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آئی ایچ ڈی پی اسٹینڈرڈ (IHS) کے تحت
 Address: IVI/UN/2012/726
 کے پتہ پہنچ کر مطلع کیا گیا ہے اور اس کے
 مسلسل غیر حاضر ہونے اور 14/03/2012
 حاضری کی رپورٹ کریں لیکن جیسا کہ مذکورہ بالا
 اطلاع و منظوری حاکم مجاز غیر حاضر ہونے
 پر یہ وجہ آئی ایچ ڈی پی اسٹینڈرڈ پر کیا جائے گا
 کے پتہ پر دن کے اندر حاضر ہونے کا حال غیر
 موجود رہے گا۔ اس کے خلاف ضروری اقدامات
 چاہئے گی۔

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www.khyberpakhtunkhwa.gov.pk INF(P)1148

عزیزہ سرخاب
 بیعتہ 16 فروری 2013

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT
No. Admn: IV/Nazir/PF/2013/ 2983
Dated 05/03/2013.

SHOW CAUSE NOTICE

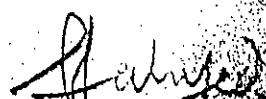
I, Fazal-e-Rehmani, Secretary Revenue & Estate Department, as Competent Authority under rule-9 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, do hereby serve show cause notice on you, Mr. Muhammad Nazir, Assistant, Board of Revenue, as follows:

- i. That you have been found non-serious towards official duty and are absent from duty with effect from 23.10.2012 till date.
- ii. You were served with two notices on 20.12.2012 and 28.01.2013 at your home address in connection with your continuous absence but in-vain. Later on a notice with regard to willful absence from duty was got published in the daily news papers "Surkhab" and "Express" on 16.02.2013.
- iii. That you came to office on 18 & 19.02.2013 and then again absented till date. However, on 18.02.2013 when you submitted your arrival report have also produced OPD slips of Punjab Institute of Cardiology, Lahore, containing medical advices for one month and forty days bed rest which cover the period with effect from 07.12.2012 to 14.02.2013. Whereas, you were absent with effect from 23.10.2012 up till date. Thus your total absent period comes (118) days while the said medical advices only for (70) days. The rest of (48) days of absent period is still uncovered. Furthermore, you did not produce/submit the above said medical advices in time in a proper way nor you have intimated your position by any way, and again disappeared since 20.02.2013 up till now.
- iv. That it is also found that you were not referred by the authorized medical officer/practitioner to the above mentioned medical institute at Lahore or to else where.
- v. That Prior to this on 25.07.2011 a major penalty was imposed on you and you were downgraded from the post of Superintendent (BPS-16) to the post of Assistant (BPS-14) and again on 30.10.2012, another minor penalty of sapping of 2 annual increments with a cumulative effect was imposed upon you but instead you did not mend your attitude towards official duty, you kept on the same practice.

2. 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.

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 defense to put in and in that case an ex-parte action shall be taken against you.


Secretary to Government

(E)

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

Dated: 16/05/2013.

(3rd penalty)

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ORDER.

Admn-IV/II/Nazir/R&E/2013/ 10266. 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 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 status quo also did not make any response to the notices published in two leading Daily News Papers, and is absent till up 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, 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)(iii) of the Rule ibid~~" upon Mr. Muhammad Nazir accused Assistant (Board of Revenue) Revenue and Estate Department Khyber Pakhtunkhwa, with immediate effect.

Fazli-Rehmani
Secretary to Government of
Khyber Pakhtunkhwa,
Revenue and Estate Department

Enst: 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.

o/c
Assistant Secretary (Admn)

(2)

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The Chief Secretary,
Khyber Pakhtunkhwa.

Subject:-

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

Dr. No. ...
Date ...

It is humbly submitted that I was a regular employee of the Board of Revenue since from 1981 and performed my duties up to the entire satisfaction of my superiors, there is no fault or 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 during my deputation/posting in the Provincial Relief Commissionerate. I performed my duties with zeal and zest during the time when 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 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 unable to words official duty and my private/domestic responsibilities as well I collapsed mentally and the 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. I have been given penalties three times in a short span of time 1st I was given the penalty of demerit and was 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 demerits/penalties.

Sir, as is evident that you have a God gifted blessings of compassionate feelings for all 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 judgement. Order dated 15.03.2013.

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

Recy - 2

18/9
9-9-2013

[Handwritten signature]

P.S. to Chief Secretary
Govt. of Khyber Pakhtunkhwa

[Handwritten signature]
SMBR

Your obedient

[Faint text]

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FOR CHIEF SECRETARY.

APPEAL AGAINST PENALTY OF REMOVAL FROM SERVICE

Attention is requested to Mr. Muhammad Nazir ex: Assistant Revenue and Estate Officer's appeal against his removal from service order dated 16/05/2013 (Annexure-A).

Brief facts are that the appellant absented himself from duty with effect from 10.10.2012. The appellant was served with two notices at his home address (Annexure-B) which were returned un-served. Later on a notice of his willful absence from duty was published in the daily news papers; in response to which the appellant attended the office and produced Medical Certificates for 70 days, covering the period of absence from 17.10.2012 to 16.02.2013 (Annexure-D). The appellant thereafter absented from 20.02.2013 till date of removal. His total absence period was (118) days while the medical advices were only for 70 days.

Apart from the above, the appellant was earlier proceeded on the same charges and awarded major punishment of reversion from the post of Superintendent BPS-13 to the post of Assistant BPS-14 (Annexure-E). However, the Competent Authority converted the major penalty into minor penalty of stoppage of two annual increments without cumulative effect (Annexure-F).

