single count alone.
- L. That the competent authority has not treated the appellant in accordance with the relevant law, rules and policy on the subject and acted in violation of provisions of the constitution of Islamic republic of Pakistan, 1973.
- M. That, the appellant was deprived of due process, a fundamental right guaranteed to him under Article 10-A r/w Article 4 and 8 of the Constitution of the Islamic of Pakistan, 1973. The appellant had the right to defend and explain his position out of a fair disciplinary proceeding, the right which was forfeited to his detriment. Thus, the appellant was not treated in accordance with law.
- N. That, before issuing and imposing impugned major penalty No enquiry was held, nor explanation of the appellant examined, decided on merits and appellant informed. The appellant was not confronted with any charge, issued show cause Notice nor afforded with personal hearing, either.
- O. The appellant was neither involved in corruption, embezzlement, or moral turpitude. Therefore such harsh and extreme penalty was neither justified nor commensurating the allegation of absence.
- P. That, as per relevant rules, substantive law and precedents set by the superior courts due consideration to the appellant case was not extended. The impugned order was maliciously processed in camera despite that appellant had joined his office and was performing his duties. Therefore the adverse action was non-transparent, malicious, illegal, preposterous & perverse altogether.
- Q. That, the abrupt adverse action was based on motivation, malice & personal malafide to adjust the favorites on the vacated seat.
- R. That, the appellant is not gainfully employed after his dismissal. The stain of his unceremonial dismissal tends to affect his future employment and career which is too callous & cruel.
- S. That departmental appeal soliciting relief under the principle of *Locus poenitentiae* read with section 21 of THE GENERAL CLAUSES ACT, 1897 was not considered, accepted or rejected and appellant informed.

**PRAYER:**

In view of the above facts as well as points of law relief solicited in heading of the Appeal may kindly be allowed with cost please.

Dated: 31-07- 2018



Assistant Director (Enforcement), BPS-17 (Appellant)

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

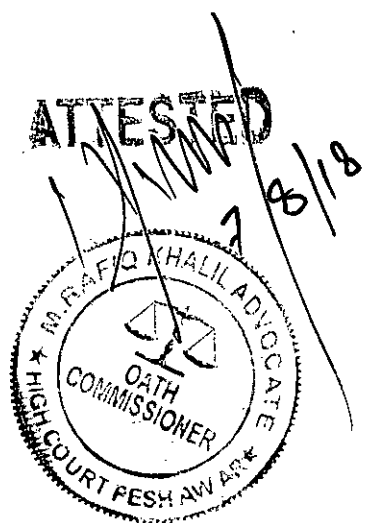
SERVICE APPEAL NO. \_\_\_/2018

Anwar Zeb Khan -: VERSUS: - Chief Secretary Govt. of KPK & others.

**AFFIDAVIT**

I, Anwar Zeb Khan S/O Pervez Khan R/O of village Palosi Tlarazai , Tehsil & District Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal deliberately.

Dated: 31-07- 2018



*Anwar Zeb Khan*  
**Anwar Zeb Khan**

Assistant Director (Enforcement), BPS-17

Through his Counsel & legal attorney

*AA*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

SERVICE APPEAL NO. \_\_\_/2018

Anwar Zeb Khan -: VERSUS: - Chief Secretary Govt. of KPK & others.

**ADDRESSES OF PARTIES**

**APPELLANT:**

Anwar Zeb Khan, Khalil House, Village Palosi Tlarazai, P.O PFI, Tehsil & District Peshawar, Khyber Pakhtunkhwa Province, Pakistan.

**RESPONDENTS**

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Secretary Finance/Chairman Board of Directors, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Managing Director, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, 2<sup>nd</sup> Floor, KP-Bar Council Building, Government of Khyber Pakhtunkhwa, Peshawar.

Dated: 31-07- 2018



Anwar Zeb Khan  
Assistant Director (Enforcement), BPS-17 (Appellant)

Through his Counsel & legal attorney





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

SERVICE APPEAL No. \_\_\_\_\_/2018

Anwar Zeb Khan -: VERSUS: - Chief Secretary Govt. of KPK & others.

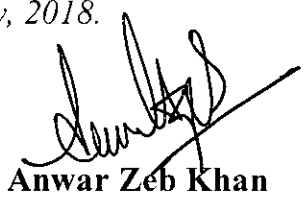
APPLICATION UNDER SECTION 151 C.P.C R/W Section 7 OF KPK S.T.ACT FOR DISPENSING WITH PRODUCTION OF CERTIFIED COPIES OF ALL ANNEXURES AND ALSO ISSUING DIRECTIONS TO RESPONDENTS TO PROVIDE COMPLETE REECORD TO THE TRIBUNAL AND APPELLANT FORMING PART OF THE IMPUGNED PUNISHMENT/PANALTY IMPOSED, FOR APPELANT/PETITINER DEFENSE.

Respectfully-Sheweth:

1. That the Appellant has filed the accompanying Service Appeal before this Honourable tribunal. This application may kindly be read and considered as an integral part thereof.
2. That at this stage it is impossible for the appellant to produce some of copies of relevant annexures due to crude refusal of respondent despite his verbal request, to provide him all material and processes becoming base for imposition of the instant penalty in original.
3. That production of record including note parts of the files moved for imposition of the instant penalty and its perusal by appellant as well as honorable tribunal is of vital importance to reach at just conclusion. It is also equally essential for appellant's self defense as his fundamental human right.
4. That, it is in the best interest of law and justice to allow this appeal and requisition complete record from the respondents.

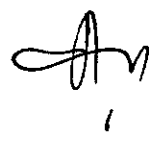
Under the circumstances, it is therefore humbly prayed that this hon'able tribunal may kindly be pleased to direct respondents to provide the solicited before the hon'ble tribunal and to the appellant for his defense in the instant appeal forthwith please.

*Verified on oath at Peshawar on this 31th day of July, 2018.*



**Anwar Zeb Khan**

Assistant Director (Enforcement), BPS-17 (appellant)  
Through his Counsel & legal attorney



# CAREER OPPORTUNITIES

Khyber Pakhtunkhwa Public Procurement Regulatory Authority (KPPRA) an autonomous organization, established under an Act of Provincial Assembly of Khyber Pakhtunkhwa province, requires applications from eligible candidates of Khyber Pakhtunkhwa and FATA domiciled for the following positions on regular basis.

| Sr #. | Name of the Position                             | Pay scale | No. of Posts | Maximum Age as on 21 <sup>st</sup> July, 2017 | Qualification and Experience   |
|-------|--|-----------|--------------|---|--|
| 1.    | Procurement Specialist (Goods, Works & Services) | 18        | 01           | 45 years                                      | <ul style="list-style-type: none"> <li>JDs and application forms can be downloaded from <a href="http://www.kppra.gov.pk">www.kppra.gov.pk</a></li> </ul>  |
| 2.    | Deputy Director (Monitoring & Evaluation)        | 18        | 01           | 45 years                                      |  |
| 3.    | Deputy Director (MIS)                            | 18        | 01           | 45 years                                      |  |
| 4.    | Assistant Director (Monitoring & Evaluation)     | 17        | 01           | 35 years                                      |  |
| 5.    | Assistant Director (Capacity Building)           | 17        | 01           | 35 years                                      |  |
| 6.    | Assistant Director (Enforcement)                 | 17        | 01           | 35 years                                      |  |
| 7.    | Assistant Director (HR)                          | 17        | 01           | 35 years                                      |  |
| 8.    | Accounts Assistant                               | 16        | 01           | 32 years                                      | <ul style="list-style-type: none"> <li>Bachelor Degree in Commerce, Business Administration or equivalent qualification from HEC recognized University.</li> <li>At least 03 years relevant experience in public or private sector.</li> </ul> |
| 9.    | PABX/Telephone Exchange Operator                 | 09        | 01           | 32 years                                      | <ul style="list-style-type: none"> <li>Secondary School Certificate from a recognized Board.</li> <li>Minimum 01 year relevant experience in public or private sector.</li> </ul>  |
| 10.   | Dispatch Rider                                   | 06        | 01           | 32 years                                      | <ul style="list-style-type: none"> <li>Secondary School Certificate from a recognized Board.</li> <li>Valid LTV driving licence with 01 year relevant experience.</li> </ul>   |
| 11.   | Sweeper  | 03        | 02           | 32 years                                      | <ul style="list-style-type: none"> <li>Literate.</li> <li>Preference will be given to experience.</li> </ul>   |

### Terms & Conditions:

- (1) Application form can be downloaded from [www.kppra.gov.pk](http://www.kppra.gov.pk)
- (2) Complete applications on the prescribed form alongwith educational qualification/experience certificates, computerized NIC, domicile certificate and a recent photo duly attested should reach the address given below.
- (3) Last date for submission of applications is 21<sup>st</sup> July, 2017.
- (4) Only short listed candidates will be invited for test/interview.
- (5) No TA/DA will be admissible for test/interview.
- (6) Incomplete applications or applications received after due date will not be entertained.
- (7) Candidates serving in Government/Semi-Government Organizations should apply through proper channel.
- (8) Name of the position applied for must be written on the right upper corner of the envelope.
- (9) The Competent Authority reserves the right to change any condition, not to fill, increase/decrease number of vacancies or cancel the recruitment process.
- (10) We are equal opportunity providers.
- (11) Any attempt of canvassing will lead to disqualification of a candidate from being considered for appointment.
- (12) Errors/omissions are subject to rectification.

**ASSISTANT DIRECTOR (HR),**  
**KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT REGULATORY AUTHORITY (KPPRA)**  
 2nd FLOOR, KHYBER PAKHTUNKHWA BAR COUNCIL BUILDING,  
 KHYBER ROAD, PESHAWAR Tel: 091-9223590

"SAY NO TO CORRUPTION" "SAY NO TO DRUGS"



Also available on [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk) INF(P)2922

Handwritten signature or initials.

**POSITION DESCRIPTION**

|                             |                                     |                                 |                          |
|-----------------------------|-------------------------------------|---------------------------------|--------------------------|
| <b>JOB TITLE</b>            | Assistant Director<br>(Enforcement) | <b>DEPARTMENT/<br/>DIVISION</b> | Enforcement              |
| <b>REPORTS TO</b>           | Deputy Director<br>Enforcement      | <b>LOCATION</b>                 | Head Office,<br>Peshawar |
| <b>TERMS OF<br/>SERVICE</b> | Regular                             | <b>GRADE</b>                    | 17                       |

**PURPOSE**

The incumbent will assist Deputy Director Enforcement in all the processes of implementation/compliance of Procurement Rules 2014.

