

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	22.07.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Appeal No. 435/2018</p> <p>Date of Institution ... 19.03.2018 Date of Decision ... 22.07.2019</p> <p align="center">-----</p> <p align="center">Muhammad Nazir, Ex-Assistant (BPS-14), Board of Revenue, Khyber Pakhtunkhwa -----Appellant</p> <p align="center"><u>Versus</u></p> <p>The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and other -----Respondent</p> <p>Mr. Muhammad Amin Khan Kundi.....Member(J) Mr. Hussain ShahMember (E)</p> <p><u>JUDGMENT</u></p> <p><u>Mr. HUSSAIN SHAH:-</u> Mr. Noor Muhammad Khattak Advocate counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present.</p> <p>2. The appellant joined the respondent department as Junior Clerk (BPS-7) vide order dated 01.07.1981. The appellant was promoted to the post of Superintendent (BPS-16) from the post of Assistant (BPS-14) on the recommendation of Departmental Selection Committee in the respondent Department. Previously the appellant was aggrieved from the impugned order dated 16.05.2013 of the respondent No.2 the appellant filed department appeal before respondent No.1 but the same was rejected on 27.11.2013. The appellant preferred service appeal No. 24/14 which was accepted by this Tribunal vide judgment dated 07.01.2016.</p> <p align="center"><i>“Keeping in view the plea of the appellant supported by medical record we are of the view that the competent authority was obliged to have conducted formal inquiry and omission on the part of the competent authority has rendered the entire process as an exercise in futility. We would, therefore, accept the appeal by setting aside the</i></p>

impugned orders with the directions to the competent authority to conduct formal inquiry under E&D Rules by affording prescribed opportunities of hearing to the appellant and fulfilling the required codal formalities. The de-novo inquiry so conducted shall be concluded within a reasonable time but not beyond the period of two months from the receipt of this judgment."

After receiving the copy of the judgment dated 07.01.2016 the appellant approached the respondent department for his re-instatement but the respondent departments were not willing to do so. The appellant filed implementation petition No.203/2016 before this Tribunal during the pendency of the implementation the respondent department issued another order dated 07.09.2017 which was communicated to the appellant on 05.12.2017 whereby the respondent department imposed on 07.09.2017 the major penalty of compulsory retirement with effect from 16.05.2013. Feeling aggrieved from the impugned order dated 07.09.2017 communicated to the appellant on 05.12.2017, the appellant filed department appeal on 06.12.2017 but no reply been received so far. Hence the appellant filed the present service appeal on 19.03.2018.

3. The learned counsel for the appellant argued that the impugned order dated 07.09.2017, communicated to the appellant on 05.12.2017 is against the law, facts, norms of natural justice. Further argued that the respondent department failed to conduct the de-novo proceeding/inquiry as explicitly directed by this August Tribunal vide judgment dated 07.01.2016. Learned counsel for the appellant further argued that the appellant has not been treated in accordance with the law and rules, the respondent department violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan. Further argued that no charge sheet/statement of allegations has been served on the appellant by

respondent No.2. Neither Show Cause notice nor regular inquiry has been conducted by the respondent department. Further argued that no chance of personal hearing/defense has been given to the appellant before issuing the impugned order dated 07.09.2017 which communicated to the appellant on 05.12.2017 whereby major penalty of compulsory retirement had been imposed on the appellant. Learned counsel for the appellant pleaded that the appeal may kindly be accepted and the impugned order dated 07.09.2017 may kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits.

4. The Learned Deputy District Attorney contested the fact, grounds of the appeal and argument of the learned counsel for the appellant and argued that for the purpose of De-novo enquiry the appellant was not reinstated into service because the Service tribunal did not order the reinstated of appellant vide it's judgment dated 07/01/2016, however the competent authority entrusted the De-novo enquiry to Member-I of the BOR 04.02.2016 to implement the judgment and later on then Member-II BOR was asked to conduct the inquiry on 11.03.2016. However the Member-II went for National Management Course due to which De-novo inquiry was again entrusted to Member-I BOR on 10.05.2016 who got the medical documents verified from the hospital concerned in Lahore and found the said documents, produced by the appellant, to be fake and un-authentic. Meanwhile the said Member-II was transferred from the BOR and again the inquiry was entrusted to Mr. Saqib Raza Aslam who was also transferred from the BOR. Finally Mr. Shahid Sohail, Director Land Record was appointed as Inquiry Officer on 24.4.2017 who conducted the inquiry and submitted his report to the competent authority with recommendation that the major punishment of the compulsory retirement may be imposed upon the appellant. The learned Deputy



District Attorney further argued that a show cause notice was issued on 03.8.2017 to the appellant and he was asked to appear before the competent authority for personal hearing on 15.8.2017 at 12:00 hours. Accordingly the appellant was informed vide letter dated 23.08.2017 at his home address but he did not appear before the competent authority on due date and time. He was again called for the personal hearing fixed for 29.08.2017 along with message on his cell phone but did not appear before the competent authority and hence the competent authority imposed upon the appellant the major penalty of compulsory retirement with effect from 16.05.2013. Against this order the Departmental Appeal of the appellant was processed and forwarded to the Chief Secretary on 27.10.2017. The Chief Secretary ordered fresh De-novo Inquiry by appointing Mr. Khaliq Dad as Inquiry Officer who completed the Inquiry and submitted his report on 13.04.2018 but as the appellant filed the instant service appeal on 09.05.2018 hence his departmental appeal become abated and subjudice. The Learned Deputy District Attorney further argued that all the formalities as prescribed in the rule have been fulfilled but the appellant did not appear before the competent authority for his defense. As such the appeal does not carry any merit and hence may be dismissed.

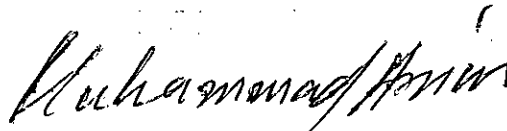
5. Arguments heard. File perused.

6. After the detailed scrutiny of the documents on record, arguments and counter arguments of the learned counsel of the appellant and the learned Deputy District Attorney in the context of this Tribunal Judgment dated 07.01.2016 wherein the responding department was ordered to conduct De-novo inquiry and complete it within 2 months after the receipt of the said judgment. We observed that the responding department took about one year and two months in completion of the Inquiry. The

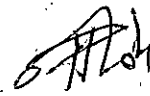
inquiry was entrusted to five different officers during this time period of delay. Moreover it was also observed that that each time the inquiry was entrusted to another officer on the transfer of the previous inquiry officer. It is against the prescribed procedure of Government of Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules, 2011. Because the role of the inquiry officer does not related to place of duty. Once an inquiry is assigned to an officer then he has to complete it subject to certain conditions. It was also observed that in it's previous judgment of 07.01.2016, the tribunal took the notice of the way the request of leave on medical ground of the appellant was rejected arbitrarily without seeking the 2nd medical opinion of the Medical board as mandated in rule 13 of the Khyber Pakhtunkhwa Civil Servant Revised Leave Rules, 1981. During the De-novo proceedings one of the inquiry officer sent the medical document to the hospital concerned for verification which is not included in due process of law. So any such verification cannot be considered as an evidence to replace the provision of rule 13 of the Khyber Pakhtunkhwa Civil Servant Revised Leave Rules, 1981. The Tribunal also observed during the scrutiny of the record of the instant appeal that the charge sheet issued for the De-novo inquiry consisted 7 charges and which were also reflected in the final show cause notice and noted that the all except one charge of 48 day absence, pertains to the previous two proceedings initiated against the appellant and in which penalty was imposed. Similarly the De-novo inquiry report reveals that instead of examining each charge in a meticulous way in the light of the record and statement of the appellant the inquiry officer failed to put in any efforts in examining the facts and straight away jumped to recommendation after a brief narration of the previous actions taken against the appellant from the office record.



7. In view of the above discussion this Tribunal is of the consider view that the responding department has committed many lapses and failed to conduct an impartial inquiry as directed in the judgment of this Tribunal of 07.01.2016. Hence the respondent department is again directed to conduct an impartial De-novo inquiry through a competent officer who is well conversant with the relevant rules and knows who to conduct inquiry in the light of the Government of Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules, 2011 and complete it within 2 months positively. Parties are left to bear their own costs. File be consigned to the record room after its completion.



(Muhammad Amin Khan Kundi)
Member

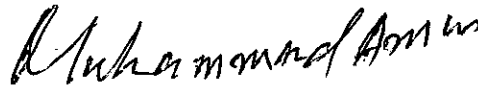


(Hussain Shah)
Member

ANNOUNCED
22.07.2019

22.07.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Vide our detail judgment of today of this Tribunal placed on file, the responding department has committed many lapses and failed to conduct an impartial inquiry as directed in the judgment of this Tribunal of 07.01.2016. Hence the respondent department is again directed to conduct an impartial De-novo inquiry through a competent officer who is well conversant with the relevant rules and knows who to conduct inquiry in the light of the Government of Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules, 2011 and complete it within 2 months positively. Parties are left to bear their own costs. File be consigned to the record room after its completion.



(Muhammad Amin Khan Kundi)
Member



(Hussain Shah)
Member

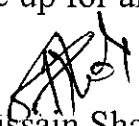
ANNOUNCED
22.07.2019


01.03.2019 Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 16.04.2019 before D.B.


Member


Member

16.04.2019 Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Javed Assistant for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for argument on 12.06.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

12.06.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Muhammad Arif, Supt. for the respondents present.

Learned senior counsel for the appellant is stated to be engaged before the Honourable High Court today in many cases.

Adjourned to 22.07.2019 for arguments before the D.B.



Member



Chairman

Service Appeal No. 435/2018

18.09.2018 Appellant with counsel and Mr. Usman Ghani, District Attorney alongwith Mr. Javed Iqbal, Senior Clerk for the respondents present. Learned counsel for the appellant requested for adjournment to furnish rejoinder. Adjourned. To come up for rejoinder and arguments on 08.11.2018 before D.B.

08.11.2018


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 31.12.2018.


READER

31.12.2018 Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourn .To come up for arguments on 01.03.2019 before D.B.


Member


Member

16.04.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that this is the 2nd round of litigation. Previously service appeal no. 24/14 was filed by the appellant and vide judgment dated 07.01.2016 the respondents were directed to conduct de-novo enquiry. De-novo enquiry was conducted and vide impugned order dated 07.09.2017 (communicated to the appellant on 05.12.2017) major penalty of compulsory retirement was imposed on him w.e.f 16.05.2013. Feeling aggrieved he filed departmental appeal on 06.12.2017, which was not responded within stipulated period, hence the instant service appeal. De-novo enquiry was not conducted in the mode and manner prescribed in the rules and opportunity of due process and fair trial were denied to the appellant.

Points urged need consideration. Admit, subject to limitation. The appellant is directed to deposit of security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 06.06.2018 before S.B.

Appellant Deposited
Security & Process Fee

06.06.2018

Junior counsel for appellant and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 27.07.2018 before S.B

(AHMAD HASSAN)
MEMBER

Member

27.07.2018

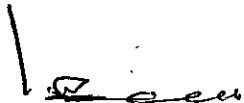

Appellant Mr. Muhammad Nazir in person present. Mr. Attaullah, Assistant Secretary alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply on behalf of the respondents submitted which is placed on file. Case to come up for rejoinder and arguments on 18.09.2018 before D.B.

Chairman

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 435/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02/04/2018	<p style="text-align: center;">The appeal of Mr. Muhammad Nazir resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 2/4/18</p>
2-	03/04/18.	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16/04/18.</u></p> <p style="text-align: right;"> MEMBER</p>

The appeal of Mr. Muhammad Nazir Ex-Assistant Board of Revenue received today by i.e. on 19.03.2018 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 unsigned.
- 2- Copy of reply to show cause notice mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- 3- Page no. 19, 20, 21 and 22 are illegible which may be replaced by legible/better one.

No. 591 /S.T,

Dt. 20/03 /2018



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Note:

Sir,

All the other objections have been removed, while objection No. 2 has not been removed due non availability of copy of Show Cause Notice, hence the present appeal is submitted today dated 2.4.2018, and the same may be put up before the bench.


2/4/2018

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 435 /2018

Muhammad Nazir

VS

REVENUE DEPTT:

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6.	Reply	E	16.
7.	Arrival report	F	17.
8.	Order dated 30-10-2012	G	18.
9.	Arrival report	H	19.
10.	Order dated 16-5-2013	I	20.
11.	Departmental appeal	J	21.
12.	Rejection order	K	22.
13.	Memo of appeal	L	23- 26.
14.	Judgment 7-01-2016	M	27- 31.
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16.	Order sheet dated 5-12-2017	O	34- 35.
17.	Impugned order 7-9-2017	P	36.
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19.	<i>Vakalat Nama.</i>	38.

APPELLANT

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 435 /2018

Diary No. 412

Mr. Muhammad Nazir, Ex-Assistant (BPS-14),
Board of Revenue, Khyber Pakhtunkhwa Peshawar.....**Appellant**

Dated 19-3-2018

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.....**Respondents**

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 07.09.2017 COMMUNICATED TO THE APPELLANT ON 5.12.2017 WHEREBY MAJOR PENALTY OF COMPULSORY RETIREMENT HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 07.09.2017 may very kindly be set aside and the respondents may be directed to re-instated the appellant with all back benefits. Any other remedy which this august court deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That the appellant joined the respondent Department as Junior Clerk (BPS-7) vide order dated 01-07-1981 and have served the respondent Department for more than 32 years quite efficiently and up to the entire satisfaction of his superiors.

That vide order dated 16-6-2010 the appellant was promoted to the post of Superintendent (BPS-16) from the post of Assistant (BPS-14) on the recommendation of the Departmental Selection Committee. That appellant while working as Superintendent (BPS-16) in the respondent Department was felt ill due to severe heart attack. That

Filed to Registrar
19/3/18

Re-submitted to Registrar
and filed.

Registrar

19/3/18

appellant on the advice of his Doctor and above reason requested the respondent No.2 for medical leave but no heed was paid by the respondent No.2 to the request of appellant. Copies of the promotion order and medical prescriptions are attached as annexure**A & B.**

- 3- That the respondent Department without entering into the matter of the appellant without conducting regular inquiry against the appellant issued order dated 25.07.2011 due to which the appellant was demoted to the post of Assistant (BPS-14) from the post of Superintendent (BPS-16). That resultantly on the above reasons the appellant was caused by another disease of mental disorder along with serious disease of heart. Copy of the order dated 27.07.2011 is attached as annexure **C.**
- 4- That appellant time and again informed the respondent No.2 about his illness and requested for medical leave along with proofs of medical prescriptions but the respondent No.2 issued another show cause notice to the appellant vide order dated 14-2-2012. That in response the appellant replied to the said show cause notice and informed the respondent No.2 about his illness and again requested for medical leave. Copies of the show cause notice, reply and arrival report are attached as annexure **D, E & F.**
- 5- That the respondent No.2 instead of referring the appellant to the standing medical Board for proper check up straight away imposed another penalty of stoppage of annual increments vide order dated 30-10-2012. That the brutalized acts of the respondent No.2 were not ended and finally a third order was issued against the appellant due to which the appellant was removed from his service vide order dated 16-5-2013. That the respondents ignored the lengthy service of the appellant of more than three decades. Copies of the order dated 30-10-2012, arrival report & impugned order dated 16-5-2013 are attached as annexure **G, H & I.**
- 6- That feeling aggrieved from the impugned order dated 16-5-2013 of the respondent No.2 the appellant filed Departmental appeal before the respondent No.1 but the same was rejected on 27-11-2013 on no good grounds and then after the appellant preferred service appeal No.24/2014 before this august Tribunal which was accepted with the view that "***Keeping in view the plea of the appellant supported by medical record we are of the view that the competent authority was obliged to have conducted formal inquiry and omission on the part of the competent authority has rendered the entire process as an exercise in futility. We would, therefore,***

accept the appeal by setting aside the impugned orders with the directions to the competent authority to conduct formal inquiry under E&D Rules by affording prescribed opportunities of hearing to the appellant and fulfilling the required codal formalities. The de novo inquiry so conducted shall be concluded within a reasonable time but not beyond the period of two months from the receipt of this judgment".