Thereafter the appellant continued with his habit of abstention without leave, therefore the Competent Authority had no other alternative but to take action against the appellant under Section-9 of Civil Servants (Efficiency and Discipline) Rules-2011 and removed him from service (Annexure-G). The appellant also filed a review before the Competent Authority, which was time barred and filed.

Chief Secretary.

Secretary

5- H. examine.

Seey Eted

[Handwritten Signature]

Chief Secretary
Govt. of Khyber

Dated 7-11-2012
Reg-II Section E&AD

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Section 16. 2013 and the
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being barred by time on one hand and having r
any dissent view on the other, needs to be rected.

(Signature)
(Sikander Qayyum)
Secretary Establishment
November 19, 2013

Government of Punjab, Ferozpur Pakhtunkhwa.

have approved

(Signature)
Secretary
Government of Punjab, Ferozpur Pakhtunkhwa

(Signature)
Secy-2

(Signature)
21-11-2013

(Signature)

*This instant: Review report
Submitted by Chief Secy 4/12/13*

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Admn. W/II/Nazir/2013/21396.

Dated: 27/11/2013.

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

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
Magistrate, Peshawar, Khyber Pakhtunkhwa has been examined and found the appeal lapsed by more than four
months without any cogent reasons has been rejected.

27/11

Khan Sher Afghani
Assistant Secretary (Admin).
Ph: 091-9210463.

(S) W

(30)

BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO: 24/2014 Q

Muhammad Nazir,

Ex: Assistant, Board of Revenue Khyber Pakhtunkhwa Peshawar

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Government
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 Hon. Tribunal} tried to mislead the Tribunal which does not entitle him to relief whatsoever.
4. That the appeal is badly time barred.
5. That the appellant has not come to this honourable Tribunal with clean hands.
6. That the appeal is hit by laches.
7. That the appeal is bad for non-joinder and misjoinder of ^{necessary} essential parties.

ON FACTS

- P-16/C
P-20/C
P-22/C
1. Incorrect. Performance of the appellant has never been to the satisfaction of his superiors. He was a habitual late comer and repeatedly remained absent from duty especially after his repatriation from PDMA to Board of Revenue. When the appellant was promoted as Superintendent, he did not show responsibility to work at the office and started to remain absent from the office without intimation and approval of the Competent Authority. Initially major penalty of demotion to a lower post was imposed upon him on 25.07.2011; he was awarded a minor penalty of stoppage of increments on 30.10.2012; and finally when he failed to overcome his habit of absenting from office, he was removed from service on 16.05.2013. Appropriate punishments were imposed after completion of Efficiency and Discipline Proceedings. ^{Annexed at}
 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 on 08.05.2011 he submitted an application dated 17.06.2011 along with medical advice for grant of 4 weeks leave on the basis of his kidneys problem. The private medical practitioner advised him to take leave with effect from 16.05.2011. The official was directed to produce present medical certificate (from Government Hospital) but he failed to do so. There was a report of heart attack in the application dated 17.06.2011. This duration is not the subject of penalty appealed against. (Annexed at D)
- P-1357/C
P-142/C
P-144
P-142

W
Q
(31) ET

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. He also did not appear before the Departmental Accounts Committee with justifications required to be provided on the part of PDMA. He also failed to produce the old / current records pertaining to the office of Provincial Relief Commissionerate, contingent books, cash impressed amounting to Rs.30,000/- and service stamps worth Rs.10,000/- which were in his custody. 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 him from the post of Superintendent to the post of Assistant on 25.07.2011. P-116

4. Incorrect. Subsequent disciplinary proceedings against the appellant were conducted for continuous absence from duty. He was served with show cause notice on 14.02.2012 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. P-20

P-17

5. Incorrect. The appellant was habitual absentee due to which he was issued charge sheet under Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules-2011. On the recommendations of Inquiry Officer 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 to join duty and also published notice in the daily news papers Surkhhab & Express. 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 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 cleared and neither he had requested to appear before the Medical Board. P-116

6. The appellant submitted departmental appeal to the Competent Authority on dated 16.05.2013 which was time barred and without solid grounds and the Competent Authority rejected the same.

GROUND

Pg. 126

Pg. 132

A. Incorrect. The order dated 16.05.2013 and letter dated 27.11.2013 were issued given at Paras-4 and 6 above. and is in accordance with law.

B. Incorrect. As stated at Para-A above. No violation of the Constitution has been

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Correct. As stated in Para-5 above.

Correct. As per details given at Para-5 above.

Incorrect. As per details given at Para-5 above.

Incorrect. The Competent Authority proceeded against the appellant under rule 9 of

Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 1971

Incorrect. Department has no mala fide intention with the appellant; so as the cost of

of his illness is concerned reply has already been given in Para-4 & 5 above.

Incorrect. No discrimination has been done with the appellant nor justice has been

violated, rather the impugned orders were issued in accordance with the rules.

Incorrect. As stated in above Paras.

The arguments are limited to pleadings only.

In view of the above the appeal may be dismissed with cost.

5238
15-2014

M. Usman
Senior Member,
Respondent No. 1 & 2.

Submitted for vetting please

AAG

18/6
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Please note
[Signature]
18-6-14

Q.P./G

Noted subject to Annexure, Affidavits, connections
and AAG/Sr. GP Approval

AAG/Sr. GP

[Signature]
18.6.14

18/6/14

(T) (33) 30

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 77 ST


Dated 13 / 1 / 2016

To
The SMBR,
Peshawar.

Subject: - Judgement.