**DUTIES AND RESPONSIBILITIES**

- ❖ Support all capacity building programs within KPPRA
- ❖ Assist in the evaluation of all program aspects
- ❖ Develop, monitor, and adjust budgets for all capacity building programs in consultation with the Deputy Director and Director
- ❖ Provide administrative and research support in capacity drive for KPPRA as needed
- ❖ To evaluate the effectiveness of capacity building interventions through feedback from participants and managers, and where applicable, measure the impact of the interventions through various research methods.
- ❖ Maintain and organize all capacity building programs and participant records that team members can easily comprehend and navigate
- ❖ Establish and maintain appropriate system for measuring training needs and developing training plan
- ❖ Responsible for organizing the logistics of internal and external training events. Includes liaising with external training providers, arranging suitable venues, organizing catering, organizing publicity and delegates bookings, answering delegate queries, monitor attendance, and dealing with any problems, which might arise.
- ❖ Provide monthly reports to supervisor.

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- ❖ Any other task as assigned by the Deputy Director.

**REQUIREMENTS**

- ❖ Master's degree in Management/ Social Sciences and Minimum three years of relevant experience
- ❖ A demonstrated track record in producing and developing professional development programs
- ❖ Proficiency in MS Office Suite
- ❖ Strong verbal, written, and intrapersonal skills; excellent organizational and logistical skills (with attention to detail); and ability to execute effective multi-tasking; and differentiate high and low priority tasks.

**REPORTING POSITIONS**

- ❖ Clerical Staff

|                       |  |
|-----------------------|--|
| <b>Reviewed:</b>      |  |
| <b>Approved By:</b>   |  |
| <b>Date Approved:</b> |  |

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- 11 -

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**KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9223590

No. KPPRA/HR/Vacant Posts/2016-17 / 01  
Dated: Peshawar the 23<sup>rd</sup> November, 2017

To,

✓ **Mr. Anwar Zeb Khan S/o Pervez Khan**  
Kundi Super Store, Darmangi, Warsak Road, Peshawar.

**Subject:**

**Interview for the Post of Assistant Director Enforcement (BS-17).**

Reference your application for the subject post. You are hereby advised to appear for interview on **Wednesday, 06<sup>th</sup> December, 2017 at 1100 hrs (sharp)** in the office of Managing Director, KPPRA.

**Please note that:**

- I. This is an interview call for the job applied and does not guarantee employment in the Authority.
- II. No TA/DA will be provided to the candidates appearing for the interview.
- III. Bring this letter alongwith CNIC and original academic and experience documents/certificates with you on the above mentioned date and time.

  
**Assistant Director HR  
KPPRA**

**Copy forwarded to:**

1. PS to Managing Director (KPPRA), Govt. of Khyber Pakhtunkhwa.

**Assistant Director HR  
KPPRA**

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- 12 -

D

**KHYBER PAKHTUNKHWA**  
**PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9223590

No. MD/KPPRA/Estb/2017-18/75  
Dated: Peshawar the December 19, 2017

To,

✓ **Mr. Anwar Zeb Khan S/o Pervez Khan**  
Kundi Super Store, Darmangi, Warsak Road,  
Tehsil & District Peshawar.

Subject: **OFFER OF APPOINTMENT AGAINST THE POST OF ASSISTANT DIRECTOR (ENFORCEMENT BPS-17).**

I am directed to refer to your application for the said post and to inform you that on the recommendations of recruitment committee you have been selected for the post of Assistant Director (Enforcement BPS-17) in Khyber Pakhtunkhwa Public Procurement Regulatory Authority.

2. You are hereby offered appointment against the said post subject to the following terms and conditions:

- a) You will get pay at the minimum of BPS-17 (30,370-2300-76,370) plus other incentives and allowances admissible under KPPRA (Appointment & Conditions of Service Regulations, 2017).
- b) Your appointment will be on regular basis subject to successful completion of the probation period.
- c) You will be kept on probation for a period of one year extendable for further period of one year.
- d) If your performance during the probation period was not found satisfactory, your services will be liable for termination on or before completion of the probationary period or the extended probationary period, as the case may be.
- e) You may resign from KPPRA service by giving one month advance notice (in writing) or one month pay in lieu thereof.
- f) You will abide by the rules, regulations, terms and conditions of standing orders as in force from time to time.
- g) Your appointment in the Authority is subject to verification of your academic credentials and experience certificates. If found otherwise, the Authority will terminate your services immediately at any stage of your service, without bearing any liability.
- h) No TA/DA will be allowed on your first joining at the Authority.

3) If the above terms & conditions are acceptable to you, then you shall report for arrival for duty within 15 working days.

  
**Assistant Director (HR)**  
**KPPRA**

**Copy Forwarded to:-**

1. PS to Secretary Finance, Govt. of Khyber Pakhtunkhwa.
2. PS to Managing Director (KPPRA), Govt. of Khyber Pakhtunkhwa.
3. PA to Director (HR&F), KPPRA.

**Assistant Director (HR)**  
**KPPRA**

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To

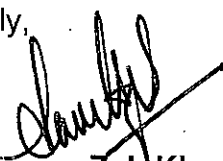
The Managing Director,  
Khyber Pakhtunkhwa Public Procurement Authority,  
2<sup>nd</sup> Floor, KP Bar Council Building,  
Khyber Road, Peshawar.

Subject: ARRIVAL/JOINING OF DUTIES AS ASSISTANT DIRECTOR  
(ENFORCEMENT) BPS-17, KPPRA, PESHAWAR

Dear Sir,

Reference your offer of appointment No. MD/KPPRA/Estb/2017-18/75 dated 19<sup>th</sup> December, 2017, I, **Mr. Anwar Zeb Khan** join and accept the duties as Assistant Director (Enforcement) BPS-17 today i.e 22<sup>nd</sup> December, 2017 (F.N).

Yours sincerely,

  
Anwar Zeb Khan  
22-12-2017

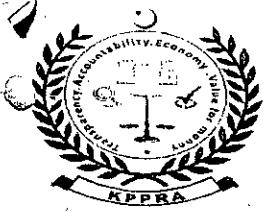
Copy forwarded for information to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar.
2. Director (HR&F), KPPRA, Peshawar.
3. Assistant Director (HR), KPPRA, Peshawar.

  
Anwar Zeb Khan

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**KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY**

Dated: Peshawar the 1<sup>st</sup> January, 2018

**NOTIFICATION.**

**No.MD/KPPRA/Establishment/2017-18:** Consequent upon the recommendations of recruitment committee, the Competent Authority is hereby pleased to appoint **Mr. Anwar Zeb Khan S/O Pervez Khan** as **Assistant Director Enforcement (BS-17)** in KPPRA w.e.f. 1<sup>st</sup> January, 2018 subject to the following terms and conditions:

**a. Probation Period**

You shall be on probation for a period of one (01) year, extendable for further period of one year.

**b. Salary**

You will get pay at the minimum of BS-17 (30,370-2300-76,370) plus other incentives and allowances admissible under KPPRA (Appointment & Condition of Service Regulations, 2017).

**c. Appointment after Expiry of Probation Period (in case found suitable)**

After the expiry of probation period, if you are found suitable by KPPRA for the same post, you will be confirmed in your appointment. If your performance during the probation period was not found satisfactory, your services will be liable for termination on or before completion of the probationary period or the extended probationary period, as the case may be.

**d. Resignation**

You may resign from KPPRA service by giving one month Advance Notice (in writing) or one month Pay in lieu thereof.

**e. Standing Orders**

You shall abide by the terms and conditions of the standing orders and the rules and regulations of KPPRA as in force from time to time.

**f. Verification of Credentials**

Your appointment shall be considered on provisional basis till verification of academic credentials and experience certificates. If found otherwise, the Authority will terminate your services immediately at any stage of your service, without bearing any liability.

2. You are required to abide by the laid down terms and conditions mentioned above.

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**Managing Director  
KPPRA**

**Copy forwarded to:**

- ✓ 1. Officer Concerned.
2. PS to Managing Director (KPPRA), Govt. of Khyber Pakhtunkhwa.
3. Accountant, KPPRA (with the direction to process the salary of the officer on completion of all codal formalities)
4. Master File/ Personal File.

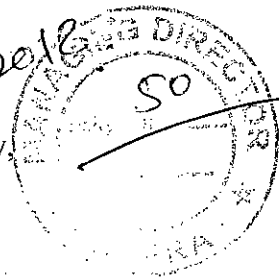
  
**Assistant Director HR  
KPPRA**



To.

The Managing Director,  
Khyber Pakhtunkhwa Public Procurement Authority,  
Bar Council Building, Peshawar.

0000007 / 5/1/2018



Subject: **THREE MONTHS (03) LEAVE WITHOUT PAY**

Respected sir,

The undersigned desires to attempt LLB, part-II examination to be conducted by University of Peshawar from 24<sup>th</sup> January, 2018. In addition to above the undersigned is also planning to complete running construction/civil works in paternal house at my hometown.

2. In view of the above, the undersigned may be allowed three months leave without pay from **08<sup>th</sup> Jan, 2018 till March 31<sup>st</sup> March, 2018**, in consideration of rule 12(1) of Civil Servants Revised Leave Rules, 1981 read with rule 28 of KPPRA (Appointment & conditions of service regulations, 2017).

3. Please consider the application on sympathetic grounds leaving the undersigned obliged.

Yours sincerely,

*Anwar Zeb Khan* o/c

**ANWAR ZEB KHAN**

Assistant Director (Enforcement)  
KPPRA, Peshawar

Dated: 5<sup>th</sup> Jan, 2018

A.T.C  
*[Signature]*

**KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
 Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building Khyber Road Peshawar Ph: 091-9223590

## Final Notice on Absence from Duty

Whereas, you Mr. Anwar Zeb Khan, Assistant Director (Enforcement), has been observed that you have proceeded on leave without prior permission of the competent authority, resulting in willful absence from duty and insubordination leading towards gross negligence of duties in your capacity as Assistant Director (Enforcement). Absenting yourself from duties without prior intimation is a misconduct for which you are making yourself liable for necessary action under the rules. You were also issued letters dated 15.01.2018, 30.01.2018 and 20.02.2018 on your mailing address wherein you were directed to join the duty and explain the reasons for your unauthorized absence from duty. However, neither you reported for duty nor submitted any reason for your absenteeism. You are hereby finally informed through this notice to refrain from such activities; failure to do so shall invoke disciplinary action against you. You are further advised to immediately join your duty and submit a written explanation on your unauthorized leave within seven days of the publication of this notice otherwise strict disciplinary action will be initiated against you which may end on your removal from service.