Copies of the Departmental appeal, rejection order, memo of appeal and judgment dated (07.01.2016) are attached as annexure **J, K, L & M.**

7- That after receiving attested copy of the judgment dated 07.01.2016 the appellant approached the respondent Department for his re-instatement but the respondents were not willing to do so. That appellant finally the appellant filed implementation petition (No.203/2016) before this august Tribunal. Copy of the implementation petition is attached as annexure **N.**

8- That during the pendency of the above mentioned implementation petition the respondent Department issued another order dated (07.09.2017) communicated to the appellant on 05.12.2017 whereby major penalty of compulsory retirement was imposed on the appellant w.e.f 16.05.2013. Copies of the order sheet dated 5.12.2017 and impugned order is attached as annexure.....**O & P.**

9- That feeling aggrieved from the impugned order dated 07.09.2017 communicated to the appellant on 5.12.2017 preferred Departmental appeal on 06.12.2017 but no reply has been received so far. Hence the present appeal on the following grounds amongst the others. Copy of the Departmental appeal is attached as annexure.....**Q.**

GROUND:

A- That the impugned order dated 07.09.2017 communicated to the appellant on 05.12.2017 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

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

C- That instead of referring the appellant to standing medical Board for proper check up the respondent No.2 surrendered the appellant by issuing three orders on one issue which

amounts to serious illegality/gross misconduct on the part of respondent No.2.

- D- That the respondent Department without re-instating the appellant into service straight away issued the impugned order dated 7.9.2017, therefore the same is void ab initio.
- E- That no charge sheet and statement of allegation has been served on the appellant by the respondent No.2 before issuing the impugned order dated 07-09-2017.
- F- That no chance of personal hearing/defense has been given to the appellant before issuing the impugned order dated 07-9-2017.
- G- That no show cause notice has been served on the appellant nor has regular inquiry been conducted by the respondent No.2 against the appellant before issuing the impugned order dated 07-09-2018 which is mandatory as per Supreme Court Judgments.
- H- That the respondents acted in arbitrary and malifide manner while issuing the impugned orders dated 07.09.2017 by not considering the appellant severe illness.
- I- That the respondent No.2 discriminated the appellant on the subject noted above rather the respondent No.2 violated the principle of natural justice.
- J- That the impugned order dated 07.09.2017 falls within the ambient of double jeopardy.
- K- That the appellant seeks permission to advance other grounds and proofs at the time of appellant.

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

APPELLANT


MUHAMMAD NAZIR

THROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE**

A-5

GOVERNMENT OF KHYBER PAKHTUNKHWA.
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 16 /06/2010.

OFFICE ORDER.

NO. _____ /Admn:IV/II/2010. On the recommendation of Departmental Promotion Committee the Competent Authority has been pleased to order promotion of the following Assistants as Superintendents with the following details noted against each:

Sl.No.	Name	Present post held by the official	Promoted to the next higher post.	Remarks:
1.	Muhammad Dawood. Assistant (BPS-14)	Acting Charge Superintendent (BPS-16). Acting Charge	Superintendent (BPS-16) on regular basis with immediate effect.	
2.	Muhammad Hamayun, Assistant (BPS-14)	-DO-	Superintendent (BPS-16) on regular basis with immediate effect.	
3.	S. Ayub Shah. Assistant (BPS-14)	-DO-	Superintendent (BPS-16) on regular basis with immediate effect.	
4.	Mr. Attaullah,	Assistant (BPS-14)	-	Deferred due to pending disciplinary proceedings against him which have not yet been finalized.
5.	Mr. Muhammad Ajmal	Assistant (BPS-14)	Superintendent (BPS-16) on regular basis with immediate effect.	
6.	Mr. Muhammad Nawaz,	Assistant (BPS-14)	-	Deferred due to shortage of ACR.
7.	MR. Muhammad Nazir.	Assistant (BPS-14)	Superintendent (BPS-16) on regular basis with immediate effect.	

By Order Of
Senior Member,
Revenue & Estate Department,
Khyber Pakhtunkhwa.

11904-15
NO. _____ /Admn: IV/II/2010.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Assistant Director (Admn & Accounts) PDMA/PARRSA, Peshawar.
3. Bill Assistant, Board of Revenue, Khyber Pakhtunkhwa.
4. Official concerned.
5. Personal file.
6. Office order file

ATTESTED

ATTESTED

Lady Reading Hospital

Peshawar

Out-Patients Department

Room

Yearly No: 4076850911

22

Date: 17-SEP-12 10:19:12

Name: M. NAZIR

OPIS: CARDIOLOGY

فری ایجو ایس نروس کیلے 137 پر کال کریں۔

→ On treatment for CAD

No objective evidence of CAD on Echo

EKG

ETT

Now stable

-ETT - inconclusive

fuls. B/P

HR 130/80mmHg

MP

chest - clear

cr. S/S + P.

[Signature]

Prob Cancer 5mg

Prob. 11/10/12

ATTESTED

Dr. Ahsan 75 mg

GS&PD, NWFP, 46:37-LTH-20,000, P-125, 25.11.2007

11/10/12

was hospitalized

PTD

Due to serious heart attack in hospital

ATTESTED

[Signature]

1/12

7

PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

Name: M NAZEER
Age/Sex: 50 M.

OPD No: 36130 / 2012
Date: December 7, 2012 10:00

History

Left Sided chest pain 5 months
Radiating to Neck and Left
Arm, Heaviness type.

Risk Factor

- DM
- HTN
- Smoking
- Hyperlipidemia
- Family History
- Others

Physical Examination

S₁ + S₂ + 0
BP: 140/90

Allergies

None

ECG Findings

- HR = 75
- Sinus Regular Rhythm
- Left Axis Deviation
- Loss of R-wave in (II), AVF
- U-waves present

Management Decision

Issue MR No for

- Hospitalization
- OPD Workup
- No Active Cardiac Complaint at present
- Refer to _____

Provisional Diagnosis

- Angina pectoris
- LAH

Treatment Advised

Tab. Loprin 25mg

Tab. Cardnit

Tab. Angised

Tab. Lipicore

Tab. Naiplet

Purchi Fee Rs. 1/-

Adv.

- Rest For 1 Month
- Avoid Smoking
- Light exercise

ATTESTED

Doctors's Name, Signature & Stamp

Prof. Abdul Waheed
Punjab Institute of Cardiology
Lahore

ATTESTED

Prof. Abdul Waheed
Punjab Institute of Cardiology
Lahore

raheel
17-Dec-12
10:38:52 am

ایسٹیبلیشمنٹ کے بعد دوبارہ تشریف لائیں گے

8

PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

Name: M ~~AZIZ~~ ^{NAZIR}
Age/Sex: 50 M

OPD No: 1527 / 2013
Date: January 11, 2013 10:15

History

14/10 HTN

14/07 (HTN)

Physical Examination

of
ECG Findings: Normal available

Risk Factor

- DM
- HTN
- Smoking
- Hyperlipidemia
- Family History
- Others

Allergies

Management Decision

Issue MR.No for

- Hospitalization
- OPD Workup
- No Active Cardiac

Complaint at present

Refer to _____

Provisional Diagnosis

HTN (HTN)

Treatment Advised

13 Diltiazem 300
20 15 30

13 Corisol Pas

Purchi Fee/Rs.1/-

raheel
11-Jan-13
10:15:42 am

Adv: Complete
Prod Rest for
Fourty days.

11/1/2013

Doctors Name, Signature & Stamp

B. Sufian

ATTESTED

ATTESTED

PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

Name: M NAZEER
Age/Sex: 50. M

OPD No: 36130 / 2012
Date: December 7, 2012 10:30

History: 1.50. 1.50. chest pain 6 months
relating to Nerve and
Nerve. Nerve. Nerve.

- Risk Factor
- DM
 - HTN
 - Smoking
 - Hyperlipidemia
 - Family History
 - Others

Physical Examination: 1.50. 1.50. 1.50.

Allergies: None

ECG Findings:
- HR = 75
- Sinus Regular Rhythm
- Left Axis Deviation
- Loss of R wave in II, AVF
- No ST-T changes present

- Management Decision
- Issue MIR No for
- Hospitalization
 - OPD Workup
 - No Active Cardiac Complaint at present
 - Refer to _____

Provisional Diagnosis:
- Angina pectoris
- LAM

Treatment Advised:
- Tab. Aspirin 75mg
- Tab. Angisedil 25mg

Tab. Cardinal 600
1.50. 1.50.
Tab. Lipitor 20mg
1.50. 1.50.

Purchi Fee Rs. 1/-

Doctors's Name, Signature & Stamp

7-Dec-12
10:31:52 am

Prof. Abdul Wahid
Punjab Institute of Cardiology

Prof. Abdul Wahid
Punjab Institute of Cardiology

ATTESTED

ATTESTED

10

PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE

OPD SLIP

Name: MAZHAIR
Age/Sex: 50 M

OPD No: 1527 / 2013
Date: January 11, 2013 10:15

History

Risk Factor

- DM
- HTN
- Smoking
- Hyperlipidemia
- Family History
- Others

Physical Examination

Allergies

ECG Findings

Management Decision

Issue MR No for

- Hospitalization
- OPD Workup
- No Active Cardiac

Complaint at present

Refer to _____

Provisional Diagnosis

Treatment Advised

13. Diltiazem 300mg
 14. Lisin 20mg
 15. Calcium Channel Blocker

14. Diltiazem 300mg
 15. Lisin 20mg
 16. Calcium Channel Blocker

Surcharge Fee/Rs.1/-

Doctors Name, Signature & Stamp

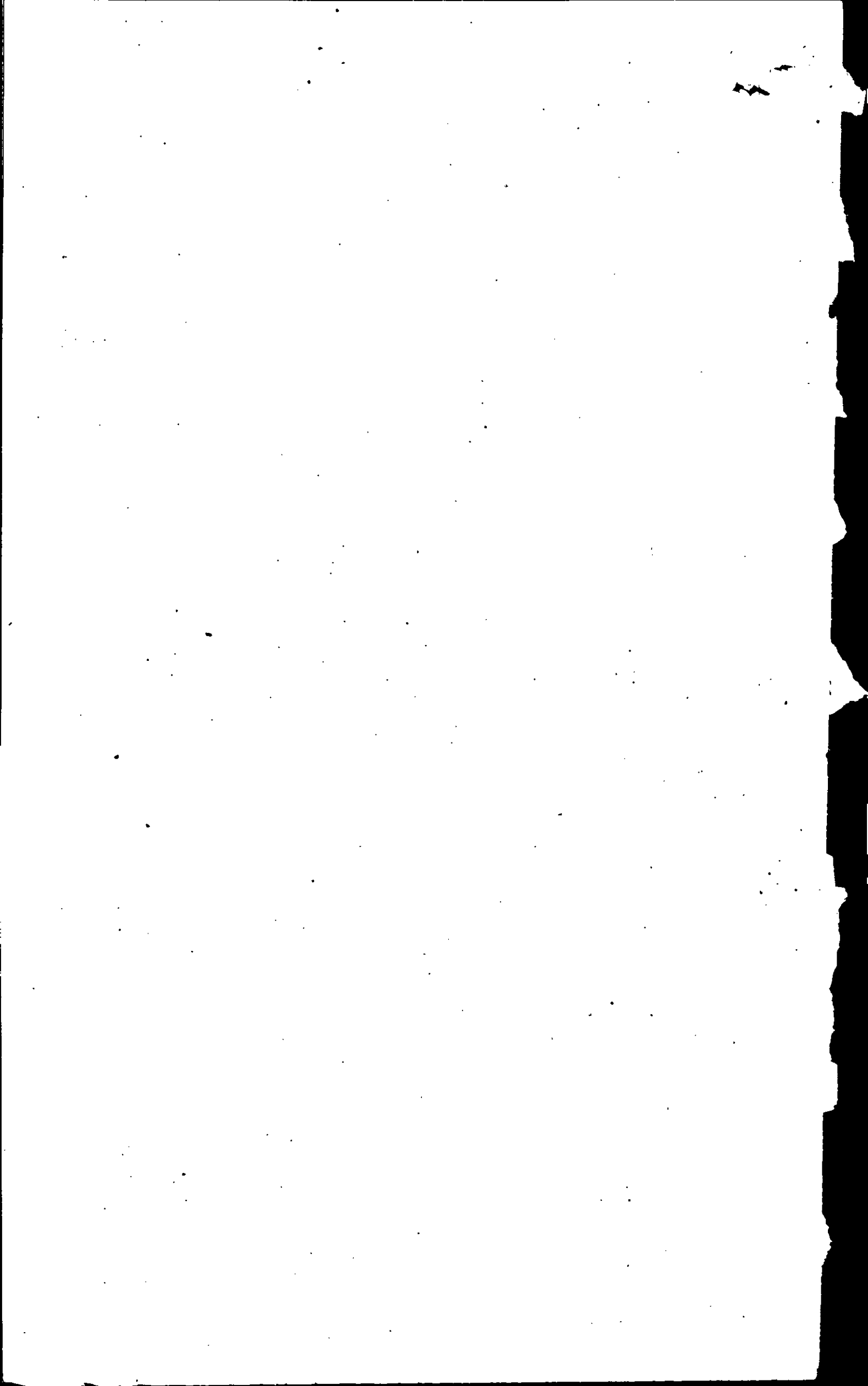
11-Jan-13 10:15:42 am

ATTESTED

ATTESTED

[Signature]

[Signature]



POST GRADUATE MEDICAL INSTITUTE,
LADY READING HOSPITAL, PESHAWAR

DISCHARGE SLIP

Admission No. 722-08-12 Bed No. 1
 Name of Patient: Muhammed Wazir Father's Name: Wazir Khan
 Age: 50 years Sex: Male
 Address: Madina Street Gulbahar No. 4 Peshawar City
 Date of Admission: 23-07-12 Time of Admission: 21:33:17
 Date of Discharge: 28-07-12 Time of Discharge: 10:30:00
 Diagnosis: Acute myocardial infarction Condition of Disc: Stable

TREATMENT IN HOSPITAL

(1)	Ascard 75mg - OD	Advised - Complete bed rest For 40 days 29-07-12
(2)	Ogrel 75mg - OD	
(3)	X-Planted 10mg - OD	
(4)	inj. Cloxone 600mg - BD	
(5)	Ramipril 2.5mg 1/2 - OD	
(6)		

TREATMENT AT HOME

(1)	Ascard 75mg	1/2 tablet
(2)	Low Dose Aspirin 75mg	1/2 tablet
(3)	Ravla 10mg	1/2 tablet
(4)	Lasix 25mg 1/2	1/2 tablet
(5)	Ramipril 1.25mg 1/2	1/2 tablet
(6)		

28/07/12

ATTESTED

[Signature]

ATTESTED

[Signature]

Sr.