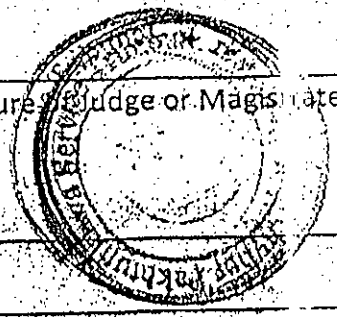
I am directed to forward herewith certified copy of Judgement dated 7.1.2016 passed by this Tribunal on subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

(34) (57)

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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. along with Mr. Usr 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 appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, against final order dated 27.11.2013 whereby departmental appeal of appellant was rejected and impugned order dated 16.10.2013 in respect of removal of service of appellant was maintained.

ATTESTED

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 allegedly fell ill due to heart attack and despite medical advice no leave sanctioned and vide order dated 25.7.2011 appellant deputed to the Assistant (BPS-14). That despite his illness and entitlement to leave on grounds the appellant was again subjected to inquiry and

... was awarded vide order dated 30.10.2012.

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12/1/16

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.

True copy

Sd/- Muhammad Azim Khan Afzal
Chairman

Sd/- Abdul Latif, Member

ANNOUNCED
07.01.2016

(36) (ST) (176)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Admn:IV/Nazeer/SA/ 2885 -86
Dated 14/02/2016

To,

S

Mr. Hazrat Masaud Miyan,
Member-I, Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa.

SUBJECT: DE NOVO ENQUIRY. (APPEAL NO. 24/2014)

I am directed to refer to the subject and to state that the Competent Authority is pleased to appoint you Inquiry Officer to conduct De Novo formal inquiry under Government Servant, Efficiency & Discipline Rules-2011 in light of directions of Khyber Pakhtunkhwa, Service Tribunal within stipulated time in connection with Appeal No. 24/2014 filed by Mr. Muhammad Nazeer, Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa.

It is therefore requestd to conduct formal Inquiry as per judgement of Service Tribunal and submit your findings along-with your recommendations to the Competent Authority within 20 days for further necessary action.

Encl: Appeal file is attached.

Endstt: No. & date even.

Copy forwarded for information to the Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar with reference to his letter No. 77/ST dated 13.01.2016 in the subject appeal noted above.

Secretary-I

Secretary-I

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Admn: IV/Enquiry/ Nazir/ 8405

Dated 11/03/2016.

CHARGE SHEET

I, Hazrat Masaud Mian, as Senior Member / Secretary Revenue and Estate Department, Khyber Pakhtunkhwa, as Competent Authority, in pursuance of Khyber Pakhtunkhwa, Service Tribunal, directions in Appeal No. 24/2014 through Judgement dated 07.01.2016 hereby charge you Mr. Muhammad Nazir, Appellant (Ex: Assistant) Board of Revenue, as follows:

1. That you have been found habitual late comer and remain constantly absent from office and non-serious towards official duties. You were found absent from duty with effect from 14.03.2012 to 22.4.2012 and without any intimation/ prior approval of the Competent Authority. You were served with a letter dated 27.03.2012 (F/III) sent at your home address but you did not respond to that. Later a notice with regard to willful absence from duty was get published in the daily news paper "EXPRESS" on 15.04.2012 and 10 days (F/IV) 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. (F/V)
2. 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. (F/VI)
3. That you have been found non-serious towards official duties and are absent from duty with effect from 23.10.2012 till 20.12.2012. (F/VII)
4. You were served with two notices on 20.12.2012 and 28.12.2012 at your home address in connection with your continuous absence but in-vain. Later on a notice with regard to willful absence from duty was got published in the daily news papers "Surkhab" and "Express" on 16.02.2013. (F/VIII)
5. That you came to office on 18 & 19.02.2013 and then again absent. However, on 18.02.2013 when you submitted your arrival report you have (F/IX)

Handwritten signature and date: 21/3/2016 M. Masud Mian

(38) (33)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Admn.IV/Nazeer/SA/ 840-2014
Dated 11 /03/2016

T

Mr. Farrukh Sair,
Member-II, Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa.

SUBJECT: DE NOVO ENQUIRY, (APPEAL NO. 24/2014)

I am directed to refer to the subject and to state that the Competent Authority has appointed you Inquiry Officer to conduct De Novo Inquiry under Government Servant (Efficiency & Discipline) Rules-2011 in light of directions of Khyber Pakhtunkhwa Service Tribunal within stipulated time in connection with Appeal No. 24/2014 filed by Mr. Muhammad Nazeer, Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa (Annexure-A).

In this connection, copy of former Charge Sheet / Statement of Allegation and a copy of Show Cause Notice related to the impugned orders dated 06.06.2013 and 23.11.2013 along-with relevant documents at (Annexure-B, C, D, E & F) are submitted for perusal / further necessary action.

It is further requested to conduct De Novo Inquiry as per Judgment of Khyber Pakhtunkhwa Service Tribunal and furnish your findings along-with recommendations to the Competent Authority, so that Khyber Pakhtunkhwa Service Tribunal may be reported accordingly.

Encl. No. & date given:

Secretary

Secretary

Copy forwarded for information to the Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his letter No. 77/ST dated 13.01.2016 in the subject appeal noted above.

Secretary

(39) (50)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Admn:IV/Nazeer/SA/ 14025-20
Dated 10/05/2016

U

Mr. Hazrat Masaud Mian,
Member-I, Board of Revenue,
Revenue & Estate Department,
Khyber Pakhtunkhwa.

SUBJECT: DE NOVO ENQUIRY. (APPEAL NO. 24/2014)

I am directed to refer to the subject and to state that the Competent Authority is pleased to appoint you Inquiry Officer to conduct De Novo formal Inquiry under Government Servant, Efficiency & Discipline Rules-2011 in light of directions of Khyber Pakhtunkhwa, Service Tribunal in connection with Appeal No. 24/2014 filed by Mr. Muhammad Nazeer, Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa.