**Mr. Anwar Zeb Khan S/O Pervaiz Khan**  
 Assistant Director (Enforcement), KPPRA  
 Mailing Address: Kundi Super Store, Darmangl Warsak Road, Peshawar  
 Permanent Address: Khalil House, Palosi, Talarzai P/O PFI, Agriculture University, Peshawar

**(MANAGING DIRECTOR)**  
 Khyber Pakhtunkhwa Public Procurement Regulatory Authority

INF(P) 1061 Also available on [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk)

آغا زب خان، اسسٹنٹ ڈائریکٹر (انفرمنٹ) نے آگے سے مشفقہ کا نظریں کی اور پورے کے سمیت ملک بھر میں کسی ایک کے تاظر میں لیا جائے گا۔

- کے شیڈول مطلوب ہیں:-
1. Walkthrough backup
  2. Walkthrough backup
  3. Walkthrough backup
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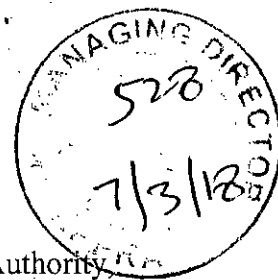
12:00 بجے تک ملے جانے کی موجودگی میں کولے ایوارڈ منسلک ہونا چاہئے۔ ایس سے چھوٹ حاصل ہے ت دیگر متر متر سے لگس ایک دو ہفتے کے اندر پہنچانی کے والے دفتر کو کوئی مقبول وجہ سب کے ذریعے کی جائیں گی۔ اپری فیصلہ بمقام سائنڈ

چ چترال

INF(P) 10 [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk)

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To

The Managing Director,  
Khyber Pakhtunkhwa Public Procurement Regulatory Authority,  
2<sup>nd</sup> Floor, KP-Bar Council Building, Peshawar.

Subject: **JOINING OF DUTIES AND EXPLANATION**

Dear Respected Sir,

Reference is made to the publication of 28<sup>th</sup> February, 2018 in daily the 'Mashriq' Peshawar.

2. The undersigned planned to complete essential running construction of two rooms in his paternal house and also to do preparation study for LLB, Part-II examination imminent. Therefore the undersigned submitted an application for the grant of leave without pay for three months i.e. upto 31<sup>st</sup> March, 2018. The relevant applicable rules does provide for such grant of leave. The undersigned therefore after consulting his seniors and bringing in their kind notices the exigencies, submitted leave application. Today one of my relative informed me that he has happened to see the publication notice in the daily Mashriq, Peshawar as referred.

3. That, proceeding on leave is not willful but to meet an utmost human exigency as the undersigned has no rooms for his five members' family in his paternal house for living human life.

4. The undersigned holds public duty as well as instructions of his seniors in high esteem, therefore, is compelled to join his office today and resume office from tomorrow morning i.e. 7<sup>th</sup> March, 2018.

5. It is added that hence-before I did not receive the subject notice on my home address.

6. A sympathetic re-consideration of my leave request is reiterated as the undersigned has no rooms for his five member family and is sharing his parents' occupancy.

Yours Sincerely,

*Anwar Zeb Khan*  
7/3/18

Anwar Zeb Khan  
Assistant Director  
(Enforcement), BPS-17  
Dated: 7<sup>th</sup> March, 2018

*A.T.C*  
*Q*

Date: 9<sup>th</sup> March, 2018



To

*Mulla*

The Managing Director 9/3/18  
KPPRA.

Subject: Application for Release of Salary

Respected Sir,

With due respect it is stated that my salary for the period from 1<sup>st</sup> January, 2018 till date is pending with the Finance Section of KPPRA.

It is therefore, requested to kindly direct Finance Section for release of salary for the above mentioned period, please.

Yours Sincerely,

*Anwar Zeb Khan*  
9/3/18

Anwar Zeb Khan  
Assistant Director Enforcement  
KPPRA

*etc*

*A.P.T.C*  
*[Signature]*



-19-      K

**KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9223590

Dated: Peshawar the March 30, 2018

**OFFICE ORDER:**

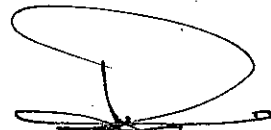
**No.MD/KPPRA/ Establishment/1-8/2017-18:** Consequent upon the decision of Board of Directors (BoD) in its 15<sup>th</sup> meeting held on 14<sup>th</sup> March, 2018 on **agenda item No. 5**, the services of Mr. Anwar Zeb Khan S/o Pervez Khan, Assistant Director (Enforcement) KPPRA are hereby dispensed with under **regulation 17(3)** of the KPPRA (Appointment & Conditions of Service) Regulations, 2017 with immediate effect, due to unsatisfactory work and conduct during the probation period.

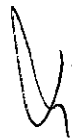
-Sd-  
Managing Director  
(KPPRA)

**No.MD/KPPRA/Establishment/1-8/2017-18      Dated Peshawar the March 30, 2018**

**Copy of the above is forwarded to:-**

1. Officer Concerned.
2. PS to Secretary Finance, Finance Department, Govt. of Khyber Pakhtunkhwa.
3. PS to Managing Director, Govt. of Khyber Pakhtunkhwa.
4. All Sections.
5. Office Copy.

  
Assistant Director-HR  
(KPPRA)

A.T.C  


-20-

**IMPORTANT/ BY HAND /THROUGH FAX**

F.No.1-1/2018/personal/ dated: 09.04.2018

To,

- ~~J III 13/4/18 III osh ?~~
1. Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
  2. Secretary Finance/Chairman Board of Directors, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, Finance Department, Civil Secretariat, Peshawar.
  3. Managing Director, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, 2<sup>nd</sup> Floor, KP-Bar Council Building, Peshawar.

Subject: **APPEAL/ REPRSENTAION**

Respected Sir,

Reference is made to the impugned termination orders NO.MD/KPPRA/Establishment/1-8/2017-18 of March, 30, 2018 and NO.MD/KPPRA/Establishment/2014-15/235-239 of March, 30, 2018. The impugned orders are requested to be withdrawn on the following grounds, amongst others.

1. That, the undersigned had proceeded on leave under the benediction of his seniors dully submitting his application for leave without pay sought for a very genuine purpose. However he has regularly been visiting and doing necessary office work during the intervening period. On publication of mischievous publication of 28<sup>th</sup> February, 2018 in daily the 'Mashriq' Peshawar surreptitiously, the undersigned next day joined his full duties while withdrawing his application, with explanation. The contents of publication contained *(You are further advised to immediately join your duty and submit a written explanation on your unauthorized leave within seven days of the publication of this notice otherwise strict disciplinary action will be initiated against you which may end on your removal from service)*. The italic words were supposed to be meaningful and purposeful and not mere a formality.
2. That, the penalty imposed is major for which no due process followed & completed ever.
3. That, before issuing and imposing impugned major penalty No enquiry was held, explanation of the appellant examined on merits and appellant confronted with allegation if any, Show causes notice issued nor appellant afforded with personal hearing, either.
4. That the abrupt adverse action was based on motivation, malice & personal malafide to promote juniors below on the vacated seat.
5. That, due consideration was not extended to the appellant case whereas the relevant rules do provided. The impugned order was maliciously processed in camera despite that appellant had joined and was performing his duties in office. Therefore the adverse action was non-transparent, illegal & perverse altogether.

PRAYER: In view of the above a sympathetic re-consideration is requested for withdrawal of the impugned termination order under the principle of *Locus poenitentiae* read with section 21 of THE GENERAL CLAUSES ACT, 1897 please.

Yours Sincerely,

  
Anwar Zeb Khan

Assistant Director (Enforcement), BPS-17

AFC  
H

Secretary Finance  
Khyber Pakhtunkhwa  
Dary No. 7585  
Date 13/4/18



86638

ایڈووکیٹ/دختلا: AA  
 بارنول ابار ایسوسی ایشن نمبر: 6589-6589  
 رابطہ نمبر: \_\_\_\_\_

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

|                        |                           |
|------------------------|---------------------------|
| منجانب: ایڈووکیٹ       | دعویٰ: <u>محرمین ایپل</u> |
|                        | علت نمبر: _____           |
|                        | مورثہ: _____              |
|                        | جرم: _____                |
|                        | تھانہ: _____              |
| <b>باعت تحریر آنکہ</b> |                           |

الوزائیر بنام جسٹس بریٹا صوفی  
 طبرستان سٹوڈنٹ اینڈ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام محرمین ایپل کے محرمین ایپل کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقرر حالت و فیصلہ برصفت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دختلا کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب  
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ بداختہ منظور و قبول ہوگا اور ان مقدمہ  
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام  
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