PUNJAB INSTITUTE OF CARDIOLOGY

Ghaus-ul-Azam (Jail) Road, Lahore Ph: 99203051-65

www.pic.com.pk

12

PATIENT MEDICAL RECORD FACE SHEET

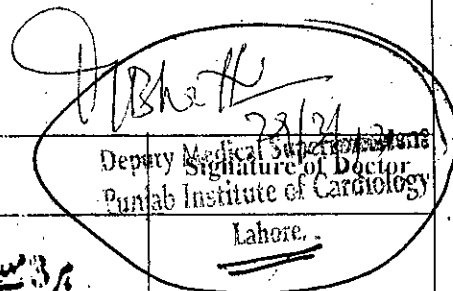
29/03/2013 11:03 AM

O.P.D

29-Mar-13 11:03:20 am

Medical Record No.	2013 - 018731	Category Room : 2	OPD Room : 1
Patient Name :	MUHAMMAD NAZIR		
S/O, D/O:	WAZEER KHAN		
W/O:			
Address:	BACHA GHULAM		
City:	PESHAWAR	Phone:	
Age:	51 years	Sex:	Male
		Marital Status:	Married

New Card No.	17301-7559800-1	Religion:	MUSLIM
--------------	-----------------	-----------	--------

Purchased Fee: Rs. // Socio-economic Status of Patient / Guardian Self <input type="checkbox"/> Dependent <input type="checkbox"/>	CATEGORY FOR ECG, Echo, ETT Thallium, Radiology Pathology, Holter Admission, CT Angio Angiography	Paying
	CATEGORY FOR Angioplasty Cardiac Surgery PPM EPS	Paying
	Sign & Stamp for Categorization Officer	

Consultant	DR. SHAHID AMIN		Deputy Medical Superintendent Signature of Doctor Punjab Institute of Cardiology Lahore.
------------	------------------------	--	---

Date	Diagnosis	ICD Code:
Friday 29/03/2013 11:03 AM		

ہر 3 مہینے کے بعد ریش کا چیک اپ کرانا لازمی ہے
 دوائے دوا نہیں ملے گی۔

ATTESTED

ATTESTED

[Handwritten Signature]

میڈیکل ریکارڈ نمبر:

Self

مری کروانے والے کا نام:

ماری کروانے والے کا مریض سے رشتہ:

پنجاب انسٹیٹیوٹ آف کارڈیالوجی، لاہور۔

فارم برائے کیمٹری

1- معلومات مریض:

مریض کا نام:

شناختی کارڈ نمبر:

پتہ:

فون نمبر:

Peeshwar Sault Employee
Asst. Lab.

پیشہ اکاروبار اسروس:

موبائل نمبر:

کل ماہانہ آمدنی:

تیس دہندہ:

زیر سرپرستی خاندان کے افراد کی تعداد:

تاریخ:

تاریخ:

مکان:

اپنا آکر ایہ کا:

زرعی زمین:

سائیکل امونٹ سائیکل اکار:

سرپرست مریض:

نام (سرپرست مریض):

قومی شناختی کارڈ نمبر:

مریض کے ساتھ رشتہ:

سرپرست کا پیشہ اکاروبار اسروس:

سرپرست کا:

فون نمبر:

موبائل نمبر:

مریض کے علاج کے لیے دستیاب رقم:

ایمرجنسی رابطہ:

نام:

فون نمبر:

سرکاری ملازمت (حکومت پنجاب)

سرکاری ملازمت کا نام:

عہدہ:

محلہ / دفتر:

گریڈ:

مریض کے ساتھ رشتہ:

فون نمبر:

Entitled مریض کے لیے مندرجہ ذیل کاغذات کی ضرورت ہے:

Original Medical Docket - کے نام ہے محکمہ سے

کاپی شناختی کارڈ مریض اسرکاری ملازم۔

کاپی پے سلپ۔

مریض کا ہسپتال کارڈ۔

پیشن بک کی کاپی (اگر ریٹائرڈ سرکاری ملازم ہو)۔

دستخط مریض

دستخط مریض

Payung

ریکارڈس:

دستخط:

TAMUK

نمبر:

2818/13

کیٹیگری آفیسر

PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

13

Name : M NAZIR
Age/Sex : 50 M

OPD.No : 20625 / 2013
Date : March 29, 2013 10:06 am

History

Risk Factor

① Chest pain
Ect chest pain or
climb stairs 3 months

- DM
- HTN + 1 yr
- Smoking 0
- Hyperlipidemia 0
- Family History 0
- Others 0

Physical Examination

Allergies M

120/80, 70/min

ECG Findings

215, 80, chest clear
LAD

Management Decision

- Issue MR No for
- Hospitalization
- OPD Workup
- No Active Cardiac
- Complaint at present
- Refer to _____

Provisional Diagnosis

HTN

(ETD)

Treatment Advised

- Tab Atenolol

_____ 1 + 0 + 0

- Tab Adalat

Purchi Fee Rs.1/-

RAHEEL
29-Mar-13
10:06:37 am

Advised -
Complete bed rest for
one month

ATTESTED

Doctors Name, Signature & Stamp

M. Nazir
29/03/13

ATTESTED

29/3/13

GOVERNMENT OF KHYBER PAKHTUKHWA,
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.

Dated, 25/07/2011.

NOTIFICATION.

No. Admn:IV/II/Enq:Nazir/2011/22369. WHEREAS, Mr. Muhammad Nazir, Superintendent (BPS-16), was proceeded under the NWFP Removal From Service (Special Powers) Ordinance, 2000.

2. WHEREAS, the Enquiry Officer was appointed to conduct Enquiry against the accused official.

3. WHEREAS, the Enquiry Officer after having examined the Charges, evidence on record and explanation of the accused official, submitted report.

4. AND WHEREAS, the Enquiry officer has held the accused official as guilty of misconduct and recommended major Penalty under Section-3 (b) of the Removal from Service (Special Powers) Ordinance, 2000, read with Section-4 (b) (i) of Government Servants (Efficiency and Discipline) Rules, 1973 for reversion to lower post of Assistant (BPS-14).

5. AND THEREFORE, the Authority in light of Enquiry Report served a final Show Cause Notice to the accused official. As the accused official was not traceable at his address, the notice was got published in daily news papers with regards to his continuous and willful absence from duty with effect from 05.08.2010 to -date, and non response to notice.

6. NOW THEREFORE, I, Waqar Ayub, Secretary Revenue & Estate Department as Competent Authority impose the major penalty and revert the accused, who is on probation, to the post of Assistant (BPS-14) under Section-3 (b) of the Removal from Service (Special Powers) Ordinance, 2000, read with Section-4 (b) (i) of Government Servants (Efficiency and Discipline) Rules, 1973, with immediate effect.

Sd/-
Secretary.

Endst: No. Admn:IV/II/Enq:Nazir/2011/22370-74.

Copy of the above is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Bill Assistant, Board of Revenue, Khyber Pakhtunkhwa for further necessary action.
3. Mr. Muhammad Nazir, Superintendent, Board of Revenue, Khyber Pakhtunkhwa.
4. Personal files.
5. Office order file.

ATTESTED ATTESTED

[Handwritten signature]

[Handwritten signature]

(Khan Sher)
Assistant Secretary (Admn)
Tele: No.9210463

*In light of Rule-13
of the revised Service
Rules 1981.*

D-15

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT

No. Admn: IV/AR-1/2011. 2955

Dated 16/02/2012.

SHOW CAUSE NOTICE.

I, Waqar Ayub, Secretary, Revenue & Estate Department, Khyber Pakhtunkhwa, as Competent Authority, do hereby serve Show Cause notice of Rule-3(d) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, on you Mr. Muhammad Nazir, Assistant, Board of Revenue, as under:

That consequent upon receiving attendance report for the period from 16.10.2011 to 31.11.2011. I am satisfied that you remained absent from 18th to 22, 29/10/2011, and 3rd, 5 and 10th to 30/11/2011. The willful absence from duty amounts to misconduct as specified in Rule-3 of the Civil Servant (Efficiency & Discipline) Rules, 2011.

2. As a result thereof, I, as Competent Authority, have tentatively decided to convert your willful absence as leave without pay, and order recovery of salary paid to you on the date(s) under the said Rules.

recovery of salary
₹

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

Waqar
Secretary.

ATTESTED

[Signature]

ATTESTED

[Signature]

E-16

To,

The Senior Member,
Board of Revenue,
Revenue and Estate Department,
Khyber Pakhtunkhwa, Peshawar.

22/2/12

SUBJECT: SHOW CAUSE NOTICE.

Sir,

Reference bearing No. Admn:IV/AR-1/2011/ 2955, dated 14/02/2012, on the subject noted above and to say that absence as mentioned in the above show cause notice dated 18th to 2nd, 29/10/2011 and 3rd, 5 and 10th to 30/11/2011. It is added that I was submitted my application, dated 15/11/2011, addressed to Secretary, Board of Revenue alongwith the Doctor advised (copy attached). *24(A) of the G.C Act 1897 the appellant uses irregular.*

It is, therefore, requested that keeping in view as explained above the show cause notice issued to me may kindly be filed. I promised that I will be careful in future.

Thanks.

Dated 22 /02/2012.

Mohammad Nazir
(Mohammad Nazir),
Assistant,
Board of Revenue.

ATTESTED

*on different occasions
26 days*

ATTESTED

[Signature]

To

The Secretary-I,
Board of Revenue,
Khyber Pakhtunkhwa.

F-17

SUBJECT ARRIVAL REPORT.

Sir,

I have to honour to submit my Arrival Report for official duty as Assistant, Admn-VI today on 23-04-2012. I am feeling serious hard attack. In this connection I got my self examined by the Doctor in LRH, Peshawar as per Medical certificate/Fitness is attached for ready reference.

It is therefore requested that my absence with effect from 14-03-2012 to 21-04-2012 may kindly be considered as earned leave on Medical grounds in light of certificate/Doctor advised per attached herewith for kind of perusal please.

Dated 23-04-2012

Yours Obediently

Muhammad Nazir
Muhammad Nazir, 20/4/2012
Assistant Admn: VI,
Board of Revenue.

ATTESTED
[Signature]

ATTESTED
[Signature]

G-18

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.

Dated, 30/10/2012.

ORDER.

No./Admn-IV/II/Nazir/R&E/2012/_____. Whereas Mr. Muhammad Nazir Assistant (Board of Revenue) Revenue and Estate Department was proceeded against under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for charges mentioned in the charge sheet and statement of allegations dated 26.06.2012 and

Whereas Mr. Ghulam Jeelani Assistant Secretary Revenue and Estate Department was appointed as Enquiry Officer to conduct enquiry against the official concerned and

Whereas the Enquiry Officer after having examined the charges/evidence on record has submitted his findings/report, whereby the charges leveled against the accused official stand proved. The Enquiry Officer has recommended for major penalty of compulsory retirement upon the official concerned and.

Whereas, the Competent Authority issued a show cause notice to accused official who heard in person and the Competent Authority has converted the major penalty into minor penalty.

Now therefore, I, Fazli-Rehmani, Secretary to Government of Khyber Pakhtunkhwa Revenue and Estate Department being Competent Authority after having considered the charges/evidence on record, findings of the Enquiry Officer, exercising power under Section-4 (a) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, hereby impose minor penalty of stoppage of two increments without accumulative effect for the year of 2012 and 2013.

Sd/-
Secretary to Government of
Khyber Pakhtunkhwa,
Revenue and Estate Department

Enst: No./Admn-IV/II/Nazir/R&E/2012/ 20935-39

Copy of the above is forwarded to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Bill Assistant, Revenue and Estate Department, Khyber Pakhtunkhwa.
3. Mr. Muhammad Nazir Assistant Revenue and Estate Department Khyber Pakhtunkhwa.
4. Personal file.
5. Office order file.

ATTESTED

ATTESTED

Assistant Secretary (Admn)

To

The Secretary,
Board of Revenue, Khyber Pakhtunkhwa

Subject: ARRIVAL REPORT

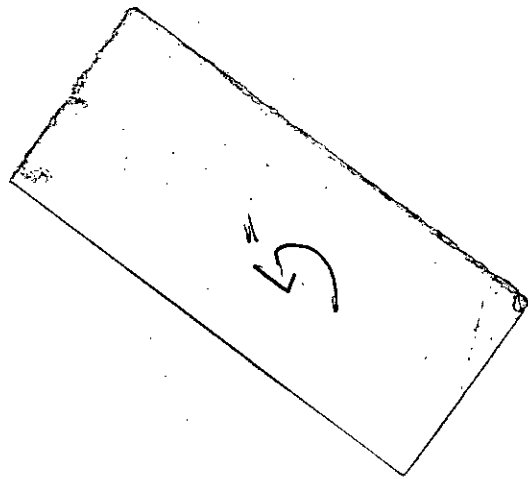
Sir,

Reference bearing No. Admn: VI/II/PF/Nazir dated 2013/1199, on the subject noted above and to say that absence mentioned in the above Notice on absint from duty. I have to honor to submit my Arrival Report from official duty as Assistant Admn:IV today on 30.1.2013. I am feeling Serious hard attack in this connection I got myself examined by the Doctor, in Punjab Institute of Cardiology Lahore as per Medical Certificate is attached for ready reference.

It is therefore requested that my absence with effect from 23-11-2012 to 30.1.2013 may kindly be considered as earned leave on Medical grounds in light of certificate/Doctor advised per attached herewith the kind perusal please.

Yours Obediently

(Muhammad Nazir)
Assistant Admn: VI Board of Revenue



To

H (19) 19

The Secretary-
Board of Revenue, Khyber Pakhtunkhwa

Subject:- ARRIVAL REPORT

Sir,

Reference bearing No. Admn:VI/II/PF/Nazir dated 2013/1199, on the subject noted above and to say that absence mentioned in the above Notice on absent from duty. I have to honor to submit my Arrival Report for official duty as Assistant Admn:VI today on 30-1-2013. I am feeling Serious hard attack in this connection I got myself examined by the Doctor, in Punjab Institute of Cardiology Lahore. per Medical certificate is attached for ready reference.

It is therefore requested that my absence with effect from 23-11-2012 to 30-1-2013 may kindly be considered as earned leave on Medical grounds in light of certificate/Doctor advised per attached herewith. Kind of perusal please.

ATTESTED

MN

Yours Obediently

(Mohammad Nazir)
Assistant Admn:VI Board of Revenue.

ATTESTED

BF

- 1. A.
- 2. Bill
- 3. Mr. MA.
- 4. Person
- 5. office orde.

**GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.
Dated, 16/05/2013.**

ORDER:

No./Admn-IV/II/Nazir/R&E/2013/_____. Whereas Mr. Muhammad Nazir Assistant (Board of Revenue) Revenue and Estate Department was proceeded against under Rules-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations dated 26.06.2012 and

Whereas Mr. Ghulam Jeelani Assistant Revenue and Estate Department was appointed as Enquiry Officer to conduct enquiry against the official concerned and

Whereas the Enquiry Officer after having examined the charges/evidence on record has submitted his findings/report, whereby the charges leveled against the accused official stand proved. The Enquiry Officer has recommended for major penalty of compulsory retirement upon the official concerned. However, taking a lenient view the Competent Authority imposed minor penalty of stoppage of two increments without accumulative effect for the year 2012 and 2013, upon the accused official. But the accused official remained constantly absent from duty and was proceeded under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011. The accused official also did not make any response to the notices published in two leading Daily News Paper and is absent till to date.

Now therefore, I Fazli Rehmani, Secretary to Government of Khyber Pakhtunkhwa Revenue and Estate Department being Competent Authority after having considered the charges/evidence on record, exercise power under Section-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, hereby impose major penalty of "removal from service under rule-4(b)(iii) of the Rule ibid" upon Mr. Muhammad Nazir accused Assistant (Board of Revenue and Estate Department Khyber Pakhtunkhwa, with immediate effect.

Secretary to Government of
Khyber Pakhtunkhwa
Revenue and Estate Department

Endst: No./Admn-IV/II/Nazir/R&E/2013/10267-71

I-20

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.
Dated, 16/05/2013.

ORDER.

No./Admn-IV/II/Nazir/R&E/2013/_____ Whereas Mr. Muhammad Nazir Assistant (Board of Revenue) Revenue and Estate Department was proceeded against under Rules-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations dated 26.06.2012 and

*matter
old charge
sheet*

Whereas Mr. Ghulam Jeelani Assistant Secretary Revenue and Estate Department was appointed as Enquiry Officer to conduct enquiry against the official concerned and

Whereas the Enquiry Officer after having examined the charges/evidence on record has submitted his findings/report, whereby the charges leveled against the accused official stand proved. The Enquiry Officer has recommended for major penalty of compulsory retirement upon the official concerned. However, taking a lenient view the Competent Authority imposed minor penalty of stoppage of two increments without accumulative effect for the year 2012 and 2013, upon the accused official. But, the accused official remained constantly absent from duty and was proceeded under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011. The accused official also did not make any response to the notices published in two leading Daily News Papers, and is absent till to date.

*recommended
c.r*

Now therefore, I, Fazli-Rehmani, Secretary to Government of Khyber Pakhtunkhwa Revenue and Estate Department being Competent Authority after having considered the charges/evidence on record, exercising power under Section-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, hereby impose major penalty of "removal from service under rule-4((b)(ii) of the Rule ibid" upon Mr. Muhammad Nazir accused Assistant (Board of Revenue) Revenue and Estate Department Khyber Pakhtunkhwa, with immediate effect.

No mention of absence

Sd/-
Secretary to Government of
Khyber Pakhtunkhwa,
Revenue and Estate Department

Encl: No./Admn-IV/II/Nazir/R&E/2013/10267-71

Copy of the above is forwarded to the:

1. Accountant General Khyber Pakhtunkhwa.
2. Bill Assistant Revenue and Estate Department, Khyber Pakhtunkhwa.
3. Mr. Muhammad Nazir Assistant Revenue and Estate Department Khyber Pakhtunkhwa.
4. Personal file.
5. Office order file.

ATTESTED

ATTESTED

[Signature]

[Signature]

Assistant Secretary (Admn)

To

The Chief Secretary,
Khyber Pakhtunkhwa

Subject:

APPEAL AGAINST ORDER DATED 15.05.2013 WHEREBY THE
APPELLANT WAS REMOVED FROM SERVICE

Sir,

It is humbly submitted that I was a regular employee of the Board of Revenue since from 01.07.1981 and performed my duties up to the entire satisfaction of my superiors, there is no fault on flaw/blunder that could be found during my whole service carrier. I am a true patriot and loyal citizen of the state and Government, my devotion and hard work can be acknowledged from the available record especially during my deputation/posting in the Provincial Relief Commissionerate. I performed my duties with zeal and zest during the time when the time when a major earthquake Jaulted Northern areas of the Khyber Pakhtunkhwa in the year 2005, I remained in the office round the clock in the service of mankind. And due to heavy load of work ha lost my health. When I was posted back in Board of Revenue my working capacity become effective as I remained ill due to the above mention reasons. But even though I continued my duties without fail. Resultantly I caught in heart/kidney diseases.

The period I could not join any services and trialed by the office spent on bed and being a failure to words official duty and my private/domestic responsibilities as well I collapsed mentally and psycho effects ruined my physical health and private life.

Now I am in a bit stable condition have met with a new problem as I have been removed from service through order dated 16.05.2013.

Sir, I admit that I could not report to the office for duty but this is not a justice because I have been given penalties three times in a shot span of time 1st I was given the penalty of demotion and down graded from the post of Superintendent (BPS-16) to the post of Assistant (BPS-14) then two annual increments were stopped without accumulative effect for the year 2012-13 and finally the major penalty of removal from service has been imposed on me.

Sir instead to recognize my performance during hard days since 8th October 2005 in Provincial Relief Commissionerate due to the reason I lost my health I have been awarded with multiple punishment/penalties.

Sir, as is evident that you have a God gifted blessings of compassionate feelings for all place and put my plea my circumstances before your kind honor to look into for sympathy on humanitarian basis specially for the sack of my children my family which is already in a miserable condition due to my deteriorated health, the life of my whole family rest upon your merciful judgment on the order dated 15.03.2013.

I hope you will save my children from hunger and death.

Yours Obediently

(Muhammad Nazir)
Assistant Admn: VI Board of Revenue

J-21

Disty no. 9422
Date 04-9-13

The Chief Secretary,
Khyber Pakhtunkhwa.

Subject: APPEAL AGAINST ORDER DATED 15.05.2013 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE.

Sir,

It is humbly submitted that I was a regular employee of the Board of Revenue since from 01.07.1981 and performed my duties up to the entire satisfaction of my superiors, there is no fault or flaw/blunder that could be found during my whole service carrier. I am a true patriot and loyal citizen of the state and Government, my devotion and hard work can be acknowledged from the available record specially during my deputation/posting in the Provincial Relief Commissionerate. I performed my duties with zeal and zest during the time when a major earthquake faulted Northern areas of Khyber Pakhtunkhwa in the year 2005, I remained in the office round the clock in the service of mankind. And due to heavy load of work I lost my health. When I was posted back in Board of Revenue my working capacity become effected as I oftenly remained ill due to the above mention reasons. But even though I continued my duties without fail. Resultantly I caught in heart/kidney diseases.

The period I could not join my services and trialed by the office, spent on bed and being a failure to words official duty and my private domestic responsibilities as well I collapsed mentally and psycho effects ruined my physical health and private life.

Now, I am in a bit stable condition have met with a new problem as I have been removed from service through order dated 16.05.2013.

Sir, I admit that I could not report to the office for duty but this is not a justice because I have been given penalties three times in a short span of time 1st I was given the penalty of demotion and down graded from the post of Superintendent (BPS-16) to the post of Assistant (BPS-14) then two Annual increments were stopped without accumulative effect for the year 2012-13 and finally the major penalty of removal from service has been imposed on me.

Sir, instead to recognize my performance during hard days since 8th October 2005 in Provincial Relief Commissionerate due to the reason I lost my health, I have been awarded with multiple punishment/penalties

Sir, as is evident that you have a God gifted blessings of compassionate feelings for all, I place and put my plea my circumstances before your kind honour to look into for sympathy on humanitarian basis specially for the sack of my children my family which is already in a miserable condition due to my deteriorated health, the life of my whole family rest upon your merciful judgment on the order dated 15.03.2013.

I hope you will save my children from hunger and death.

Your obediently

Muhammad Nazir
4/9/2013
Muhammad Nazir,
Assistant Board of Revenue.

ATTESTED

[Signature]

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No.Admn: IV/II/Nazir/2013/21
Dated: 27/11/2013

To

Mohammad Nazir S/O Wazir Khan,
R/O Village & P/O Pakha Ghulam,
Tehsil & District Peshawar.

SUBJECT: APPEAL AGAINST ORDER DATED 15.05.2013 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE

I am directed to refer to your appeal dated 04.09.2013 filed before the Chief Secretary Khyber Pakhtunkhwa has been examined and found the appeal lapsed by more than four months without any cogent reasons has been rejected.

Khan Sher Mehani
Assistant Secretary (Admn)

K-22

GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.

No. Admn: IV/II/Nazir/2013/21570

Dated: 27/07/2013.

To:

Mohammad Nazir S/o Wazir Khan,
R/o Village & P/o Pakha Gulam,
Tehsil and District Peshawar.

SUBJECT:

APPEAL AGAINST ORDER DATED 15.05.2013 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE.

I am directed to refer to your appeal dated 04.09.2013 filed before the Chief Secretary Khyber Pakhtunkhwa has been examined and found the appeal lapsed by more than four months without any cogent reasons has been rejected.

(Signature)
Khan Sher Meham
Assistant Secretary (Admin)
Ph: 091 9710163

without mentioning the factual position.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 24 /2013

Handwritten notes and stamps: "1678" and "27-12-13".

Mr. Muhammad Nazir, Ex-Assistant (BPS-14),
Board of Revenue, Khyber Pakhtunkhwa Peshawar.....Appellant

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.....Respondents

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE APPELLATE ORDER DATED 27.11.2013 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR HIS RE-INSTATEMENT HAS BEEN REJECTED ON NO GOOD GROUNDS AND AGAINST THE ORIGINAL IMPUGNED ORDER DATED 16.05.2013 WHEREBY THE APPELLANT WAS REMOVED FROM HIS SERVICE

PERAYER:

That on acceptance of this appeal the impugned orders dated 27.11.2013 and original order dated 16.05.2013 may very kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august court deems fit that may also be awarded in favor of the appellant.

Handwritten signature and date: "27/12/13".

R/SHEWETH:

ON FACTS:

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That the appellant joined the respondent Department as Junior Clerk (BPS-7) vide order dated 01-07-1981 and have served the respondent Department for more than 32 year quite efficiently and up to the entire satisfaction of superiors.


- 2- That vide order dated 16-6-2010 the appellant was promoted to the post of Superintendent (BPS-16) from the post of Assistant (BPS-14) on the recommendation of the Departmental Selection Committee. That appellant while working as Superintendent (BPS-16) in the respondent Department was felt ill due to severe heart attack. That appellant on the advice of his Doctor and above reason requested the respondent No.2 for medical leave but no heed was paid by the respondent No.2 to the request of appellant. Copies of the promotion order and medical prescriptions are attached as annexure **A & B.**

- 3- That the respondent Department without entering into the matter of the appellant without conducting regular inquiry against the appellant issued order dated 25.07.2011 due to which the appellant was demoted to the post of Assistant (BPS-14) from the post of Superintendent (BPS-16). That resultantly on the above reasons the appellant was caused by another disease of mental disorder along with serious disease of heart. Copy of the order dated 27.07.2011 is attached as annexure **C.**

- 4- That appellant time and again informed the respondent No.2 about his illness and requested for medical leave along with proofs of medical prescriptions but the respondent No.2 issued another show cause notice to the appellant vide order dated 14-2-2012. That in response the appellant replied to the said show cause notice and informed the respondent No.2 about his illness and again requested for medical leave. Copies of the show cause notice, reply and arrival report are attached as annexure **D, E & F.**

- 5- That the respondent No.2 instead of referring the appellant to the standing medical Board for proper check up straight away imposed another penalty of stoppage of annual increments vide order dated 30-10-2012. That the brutalized acts of the respondent No.2 were not ended and finally a third order was issued against the appellant due to which the appellant was removed from his service vide order dated 16-5-2013. That the respondents ignored the lengthy service of the appellant of more than three decades. Copies of the order dated 30-10-2012, arrival report & impugned order dated 16-5-2013 are attached as annexure **G, H & I.**

- 6- That feeling aggrieved from the impugned order dated 16-5-2013 of the respondent No.2 the appellant filed Departmental appeal before the respondent No.1 but the same was rejected on 27-11-2013 on no good grounds. Hence the present appeal on the following grounds amongst the others. Copies of the Departmental appeal and rejection order are attached as annexure **J & K.**

ATTESTED


GROUND:

- A- That the impugned orders dated 16-5-2013 and 27-11-2013 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by respondents in accordance with law and rules on the subject noted above and as such the respondents violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That instead of referring the appellant to standing medical Board for proper check up the respondent No.2 surrendered the appellant by issuing three orders on one issue which amounts to serious illegality/gross misconduct on the part of respondent No.2.
- D- That no charge sheet and statement of allegation has been served on the appellant by the respondent No.2 before issuing the impugned order dated 16-5-2013.
- E- That no chance of personal hearing/defense has been given to the appellant before issuing the impugned order dated 16-5-2013.
- F- That no show cause notice has been served on the appellant nor regular inquiry has been conducted by the respondent No.2 against the appellant before issuing the impugned order dated 16-5-2013 which is mandatory as per Supreme Court Judgments.
- G- That the respondents acted in arbitrary and malifide manner while issuing the impugned orders dated 16-5-2013 and 27-11-2013 by not considering the appellant severe illness.
- H- That the respondent No.2 discriminated the appellant on the subject noted above rather the respondent No.2 violated the principle of natural justice.
- I- That the impugned order dated 16-5-2013 falls within the ambient of double jeopardy.
- J- That the appellant seeks permission to advance other grounds and proofs at the time of appellant.

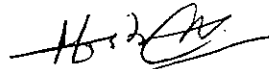
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It is therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

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APPELLANT



MUHAMMAD NAZIR

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE

ATTESTED



M-27

A-4

Khyber Pakhtunkhwa Service Tribunal
Peshawar

1688
27-12-13

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 24 /2013/

Mr. Muhammad Nazir, Ex-Assistant (BPS-14),
Board of Revenue, Khyber Pakhtunkhwa Peshawar.....Appellant

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.....Respondents

APPEAL UNDER SECTION- 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE APPELLATE ORDER DATED 27.11.2013 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR HIS RE-INSTATEMENT HAS BEEN REJECTED ON NO GOOD GROUNDS AND AGAINST THE ORIGINAL IMPUGNED ORDER DATED 16.05.2013 WHEREBY THE APPELLANT WAS REMOVED FROM HIS SERVICE

ATTESTED

MANAGER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

PRAYER:

That on acceptance of this appeal the impugned orders dated 27.11.2013 and original order dated 16.05.2013 may very kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august court deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

That the appellant joined the respondent Department as Junior Clerk (BPS-7) vide order dated 01-07-1981 and have served the respondent Department for more than 32 years quite efficiently and up to the entire satisfaction of his superiors.

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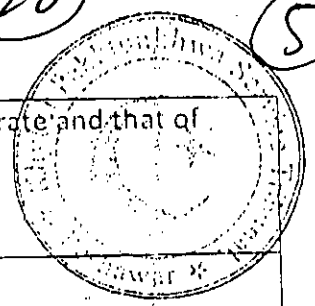
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re-submitted to-4-1-
and filed.