It is therefore requested to conduct the Inquiry as per judgement of Service Tribunal and submit your findings along-with your recommendations to the Competent Authority for further necessary action.

M
Secretary-I

Endstt: No. & date even.

Copy forwarded for information to the Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar with reference to his letter No. 77/ST dated 13.01.2016 in the subject appeal noted above.

Secretary-I

to send the relevant record. Copy I BOK will attend the inquiry proceedings on all dates. A charge sheet would also be added. Only statement of allegations would not suffice. I plan write a letter to the say I to that effect. Ho. Govt Muzim 10/5/2016

PS

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OFFICE OF THE MEDICAL SUPERINTENDENT,
PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE.

Phone # Off: 042-99200031, 042-99203051 (Ext. 313), Fax # 042-99203204.

CONFIDENTIAL

NO.PIC/VMR/ 21982-84 /2016

Dated: 15-11-16

✓
The Assistant Secretary (Admin)
Government of Khyber Pakhtunkhwa,
Board of Revenue, Revenue & Estate Department.

General Diny-
Dy. No. 2655
Date 16-11-16
Revenue & Estate
Khyber Pakhtun Khwa

Subject: VERIFICATION OF MEDICAL CHECK UP:

Kindly refer to your office letter No. Ad:IV/Nazir/Enq/BOR/17389 dated 22.06.2016 and No. Ad:IV/Nazir/Enq/BOR/15558 dated 27.06.2016 on the subject cited above.

Please find enclosed here with the report of concerned as desired.

Medical Superintendent
Punjab Institute of Cardiology,
Lahore

NO.PIC/VMR/ /2016

Dated:

A copy is forwarded for information to

1. Prof. Dr. Nadeem Hayat Mallick, Professor of Cardiology / Head of the Institution PIC, Lahore.
2. Dr. Tasneem Kousar, Additional Medical Superintendent Incharge OPD PIC, Lahore

16/11/16

Medical Superintendent,
Punjab Institute of Cardiology,
Lahore.

29/8/2017

(X)
OFFICE OF THE MEDICAL SUPERINTENDENT
PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE.

Phone # Off: 042-99200031, 042-99203051 (Ext. 313), Fax # 042-99203204

Medical Superintendent,
Punjab Institute of Cardiology,
Lahore.

VERIFICATION OF MEDICAL CHECK UP

Kindly refer to letter No. Ad:IV/Nazir/Enq/BOR/17389 dated 22.06.2016 and No. Ad:IV/Nazir/Enq/BOR/15558 dated 27.06.2016 received from The Assistant Secretary (Admin) Government of Khyber-Pakhtunkhwa, Board of Revenue, Revenue & Estate Department on the subject cited above.

After reviewing the photo copies of patient record, these were presented to concerned Doctor, Dr. Muhammad Asif Rao on 11.01.2013 he has given in written that he has not advised rest to the said patient on OPD screening slip No. 1527/2013

It was further confirmed from Admin Officer that no such Dr. Humayon was on the pay roll of PIC, Lahore during that period as the name is mentioned on the slip.

In view of the above advice of rest is not verified and is fake

Regarding OPD slip No. 36130/2012 dated 07-12-2012, signature of Prof. Dr. Abdul Waheed does not match with record, hence it is fake and returned as un-verified.

1. Mr. Sultan Ali
Admin Officer,
Punjab Institute of Cardiology,
Lahore.

2. Mr. Muhammad Asim
System Analyst,
Punjab Institute of Cardiology,
Lahore.

Tasneem
Dr. Tasneem Kousar,
Additional Medical Superintendent Incharge OPD
Punjab Institute of Cardiology,
Lahore.

DR. TASNIM KAUSAR
PMWO
Incharge OPD
Punjab Institute of Cardiology, Lahore.

(42) (57)
GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Admn:IV/Nazeer/SA/

8562-62

Dated 24/04/2017

W
Mr. Shahid Sohail,
Director Land Records
Khyber Pakhtunkhwa.

SUBJECT: DE-NOVO ENQUIRY. (APPEAL NO. 24/2014)

I am directed to refer to the subject and to state that the Competent Authority is pleased to appoint you as an Inquiry Officer to conduct De-Novo formal Inquiry under Government Servant, Efficiency & Discipline Rules-2011 in light of directions of Khyber Pakhtunkhwa, Service Tribunal within two months in connection with Appeal No. 24/2014 filed by Mr. Muhammad Nazeer, Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa and the stipulated time has already been lapsed due to reasons that the instant inquiry was pending with the Inquiry Officers i.e. MBR-I / MBR-II and Ex: DLR, due to their transfers and could not completed so far. The Khyber Pakhtunkhwa Service Tribunal has re-fixed the case in implementation petition on 05.05.2017.

It is therefore requested to conduct formal Inquiry as per judgement of Service Tribunal and submit your findings along-with recommendations to the Competent Authority well before 05.05.2017 for further necessary action, please.

Charge Sheet / Statement of Allegations are attached.

(Khazada Wazir)
Assistant Secretary (Admin)

Endstt: No. & date even.

Copy forwarded for information to the Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar with reference to his letter No. 77/ST dated 13.01.2016 in the subject appeal quoted above.

(Khazada Wazir)
Assistant Secretary (Admin)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Nazir/Enquiry/BOR/ 9314-15
Peshawar dated the 12/05/2017

The Assistant Secretary (Admin)
Board of Revenue, Khyber Pakhtunkhwa.