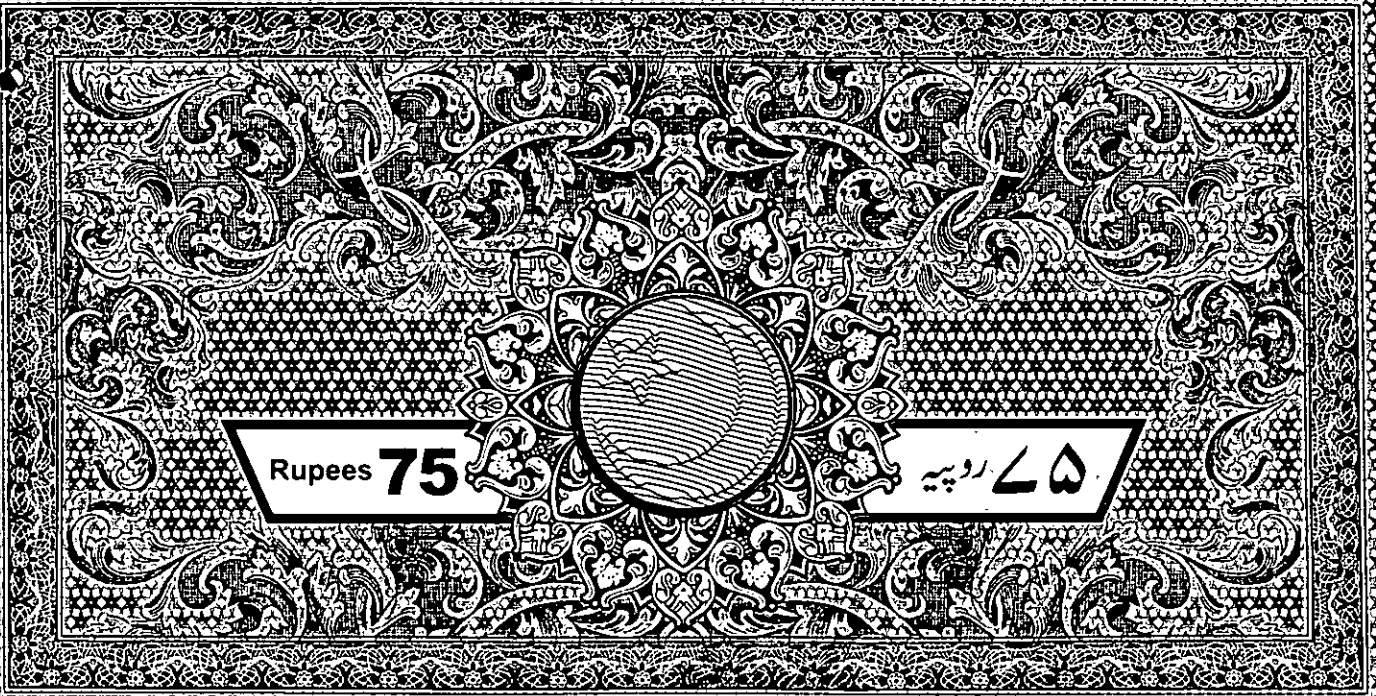
المرقوم: 6/8/2018

العبد \_\_\_\_\_ واہ شد \_\_\_\_\_ العبد

مقام \_\_\_\_\_ کے لئے منظور ہے۔

Accepted

نوٹ: اس وکالت نامہ کی کوئی کاپی ناقابل قبول ہوگی۔



Rupees 75

۷۵ روپیہ



المزموم: 2018/818

حتمی نام جہاں

میں المورثین دہ پیر میر جہاں سائن پوسی ملرز کی مجلس و ضلعی اور لہجہ حصہ قضیت نامی  
 اس قابل پیش میں کہ اپنے حدمات و درخواست حتمی پیری کرو لیا میں طر  
 پیر میر جہاں دہ جہاں فتح خان سائن موضع پوسی ملرز کی مجلس و ضلعی اور لہجہ  
 لیکل انکوائری حتمی نام جہاں سائن پوسی ملرز کی مجلس و ضلعی اور لہجہ  
 درخواست اور دیگر حدمات کے حصول کے خاطر پیری کرے لہجہ عام نامی  
 اختیارات استعمال کرے جو کہ میرا حق و اختیار ہے۔ تحریر نامی  
 نام سند بلا اور بوقت فرود کام آوے۔

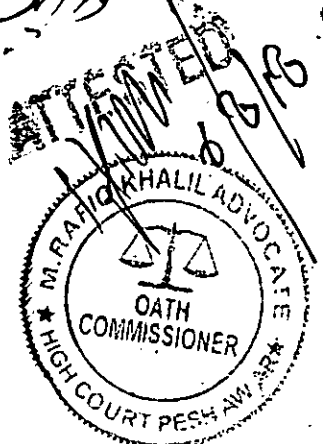
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المورثین خان دہ پیر میر جہاں

Accepted

*(Handwritten signature)*


6. 8. 18

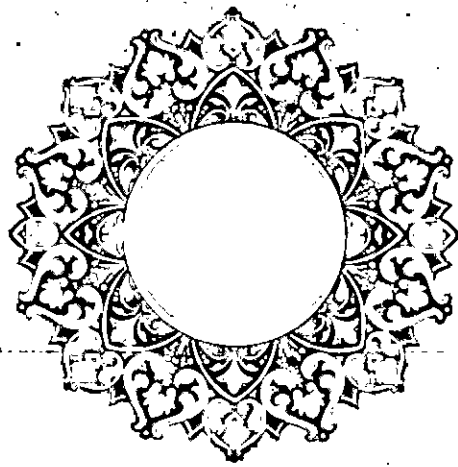




Handwritten signature and date: 06/08/17

TREASURY OFFICE  
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PESHAWAR

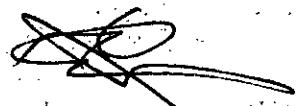
  
Peshawar Treasury  
Licence No. 237/1998  
Date 21-9-1998  
Akhtar gul Shahzad



دکتر زبیر علی جونیجو

26/8

TREASURY OFFICE  
03 AUG 2018  
PESHAWAR

  
Peshawar Treasury  
Licence No. 23/1998  
Date 21-9-1998  
Akhtar gul Shahzad

**KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9211682

Dated: Peshawar the January 15, 2019

**Authority Letter**

Mr. Amir Javed, Advocate Supreme Court of Pakistan, Legal Adviser & Standing Legal Counsel of Khyber Pakhtunkhwa Public Procurement Regulatory Authority (KPPRA) is hereby authorized to appear before the Khyber Pakhtunkhwa, Service Tribunal, Peshawar on behalf of KPPRA, in Appeal No. 989/2018 titled Anwar Zeb Khan Vs Secretary Finance.

  
**Managing Director  
KPPRA**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 989/2018

Mr. Anwar Zeb Khan Vs Chief Secretary, Government Khyber  
Pakhtunkhwa & Others

Written Reply for /on behalf of respondents No. 1 to 3:

Respectfully Sheweth:

Preliminary Objections:

A. That the appeal as laid is bad in law and facts both hence untenable.

B. That neither petitioner is a Civil Servant within the contemplation of the Constitution of Islamic Republic of Pakistan read with Civil Servant Act, 1973 nor this Hon'ble Tribunal is seized of subject matter jurisdiction to entertain or adjudicate upon the appeal of a non civil servant/Authority ex-employee.

C. That without conceding to the jurisdiction of this Hon'ble Tribunal, it is stated that petitioner being an employee of KPPRA (Statutory Authority) constituted under KPPRA Act, 2012 was neither dismissed nor any stigma was put against his candidature while relieving his services during probation period. The Office Order No.MD/KPPRA/Establishment/2014-15/235-239 dated 30.03.2018 (Copy of the office order is **Annexure-I**) clearly reflects that services of petitioner (under probation) were dispensed with under the mandate of **Regulation 17(3)** of KPPRA (Appointment and Conditions of Service) Regulations, 2017 which stipulates as below:

**Regulation 17 (3)** *“On or before the completion of the probationary period or the extended probationary period, as the case may be, the Appointing Authority may, if in the opinion of the said authority, the work and conduct of the employee has not been satisfactory, dispense with the service of the employee, if he was appointed to that post by initial appointment, or revert to the previous post in case of appointment by transfer”*

Hence too, the petition is devoid of substance and merits to be dismissed.

D. That service of the petitioner has validly been dispensed with under the **Clause “d & f”** of his Offer Letter dated 19.12.2017 (Copy of offer letter is **Annexure-II**), followed by **Clause “c”** of his appointment Notification dated 01.01.2018 (Copy of appointment notification is **Annexure-III**) read with the mandate of **Regulation 17(3)** of KPPRA Service Regulations, 2017 on account of his non-satisfactory performance.

E. That without surrendering to the jurisdiction of this Hon'ble Tribunal it is further submitted that the appeal is barred by time being barred by law as well.

**On Facts:**

1. Correct.
2. The non serious and non satisfactory performance of petitioner is evident from this single fact that on the 4<sup>th</sup> day of his appointment/probation period i.e. 05.01.2018 he applied for 3 months leave which was never allowed/sanctioned and no senior (not named in appeal) had ever allowed him leave. The allegations are therefore denied.
3. Since during the probation petitioner and without any sanctioned leave he remained absent w.e.f 08.01.2018 to 07.03.2018 and again absented w.e.f. 09.03.2018 to 30.03.2018 without any sanctioned leave, Final Notice for appearance was published on 28.02.2018, whereafter he put forth his joining on 07.03.2018 and against no work done in the previous two months he applied for release of salary on 09.03.2018 whereafter he again absented w.e.f 09.03.2018 to 30.03.2018. Finally being non-satisfied with his performance during probation period the Competent Authority instead of proceeding against him for disciplinary action validly opted to dispense with his services under **Regulation 17 (3)** of KPPRA (Appointment and Conditions of Service) Regulations, 2017 and without any stigma being leveled against him relieved him vide office order dated 30.03.2018.
4. Incorrect, baseless and vexatious allegations have been raised which are denied in toto. The attendance record of petitioner being self explanatory is enclosed herewith as R.
5. Incorrect.
6. Incorrect. Reply was duly sent to him.

*Final*

**Grounds**

- A. Incorrect, hence denied. The appellant on 5<sup>th</sup> January, 2018 after four (04) days of joining his duty, dropped an application for three months leave without pay (Copy of Application is **Annexure-IV**) and left the office without waiting for the outcome of the application. As a result the appellant was issued Explanation on dated 15/1/2018 (Copy of Explanation is **Annexure-V**), wherein the appellant was directed to join his duty immediately and explain his position but no response from his side. The appellant were again issued explanations dated 30/1/2018 and 20/2/2018 but invain (Copies of Explanations are **Annexure-VI & VII**). The appellant was finally issued notice regarding his continuous absence from duty through Daily Mashriq dated 28/2/2018 wherein, he was directed to join his duty within seven days ending on 7/3/2018 (Copy of Absence from duty notice is **Annexure-VIII**). On 7/3/2018 despite being absent, the appellant dropped his reply while he joined office on 08.03.2018 at 11:44 AM and on 09/3/2018 at


09:22 AM he moved an application for release of salary of previous two (02) months, whereafter, he again absented w.e.f. 09/03/2018 (Copy of reply and release of salary is **Annexure-IX & Annexure-X**). Keeping in view, his un-satisfactory conduct towards his duty, his services were dispensed with under Regulation 17(3) of the KPPRA (Appointment and Conditions of Service) Regulations, 2017.

- B. Since petitioners services have been dispensed with during probation and without any stigma therefore, law does not provide for any disciplinary action.
- C. Misconceived. A probationer having poor performance and unauthorized absentee does not have any vested rights. As per the appellant appointment Notification dated 01.01.2018 read with Regulation 17(3) of the KPPRA (Appointment and Conditions of Service) Regulations, 2017 a probationers services could validly and lawfully be dispensed with.
- D. Incorrect. Neither petitioner is a Civil Servant within the contemplation of Constitution 1973 read with Civil Servant Act, 1973 nor this Hon'ble Tribunal is possessed with subject matter jurisdiction to proceed with the subject appeal.
- E. Misconceived. Neither Regulation 17 (3) of KPPRA (Appointment and Conditions of Service) Regulations, 2017 provides for any Show Cause nor a probationer is entitled for a Show Cause, once no disciplinary action is being taken against him. The petitioner has been treated in accordance with his appointment terms and services Regulations and no discrimination has been metted with him.
- F. Misconceived.

It is, therefore, prayed that on acceptance of subject reply the subject appeal be dismissed with exemplary costs.

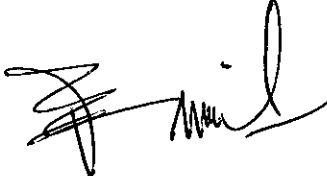
**Respondent# 1 to 3**

**Through**

  
**Amir Javed**  
Advocate of Supreme Court  
of Pakistan

**Verification**

Verified an oath that the contents and reply above are true and corrected as per my knowledge, and behalf and information provided to me.