[Signature]
27/1/14

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of edings or proceedings.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 24/2014

(Muhammad Nazir-vs-Govt. of Khyber Pakhtunkhwa through Chief Secretary, KPK, Peshawar and SMBR, Khyber Pakhtunkhwa, Peshawar.)

07.01.2016

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Appellant with counsel and Mr. Mukhtiar Ali, Supdt. alongwith Mr. Usman-Ghani, Senior Govt. Pleader for respondents present.

Muhammad Nazir, Ex-Assistant Board of Revenue, Khyber Pakhtunkhwa, Peshawar, hereinafter referred to as the appellant, has preferred the instant appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against final order dated 27.11.2013 whereby departmental appeal of the appellant was rejected and impugned order dated 16.5.2013 in respect of removal of service of appellant was maintained.

Brief facts of the case of the appellant are that he joined the department as Junior Clerk (BPS-7) in the year 1981 and was subsequently promoted as Superintendent (BPS-16) and while performing his duties as Superintendent he allegedly fell ill due to heart attack and despite medical advice no leave was sanctioned and vide order dated 25.7.2011 appellant demoted to the post of Assistant (BPS-14). That despite his illness and entitlement to leave on medical grounds the appellant was again subjected to inquiry and penalty in the shape of stoppage of annual increments was awarded vide order dated 30.10.2012. That

ATTESTED

MUHAMMAD AZIM KHAN AFRIDI
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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finally a third order was issued against the appellant whereby he was removed from service on 16.5.2013 where against appellant preferred departmental appeal which was rejected on 27.11.2013 and hence the service appeal on 27.12.2013.

Learned counsel for the appellant has argued that the appellant was punished thrice for the same offence i.e alleged wilful absence which was due to acute illness. That the appellant has served the department with commitment and was promoted from time to time including his promotion to the post of Superintendent (BPS-16) vide order dated 16.6.2010. That in view of his regular unblemished service for 32 years it would not be expected from a prudent civil servant to become a habitual absentee. That the competent authority was obliged to have considered the plea of the appellant regarding his ailment duly supported by medical record. That the appellant was entitled to medical leave and in case of disagreement by the competent authority, the matter was to be referred to the second Medical Board but the authority violated the mandatory provision and failed to secure the medical opinion. That the inquiry was not conducted in the prescribed manners as the appellant was available to participate in the inquiry and therefore the competent authority was obliged to have conducted formal inquiry including issuance of charge sheet, statement of allegations and show cause notice. That the punishment was uncalled for and excessive and therefore liable to be set-aside.

Reliance was placed on Article 13 of Constitution of the Islamic Republic of Pakistan, Rules 11 and 13 of Revised Leave Rules, 1981 and section 24-A of the General Clauses Act, 1897 as well as case-law reported as 1985 PLC (C.S) 1108, 2009 TD (Service) 393; 2006 SCMR 1018, 2010 PLC (C.S) 1143, 2008 SCMR 1369, 2007 SCMR 1860 and 2010 PLC (C.S) 435

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Chief Justice
Service Tribunal,
Peshawar

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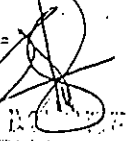
Learned Senior Govt. Pleader argued that the appeal is not maintainable as the departmental appeal of the appellant was rejected being barred by time for more than 4 months. That the appellant was afforded repeated opportunities in the prescribed manners but he failed to avail the same. That the appellant was a habitual absentee and as such the impugned order of removal from service is factually and legally correct. Reliance was placed on case-law reported as 2009 SCMR 1121, 2013 PLC (C.S) 1031 and 2011 SCMR 676.

We have heard arguments of the learned counsel for the parties and perused the record.

Perusal of record would suggest that the appellant was serving as Superintending (BPS-16) and was on probation when he was reverted to the post of Assistant (BPS-14) as major penalty was imposed against the appellant vide order dated 25.7.2011. The appellant has accepted the said order as the same was not questioned before any forum. According to order dated 30.10.2012 the appellant was again found absent from duty and minor penalty of stoppage of two increments without accumulative effect for the years 2012 and 2013 was imposed against the appellant which order was also not questioned by the appellant before any forum and which thus attained finality.

Perusal of record would suggest that the appellant has applied to the competent authority for medical leave alongwith the record including certificates issued by the authorized hospitals. According to rule 13 of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, leave applied for on medical certificate cannot be refused by the competent authority and in case of disagreement the authority sanctioning the leave may secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to medically examine the applicant. In the case in hand the leave applied for by the appellant on medical

ATTESTED


 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

ATTESTED



ATTESTED





grounds was refused in disregard to the provisions of rule-13 of the said Rules. It is note worthy that each and every absence may not necessarily fall within the ambit of wilful absence and in such a situation probe by the competent authority becomes an essential requirement. In the case in hand neither the appellant was associated with the inquiry despite his availability nor his plea of ailment was taken into account. In such a situation declining departmental appeal on the ground of limitation was also not warranted.

Keeping in view the plea of the appellant supported by medical record we are of the view that the competent authority was obliged to have conducted formal inquiry and omission on the part of the competent authority has rendered the entire process as an exercise in futility. We would, therefore, accept the appeal by setting aside the impugned orders with the directions to the competent authority to conduct formal inquiry under E&D Rules by affording prescribed opportunities of hearing to the appellant and fulfilling the required codal formalities. The *de novo* inquiry so conducted shall be concluded within a reasonable time but not beyond the period of two months from the receipt of this judgment. The appeal is accepted in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

Sd/- Muhammad Azim Khan Afridi,
Chairman
Sd/- Abdul Latif, Member

ANNOUNCED
07.01.2016

~~Certified~~ to be true copy

EX. MAIN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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Date of Presentation of Application 22-01-2016
 Number of Words 1600
 Copying Fee 15
 Urgent 2
 Total 18
 Name of Copyist SM
 Date of Completion of Copy 22-01-2016
 Date of Delivery of Copy 22-01-2016

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 203 /2016

In

Appeal No.24/2014

2/11/16

Mr. Mohammad Nazir, Assistant (BPS-14),
Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

.....PETITIONER

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.....RESPONDENTS

IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENTS TO OBEY THE JUDGMENT IN
LETTER AND SPIRIT

R/SHEWETH:

- 1- That the petitioner filed appeal bearing No. 24/2014 before this august service Tribunal for re-instatement with all back benefits on the post of Assistant (BPS-14).
- 2- That the appeal of the petitioner was finally heard by this august Tribunal on 07.01.2016 and set aside the impugned order with the direction to conduct denovo inquiry under E&D Rules 2011 by affording prescribed opportunities of hearing to the appellant and shall conclude the said inquiry within a period of two months. Copy of the judgment is attached as annexure..... **A.**
- 3- That after obtaining copy of the judgment the petitioner applied to the Department for his claim but the respondent Department is not willing to obey the judgment and till date the respondents are not willing to re-instate the appellant into service.
- 4- That the petitioner has no other remedy but to file this implementation petition.

ATTESTED
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It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the judgment dated 01.04.2016 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.


2/11/2018

PETITIONER



MOHAMMAD NAZIR

THROUGH:

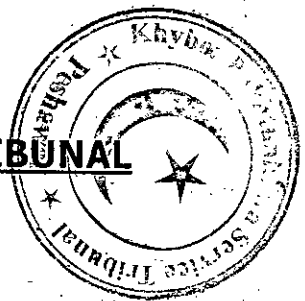


**NOOR MOHAMMAD KHATTAK
ADVOCATE**

ATTESTED



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 203 /2016

In
Appeal No.24/2014

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1085

Date 12-11-16

Mr. Mohammad Nazir, Assistant (BPS-14),
Board of Revenue, Khyber Pakhtunkhwa, Peshawar.

.....**PETITIONER**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.....**RESPONDENTS**

IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENTS TO OBEY THE JUDGMENT IN
LETTER AND SPIRIT

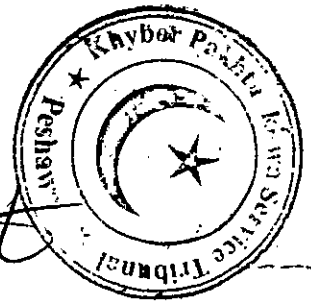
R/SHEWETH:

- 1- That the petitioner filed appeal bearing No. 24/2014 before this august service Tribunal for re-instatement with all back benefits on the post of Assistant (BPS-14).
- 2- That the appeal of the petitioner was finally heard by this august Tribunal on 07.01.2016 and set aside the impugned order with the direction to conduct denovo inquiry under E&D Rules 2011 by affording prescribed opportunities of hearing to the appellant and shall conclude the said inquiry within a period of two months. Copy of the judgment is attached as annexure..... **A.**

That after obtaining copy of the judgment the petitioner applied to the Department for his claim but the respondent Department is not willing to obey the judgment and till date the respondents are not willing to re-instate the appellant into service.

- 4- That the petitioner has no other remedy but to file this implementation petition.

Certified to be true copy
MOHAMMAD NAZIR
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



E.P.No. 203/2016
M. Nazir vs Govt

05.12.2017

Clerk of the counsel for appellant present. Mr. Riaz Pinda Khel, Assistant Advocate General alongwith Mukhtiar Khan, Assistant Secretary for the respondents present. Representative of the respondent submitted implementation report which is placed on file. Learned Assistant AG seeks adjournment. Adjourned. To come up for further proceeding on 27.12.2017 before S.B.

sl/- Gulzeeb Khan,
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of	9-2-18
Number of	800
Copying	6
Urgent	2
Total	8
Name of	
Date of	9-2-18
Date of D. R. Copy of	9-2-18

P-36

**GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.**

Dated, 07/08/2017.

ORDER.

No./Admn-IV/II/Nazir/R&E/2017/ 18864 Whereas Mr. Muhammad Nazir (Appellant), Ex: Assistant (Board of Revenue) Revenue and Estate Department was proceeded against under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the charge sheet and statement of allegations.

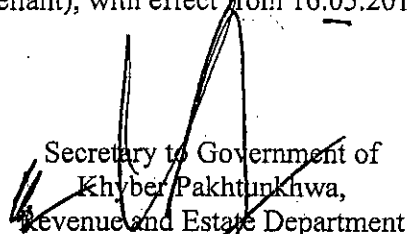
Whereas Mr. Shahid Sohail, Director Land Records Khyber Pakhtunkhwa was appointed as Enquiry Officer to conduct De-Novo inquiry against the appellant as per directions of Khyber Pakhtunkhwa Service Tribunal and:-

Whereas the Enquiry Officer after having examined the charges/evidence on record has submitted his findings/report, which reveals that all the charges stand proved. All legal formalities were observed but the official could not defend himself properly. All his statements, were contradictory. The medical treatment documents submitted by him proved fake, un-authentic and returned un-verified by the Medical Superintendent, Punjab Institute of Cardiology Lahore. His behaviour towards duty all along the period since under report remained as non serious, irresponsible, un-satisfied and based on false excuses. The appellant was given a number of chances to improve himself but after availing so many opportunities, he did not change his behaviour which seems that he was not interested in his job. Similar as he failed to appear before the Competent Authority for personal hearing on 15.08.2017 and again missed 2nd chance of personal hearing on 29.08.2017 which has been also conveyed to him on his Cell Phone No. 0334-1515590 but he remained absent on both the occasions, and neither submitted his written defence to the Competent Authority.

Now therefore, I, Zafar Iqbal, Secretary to Government of Khyber Pakhtunkhwa Revenue and Estate Department being Competent Authority after having considered the charges/evidence on record, exercising power under Rule-4(b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, hereby impose major penalty of "Compulsory Retirement" upon Mr. Muhammad Nazir (Appellant), with effect from 16.05.2013.

ATTESTED




Secretary to Government of
Khyber Pakhtunkhwa,
Revenue and Estate Department

To,

The Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.

Subject:

**DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 07.09.2017
COMMUNICATED TO THE APPELLANT THROUGH AUGUST
SERVICE TRIBUNAL ON 27.12.2017 WHEREBY MAJOR PENALTY OF
COMPULSORY RETIREMENT WAS IMPOSED ON THE APPELLANT.**

Sir,

It is humbly submitted that I was a regular employee of the Board of Revenue since 01.07.1981 and performed my duties up to the entire satisfaction of my superiors. I am a true patriot and loyal citizen of the state and Government, my devotion and hard work can be acknowledged from the available record specially during my deputation/posting in the Provincial Relief Commissioner-ate. I performed my duties with zeal and zest during the time a major earthquake Jaulted Northern areas of Khyber Pakhtunkhwa in the year 2005, I remained in the office round the clock in the service of mankind. And due to heady load of work I lost my health. Due to this reason my working capacity becomes effected as I often remained ill. But even though I my duties without fail. Resultantly I caught in heart/kidney diseases.

The period I could not join my service and trialed by the office, spent on bed and being a failure to words official duty and my private/domestic responsibilities as well collapsed mentally and psycho effects ruined my physical health and private life.

Now, I am bit stable condition have met with a new problem as I have been removed from service vide order dated 16.05.2013.

Sir, I admit that I could not report t the office for duty but this is not a justice because I have been given penalties three times in a short span of time 1st I was given the penalty of demotion and down graded from the post of Superintendent (BPS-16) to the post of Assistant (BPS-14) then two Annual increments were stopped without accumulative effect from the year 2012-13 and now major penalty of removal has been imposed on me.

Sir, instead to recognize my performance during hard days since 8th October 2005 in Provincial Relief Commissionerate due to the reason I lost my health, I have been awarded with multiple punishments/penalties.

Sir, as is evident that you have a God gifted blessings of compassionate feeling for all because you religious bet of mind I place and put my plea my circumstances before your kind honour to look into for sympathy on humanitarians specially for the sack of my children my family which is already in a miserable condition due to my deteriorated health, the life of my whole family rest upon your merciful review of order dated 15.3.2013.

I hope you will save my children from hunger and death.

Dated: 6.12.2017.

Your Obediently



Muhammad Nazir
Ex-Assistant Board of Revenue

VAKALATNAMA

Before the Khyber Pakhtunkhwa Service Tribunal
Peshawar

OF 2018

Muhammad Nazir

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Revenue Department

(RESPONDENT)
(DEFENDANT)

I/We *Muhammad Nazir*

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

Dated. 19 / 11 / 2018



CLIENT


ACCEPTED
NOOR MOHAMMAD KHATTAK
ADVOCATE

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

"B"

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

No.

Appeal No. 435 of 20 18

Mrs. Muhammad Iqbal Appellant/Petitioner

Govt. of KPK through Chief Secretary Respondent

Respondent No. 1

Notice to:

Govt. of KPK through Chief Secretary
KPK, Peshawar

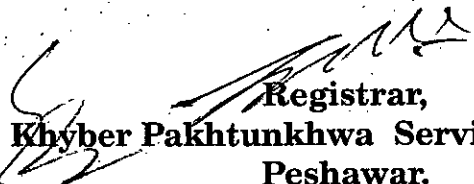
WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 10-6-2018 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

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

Day of.....20 18


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No..... 6/35 of 20 18,

Mirza Muhammad Aslam Khan Appellant/Petitioner
Versus

Government of Punjab, through Chief Secretary etc Respondent
Respondent No..... 2

Notice to: - Senior Member Board of Revenue
K.P.T. District

WHEREAS an appeal/petition under the provision of the North-West Frontier Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 6/30/18..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

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

Given under my hand and the seal of this Court, at Peshawar this..... 24.....