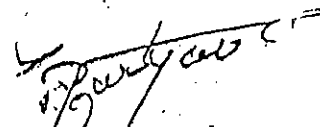
SUBJECT: DE-NOVO ENQUIRY (APPEAL NO.24/2014)

P-99/c

Reference your letter No: Admn:IV/Nazeer/SA/8562 dated 24.4.2017 on the subject and to state that due to heavy work load of Registration, Settlement Operations, Computerization of Land Records activities (on regular side) and also having the dual charge of Project Director (Phase-I) & (Phase-II) Computerization of Land Records, the undersigned is not in position to conduct the subject enquiry.

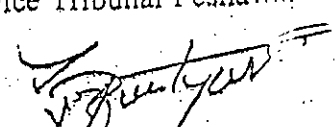
You are therefore, requested to depute another officer of this Department for the subject inquiry please.

(Enclosed 125 pages)


Director Land Records
Board of Revenue

Endst: No. Nazir/Enq/BOR/ 9314-15 :

Copy forwarded to the Registrar, Khyber Pakhtunkhwa Service Tribunal Peshawar for information please.


Director Land Records
Board of Revenue

Sali 12 ⁵/₁₇

(94) (85) (5)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Admn:IV/Nazeer/SA/10726-28
Dated 23/05/2017

✓ Mr. Shahid Sohal,
Director Land Records
Khyber Pakhtunkhwa.

Director Land Records
By No. 624
Date 26.5.2017
Govt. of Khyber Pakhtunkhwa

SUBJECT: DE-NOVO ENQUIRY. (APPEAL NO. 24/2014)

I am directed to refer to your letter No. Nazir/Enq/BOR/9314-15 dated 12.05.2017 on the subject and to state that the Competent Authority has directed to complete the De-Novo formal Inquiry under Government Servant, Efficiency & Discipline Rules-2011 in light of directions of Khyber Pakhtunkhwa, Service Tribunal in connection with Appeal No. 24/2014 filed by Mr. Muhammad Nazeer, Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa as court directions are involved in the subject case.

It is therefore requested to conduct De-Novo as per judgement of Service Tribunal and submit your findings along-with recommendations to the Competent Authority within twenty day as per directions of SMBR, for further necessary action, please.

(Khanzada Wazir)
Assistant Secretary (Admn)

Endett: No. & date even.

Copy forwarded for information to the:-

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar with reference to his letter No. 77/ST dated 13.01.2016 on the subject appeal quoted above.
2. PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

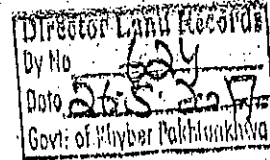
(Khanzada Wazir)
Assistant Secretary (Admn)

Khanzada Wazir

(43) (55) (5)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Admn:IV/Nazeer/SA/10726-28
Dated 23/05/2017

✓ Mr. Shahid Sohail,
Director Land Records
Khyber Pakhtunkhwa.



SUBJECT: DE-NOVO ENQUIRY. (APPEAL NO. 24/2014)

I am directed to refer to your letter No. Nazir/Enq/BOR/9314-15 dated 12.05.2017 on the subject and to state that the Competent Authority has directed to complete the De-Novo formal Inquiry under Government Servant, Efficiency & Discipline Rules-2011 in light of directions of Khyber Pakhtunkhwa, Service Tribunal in connection with Appeal No. 24/2014 filed by Mr. Muhammad Nazeer, Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa as court directions are involved in the subject case.

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(Khanzada Wazir)
Assistant Secretary (Admn)

Endstt: No. & date even.

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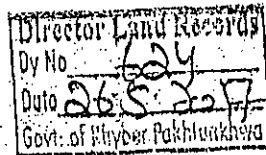
(Khanzada Wazir)
Assistant Secretary (Admn)

9/24/17

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Admn:IV/Nazeer/SA/10726-28
Dated: 23/05/2017

✓ Mr. Shahid Sohail,
Director Land Records
Khyber Pakhtunkhwa.



SUBJECT: DE-NOVO ENQUIRY. (APPEAL NO. 24/2014)

I am directed to refer to your letter No. Nazir/Enq/BOR/9314-15 dated 12.05.2017 on the subject and to state that the Competent Authority has directed to complete the De-Novo formal Inquiry under Government Servant, Efficiency & Discipline Rules-2011 in light of directions of Khyber Pakhtunkhwa, Service Tribunal in connection with Appal No. 24/2014 filed by Mr. Muhammad Nazeer. Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa as court directions are involved in the subject case.

It is requested to conduct De-Novo as per judgement of Service Tribunal along with recommendations to the Competent Authority as per directions of SMBR, for further necessary action.

(Khanzada Wazir)
Assistant Secretary (Admin)

Endstt: No. & date even.

Copy forwarded for information to the:-

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar with reference to his letter No. 77/ST dated 13.01.2016 on the subject appeal quoted above.
2. PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

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(Khanzada Wazir)
Assistant Secretary (Admin)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Admn:IV/Nazeer/SA/10726-28
Dated 23/05/2017

✓ Mr. Shahid Sohall,
Director Land Records
Khyber Pakhtunkhwa.

Director Land Records
Dy No. 624
Date 26.5.2017
Govt. of Khyber Pakhtunkhwa

SUBJECT: DE-NOVO ENQUIRY (APPEAL NO. 24/2014)

I am directed to refer to your letter No. Nazir/Enq/BOR/9314-15 dated 12.05.2017 on the subject and to state that the Competent Authority has directed to complete the De-Novo formal Inquiry under Government Servant, Efficiency & Discipline Rules-2011 in light of directions of Khyber Pakhtunkhwa, Service Tribunal in connection with Appeal No. 24/2014 filed by Mr. Muhammad Nazeer, Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa as court directions are involved in the subject case.

It is therefore requested to conduct De-Novo as per judgement of Service Tribunal and submit your findings along with recommendations to the Competent Authority within twenty day as per directions of SMBR, for further necessary action, please.