  
Assistant Director (HR)  
KPPRA

Annex-I

(123)

**KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9223590

No. MD/KPPRA/Establishment/2014-15/235-239  
Dated: Peshawar the March 30, 2018

To,

Mr. Anwar Zeb Khan S/O Pervez Khan  
Kundi Super Store, Darmangi, Warsak Road,  
Tehsil & Distirct Peshawar

Subject: Termination of service

I am directed to refer to the subject and to state that you Mr. Anwar Zeb S/O Pervez Khan were appointed as Assistant Director (Enforcement) vide appointment order No. MD/KPPRA/Establishment/2017-18 dated 1<sup>st</sup> January, 2018 whereby your services were on probation for 01 year. Since your appointment, you remained absent from duty w.e.f 8<sup>th</sup> January, 2018 to 6<sup>th</sup> March 2018 and again from 9<sup>th</sup> March 2018 till date. You were issued explanations dated 15.01.2018, 30.01.2018 and 20.02.2018 but you failed to respond.

2. In view of the above the Competent Authority is of the view that your work and conduct has not been satisfactory and has decided to dispense with your services during your probation period as per Regulations 17(3) of the KPPRA Appointment and Conditions of Services Regulations, 2017.

3. Copy of the office order is attached herewith for your information, please.

*Final*

*o/c*

  
Managing Director  
KPPRA

Encl: As above

Copy to:

- 30/3/18*
1. P.S to Secretary Finance, Finance Department
  2. P.A to Director (HR&F)
  3. All Sections
  4. PS to MD, KPPRA.
  5. Office Copy
- Director*  
30-3-18

  
Assistant Director (HR)  
KPPRA





L

13

**KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9223590

Dated: Peshawar the March 30, 2018

**OFFICE ORDER:**

**No.MD/KPPRA/ Establishment/1-8/2017-18:** Consequent upon the decision of Board of Directors (BoD) in its 15<sup>th</sup> meeting held on 14<sup>th</sup> March, 2018 on agenda item No. 5, the services of Mr. Anwar Zeb Khan S/o Pervez Khan, Assistant Director (Enforcement) KPPRA are hereby dispensed with under regulation 17(3) of the KPPRA (Appointment & Conditions of Service) Regulations, 2017 with immediate effect, due to unsatisfactory work and conduct during the probation period.

-Sd-  
Managing Director  
(KPPRA)

No.MD/KPPRA/Establishment/1-8/2017-18      Dated Peshawar the March 30, 2018

**Copy of the above is forwarded to:-**

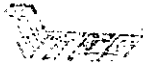
- Del*  
*30/3/18*
1. Officer Concerned.
  2. PS to Secretary Finance, Finance Department, Govt. of Khyber Pakhtunkhwa.
  3. PS to Managing Director, Govt. of Khyber Pakhtunkhwa.
  4. All Sections.
  5. Office Copy.

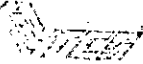
*Recd Recr*

*30.3.18*

  
Assistant Director-HR  
(KPPRA)

*File*

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|---|--|---|--|--|--|--|
|  |  | Consignment Note No.<br><b>470</b>                                  |  |  | <b>Sales Tax Invoice</b>   |  |
| Call: 1-1-123-456<br>GST NO.<br>12-00-9808-002-73                                 |  | Insured<br><input type="checkbox"/> Yes <input type="checkbox"/> No |  |  | Dimension<br>L (cm) W (cm) H (cm)  |  |
| From (Shipper)  |  | To (Consignee)  |  |  | Wt (kgs) Pcs.  |  |
| Phone   |  | Phone   |  |  | Service Type<br><input type="checkbox"/> Overnight <input type="checkbox"/> Holiday<br><input type="checkbox"/> Extra Sp. <input type="checkbox"/> Same Day<br><input type="checkbox"/> Second Day |  |
| E-mail  |  | E-mail  |  |  | Service Charges  |  |
| Description   |  | Description   |  |  | Weight   |  |
| PICKUP INFORMATION<br>Courier Code Date Time                                      |  | PICKUP INFORMATION<br>Courier Code Date Time                        |  |  | Handling   |  |
| AS PER R.O. NOT USED FOR WILL NOT CARRY UP INFORMATION.                           |  | AS PER R.O. NOT USED FOR WILL NOT CARRY UP INFORMATION.             |  |  | Other  |  |
| GST   |  | GST   |  |  | Insurance Premium  |  |
| TOTAL   |  | TOTAL   |  |  | TOTAL  |  |

|   |  |   |  |  |  |  |
|---|--|---|--|--|--|--|
|  |  | Consignment Note No.<br><b>470</b>                                  |  |  | <b>Sales Tax Invoice</b>   |  |
| Call: 1-1-123-456<br>GST NO.<br>12-00-9808-002-73                                 |  | Insured<br><input type="checkbox"/> Yes <input type="checkbox"/> No |  |  | Dimension<br>L (cm) W (cm) H (cm)  |  |
| From (Shipper)  |  | To (Consignee)  |  |  | Wt (kgs) Pcs.  |  |
| Phone   |  | Phone   |  |  | Service Type<br><input type="checkbox"/> Overnight <input type="checkbox"/> Holiday<br><input type="checkbox"/> Extra Sp. <input type="checkbox"/> Same Day<br><input type="checkbox"/> Second Day |  |
| E-mail  |  | E-mail  |  |  | Service Charges  |  |
| Description   |  | Description   |  |  | Weight   |  |
| PICKUP INFORMATION<br>Courier Code Date Time                                      |  | PICKUP INFORMATION<br>Courier Code Date Time                        |  |  | Handling   |  |
| AS PER R.O. NOT USED FOR WILL NOT CARRY UP INFORMATION.                           |  | AS PER R.O. NOT USED FOR WILL NOT CARRY UP INFORMATION.             |  |  | Other  |  |
| GST   |  | GST   |  |  | Insurance Premium  |  |
| TOTAL   |  | TOTAL   |  |  | TOTAL  |  |

*Final*



Track Shipment



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### Track Your Shipment

When you book your consignment with TCS, rest assured that you are in total control of knowing where exactly your shipment is at a particular point in time during its transit, finally leading you to know to whom it was delivered and at what time and date. TCS has made it all the more convenient for you to track and trace your shipment's whereabouts by offering you a variety of tracking tools. Select a TCS Tracking Tool from the choices below to receive updates and current status of your shipment any time you want to know the status. Happy Tracking!

#### Track by Tracking Number

Enter any combination of TCS tracking Reference number (one per line).

Tracking Number:  
4707950393



#### Tracking Result(s)

Tracking Number: 4707950393

##### Shipment Detail:

Agent Reference Number:  
Origin: PESHAWAR  
Destination: PESHAWAR  
Booking Date: 30-MAR-18 00:03  
Shipper: KPPRA  
Consignee: MR ANWAR

##### Shipment Tracking Summary:

Current Status: DELIVERED  
Delivered On: 3/31/2018 12:31:00 PM  
Signed by: ANWAR

##### Track History:

| Date/Time             | Status                     | Location |
|-----------------------|----------------------------|----------|
| 3/31/2018 12:31:00 PM | DELIVERED, Signed by ANWAR | PESHAWAR |
| 3/31/2018 10:00:00 AM | Courier out for delivery   | PESHAWAR |

Thank you for using the Global TCS Tracking Service. The Tracking Results have been produced based on the most correct information about your shipment(s). For additional support and/or help contact our [Support Team](#).



#### Tracking Number



Track your order status with your reference number.

Track by Tracking Number

#### Email



Send an email to track your current order status.

Track by Email

#### Reference Number



Track your order status with your reference number.

Track by Reference Number

#### SMS



Track your order by sending an SMS.

Track by SMS

#### Quick Links

- Track by Tracking Number
- Track by Email
- Track by SMS
- Track by Reference Number



Let us pick up your package. Pack your convenience.



TCS offers many value-added services to meet your shipping needs. Learn more.



*Final*



Track Shipment

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### Track Your Shipment

When you book your consignment with TCS, rest assured that you are in total control of knowing where exactly your shipment is at a particular point in time during its transit, finally leading you to know to whom it was delivered and at what time and date. TCS has made it all the more convenient for you to track and trace your shipment's whereabouts by offering you a variety of tracking tools. Select a TCS Tracking Tool from the choices below to receive updates and current status of your shipment any time you want to know the status. Happy Tracking!

#### Track by Tracking Number

Enter any combination of TCS tracking Reference number (one per line).

Tracking Number:  
4787950394



#### Tracking Result(s)

Tracking Number : 4707950394

##### Shipment Detail :

Agent Reference Number :  
Origin : PESHAWAR  
Destination : PESHAWAR  
Booking Date : 30-MAR-18 00:03  
Shipper : KPPRA  
Consigned : ANWAR

##### Shipment Tracking Summary :

Current Status: DELIVERED  
Delivered On: 4/3/2018 2:29:00 PM  
Signed by: ANWAR

##### Track History :

| Date Time            | Status                     | Location |
|----------------------|----------------------------|----------|
| 4/3/2018 2:29:00 PM  | DELIVERED, Signed by ANWAR | PESHAWAR |
| 4/3/2018 11:14:00 AM | Courier out for delivery   | PESHAWAR |
| 4/2/2018 4:20:00 PM  | RETRUN TO SHIPPER          | PESHAWAR |

Thank you for using the Global TCS Tracking Service. The Tracking Results have been produced based on the most current information about your shipment(s). For additional support and/or help contact our [Support Team](#).

#### Export Options

##### Tracking Number



Track your order status with your reference number.

Track by Tracking Number

##### Email



Send an email to track your current order status.

Track by Email

##### Reference Number



Track your order status with your reference number.

Track by Reference Number

##### SMS



Track your order by sending an SMS.

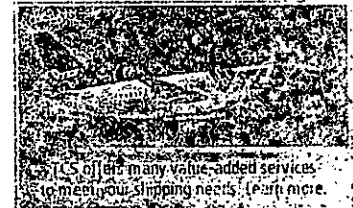
Track by SMS

#### Quick Links

- Track by Tracking Number
- Track by Email
- Track by SMS
- Track by Reference Number



Easy to pick up your package at your convenience.



TCS offers many value-added services to meet your shipping needs. Learn more.



*Final*



Annex-7T

**KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9223590

20

No. MD/KPPRA/Estb/2017-1  
Dated: Peshawar the December 19, 2017

To,

**Mr. Anwar Zeb Khan S/o Pervez Khan**  
Kundi Super Store, Darmangi, Warsak Road,  
Tehsil & District Peshawar.

Subject: **OFFER OF APPOINTMENT AGAINST THE POST OF ASSISTANT  
DIRECTOR (ENFORCEMENT BPS-17).**

I am directed to refer to your application for the said post and to inform you that on the recommendations of recruitment committee you have been selected for the post of Assistant Director (Enforcement BPS-17) in Khyber Pakhtunkhwa Public Procurement Regulatory Authority.