Day of..... 20 18.

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

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

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1599 /ST

Dated 18-9- / 2019

To


The SMBR,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 435/2018, MR. MUHAMMAD NAZIR.

I am directed to forward herewith a certified copy of Judgement dated 22.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR,
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

SERVICE APPEAL NO: 435/2018

Muhammad Nazir
Ex: Assistant, Board of Revenue Khyber Pakhtunkhwa Peshawar

Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Government of Khyber Pakhtunkhwa and others. Respondents

**JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS
NO. 1 & 2 ARE AS UNDER.**

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action / locus standi to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed material facts from this honourable Tribunal.
4. That the appeal is badly time barred. The appellant submitted Departmental appeal on 05.10.2017, whereas the instant Service Appeal No. 435/2018 filed before the Service Tribunal on 09.05.2018.
5. That the appellant has not come to this honourable Tribunal with clean hands.
6. That the appeal is hit by laches.

ON FACTS

1. Incorrect. The appellant has not remained / found up to the satisfaction of his superiors. The biggest example is that he was a habitual late comer and repeatedly remained absent from duty.

specially after his repatriation from PDMA to Board of Revenue (A). When the appellant was promoted as Superintendent (B), he did not show responsibility to work at higher post and started

to remain absent from the office without intimation and approval of Competent Authority. Initially

major penalty of demotion to a lower post was imposed upon him on 25.07.2011 (C); he was awarded a minor penalty of stoppage of two increments on 30.10.2012 (D); and finally when he

failed to overcome his habit of absencing from office, he was removed from service on 16.05.2013 (E). All the punishments were imposed after completion of Efficiency and Discipline proceedings.

2. Correct to the extent that the appellant was promoted to the post of Superintendent, on 16.06.2010. He started to remain absent from duty and of 08.05.2011. He sent an application dated 17.06.2011

along with medical advice for grant of 4 weeks leave on the basis of his kidney's problem (F). The private medical practitioner advised him rest with effect from 16.05.2011 (G). The official was

directed to produce prescribed medical certificate (from Government Hospital) but he failed to do so. There was no mention of heart attack in the application dated 17.06.2011. This duration is not

relevant to the penalty appealed against.

3. Incorrect. Upon his repatriation from the post of Cashier / Nazir in Provincial Relief Commissionerate / PDMA Khyber Pakhtunkhwa to Board of Revenue he failed to hand over the

charge of his post to the concerned official in PDMA (H). He also did not appear before the Departmental Accounts Committee with justifications required to be provided on the part of

PDMA (I). He also failed to produce the old / current record pertaining to the office of Provincial

- Relief Commissionerate, contingent bills, cash impressed amounting to Rs.30,000/- and service stamps worth Rs.10,000/- which were in his custody **(J)**. He was also directed by the Competent Authority in writing to settle the liabilities on his part pertaining to the period of his stay / posting as cashier in PDMA. His attitude was against the norms of Government business and amounted to mis-conduct on his part. Therefore on his failure, disciplinary proceedings were conducted. The Competent Authority demoted the appellant from the post of Superintendent to the post of Assistant on 25.07.2011.
4. Incorrect. Disciplinary proceedings against the appellant were conducted on account of continuous absence from duty. He was served with show cause notice on 28.08.2012 **(K)** and after conducting a proper enquiry and affording opportunity of personal hearing, the Competent Authority took a lenient view and awarded minor penalty of stoppage of two increments on 30.10.2012.
 5. Incorrect. The appellant was habitual absentee due to which he was issued charge sheet under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules-2011 **(L)**. On the recommendations of Inquiry Officer **(M)**, the Competent Authority awarded him minor penalty of stoppage of two annual increments on 30.10.2012. However, the appellant did not mend his attitude towards duty / punctuality and remained absent from duty. The Department issued letters at his home address **(N)** to join duty and also published notice in two daily news papers Surkhab & Express **(O & P)**. All the efforts went in vain and he was removed from service under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules-2011 on 16.05.2013. So far as to reference to Medical Board is concerned, medical prescriptions submitted by the appellant left no reason to do so as all such tests/medical reports were clear/normal; neither he had requested to be referred to the Medical Board.
 6. The appellant submitted departmental appeal to the next higher authority against order dated 16.05.2013 **(Q)** which was time barred and without solid grounds, hence the Competent Authority rejected the said departmental appeal by the Chief Secretary on 27.11.2013 **(R)**. Whereas, Para-wise comments in Service Appeal No. 24/2014 were submitted before the Service Tribunal on the 24.06.2014 **(S)**. Whereas, on the directions of Service Tribunal vide judgement dated 07.01.2016 **(T)**, the Department nominated Inquiry Officer to conduct De-Novo inquiry, however, the judgment dated 07.01.2016 contained no orders for re-instatement of appellant. The said De-Novo inquiry become delayed due to repeatedly posting / transfers of Members, Board of Revenue / Director Land Record. Finally, the De-Novo inquiry was completed and report submitted by the Inquiry Officer on 26.07.2017 with recommendation of major penalty **(U)**. The Competent Authority awarded the major penalty of compulsory retirement to the appellant on 07.09.2017 **(V)**.
 7. Incorrect. As the De-Novo inquiry was in process, the Department submitted proper reply to the implementation report before the honourable Service Tribunal on 12.09.2017 **(W)**.
 8. During the pendency of implementation report, the Inquiry Officer got verified medical treatment documents from Institute of Cardiology, Lahore which reported by Medical Superintendent of the said Institute that the treatment documents have no track record and found fake **(X)**. Hence, on the recommendations of Inquiry Officer, the Competent Authority awarded major penalty of Compulsory retirement to the appellant on 07.09.2017.
 9. Incorrect. The order dated 27.11.2013 and order dated 07.09.2017 were issued in accordance with

facts noted at Para-6 and Para-8 above. The first one having no solid reasons / grounds plus Departmental Appeal was badly time barred and the 2nd order dated 07.09.2018 due to reason of submitting false and fake treatment documents as declared by the Punjab medical Institute of Cardiology, Lahore. The appellant was properly informed through his cell phone No. 0334-1515590 and charge sheet was issued on 09.03.2018 (Y). Similarly the appellant was also issued show cause notice along-with copy of charge sheet on 26.04.2018 (Z). Furthermore, the Departmental appeal dated 05.10.2017 (I) against order dated 07.09.2017 was processed and forwarded to the Chief Secretary Khyber Pakhtunkhwa, on 27.10.2017 (II). The Chief Secretary ordered conduct of fresh De-Novo inquiry appointed Mr. Khaliq Dad as Inquiry Officer (III). The Inquiry Officer completed fresh De-Novo inquiry and submitted report on 13.04.2018 (IV). However, in the meantime, the appellant filed Service Appeal No. 435/2018 before the Service Tribunal on 09.05.2018 (V), hence the Departmental appeal has become abated and subjudice. The Para-wise comments on the part of respondent No. 1 & 2 in the instant appeal are written on facts available on record and submitted before the Honourable Service Tribunal.

GROUNDS

- A. Incorrect. The order dated 07.09.2017 was sent to his home address through registered post bearing No. 1051 on 13.09.2017. The appellant was also informed on his personal cell phone No. 0321-9072074 on the day of issuance of above said letter. Hence the impugned order is legal.
- B. Incorrect. As stated at Para-I above. No violation of the Constitution has been done on the part of respondent No. 1 & II.
- C. Incorrect. As stated in Para-5 above.
- D. Incorrect. As per details given at Para-6 above.
- E. Incorrect. As per details given at Para-9 above.
- F. Incorrect. Ad per Para-9 of the above.
- G. Incorrect. As explained at Para-9 above.
- H. Incorrect. Department has no malafide intention with the appellant, so as the question of his illness is concerned, reply has already been given in Para-4 & 5 above.
- I. Incorrect. No discrimination has been done with the appellant nor justice violated, rather the impugned orders were issued in accordance with the rules.
- J. Incorrect. As stated in above Paras.

In view of the above, the appeal is fully based on false / incorrect information against the facts. Besides, the instant appeal is badly time barred by more than six months as indicated in preliminary objections; therefore, it is requested to dismiss the appeal with cost.


Senior Member,
Respondent No.1 & 2.

Netted Copy.

BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO: 435/2018

Muhammad Nazir,

Ex: Assistant, Board of Revenue Khyber Pakhtunkhwa PeshawarAppellant

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Government of
Khyber Pakhtunkhwa and others. Respondents.

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS
NO. 1 & 2 ARE AS UNDER.

PRELIMINARY OBJECTIONS.

1. That the appellant has got no cause of action / locus standi to file the present appeal.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed material facts from this honourable Tribunal.
4. That the appeal is badly time barred. The appellant submitted Departmental appeal on 05.10.2017, whereas the instant Service Appeal No. 435/2018 filed before the Service Tribunal on 09.05.2018.
5. That the appellant has not come to this honourable Tribunal with clean hands.
6. That the appeal is hit by-laches.

ON FACTS

1. Incorrect. The appellant has not remained / been found up to the satisfaction of his superiors. The biggest example is that he was a habitual late comer and repeatedly remained absent from duty, specially after his repatriation from PDMA to Board of Revenue (P/A). When the appellant was promoted as Superintendent (P/B), he did not show responsibility to work at higher post and started to remain absent from the office without intimation and approval of Competent Authority. Initially major penalty of demotion to a lower post was imposed upon him on 25.07.2011 (P/C); he was awarded a minor penalty of stoppage of two increments on 30.10.2012 (P/D); and finally when he failed to overcome his habit of absenting from office, he was removed from service on 16.05.2013 (P/E). All the punishments were imposed after completion of Efficiency and Discipline proceedings.
2. Correct to the extent that the appellant was promoted to the post of Superintendent, on 16.06.2010. He started to remain absent from duty and of 08.05.2011. He sent an application dated 17.06.2011 along with medical advice for grant of 4 weeks leave on the basis of his kidneys problem (P/F). The private medical practitioner advised him rest with effect from 16.05.2011 (P/G). The official was directed to produce prescribed medical certificate (from Government Hospital) but he failed to do so. There was no mention of heart attack in the application dated 17.06.2011. This duration is not relevant to the penalty appealed against.
3. Incorrect. Upon his repatriation form the post of Cashier / Nazir in Provincial Relief Commissionerate /PDMA Khyber Pakhtunkhwa, to Board of Revenue he failed to hand over the charge of his post to the concerned official in PDMA (P/H). He also did not appear before the Departmental Accounts Committee with justifications required to be provided on the part of PDMA (P/I). He also failed to produce the old / current record pertaining to the office of

Provincial Relief Commissionerate, contingent bills, cash impressed amounting to Rs.30,000/- and service stamps worth Rs.10,000/- which were in his custody (P/J). He was also directed by the Competent Authority in writing to settle the liabilities on his part pertaining to the period of his stay / posting as cashier in PDMA. His attitude was against the norms of Government business and amounted to mis-conduct on his part. Therefore on his failure, disciplinary proceedings were conducted. The Competent Authority demoted the appellant from the post of Superintendent to the post of Assistant on 25.07.2011.

4. Incorrect. Disciplinary proceedings against the appellant were conducted on account of continuous absence from duty. He was served with show cause notice on 28.08.2012 (P/K) and after conducting a proper enquiry and affording opportunity of personal hearing, the Competent Authority took a lenient view and awarded minor penalty of stoppage of two increments on 30.10.2012.
5. Incorrect. The appellant was habitual absentee due to which he was issued charge sheet under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules-2011 (P/L). On the recommendations of Inquiry Officer (P/M), the Competent Authority awarded him minor penalty of stoppage of two annual increments on 30.10.2012. However, the appellant did not mend his attitude towards duty / punctuality and remained absent from duty. The Department issued letters at his home address (P/N) to join duty and also published notice in two daily news papers Surkhab & Express (P/O & P). All the efforts went in vain and he was removed from service under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules-2011 on 16.05.2013. So far as to reference to Medical Board is concerned, medical prescriptions submitted by the appellant left no reason to do so as all such tests/medical reports were clear/normal; neither he had requested to be referred to the Medical Board.
6. The appellant submitted departmental appeal to the next higher authority against order dated 16.05.2013 (P/Q) which was time barred and without solid grounds, hence the Competent Authority rejected the said departmental appeal by the Chief Secretary on 27.11.2013 (P/R). Whereas, Para-wise comments in Service Appeal No. 24/2014 were submitted before the Service Tribunal on the 24.06.2014 (P/S). Whereas, on the directions of Service Tribunal vide judgement dated 07.01.2016 (P/T), the Department nominated Inquiry Officer to conduct De-Novo inquiry; however, the judgment dated 07.01.2016 contained no orders for re-instatement of appellant. The said De-Novo inquiry became delayed due to repeatedly posting / transfers of Members, Board of Revenue / Director Land Record. Finally, the De-Novo inquiry was completed and report submitted by the Inquiry Officer on 26.07.2017 with recommendation of major penalty (P/U). The Competent Authority awarded the major penalty of compulsory retirement to the appellant on 07.09.2017 (P/V).
7. Incorrect. As the De-Novo inquiry was in process, the Department submitted proper reply to the implementation report before the honourable Service Tribunal on 12.09.2017 (P/W).
8. During the pendency of implementation report, the Inquiry Officer got verified medical treatment documents from Institute of Cardiology, Lahore which reported by Medical Superintendent of the said Institute that the treatment documents have no track record and found fake (P/X). Hence, on the recommendations of Inquiry Officer, the Competent Authority awarded major penalty of

525
23/7/18

Compulsory retirement to the appellant on 07.09.2017.

Incorrect. The order dated 27.11.2013 and order dated 07.09.2017 were issued in accordance with facts noted at Para-6 and Para-8 above. The first one having no solid reasons / grounds plus Departmental Appeal was badly time barred and the 2nd order dated 07.09.2018 due to reason of submitting false and fake treatment documents as declared by the Punjab medical Institute of Cardiology, Lahore. The appellant was properly informed through his cell phone No. 0334-1515590 and charge sheet was issued on 09.03.2018 (BY). Similarly the appellant was also issued show cause notice along-with copy of charge sheet on 26.04.2018 (Z). Furthermore, the Departmental appeal dated 05.10.2017 (VI) against order dated 07.09.2017 was processed and forwarded to the Chief Secretary Khyber Pakhtunkhwa, on 27.10.2017 (VII). The Chief Secretary ordered conduct of fresh De-Novo inquiry appointed Mr. Khaliq Dad as Inquiry Officer (VIII). The Inquiry Officer completed fresh De-Novo inquiry and submitted report on 13.04.2018 (IV). However, in the meantime, the appellant filed Service Appeal No. 435/2018 before the Service Tribunal on 09.05.2018 (F/V), hence the Departmental appeal has become abated and subjudice. The Para-wise comments on the part of respondent No. 1 & 2 in the instant appeal are written on facts available on record and submitted before the Honourable Service Tribunal.