(Khanzada Wazir)
Assistant Secretary (Admn)

Endstt: No. & date even.

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2. PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

(Khanzada Wazir)
Assistant Secretary (Admn)

S. M. / 17

(79) (88) (85)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Admn:IV/Nazeer/SA/10726-28
Dated 23/05/2017

✓ Mr. Shahid Sohail,
Director Land Records
Khyber Pakhtunkhwa.

Director Land Records
By No. 624
Date 26.5.2017
Govt. of Khyber Pakhtunkhwa

SUBJECT: DE-NOVO ENQUIRY. (APPEAL NO. 24/2014)

I am directed to refer to your letter No. Nazir/Enq/BOR/9314-15 dated 12.05.2017 on the subject and to state that the Competent Authority has directed to complete the De-Novo formal Inquiry under Government Servant, Efficiency & Discipline Rules-2011 in light of directions of Khyber Pakhtunkhwa, Service Tribunal in connection with Appeal No. 24/2014 filed by Mr. Muhammad Nazeer. Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa as court directions are involved in the subject case.

It is therefore requested to conduct De-Novo as per judgement of Service Tribunal and submit your findings along-with recommendations to the Competent Authority within twenty day as per directions of SMBR, for further necessary action, please.

(Khanzada Wazir)
Assistant Secretary (Admn)

Endstt: No. & date even.

Copy forwarded for information to the:-

1. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar with reference to his letter No. 77/ST dated 13.01.2016 on the subject appeal quoted above.
2. PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

(Khanzada Wazir)
Assistant Secretary (Admn)

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Sy. Shahid Sahail (Inquiry Officer),
Director Land Records,
Khyber Pakhtunkhwa.

**WRITTEN STATEMENT IN DEFENCE IN DE-NOVO INQUIRY IN
SERVICE APPEAL NO. 24/2014.**

Kindly reference to your Office's letter No. Enquiry/M.Nazir/Ex.Asstt.BOR/7-S9 dated 22.06.2017, 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 Commissionate. I performed my duties with zeal and zest during the time when a major earthquake Jaulted Northren 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 hear/kidney diseases.

2. 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.

3. My previous service record would reveal my truthfulness and dedication towards duty which I could not maintained due to my poor mental condition. I lead my family personally but due to fall of my health, I remained on bed for a long time. My spouse is less educated and has no connection of reading newspaper neither I too was in such a condition to respond that notices published in the newspapers.

4. As submitted above, my attendant was fully taking care of illness period due to my weak mental condition. I was also not able to guide her for official process / requirements. My wife being a typical house wife had no experience to handle my official requirements and fully attached to attend my sufferings.

5. Disciplinary action taken against me remained one sided and I could done any defense against the charges leveled against me and finally completed by awarding me major penalties.

6. In light of above, it is earnestly requested to provide me a chance and let me serve as I have had in the past before my illness period.

7. I shall remain thankful to your for this act of compassion.

Thanking you Sir.

Dated: 10/7/2017

Diary No. 754
Dated 11-07-17

Your obediently

Muhammad Nazir
Ex: Assistant Board of Revenue
Khyber-Pakhtunkhwa.

L.R (IV)

(S) (3)

BRIEF FOR INQUIRY OFFICER (MR. SHAHID SOHAIL,
DIRECTOR LAND RECORDS, KHYBER PAKHTUNKHWA)

It is submitted that Mr. Muhammad Nazir was posted as Assistant in Provincial Disaster Management Authority, Khyber Pakhtunkhwa, in the year 2009 (Flag-A) and repatriated to Board of Revenue and posted as Superintendent on his own pay scale (Flag-B). The official was promoted to the post of Superintendent (Flag-C).

2. The PDMA asked Board of Revenue to direct the official to provide old record of his posting as cashier in PDMA (Flag-D). This office directed the official to provide the relevant record to PDMA (Flag-E) but he failed to do so. Later on PDMA requested to take disciplinary action against him (Flag-F). In this respect he was charge sheeted and after enquiry was conducted, show cause notice was issued but no defence was noted by the accused official. The Competent Authority imposed upon him major penalty of demotion to lower post of Assistant (Flag-G, H, I & J).
3. The accused official was frequently remained absent from duty so again charge sheeted and an enquiry was conducted. Show cause notice was also issued and the personal hearing was held (Flag-K, L, M & N) for which he did not defend his position and the inquiry officer recommended major penalty of compulsory retirement. Competent Authority imposed upon him minor penalty of stoppage of two increments (Flag-O).
4. In spite of this, the official remained absent from duty. The office has also issue summons and letter to his home address (Flag-P & Q) but he did not attend the office. At last his absence was advertised in Daily Newspaper. He was directed thereafter to attend office but in vain. A Show Cause Notice was issued in this regard (Flag-R), but no response was received. Resultantly the Competent Authority under rule 9 of Efficiency & Discipline Rules, imposed major penalty of removal from service (Flag-S).
5. He submitted a Departmental appeal before the Competent Authority (Chief Secretary) against the order dated 15.05.2013 (Flag-T) but the competent authority filed his appeal. The appellant again submitted the same appeal before the Senior Member, Board of Revenue which was filed too. The accused filed service appeal in the Service Tribunal, Khyber Pakhtunkhwa. Necessary comments were filed before the Tribunal (Flag-U). Now the Tribunal ordered to intimate a Denovo Inquiry in the matter and filed the same within 2 months before the Tribunal (Flag-V). The said case was entrusted to Member-I, Board of Revenue for the purpose of Denovo Inquiry.