2. You are hereby offered appointment against the said post subject to the following terms and conditions:

- a) You will get pay at the minimum of BPS-17 (30,370-2300-76,370) plus other incentive and allowances admissible under KPPRA (Appointment & Conditions of Service Regulations, 2017).
- b) Your appointment will be on regular basis subject to successful completion of the probation period.
- c) You will be kept on probation for a period of one year extendable for further period of one year.
- ~~d) If your performance during the probation period was not found satisfactory, your services will be liable for termination on or before completion of the probationary period or the extended probationary period as the case may be.~~
- e) You may resign from KPPRA service by giving one month advance notice (in writing) or one month pay in lieu thereof.
- ~~f) You will abide by the rules, regulations, terms and conditions of standing orders in force from time to time.~~
- g) Your appointment in the Authority is subject to verification of your academic credentials and experience certificates. If found otherwise, the Authority will terminate your services immediately at any stage of your service, without bearing any liability.
- h) No TA/DA will be allowed on your first joining at the Authority.

Final

3) If the above terms & conditions are acceptable to you, then you shall report for arrival for duty within 15 working days.

Assistant Director (HR)  
KPPRA

**Copy Forwarded to:-**

1. PS to Secretary Finance, Govt. of Khyber Pakhtunkhwa.  
2. PS to Managing Director (KPPRA), Govt. of Khyber Pakhtunkhwa.  
3. PA to Director (HR&F), KPPRA.

19/12/17

Aut  
19/12/17

Assistant Director (HR)  
KPPRA



KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY

Dated: Peshawar the 1<sup>st</sup> January, 2018

NOTIFICATION.

No.MD/KPPRA/Establishment/2017-18: Consequent upon the recommendations of recruitment committee, the Competent Authority is hereby pleased to appoint Mr. Anwar Zeb Khan S/O Pervez Khan as Assistant Director Enforcement (BS-17) in KPPRA w.e.f. 1<sup>st</sup> January, 2018 subject to the following terms and conditions:

- a. Probation Period  
You shall be on probation for a period of one (01) year, extendable for further period of one year.
- b. Salary  
You will get pay at the minimum of BS-17 (30,370-2300-76,370) plus other incentives and allowances admissible under KPPRA (Appointment & Condition of Service Regulations, 2017).

~~Appointment after expiry of Probation Period (in case found suitable):~~

After the expiry of probation period, if you are found suitable by KPPRA for the same post, you will be confirmed in your appointment. If your performance during the probation period was not found satisfactory, your services will be liable for termination on or before completion of the probationary period or the extended probationary period, as the case may be.

- d. Resignation  
You may resign from KPPRA service by giving one month Advance Notice (in writing) or one month Pay in lieu thereof.
- e. Standing Orders  
You shall abide by the terms and conditions of the standing orders and the rules and regulations of KPPRA as in force from time to time.
- f. Verification of Credentials  
Your appointment shall be considered on provisional basis till verification of academic credentials and experience certificates. If found otherwise, the Authority will terminate your services immediately at any stage of your service, without bearing any liability.

2. You are required to abide by the laid down terms and conditions mentioned above.

*Spinal*

*o/c*

Managing Director  
KPPRA

*mm 4/1/18*

Copy forwarded to:

- 1. Officer Concerned.
- 2. PS to Managing Director (KPPRA), Govt. of Khyber Pakhtunkhwa.
- 3. Accountant, KPPRA (with the direction to process the salary of the officer on completion of all codal formalities)
- 4. Master File/ Personal File.

*all 4/1/18*

*Cal*

*o/c*

Assistant Director HR  
KPPRA

To

The Managing Director,  
Khyber Pakhtunkhwa Public Procurement Authority,  
Bar Council Building, Peshawar.

Subject: THREE MONTHS (03) LEAVE WITHOUT PAY

Respected sir,

The undersigned desires to attempt LLB, part-II examination to be conducted by University of Peshawar from 24<sup>th</sup> January, 2018. In addition to above the undersigned is also planning to complete running construction/civil works in paternal house at my hometown.

2. In view of the above, the undersigned may be allowed three months leave without pay from 08<sup>th</sup> Jan, 2018 till March 31<sup>st</sup> March, 2018, in consideration of rule 12(1) of Civil Servants Revised Leave Rules, 1981 read with rule 28 of KPPRA (Appointment & conditions of service regulations, 2017).

3. Please consider the application on sympathetic grounds leaving the undersigned obliged.

Yours sincerely,

ANWAR ZEB KHAN  
Assistant Director (Enforcement)  
KPPRA, Peshawar

File

Dated: 5<sup>th</sup> Jan, 2018

put up, pt.

DD (HR/F)  
On file pt 2

08/01  
8/1/18

DD/HR/F

DD/HR/F  
8/1/18  
put up

50  
3/1/18

AD/HR/F  
8/1/18



KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY  
Add: 2nd Floor Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9223590

No.MD/KPPRA/Establishment/2017-18

Dated: Peshawar the January 15, 2018

To,

Mr. Anwar Zeb  
Assistant Director (Enforcement),  
KPPRA.

*17/1/2018*

Subject: Explanation

I am directed to refer to the subject noted above and to state that you were appointed as Assistant Director (Enforcement) w.e.f. 01.01.2018 in BPS-17. On 5<sup>th</sup> January, 2018, after four (04) days of joining of your office, you dropped an application for three months leave without pay w.e.f. 08.01.2018 to 31.03.2018 and left the office without waiting for the outcome of your application and remained absent from your office for 04 days.

2. This act of yours show non-seriousness and irresponsibility on your part which is tantamount to misconduct. You are hereby directed to explain your position within 03 days positively.

*92*  
  
Assistant Director (HR)  
(KPPRA)

Copy to:

1. PS to Managing Director (KPPRA), Govt. of Khyber Pakhtunkhwa.
2. PA to Director HR/Finance (KPPRA).
3. Personal File.

*70*  
  
Assistant Director (HR)  
(KPPRA)





Annex-VI  
E/B  
93

**KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9223590

No.MD/KPPRA/Establishment/2017-18  
Dated: Peshawar, the January 30, 2018/159

To,

Mr. Anwar Zeb  
Assistant Director (Enforcement),  
KPPRA.

Subject: Explanation

I am directed to refer to the subject noted above and to state that you were appointed as Assistant Director (Enforcement) on 01.01.2018 in BPS-17. On 5<sup>th</sup> January, 2018, after four (04) days of joining of your office, you dropped an application for three months leave without pay w.e.f. 08.01.2018 to 31.03.2018 and left the office without waiting for the outcome of your application and remained absent from your office till date.

2. It has been observed with great concern that you have been issued explanation dated 15<sup>th</sup> January, 2018 wherein you were directed to explain the reasons of your absence within 03 days for your continuous absence from duty but you neither submitted any reply nor attended the office so far. You have already been informed that your request for grant of 03 months Extraordinary Leave (Leave without Pay), being in contravention to the rules, has been regretted. Zind

3. Your this behavior and act tantamounts to willful absence under the rules and your salary for the absentees days will be deducted.

4. In view of the above, you are hereby once again directed to explain your position within 03 days positively, otherwise strict disciplinary action will be initiated against you under the E & D Rules, which ultimately may lead towards your termination from service.

Assistant Director (HR)  
(KPPRA)

Copy to:

1. PS to Managing Director (KPPRA), Govt. of Khyber Pakhtunkhwa.
2. PA to Director HR/Finance (KPPRA).
- ✓ 3. Personal File.

Assistant Director (HR)  
(KPPRA)



KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9223590

No.MD/KPPRA/Establishment/2017-18/164-16  
Dated: Peshawar the February 20, 2018

To,

Mr. Anwar Zeb Khan S/o Pervez Khan  
Assistant Director (Enforcement),  
KPPRA.

Address: Kundi Super Store, Darmangi, Warsak Road,  
Peshawar.

Subject: Explanation for Continuous/Willful Absence From Duty

I am directed to refer to the subject noted above and to inform you that after four (04) days of joining your office you dropped an application of three (03) months leave without pay w.e.f. 08.01.2018 to 31.03.2018 and left the office without waiting to outcome of your application. You were also informed telephonically on 10.01.2018 to join your office but you remained absent from duty.

2. Furthermore, you have also been issued explanations vide this office letter No.MD/KPPRA/Establishment/2017-18 dated January 15, 2018 and No.MD/KPPRA/Establishment/2017-18 dated January 30, 2018 wherein you were directed to attend the office and give reasons for your continuous absence from duty within 03 days positively to avoid strict disciplinary action under the Efficiency and Discipline Rules, 2011. However, it has been observed with great concern that you have not yet submitted reply to the explanation and you are continuously absent from duty.

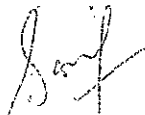
3. This act of yours shows your lack of interest and irresponsibility towards your duties and is liable to strict disciplinary action against you which may end up on your dismissal from service.

4. To avoid imposition of major penalty, you are hereby directed for the third and final time, to join your duties without further delay and submit reasons for your illegal absenteeism. Otherwise ex-party action will be taken against you under the rules.

  
Assistant Director (HR)  
KPPRA

Copy to:

PS to Managing Director, KPPRA

  
20/2

|   |  |  |  |                   |  |   |  |
|---|--|--|--|-------------------|--|---|--|
| From / Country  |  | Consignment No.  |  | Origin / Org      |  | Dest  |  |
| Article of Payment  |  | Insured  |  | Dimension         |  | Weight                                      |  |
| <input type="checkbox"/> Cash <input type="checkbox"/> P.O. Order |  | <input type="checkbox"/> Yes <input type="checkbox"/> No |  | Leng. (W x H x D) |  | Kg.   |  |
| From / Origin   |  | To / Destination   |  | Service Type      |  | Overnight Holiday                           |  |
| Phone   |  | Pickup   |  | Weight            |  | Extra Sp. <input type="checkbox"/> Same Day |  |
| Description   |  | Remarks  |  | Additional        |  | <input type="checkbox"/> Second Hand        |  |
| Value   |  | Special  |  | Other             |  | Service Charges                             |  |
| Gross   |  | Net  |  | GST               |  | Total                                       |  |

*Final*

<http://www.dailymashriq.com.pk>

اللہ ہی کیلئے ہیں مشرق و مشرب القرآن

**DAILY MASHRIQ PESHAWAR**

روزنامہ مشرق

شمارہ 191

جلد 51

11 جمادی الثانی 1439ھ 28 فروری 2018ء 16 چاکن قیمت 15 روپے

ABC CERTIFIED

**KHYBER PAKHTUNKHWA PUBLIC PROCUREMENT REGULATORY AUTHORITY**

Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building Khyber Road Peshawar Ph: 091-9223590

**Final Notice  
on Absence from Duty**

Whereas, you Mr. Anwar Zeb Khan, Assistant Director (Enforcement), has been observed that you have proceeded on leave without prior permission of the competent authority, resulting in willful absence from duty and insubordination leading towards gross negligence of duties in your capacity as Assistant Director (Enforcement). Absenting yourself from duties without prior intimation is a misconduct for which you are making yourself liable for necessary action under the rules. You were also issued letters dated 15.01.2018, 30.01.2018 and 20.02.2018 on your mailing address wherein you were directed to join the duty and explain the reasons for your unauthorized absence from duty. However, neither you reported for duty nor submitted any reason for your absenteeism. You are hereby finally informed through this notice to refrain from such activities; failure to do so shall invoke disciplinary action against you. You are further advised to immediately join your duty and submit a written explanation on your unauthorized leave within seven days of the publication of this notice otherwise strict disciplinary action will be initiated against you which may end on your removal from service.