GROUNDS

- A. Incorrect. The order dated 07.09.2017 was sent to his home address through registered post bearing No. 1051 on 13.09.2017. The appellant was also informed on his personal cell phone No. 0321-9072074 on the day of issuance of above said letter. *Hence the impugned order is legal.*
- B. Incorrect. As stated at Para-1 above. No violation of the Constitution has been done on the part of respondent No. I & II.
- C. Incorrect. As stated in Para-5 above.
- D. Incorrect. As per details given at Para-6 above.
- E. Incorrect. As per details given at Para-9 above.
- F. Incorrect. Ad per Para-9 of the above.
- G. Incorrect. As explained at Para-9 above.
- H. Incorrect. Department has no malafide intention with the appellant, so as the question of his illness is concerned, reply has already been given in Para-4 & 5 above.
- I. Incorrect. No discrimination has been done with the appellant nor justice violated, rather the impugned orders were issued in accordance with the rules.
- J. Incorrect. As stated in above Paras.

In view of the above, the appeal is fully based on false / incorrect information against the facts. Besides, the instant appeal is badly time barred by more than six months as indicated in preliminary objections, therefore, it is requested to dismiss the appeal with cost.

*Kind DDA II
blindly
AAG 23/7/18*

well subject to correction Annex C
AAG
Additional Advocate General
Khyber Pakhtunkhwa
Service Tribunal Peshawar
Senior Member.
Respondent No.1 & 2
23/7/18

NATIONAL DISASTER MANAGEMENT AUTHORITY

AS(Admn & Accounts)/PDMA dated 17/05/2009

OPERATIONALIZATION OF PDMA

Consequent upon the creation of temporary posts by Finance Department Order No. 1811-16 dated 15/04/2009 and subsequent order No.1883-84 dated 17/04/2009 in sequel to Para 21 read with 25 & 29 of the summary duly approved by Chief Minister NWFP dated 28/02/2009, (copy enclosed) hence the following staff of the office of PRC, NWFP adjusted against the newly created posts of PDMA on deputation under order.

Name of Officer/Official with BPS	From	To	Remarks
Mr. Abdul Kamal	DRC PRC BPS-18	Deputy Director Rehabilitation PDMA BPS-18	Against the newly created temporary post at his own payable.
Mr. Aman Sher	AS(Admn)PRC BPS-17	Deputy Director Coordination/Operation PDMA BPS-18	do
Mr. Nazrat Nabi	AS(P&P)PRC BPS-17	Assistant Director Planning and M&E Research PDMA BPS-17	do
Mr. Khan Zada	AS(Relief)PRC BPS-17	Assistant Director Relief & Rehabilitation PDMA BPS-17	do
Mr. Zahur Shah	Accountant PRC BPS-16	Budget Officer PDMA BPS-17	do
Mr. Ihsan Ullah	PS PRC BPS-16	PS PDMA BPS-16	do
Muhammad Nazir	Assistant PRC BPS-14	Assistant PDMA BPS-14	do
Mr. Abdul Nazeer	Assistant PRC BPS-14	Assistant PDMA BPS-14	do
Mr. Saib Ullah	Assistant PRC BPS-14	Assistant PDMA BPS-14	do
Mr. Khalid	Assistant PRC BPS-14	Assistant PDMA BPS-14	do
Mr. Asghar	Computer Operator PRC BPS-12	Data Operator PDMA BPS-12	do
Mr. Shahid	Computer Operator PRC BPS-12	Assistant PDMA BPS-14	do
Mr. Muhammad	Computer Operator PRC BPS-12	Assistant PDMA BPS-14	do
Mr. Aslam	Senior Clerk PRC BPS-9	Assistant Store Keeper PDMA BPS-14	do

(A)

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B

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 25/05/2010.

B

ORDER

/Admn: IV/II/2010

Mr. Muhammad Nazir, Assistant Board of

Khyber Pakhtunkhwa, presently working in the PDMA/PaRRSA Peshawar, is hereby

to Board of Revenue and posted as Superintendent in his own pay & Scale against the

post of Superintendent in Board of Revenue, with immediate effect.


By Order Of
Senior Member,
Revenue & Estate Department,
Khyber Pakhtunkhwa

10418-23

/Admn: IV/II/2010

Copy forwarded to the:-

- Accountant General, Khyber Pakhtunkhwa.
- Assistant Director (Admn. & Accounts) PDMA/PaRRSA, Peshawar.
- Bill Assistant, Board of Revenue, Khyber Pakhtunkhwa.
- Official concerned.
- Personal file.
- Office order file.


Assistant Secretary (Admn.)
Revenue & Estate Department,
Khyber Pakhtunkhwa

**GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT**

Peshawar dated the 15/10/2010

ORDER

/Admn:IV/II/2010. On the recommendation of Promotion Committee the Competent Authority has been pleased to order promotion of the following Assistants as Superintendents with the following details noted against each:

Sl.No.	Name	Present post held by the official	Promoted to the next higher post.	Remarks
1.	Muhammad Dawood, Assistant (BPS-14)	Acting Charge Superintendent (BPS-16). Acting Charge	Superintendent (BPS-16) on regular basis with immediate effect.	
2.	Muhammad Hamayun, Assistant (BPS-14)	-DO-	Superintendent (BPS-16) on regular basis with immediate effect.	
3.	S. Ayub Shah, Assistant (BPS-14)	-DO-	Superintendent (BPS-16) on regular basis with immediate effect.	
4.	Mr. Attaullah,	Assistant (BPS-14)		Deferred pending disciplinary proceedings against him which have not yet been finalized.
5.	Mr. Muhammad Ajmal	Assistant (BPS-14)	Superintendent (BPS-16) on regular basis with immediate effect.	
6.	Mr. Muhammad Nawaz,	Assistant (BPS-14)		Deferred due to shortage of AC.
7.	MR. Muhammad Nazir.	Assistant (BPS-14)	Superintendent (BPS-16) on regular basis with immediate effect.	

By Order Of
Senior Member
Revenue & Estate
Khyber Pakhtunkhwa

NO. 11904-15 /Admn: IV/II/2010.

Copy forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa.
2. Assistant Director (Admn & Accounts) PDMA/BARRSA, Peshawar.
3. Bill Assistant, Board of Revenue, Khyber Pakhtunkhwa.
4. Official concerned.
5. Personal file.
6. Office order file.

ATTESTED

[Signature]

(71)

PDMA/PARRSA

Provincial Disaster Management Authority/
Provincial Reconstruction, Rehabilitation &
Settlement Authority, Khyber Pakhtunkhwa

House # 100, Street 13, Shami Road Peshawar
Phone: (091) 9213867, Fax: (091) 9214025



Dated the Peshawar 19th July 2010

PDMA KP/Misc /1-18/2009/8693-94

The Secretary-I,
Revenue & Estate Department,
Government of Khyber Pakhtunkhwa, Peshawar

HANDING OVER OF CHARGE OF CASHIER

Sir,
I am directed to refer to the subject noted above and to state that
Mr. Muhammad Nazir, Superintendent, Revenue & Estate Department (former Assistant
Cashier) was dealing with the relief Account of PDMA and cash book, cash register and other
financial issues like postal stamps were at his charge. He has not handed over the charge
under proper signature as per rules.

In view of the above it is requested to kindly direct Mr. Muhammad Nazir,
Superintendent, Revenue & Estate Department to hand over the Charge of the Cashier to his
successor without further delay.

Yours faithfully,


(SYED ASMAT SHAH)
Assistant Director (Admn)

Copy to the PA to DG PDMA/PARRSA.

Assistant Director (Admn)

20/7
20/9

D
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**GOVERNMENT OF
KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT**

IMMEDIATE

Bated 5/07/2010

571 /Admn: IV

Mr. Muhammad Nazir Son of Wazir Khan
Resident of Village & Post Office Pakha Ghulam
Tehsil & District Peshawar.

HANDING OVER OF CHARGE OF CASHIER.

Reference letter bearing No. PDMA/KP/Misc/1-18/2009 dated
received from the Assistant Director (Admn) PDMA/PERSA (copy subject
enclosed).

The Competent authority has been pleased to order to hand over
of your assignments entrusted to you in PRC/PDMA to the concerned
in PDMA forthwith repeated forthwith without further delay.

You are also finally directed to immediately report to the
assigned for duty with justifiable reasons of your absence within a week time
without fail otherwise strict disciplinary action will be taken against you under

5/8/10
Assistant Secretary (Admn)

MOST IMMEDIATE



PDMA/PARRSA

Provincial Disaster Management Authority/
Provincial Reconstruction Rehabilitation
& Settlement Authority
Civil Secretariat, Peshawar
Phone: (001) 9218807, Fax: (001) 9214028
www.pdma.gov.pk

JK P/Admn/Acctt./2010

Dated Peshawar the 10th February 2011

The Senior Member,
Board of Revenue,
R&E Department,
Khyber Pakhtunkhwa, Peshawar.

PS/SMBR
Dy No. 153
Date 10/2/11
Govt. of Khyber Pakhtunkhwa

**DEPARTMENTAL ACCOUNTS COMMITTEE MEETING PRODUCTION
OF ORIGINAL RECORD**

I am directed to refer to this office letter of even number dated 24.1.2011
referred above and to state that despite our hectic efforts we could not get
the accounts record retained by Mr. Muhammad Nazir, Superintendent BOR who
was posted as Cashier in Relief Commissionerate/PDMA. A request was made vide
this office letter referred above to direct the official to produce original record pertain-
ing to financial year 2009-2010 for the perusal of the Departmental Accounts Committee
in its meeting held on 29.1.2011. However, the official neither produced the record
nor attend the meeting due to which certain paras could not be settled/dropped. Such
conduct of the official is against the norms of Government business and amounts to
misconduct on his part.

I am therefore, directed to request to kindly initiate proper disciplinary
proceedings against the official under RSO 2000 immediately under intimation to this
office so that the position could be brought into the notice of DAC/PAC.

Yours faithfully

Md. Iqbal

M. Iqbal

(MUHAMMAD JAVED SIDDIQUI)
Assistant Director (Admin)

Sl. No & date as above

Copy forwarded for information to the:-

1 PA to Director General, PDMA/PARRSA, Khyber Pakhtunkhwa

Assistant Director (Admin)

(J) —
Gy R

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(11)

2

1802

19/03/2011

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Adm: IV/Enquiry/2011/1802

Dated: 19/03/2011

CHARGE SHEET

I, ~~Wagar Ayub, Senior Member, Board of Revenue, Khyber Pakhtunkhwa~~
Authority, hereby charge you Mr. Muhammad Nazir, Superintendent, Board of Revenue, Khyber
Pakhtunkhwa, on account of the following acts of omission and commission:

- i. That you were posted on deputation as Cashier/Nazir in Provincial Relief Commissionerate/ PDMA Khyber Pakhtunkhwa, but on your repatriation to Board of Revenue you failed to hand over the charge of your post to the concerned official. Neither had you appeared before the Departmental Accounts Committee with justifications required to be provided on the part of PDMA. You also failed to produce the old/current record pertaining to the office of Provincial Relief Commissionerate, contingent bills, cash impressed amounting to Rs.30000/- and service stamps worth Rs.10000/-.
- ii. In this context, the Competent Authority directed you in writing to settle the liabilities on your part pertaining to the period of your stay/posting as cashier in PDMA. Your attitude is against the norms of Government business and amounts to mis-conduct on your part.

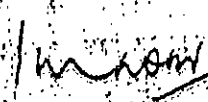
By reasons of the above, you appear to be guilty of misconduct under Section 3 of Khyber Pakhtunkhwa Removal From Service (Special Powers) Ordinance, 2000, and have rendered yourself liable to all or any of penalties specified in Section-3 of the Ordinance ibid.

3. You are therefore, required to submit your written defence within seven days of receipt of this "Charge Sheet" the Enquiry Officer/Committee.

4. Your written defence, if any should reach the Enquiry Officer/Committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case appropriate action will be taken against you.

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

6. The statement of allegation is enclosed.


Secretary/SMBI

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATED DEPARTMENT

No. Admn. IV/Enquiry/2011-1/802

Dated 19/03/2011

DISCIPLINARY ACTION

I, Waqar Ayub, Senior Member, Board of Revenue, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Muhammad Nazir, Superintendent, Board of Revenue, Khyber Pakhtunkhwa, has rendered himself liable to be proceeded against as he committed the following acts of omission and commission within the meaning of Section-3 of Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance 2000:-

STATEMENT OF ALLEGATIONS.

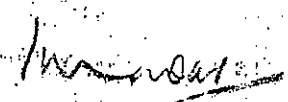
- i. That you were posted on deputation as Cashier/Naazir in Provincial Relief Commissionerate/ PDMA Khyber Pakhtunkhwa but on your repatriation to Board of Revenue you failed to hand over the charge of your post to the concerned official. Neither had you appeared before the Departmental Accounts Committee with justifications required to be provided on the part of PDMA. You also failed to produce the old/current record pertaining to the office of Provincial Relief Commissionerate, contingent bills, cash impressed amounting to Rs.30000/- and service stamps worth Rs.10000/-.
- ii. In this context, the Competent Authority directed you in writing to settle the liabilities on your part pertaining to the period of your stay/posting as cashier in PDMA. Your attitude is against the norms of Government business and amounts to misconduct on your part.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations the following Enquiry Officer is appointed under Section-5 of the Ordinance.

Mr. Ghulam Jilani Assistant Secretary (Receipt) Board of Revenue.

The Enquiry Officer shall in accordance with the provision of the Ordinance, provide responsible opportunity of hearing to the accused, record its finding and make recommendation within 25 days of receipt of this order as to punishment or other appropriate action against the accused.

The accused shall join the proceedings on the date time and place fixed by the Enquiry Officer.


Secretary/SMBR.

In Para-2 of his reply, the accused confesses that in the Almarahs of the BOR will be handed over to Cashier of PDMA, but on the other hand by over-riding the orders of higher concerned in PDMA to come up and take the relevant record in his charge, but even after calling his explanation in this context and after serving with a warning on 5-8-2010 and 13-10-2010 that the record in question may be handed over to PDMA, he did not heed to the said directions (Annexure - F & G).

iii. A perusal of letter dated 10-02-2011 issued by PDMA to the address of SMBR, would reveal that a complaint was lodged against his non-production of original accounts record and non-attendance of DAC meeting, therefore recommended disciplinary proceedings against accused (Annexure-H).

iv. In view of the above, his explanation was called (Annexure-J) who after expiry of almost eleven days replied vide Paras-4 & 5 that the bills amounting to Rs, 30000/- were taken away by one Mr. Ibrar Junior Clerk of PDMA. So as to Rs:- 10000/- under Head-Stamp are concerned these are still in his possession. His this act for not handing over first to Accounts Officer at the time of relinquishment of charge on 6-7-2010 OR thereafter to concerned cashier of PDMA till serving of charge sheet upon him is violation of Rules/instruction on the subject. So as to incurrence of Rs:-30000/- is concerned though the accused in his reply has stated that relevant bills are enclosed but he has not annexed which proves that he has embezzled Rs. 10000/- and Rs:- 30000/-.

v. During personal hearing he disclosed that the Cheque Books/ Counter Files of different Banks, closed files, Pass Books/Cash Books mentioned in Six pages annexed with his reply are still in his possession and which have not yet been handed over to PDMA.

vi. In view of the allegation leveled by the accused against Muhammad Ibrar Junior Clerk, he was called to explain his position. In this context he referred to his earlier written statement of 02-03-2011, (Annexure-K) whereby he categorically stated that neither the accused handed over the said Bills nor he took away these. Also there is no proof or record that these Bills were handed over to him OR returned to the accused.