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- ON 04.02.2016 (Flag-W) and then to Member-II Board of Revenue, on 11.03.2016 (Flag-X).
6. Member-II Board of Revenue went for National Management Course training due to which De-Novo inquiry was again entrusted to Member-I Board of Revenue on 10.05.2016 (Flag-Y). The Member-I Board of Revenue (Inquiry Officer) verified the medical documents produced by the appellant, from the Punjab Institute of Cardiology, Lahore, which founds to be fake and un-authentic (Flag-Z).
 7. Thereafter Member-I Board of Revenue (Inquiry Officer) was also transferred from Board of Revenue and inquiry was entrusted to Mr. Sajib Raza Aslam, Ex: Director Land Records Khyber Pakhtunkhwa who also transferred as Deputy Commissioner Peshawar. Finally Mr. Shahid Sohail Director Land Record was appointed as Inquiry Officer on 24.04.2017 (Flag-I).

(32) (8)

GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF LAND RECORDS
REVENUE & ESTATE DEPARTMENT

No. Inquiry/Ex-Assistant/Nazir/ 9789
Peshawar dated the 26/07/2017

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

SUBJECT: DE-NOVO ENQUIRY (APPEAL NO.24/2014)

Reference your office letter No. Admn:IV/Nazeer/SA/10726-28 dated 23.5.2017 on the subject and to enclose herewith an inquiry report against Mr. Muhammad Nazeer Ex-Assistant Board of Revenue for further necessary action at your end please.


DIRECTOR LAND RECORDS
KHYBER PAKHTUNKHWA.

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INQUIRY REPORT

The undersigned was appointed as Inquiry Officer by the Competent Authority to conduct De-Novo Inquiry under the provision of Government Servant (Efficiency & Disciplinary) Rules 2011 against Mr. Muhammad Nazir Ex. Assistant Board of Revenue on the direction of Khyber Pakhtunkhwa Service Tribunal.

BRIEF HISTORY OF THE CASE:

Previously an enquiry into the matter was initiated on the direction of the Competent Authority. The Inquiry Officer recommended disciplinary action against Muhammad Nazir, Ex- Superintendent Board of Revenue, who was demoted from the post of Superintendent to the rank of Assistant as a result of 1st inquiry conducted against him due to misplacement of accounts record etc of PDMA while he was posted there on deputation.

Later on, he was repatriated but remained absent from duty and another inquiry was conducted and the inquiry officer recommended major penalty of Compulsory Retirement from service but the Competent Authority imposed minor penalty i.e. stoppage of 2 increments without cumulative effect.

Despite above, the official remained absent from duty. After fulfilment of all formalities and issuing show cause notice, found no response from the official, the competent authority imposed a major penalty of Removal from Service under rule 9 of E&D Rules.

The official then submitted departmental appeals to Chief Secretary Khyber Pakhtunkhwa and Senior Member Board of Revenue Khyber Pakhtunkhwa respectively which were regrettably / rejected.

The accused official then knocked the door of Khyber Pakhtunkhwa Service Tribunal. The said Tribunal ordered to conduct a De-novo Inquiry in the matter and submit the same report within two months.

BACK GROUND OF THE CASE:

Back ground of the case is that Muhammad Nazir was posted as Assistant in PDMA (Provincial Disaster Management Authority) Khyber Pakhtunkhwa in 2009 on deputation basis (Flag-A).

On repatriation, he was posted/adjusted as Superintendent on own pay scale followed by regular promotion as Superintendent (Flag-B&C).

The PDMA asked Board of Revenue to direct the official to provide old record of accounts etc: while he was posted there as Cashier (Flag-D).

Despite of directions of this Department (Flag-E), the official could not provide the requisite record and thus the PDMA requested to take disciplinary action against him (Flag-F). He was charge sheeted and Inquiry was conducted accordingly. On the recommendations of Inquiry Officer (Flag-G), the Competent Authority imposed upon him

(SS) 2 of 3
(62)

penalty of "Demotion to lower post" i.e. demotion from the post of Superintendent to the post of Assistant vide this Department Notification (Flag-H).

After that, the official remained frequently absent from duty and avail furlough without any application/information and thus again charge sheeted and Inquiry was conducted. During inquiry, he was given opportunity of personal hearing but he could not defend himself. After examination the Inquiry Officer recommended major penalty of Compulsory Retirement but the Competent Authority imposed upon him minor penalty of stoppage of two increments without cumulative effect (Flag-I&J) respectively.

However, the official did not change his behaviour and remained absent from duty as usual. He was summoned and letter was issued at his home address (Flag-K & L) but he did not respond. Finally his absence was advertised in a Daily Newspaper but in vain (Flag-M). Therefore, a show cause notice was issued (Flag-N) but no response was received. Resultantly the Competent Authority under Rule-9 of E&D Rules 2001, imposed major penalty of Removal from Service vide order dated 15-05-2013 at (Flag-O).

After removal from service, the official submitted a departmental appeal to the Chief Secretary against the order at (Flag-P), which was regretted and filed. Then the applicant again submitted an appeal before the Senior Member Board of Revenue which was also filed.

Then the accused official submitted service appeal to the Khyber Pakhtunkhwa Service Tribunal. Necessary comments were filed (Flag-Q). The Tribunal ordered to conduct a De-Novo Inquiry in the matter and submit the same within two months before the Tribunal (Flag-R).

The said task was entrusted to Member-I, Board of Revenue on 04-02-2016 (Flag-S) and then to Member-II, Board of Revenue on 11-03-2016 (Flag-T). Member-II of BOR went for National Management Course training due to which De Novo Inquiry was again entrusted to Member-I, BOR on 10-05-2016 (Flag-U). The Member-I, BOR (Inquiry Officer) got verified the medical documents produced by the appellant, from the quarter concerned i.e. Punjab Institute of Cardiology, Lahore which was found fake and un-authentic (Flag-V).