Mr. Anwar Zeb Khan S/O Perviz Khan  
Assistant Director (Enforcement) KPPRA  
Mailing Address: Kund Super Store, Dermanet  
Warsal Road, Peshawar  
Permanent Address: Khan House, Palesi, Talavzar  
P/O: PAF Agriculture University, Peshawar

**(MANAGING DIRECTOR)**  
Khyber Pakhtunkhwa Public  
Procurement Regulatory Authority

INF(P) 1067 Also available on  
[www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk)

*Final*

*Anwar 17/2/18*

To

The Managing Director,  
Khyber Pakhtunkhwa Public Procurement Regulatory Authority,  
2<sup>nd</sup> Floor, KP-Bar Council Building, Peshawar.

Subject: JOINING OF DUTIES AND EXPLANATION

Dear Respected Sir,

Reference is made to the publication of 28<sup>th</sup> February, 2018 in daily the 'Mashriq' Peshawar.

2. The undersigned planned to complete essential running construction of two rooms in his paternal house and also to do preparation study for LLB, Part-II examination imminent. Therefore the undersigned submitted an application for the grant of leave without pay for three months i.e. upto 31<sup>st</sup> March, 2018. The relevant applicable rules does provide for such grant of leave. The undersigned therefore after consulting his seniors and bringing in their kind notices the exigencies, submitted leave application. Today one of my relative informed me that he has happened to see the publication notice in the daily Mashriq, Peshawar as referred.

3. That, proceeding on leave is not willful but to meet an utmost human exigency as the undersigned has no rooms for his five members' family in his paternal house for living human life.

4. The undersigned holds public duty as well as instructions of his seniors in high esteem, therefore, is compelled to join his office today and resume office from tomorrow morning i.e. 7<sup>th</sup> March, 2018.

5. It is added that hence-before I did not receive the subject notice on my home address.

6. A sympathetic re-consideration of my leave request is reiterated as the undersigned has no rooms for his five member family and is sharing his parents' occupancy.

Yours Sincerely,

*Anwar Zeb Khan*  
Anwar Zeb Khan  
Assistant Director  
(Enforcement), BPS-17  
Dated: 7<sup>th</sup> March, 2018

*Final*

*HR (HR/F)*  
*Examined as per*  
*rules*  
*7/3/18*



*08/3/18*  
*AD (HR)*

*19/12/18*

Date: 9<sup>th</sup> March, 2018.

To

The Managing Director  
KPPRA.

Subject: Application for Release of Salary

Respected Sir,

With due respect it is stated that my salary for the period from 1<sup>st</sup> January, 2018 till date is pending with the Finance Section of KPPRA.

It is therefore, requested to kindly direct Finance Section for release of salary for the above mentioned period, please.

Yours Sincerely,

*Anwar Zeb Khan*  
19/3/18

Anwar Zeb Khan  
Assistant Director Enforcement  
KPPRA

*Faisal*

*As directed, pl. Ad 14/03*

*AD (HR/P)  
Put up on  
file*

*AD (HR/P)*

*Put up early*

*9/3/18*

MANAGING DIRECTOR  
553  
9/3/18

*AD (HR)*  
12/3/18

*AD (HR)*

*AD (HR) 19/3/18*

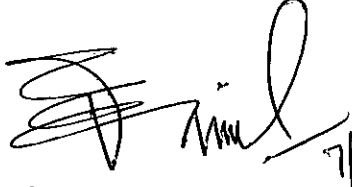
*AD (HR) 19/12/17*



**KHYBER PAKHTUNKHWA  
PUBLIC PROCUREMENT REGULATORY AUTHORITY**  
Add: 2nd Floor, Khyber Pakhtunkhwa Bar Council Building  
Khyber Road Peshawar Ph: 091-9211682.

**CERTIFICATE**

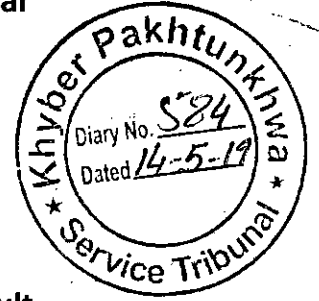
It is to certify that Mr. Anwar Zeb Khan S/o Pervez Khan, Ex-Assistant Director-Enforcement, bearing CNIC No. 17301-3612349-3, remained absent from duty without permission/sanctioned leave from the Competent Authority w.e.f 08.01.2018 till 07.03.2018 and again from 09.03.2018 till 30.03.2018.

  
7/2/18  
**Assistant Director (HR)**  
**(KPPRA) Assistant Director HR**  
Khyber Pakhtunkhwa Public  
Procurement Regulatory Authority

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Restoration application no. 214/2019

Anwar Zeb Khan Versus Chief Secretary/KAPRA.



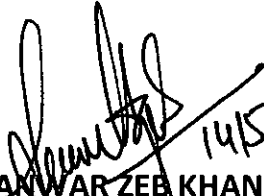
**Application for Restoration of Service Appeal dismissed in default.**

Respected Sheweth:

1. The subject service appeal was fixed for 07.05.2019 before this august tribunal.
2. That, the petitioner appellant was under the bonafide impression that it was fixed for 13.05.2019 therefore missed the date, thus the service appeal was dismissed in default.
3. That, knowing about its dismissal the petitioner appellant immediately applied for attested copy of order and is submitting instant application for restoration.
4. That, non-attendance on the date fixed was not deliberate but a human error
5. That, law as well as principles of justice favour decision on merits to set the controversies finally.
6. That, the instant application is immediate and within the timeframe.

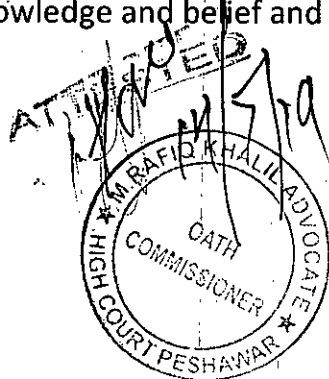
**PRAYER:** In view of the above it is very humbly requested that the subject Service Appeal may kindly be restored and allowed to proceed ahead on merits accordingly please.

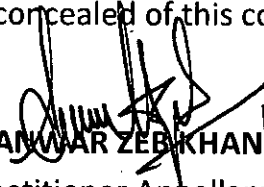
DATED: 14.05.2019

  
ANWAR ZEB KHAN  
(Petitioner Appellant)

Khalil House, C/O Kundi Super Store, Warsak Road, Peshawar.  
Cell: 0346-9166204 Email: pkkhalil@yahoo.com  
(Through His Legal Attorney and Counsel)

**Affidavit:** Affirmed on oath that the contents of the application are correct and true to the best of my knowledge and belief and nothing is concealed of this court, deliberately.



  
ANWAR ZEB KHAN  
(petitioner Appellant)



- 1 -

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

SERVICE APPEAL NO. 989 /2018

✓ Anwar Zeb Khan, Assistant Director, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, Government of Khyber Pakhtunkhwa, R/O Village Palosi Tlarzai, Tehsil & District Peshawar.

-: VERSUS: -



Appellant)

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 1243

Dated 07-8-20

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Secretary Finance/Chairman Board of Directors, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Managing Director, Khyber Pakhtunkhwa Public Procurement Regulatory Authority, 2<sup>nd</sup> Floor, KP-Bar Council Building, Government of Khyber Pakhtunkhwa, Peshawar.

(Respondents)

**APPEAL U/S 4 R/W SECTION 7 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAIST THE IMPUGNED OFFICE ORDER NO.MD/KPPRA/ESTABLISHMENT/1-8/2017-18 OF MARCH 30, 2018.**

**BY ACCEPTING THIS APPEAL THE IMPUGNED OFFICE ORDER MAY GRACIOUSLY BE SET ASIDE AND APPELLANT RE-INSTATED ON HIS POST WITH FULL BACK BENEFITS WITH COST AND DIRECTIONS ISSUED TO THE RESPONDENTS ACCORDINGLY.**

**ANY OTHER RELIEF DEEMED APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE NOT SPECIFICALLY ASKED FOR, OR ARISE DURING PENDENCY OF THE APPEAL, MAY ALSO BE GRANTED TO THE APPELLANT.**

**ATTESTED**

RESPECTFULLY SHEWETH:

FACTS:

Facts giving rise to the present appeal are as under: -

1. The respondents provincial Government in Public Procurement Regulatory Authority Khyber Pakhtunkhwa advertised the vacancy of Assistant Director (Enforcement) as of regular post. The appellant as on-job candidate, applied, competed in open merits and was selected for the post. The respondents on reaching concurrence on file and after completing all codal formalities finally appointed the appellant on the post. Advertisement, Job Description, Interview call, Offer of appointment, Appointment Notification and Joining report of the appellant, all are enclosed as annex- A,B,C,D,E & F respectively.
2. During his service the appellant applied for 03 months leave without pay. He also in person discussed his leave exigency with his seniors who verbally agreed and advised to submit application for leave and proceed. The appellant acted accordingly.

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Filed to-day  
7/8/18  
Re-submitted to-day  
10/2/18  
REGISTERED

989/18

07.05.2019



Nemo for appellant. Mr. Muhammad Jan, DDA for respondent No. 1 and Mr. Ihtishamul Haq, Advocate for respondents No. 2 & 3 present.

On the last date the matter was adjourned for today in presence of learned counsel for the appellant. Today, despite repeated calls no one is in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.