(C) GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT. 5 10

Dated 25/07/2011

(1st penalty)

NOTIFICATION

H

Enquiry No. IV/Enq: Nazir/2011/22369. WHEREAS, Mr. Muhammad Nazir, Superintendent, was proceeded under the NWFP Removal From Service (Special Powers) Ordinance, 2000.

WHEREAS, the Enquiry Officer was appointed to conduct Enquiry against the accused.

WHEREAS, the Enquiry Officer after having examined the Charges, evidence on record and explanation of the accused official, submitted report.

AND WHEREAS, the Enquiry officer has held the accused official as guilty of misconduct and recommended major Penalty under Section-3 (b) of the Removal from Service (Special Powers) Ordinance, 2000, read with Section-4 (b) (i) of Government Servants (Efficiency and Discipline) Rules, 1973 for reversion to lower post of Assistant (BPS-14).

AND THEREFORE, the Authority in light of Enquiry Report served a final Show Cause Notice to the accused official. As the accused official was not traceable at his address, the notice was not published in daily news papers with regards to his continuous and willful absence from duty with effect from 05.08.2010 to -date, and non response to notice.

NOW THEREFORE, I, Wajid Ayub, Secretary Revenue & Estate Department as Competent Authority impose the major penalty and reverse the accused, who is on probation, to the post of Assistant (BPS-14) under Section-3 (b) of the Removal from Service (Special Powers) Ordinance, 2000, read with Section-4 (b) (i) of Government Servants (Efficiency and Discipline) Rules, 1973, with immediate effect.

Sd/-
Secretary.

Enquiry No. Admn: IV/Enq: Nazir/2011/22370-74

Copy of the above is forwarded to the:-

- Accountant General, Khyber Pakhtunkhwa.
- Bill Assistant, Board of Revenue, Khyber Pakhtunkhwa for further necessary action.
- Mr. Muhammad Nazir, Superintendent, Board of Revenue, Khyber Pakhtunkhwa.
- Personal files.
- Office order file.

(Khan Sher)
Assistant Secretary (Admn)
Tele: No. 9210463

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE

REVENUE & ESTATE DEPARTMENT

No. Admn: IV/Enquiry/Nazir/2012/1273

Dated 26/06/2012

CHARGE SHEET

Muhammad Ayub, Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, as Competent Authority, charge you Mr. Muhammad Nazir, Assistant, as follows:

That you have been found non-serious towards official duty and were also found to be absent from duty with effect from 14.03.2012 to 22.03.2012 without any intimation/ prior approval of the Competent Authority. You were served with a letter dated 27.03.2012 sent at your home address but you did not respond to that. Later on a notice with regard to willful absence from duty was get published in the daily news paper "EXPRESS" on 15.04.2012 and 15 days period was given to you to appear for duty and explain your position for willful absence from duty without application/approval of the authority. On 23.04.2012 you attended the office and produced medical prescription with medical Certificate which covers only 14 days with effect from 24.03.2012 to 06.04.2012 whereas rest of the absent period (before and after the said medical advice) does not cover by the said Medical advice and you failed to explain reasons of your willful absence.

You were also found absent from duty without any approval of the Competent Authority with effect from 02.05.2012 to 21.05.2012 you again started with the habit of remaining absent time to time till date.

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

You are, therefore, required to submit your written defence within seven days on receipt of this Charge Sheet to the Inquiry Officer.

Your written defence, if any, should reach Mr. Ghulam Jeelani Assistant Secretary (Receipt) Revenue & Estate Department Inquiry Officer within specified period, failing which it shall be presumed that you have no defence and in that case extreme action will be taken against you.

Intimate whether you desire to be heard in person.

Statement of allegations is enclosed.

Muhammad

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT**

No. Admn: IV/Enquiry/2012/13701-03.

Dated 26/06/2012.

DISCIPLINARY ACTION

1. Waqar Ayub, Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Muhammad Nazir, Assistant, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS.

That he has been found non-serious towards official duty and was found to be absent from duty with effect from 14.03.2012 to 22.4.2012 without any intimation/prior approval of the Competent Authority. He was served with a letter dated 27.03.2012 sent at his home address but he did not respond to that. Later on a notice with regard to willful absence from duty was got published in the daily news paper "EXPRESS" on 15.04.2012 and 15 days period was given to him to appear for duty and also explain his position for willful absent from duty without application/approval of the authority. On 23.04.2012 he attended the office and produced medical prescription with medical Certificate which covers only 14 days with effect from 24.03.2012 to 06.04.2012 whereas rest of the absent period (before and after the said medical advice) does not cover by the said Medical advice.

He was also found absent from duty without any approval of the Competent Authority with effect from 02.05.2012 to 21.05.2012. He again started with the habit of remaining absent time to time till date.

2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Ghulam Jeelani Assistant Secretary (Receipt) Revenue & Estate Department Board of Revenue is appointed as Inquiry Officer under Rule 10 (1) (a) of the Rules ibid.

3. The Inquiry Officer shall, in accordance with the provisions of the Rules ibid, provide reasonable opportunity of hearing to the accused, record its finding and make recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

M. Nazir
Secretary,
Revenue and Estate Department.

Endst. No. & Date even.

Copy forwarded for information to:-

1. Mr. Ghulam Jeelani Assistant Secretary (Receipt) Revenue & Estate Department Board of Revenue Enquiry Officer to probe into the above mentioned allegations and submit his findings/recommendation to the authorized officer i.e. Secretary-I, Board of Revenue, within 30 days on receipt of the statement of allegations.
2. Mr. Muhammad Nazir, Assistant, Revenue and Estate (Board of Revenue), (accused official) with the direction to appear before the Inquiry Officer, on the date, time and place fixed by him.
3. Administration Section with the direction to make available/provision of record if any to assist the Enquiry Officer during the inquiry proceedings.

M. Nazir
Assistant Secretary (Admn)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. AS (RT)/Enquiry/2011-12/13880

Dated: 29/06/2012

Mr. Nazir,
Assistant, Board of Revenue.

SUBJECT: CHARGE SHEET

This refers to Charge Sheet/Statement of allegations served upon you vide Board of Revenue dispatch No. IV/Enq/Nazir/2012/13700 & 13701-3, dated 26.06.2012.

In view of Para.4 of the Charge Sheet, you are asked to submit your written defense if any within the specified period and appear before the undersigned for hearing if you so desire.



(Ghulam Jeelani)
Assistant Secretary (Receipt)
Enquiry Officer

(M)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

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**SUBJECT: ENQUIRY REPORT IN RESPECT OF MR. MUHAMMAD NAZIR,
ASSISTANT, BOARD OF REVENUE**

This refers to ORDER No. AS(RT) Enquiry/2011-2012/13880, dated 29.06.2012 issued by Board of Revenue, whereby the undersigned has been ordered by the Competent Authority to conduct enquiry against Mr. Nazir Ahmad, Assistant in light of Charge Sheet/statement of allegations (Annexure-A).

BACKGROUND OF THE CASE

While going through the statement of allegations, it is observed that through statement of allegations the accused has been asked to explain absence from duty w.e.f 03.03.2012 to 22.04.2012 without any intimation/prior approval of the Competent Authority. He was also served with a letter dated 27.03.2012 and a notice in respect of his absence but he did not respond to that. On 23.04.2012, he attended the office and produced medical prescription/medical certificate which covers only 14 days. Furthermore he was also found absent without any approval w.e.f 02.05.2012 to 21.05.2012. Also again started with the habit of remaining absent time to time till 26.06.2012 (Annexure-B).

REPLY TO CHARGES

In this regard a letter on 29.06.2012 was addressed to accused whereby he was asked to reply to Charge Sheet within the specified period and appear before the undersigned for hearing (Annexure-C). The undersigned also went to him twice and advised him to answer but he remained mum. According to Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, under Section 10(d) the accused was required to submit written defense within 15 days maximum of the date of receipt of orders. According to record, Charge Sheet was served upon the accused on 26.06.2012. This proved expiry of the period which was afforded to the accused for submission of reply in his defense. Till issuance of this Report, the undersigned waited for reply of the accused in defense, but he did not come forward, hence under section.11(2) of Khyber Pakhtunkhwa, Government Servant (E&D) Rules, 2011, the undersigned is compelled to proceed with the inquiry ex-parte.

FACTS

To judge/see as to whether the accused in fact was absent during the period mentioned in Charge Sheet, the thumb Impression Machine Operator was asked to provide the evidence of the accused for the months of March to July, 2012 which

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... at (Annexure-D,E,F&G). A perusal of Attendance Report for the month of March would reveal that the accused remained absent for 16 days; whereas in the month of April he did not attend the office for 21 days. So as to the month of May is concerned he avoided the office for 13

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While going through the record, it is observed that a registered Notice was served on the accused on 27.03.2012 that he is absent w.e.f 14.03.2012 till writing of Notice on 03.2012 and was advised to report for duty but he failed to attend the office (Annexure-H). In this context another Notice was got published in daily "EXPRESS" dated 15.04.2012 (Annexure-I). Again he did not report for duty. On 23.04.2012 he appeared and reported for duty (Annexure-K). While going through medical documents annexed with his arrival report, it is noticed that "Cardiac Center" advised him for "Exercise Tolerance Test" (date not given). On 12.04.2012 he got the said test from Lady Reading Hospital the photocopy of which appears at (Annexure-L). According to this report, the ECG and B.P was normal. Electrocardiographically there were no changes during and after exercise. Further "Ischemia" and "angina" were negative (Annexure-M). Further perusal of Clinical Test Report dated 10.04.2012 in respect of Lipid Profile etc would reveal that analysis of Lipid Profile etc is within the range/control. The accused got himself examined by Dr. Muhammad Arabi (MBBS Degree holder having Diploma in Cardiology from Karachi), who advised the accused those medicines which are related to Blood Pressure and Cholesterol (Annexure-N). It is also pointed out that the accused on 12.04.2012 got "Spirometry report" which is related to "Respiration" disease. The said report too is normal. The concerned individual only advised the "inhaler" (Annexure-O). Our enquiries reveal that the medicines prescribed by the Doctors of casualty/Emergency Department and Dr. Arabi are used for Blood Pressure and Cholesterol, but the medicines which are normally advised for heart patients does not seem to have been prescribed by the above said Doctors.

FINDINGS

The medical documents reveal that first he visited Lady Reading Hospital on 14.03.2012 where he was advised two weeks rest and thereafter on 18.04.2012 he got himself examined in the O.P.D, where the Doctors declared him fit for duty. The ETT was normal & there were no signs of Angina. According to Charge Sheet, he remained absent w.e.f 14.03.2012

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT

No. Adm: IV/Nazir Enq/2012/ 17306
Dated 28 / 8 / 2012.

SHOW CAUSE NOTICE.

I, Fazal-e-Rehmani, Secretary Revenue & Estate Department, a Competent Authority under rule-3(d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve show cause notice on you Mr. Muhammad Nazir, Assistant, Board of Revenue, as follows:

- i. That you were found non-serious towards official duty and were also found to be absent from duty with effect from 14.03.2012 to 22.4.2012 without any intimation/ prior approval of the Competent Authority. You were served with a letter dated 27.03.2012 sent at your home address but you did not respond to that. Later on a notice with regard to willful absence from duty was got published in the daily news paper "EXPRESS" on 15.04.2012 and 15 days period was given to you to appear for duty and explain your position for willful absence from duty without application/approval of the authority. On 23.04.2012 you attended the office and produced medical prescription with medical Certificate which covered only 14 days with effect from 24.03.2012 to 06.04.2012 where rest of the absence period (before and after the said medical advice) did not cover by the said Medical advice and you failed to explain reasons for your willful absence.
- ii. You were also found absent from duty without any approval of the Competent Authority with effect from 02.05.2012 to 21.05.2012. You again started with the habit of remaining absent time to time till date.
- iii. Consequently, an enquiry was ordered which was held by Assistant Secretary (Receipt) Board of Revenue who in his report vide Para, stated that you were given a chance in writing to appear before him for hearing alongwith reply to charge sheet. The enquiry officer also personally met you and advised to come forward and explain your position but you failed. He also obtained thumb impression machine report to show your attendance in the office for the months of March, April, May, June and even July, which showed that your attendance in the office was very much poor and without any intimation. The enquiry officer while examining the medical documents provided by you also evinced some reservations which explicitly show that in fact you are not a heart patient, therefore the enquiry officer has recommended that you are liable to be proceeded against under Section-3(d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

As a result thereof, I, as Competent Authority, have tentatively decided to impose major penalty of compulsory retirement upon you under Rule 4 (b) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules- 2011.

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You are, therefore, required to show cause as to why the aforesaid penalty not be imposed upon you and also intimate whether you desire to be heard in

If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

A copy of the inquiry report is enclosed.

R. A. J. S.
Secretary to Government.

M. Muhammad Nazir Assistant Board of Revenue.

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GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.

No. Admn: IV/II/enquiry/ Nazir/2012/ 18254

Dated, 18/09/2012.

Mr. Muhammad Nazir,
Assistant, Revenue and Estate Department,
Khyber Pakhtunkhwa,

PERSONAL HEARING:

I am directed to refer to the subject.

You are directed to appear in person before the Senior Member, Board
for personal hearing on 28.09.2012 at (09:00) AM, in connection with Enquiry
conducted against you. In case of failure on your part ex parte decision will be taken against

[Signature]
Assistant Secretary (Admn)

No. Admn: IV/II/enquiry/ Nazir/2012/ 18255 dated 18/09/2012.

forwarded to Private Secretary to Senior Membr. BOR, for information.

[Signature]
Assistant Secretary (Admn)

(N)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Judl/SIMBR/ 898 /2013
Peshawar dated the 20 /03/2013.

Muhammad Nazir,
S/O Wazir Khan,
R/O village & P.O Pakha Ghulam,
Tehsil & Peshawar.

PERSONAL HEARING

SUMMON

I am directed to refer to the above noted subject.

You are directed to appear before the Senior Member, Board of Revenue, for
hearing on 28.03.2013 at 10.00 AM.

9/c Reader to Senior Member

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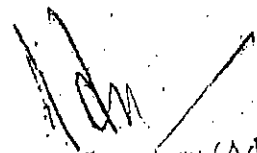
GOVERNMENT OF KHYBER PAKHTUNKHWA,
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT.
No. Admn: IV/II/PF/Nazir/2013/ 1199
Dated, 28/01/2013.

Mir. Muhammad Nazir Son of Wazir Khan,
Assistant Board of Revenue.
Home Address.
Resident of Village & Post Office Pakha Ghulam,
Tehsil & District Peshawar.

NOTICE ON ABSENT FROM DUTY.

I am directed to refer to the subject noted above and to state that you are absent with effect from 23.10.2012 till date without any information/intimation to the

I am further directed to direct you to immediately report to the office, failing which disciplinary action will be taken under Section-9 of Government Servant (Efficiency and Discipline)


Assistant Secretary (Admn)