*[Signature]*  
Member

*[Signature]*  
Chairman

ANNOUNCED  
07.05.2019

*[Signature]*  
Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 13-5-19  
Number of Words 800  
Copying Fee 6-  
Urgent 2-  
Total 8-  
Name of Copyist [Signature]  
Date of Completion of Copy 13-5-19  
Date of Delivery of Copy 13-5-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

*In the matter of Appeal NO: 989/2018*

**ANWAR ZEB KHAN VERSUS CHIEF SECRETARY GOVT. OF KPK & OTHERS**

**REJOINDER ON BEHALF OF THE APPELLANT IN RESPONSE TO WRITTEN REPLY OF  
THE RESPONDANTS- PARA-WISE**

*Respectfully Sheweth:*

The appellant very respectfully seeks permission to further fortify his averments made in Service appeal and would like to respond para-wise to the written Reply of the respondents as follow:

**PRELIAMENAY OBJECTIONS:**

- I. Contents of para A of the preliminary objection are incorrect and misleading.
- II. Contents of para B of the preliminary objection are incorrect and misleading.
- III. Contents of para C of the preliminary objection are incorrect and misleading.
- IV. Contents of para D of the preliminary objection are incorrect and misleading.
- V. Contents of para E of the preliminary objection are incorrect and misleading.
- VI. Contents of para F of the preliminary objection are incorrect and misleading.

**ON FACTS:**

Rejoinder to the replies on facts are as follow:

1. Para -1 of the appeal is admitted correct by the respondents.
2. Para-2 of written reply is incorrect and misreported. Though the appellant had applied for leave but was regularly attending his office and discharging his functions.
3. Incorrect to suggest that the appellant was absent w.e.f. 08.01.2018 to 07.03.2018 and again absented w.e.f. 09.03.2018 to 30.03. 2018. The statement is against fact and record at the attendance role therefore denied. The appellant was getting off for hours after joining his office in the morning in order to prepare for attempting the next day paper of his LLB Examination. Otherwise he was regularly attending his office and discharging his functions relatable to his post. No notice was issued or received to the appellant except the one published in the daily Mashriq dated 28 February, 2018 when appellant was present in his office for duty at that time and was normally discharging his functions. Repeated that the appellant was very much present in his office. The photocopies annexed to the written Reply are fabricated and untrue. The averment made in the service Appeal is re-iterated. The work and performance of the appellant has never been subjected to any evaluation or performance report by his senior therefore is denied. The respondents have maligned the appellant for absence from duty, now maligning for unsatisfactory work and performance during his normal official function which is contradictory to the former stance, therefore proven false. By leveling such stigma of unsatisfactory work and performance the respondents were legally obliged to conduct regular inquiry and followed due process of law, also allowing appellant to put defense to such allegation before his abrupt removal from service on regular post on the charge. The enactments referred are misinterpreted and misconstrued.
4. Averment made in the service appeal is reiterated in response to instant para. The attendance record is based on malafide and fabricated. The respondents are challenged to produce attendance register for substantiation of the instant allegation. The annexed Certificate from the Assistant Director HR dated 7.2.19 is fabricated therefore denied. The alleged record 'R' is false and denied. The face of photocopies of receipts of TCS clearly depicts that the said letters never reached to the destination and received by appellant with affixing of signature of any receivers. It is added that the house of the appellant is out of the domain area of TCS, therefore, its reaching to the destination is out of question. The question arises that when

appellant was attending his office almost on every day why the same was not delivered to him by hand in office? The instant malicious fabricated correspondence was made to create ground for the unceremonious removal of the appellant and adjust a favorites on the vacant post of the appellant as averred in the original appeal.

#### **ONGROUNDS:-**

- A. Incorrect hence denied. The appellant was attending his office regularly; however due to examination papers of LLB, he proceeded sporadically on short leaves for hours during a shorter period of examination, duly seeking verbal permission of the competent authorities in office. Further, appellant although had submitted his application for leave without pay which was in accordance with applicable KPK Government Leave Rules 1981 as provided in Regulations- 41 of THE KPPRA (Appointment & Condition of Service Regulations, 2017, therefore was proper. However he was regularly attending his office till last. The appellant has never been handed over or delivered any explanation as alleged. The respondents are challenged to prove otherwise. The long and willful absence is denied. In fact, the respondents in the same breath have conjoined and confused two different and conflicting allegations, one of continued absence from duty and another of unsatisfactory work & performance in office, which are untenable. The point may kindly judicially be noted. Copy of Explanations (Annexure-V, VI, VII) are denied as the same neither been issued nor delivered to the appellant. Receipt of T.C.S also proves incorrect address and non-receipt thereof on their faces. In fact these documents were maliciously generated surreptitiously to prepare ground for inapt removal of the appellant otherwise he was regularly attending his office. The shipment tracking results of T.C.S attached by respondents, do not prove their delivery on the destination on its face.
- B. In correct: no due process was followed in effecting dispensing with the service of the appellant. The relevant law, Rules, and established norms of natural justice was trampled in case of the appellant unceremonious removal. Undisputedly, the short proceeding of removal was targetedly process without confronting the appellant to any allegation and affording him opportunity of his defence. Thus the entire work was is shabby, illegal, inhuman, without lawful authority and of no legal effect on the regular employee, the appellant. The applicable law has erroneously been interpreted.

In response to the notice (Annexure-VIII) it is stated that the appellant had explained his legal position and submitted explanation on 7<sup>th</sup> day of issuing of said notice/publication as directed in the notice/publication of 28<sup>th</sup> February, 2018, nevertheless, the relevant law/Rules suggest 15 days for such reply to the publication. Kindly see his explanation at page 17 of Appeal and Annexed-IX to the written reply of the respondents which is self speaking to prove that the direction given in the publication was fulfilled which should have been meaningful and purposeful for the respondents.

The malice and malafide of the respondents can further be proved from the proven fact that he was not paid salary which compelled the appellant to submit a written request for its payment of salary of the previous three months, also admitted by respondents in their written reply by annexing application of appellant as annexure IX. However, no action was taken thereof. The allegation of absence from duty is denied.


The status of probation of a Regular employee does not renders his status of an employee at-will, when duly appointed against a regular post and not temporary or contractual post. While imposing penalty the appellant has mistakably taken appellant a contractual employees as reveals from the posture of the respondents which is misconceived. The respondents are obliged to consider him regular employee and treat him in accordance with applicable law and rules which they did not, thus committed serious illegality and irregularity, now liable to be set aside. The ambivalence in the stance of the respondents can be inferred from the fact that the appellant was confronted to the penalty of 'Termination' 'Removal' and 'Dispensing with service' simultaneously which all three terms pole apart and are applied o different employees and in different circumstances. KPPRA (Appointment & Conditions of Service) Regulations, 2017 suggest both contractual and permanent employees separately and distinctly. The appellant was appointed as regular employee against the permanent post. Therefore, all rules of the provincial government of Khyber Pakhtunkhwa were applicable to the appellant regular employee as reveals from Regulations 39, 41 and 42 of KPPRA (Appointment & Conditions of Service) Regulations, 2017 available at page 39 of the service appeal. Undoubtedly, appellant was not dealt with in accordance with KPK Government E&D Rules, 2011 , applicable to the appellant case and a short, unceremonious route was adopted for his removal from service in circumvention of the said applicable Rules without scruple of conscious. That due process was not adopted in case of the appellant for malafide reason. Undoubtedly, appellant was maligned for unsatisfactory work and performance which is a stigma, therefore, he should have passed through DISCIPLINARY/ENQUIRY proceedings invariably. Even for the allegation of absence from duty ,

- which cannot be held as willful or habitual absence within the meaning of the terms in appellant case, he was not afforded with serving of 'Show Cause' nor afforded with 'personal hearing' available to the appellant out of applicable KPK E&D Rules, 2011. *That the Penalty imposed is not listed in the list of Penalties of Rule 4 of the E&D Rules, 2011 either.*
- C. Incorrect. The status of probation of a Regular employee does not relegate his status <sup>to</sup> of contractual employee, when he <sup>was</sup> duly appointed against a regular post and not temporary or contractual post. The respondents were legally bound to deal the appellant in accordance with relevant law and provincial government Rules applicable to the case of the appellant. However, he was not dealt with under established norms of natural law and principles of justice and fair play; as his removal from service was secretly processed when appellant was present in his office for duty. The record on file suggests no serious effort to follow the appropriate legal route. Original para of the appellant service appeal is re-iterated.
- D. Para-D is misinterpretation of the 'particulars' of the appellant. Original para of the appellant service appeal is re-iterated. All Rules of the Khyber Pakhtunkhwa Governments Rules were applicable to the appellant as depicts from provisions contained in Regulations 39, 41 and 42 of KPPRA (Appointment & Conditions of Service) Regulations, 2017, available at page 39 of the service appeal, also relied upon by the respondents themselves in their Written Reply. The principle of approbate and reprobate shall invariable apply to their contradictory stance, to be interpreted beneficial in favour of the appellant.
- E. Incorrect and misconceived. Rule 5 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 was applicable to his case. Furthermore, inquiry can be dispensed with in the circumstances of alleged willful and habitual absence which is not the case of the appellant nor proved as such. That show cause and personal hearing are not available to the accused employee in the conditions enumerated in (i), (ii), (iii) (iv) of sub-rule (1) of Rule 5 and not otherwise. Original para of the appellant service appeal is re-iterated here.
- F. Para-F has not been replied therefore is accepted by the respondents. Original para-F of the appellant service appeal is re-iterated.
- G. Paras- G, H, I, J, K, L, M, N, O, P, Q, R & S have not been controverted, therefore, should be interpreted as admitted by the respondents.

**PRAYER:**

It is therefore humbly prayed that in light of the points relied in the instant Rejoinder, this Hon'ble Tribunal may very graciously allow Service Appeal of the appellant with cost and appellant restored to his position as prayed for in the appeal. Any other relief not specifically prayed for may also very magnanimously be granted with cost please.

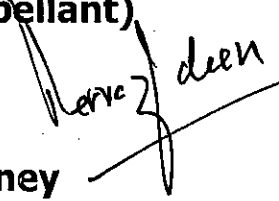
Dt: 24.9.2020



**Anwar Zeb Khan (Appellant)**

**Through**

**His Counsel & Attorney**

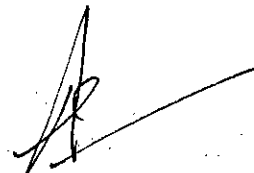


**AFFIDAVIT TO REJOINER**

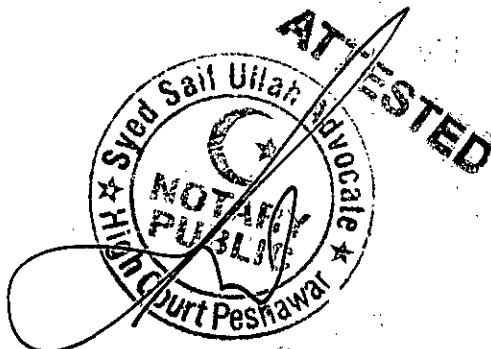
I, Anwar Zeb Khan, appellant, R/O village Palosi Tlarazai, Tehsil & District, do hereby solemnly affirm and declare as under:-

That the contents stated in instant Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed therein deliberately.

Dt: 24.9.2020



**Anwar Zeb Khan (Deponent)**



24 SEP 2020