Thereafter, Member-I, BOR (Inquiry Officer) was also transferred from BOR and the Inquiry was entrusted to Mr. Saqib Raza Aslam, Ex-Director Land Record, Khyber Pakhtunkhwa who was also transferred and posted as Deputy Commissioner Peshawar.

Finally the undersigned was appointed as Inquiry Officer on 24-04-2017 (Flag-W). Due to heavy work load of Registration, Settlement Operations, Computerization of Land Records activities (on regular side) and also having the dual charge of Project Director Phase-I&II Computerization of land Projects, the undersigned requested the Assistant Secretary (Admn:) Board of Revenue to depute another officer for the said inquiry (Flag-X). The Competent Authority again directed to conduct De-Novo inquiry vide letter dated 23-5-2017 (Flag-Z).

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The undersigned called upon the accused official for personal hearing on 15-06-2017 as well as requested the Assistant Secretary (Admn.) Board of Revenue to depute a well versed official/officer to attend office of the undersigned for finalization of inquiry vide letter dated 15-06-2017 (Flag-A1) but no one attended the office of undersigned on behalf of Assistant Secretary (Admn.) while the accused official appear before the undersigned (Inquiry Officer) on 20.06.2017.

In response to second reminder dated 04.07.2017 (Flag-B1), wherein the Assistant Secretary was once again requested to depute a well versed officer/official to attend office of the undersigned on 06.07.2017 at 11.00 am, so that the enquiry could be finalized within the stipulated period, the representative of AS (Admn.), Board of Revenue as well as the accused official attended the office on 06.07.2017. Accordingly the accused and representative of the Department submitted their statement / brief respectively (Flag-C1 & D1).

INQUIRY PROCEEDINGS:

The inquiry was conducted between 15-06-2017 to 10-07-2017 in office of the Director Land Record, Khyber Pakhtunkhwa Peshawar.

FINDINGS:

- i) While going through the record and findings of previous inquiry reports, it was observed that all legal formalities were observed but the official could not defend himself properly. All in his statements, were in contradiction and the medical documents proved fake and un-authentic as per verification from the quarter concerned (Flag-E1).
- ii) On 06.07.2017, the accused official i.e. (Muhammad Nazir Ex. Assistant BDR) was called for personal hearing and in response, he submitted his written statement on 10-07-2017 (Flag-F1), which is ur-satisfactory and unsupported by documents.

CONCLUSION:

The official 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 is not interested in his job.

In light of the above factual position, Muhammad Nazir Ex-Assistant Board of Revenue, Khyber Pakhtunkhwa is found guilty of the charge.

RECOMMENDATIONS:-

In view thereof, it is recommended that the accused may be awarded 1 (one) month penalty under Section-4(b)(ii) of the Khyber Pakhtunkhwa Govt Servant (Efficiency) Act, 1974.

Signature and Stamp of the undersigned

The undersigned called upon the accused official for personal hearing on 15-06-2017 as well as requested the Assistant Secretary (Admn.) Board of Revenue to depute a well versed official/officer to attend office of the undersigned for finalization of inquiry vide letter dated 15-06-2017 (Flag-A1) but no one attended the office of undersigned on behalf of Assistant Secretary (Admn.) while the accused official appear before the undersigned (Inquiry Officer) on 20-06-2017.

In response to second reminder dated 04.07.2017 (Flag-B1), wherein the Assistant Secretary was once again requested to depute a well versed officer/officer to attend office of the undersigned on 06.07.2017 at 11.00 am, so that the enquiry could be finalized within the stipulated period; the representative of AS (Admn.), Board of Revenue as well as the accused official attended the office on 06.07.2017. Accordingly the accused and representative of the Department submitted their statement / brief respectively (Flag-C1 & D1).

INQUIRY PROCEEDINGS:

The inquiry was conducted between 15-06-2017 to 10-07-2017 in office of the Director Land Record, Khyber Pakhtunkhwa Peshawar.

FINDINGS:

- i) While going through the record and findings of previous inquiry reports, it was observed that all legal formalities were observed but the official could not defend himself properly. All in his statements, verbal contradiction and the material documents proved fake and un-authentic as per verification from the quarter concerned (Flag-E1).
- ii) On 06.07.2017, the accused official i.e. (Muhammad Nazir Ex. Assistant Board of Revenue) was called for personal hearing and in response, he submitted his written statement on 10-07-2017 (Flag-F1), which is unsatisfactory and unsupported by documents.

CONCLUSION:

The official 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 is not interested in his job.

In light of the above factual position, Muhammad Nazir Ex-Assistant Board of Revenue, Khyber Pakhtunkhwa is found guilty of the charge.

RECOMMENDATIONS:-

In view thereof, it is recommended that the accused may be awarded Major penalty under Section-4(b)(ii) of the Khyber Pakhtunkhwa Govt: Servant (Efficiency & Discipline) Rules-2011 of compulsorily retirement.

(38) (19)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT**
No. Admin: IV/Nazir/SA/24/2014/Ex:Asst/BOI / 15278
Dated 3 / 08/2017.

SHOW CAUSE NOTICE.

I, Zafar Iqbal, Secretary Revenue & Estate Department, as Competent Authority under rule-14 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, do hereby serve Show Cause Notice on you, Mr. Muhammad Nazir, Assistant, Board of Revenue, as follows:

- (F/18)
- (F/18)
- (F/18)
- (F/18)
- (F/18)
- (F/18)
- (F/18)
- (F/18)
- (F/18)
- (F/18)
- a. That you have been found habitual late comer and remained constantly absent from office and non-serious towards official duty. You were found absent from duty with effect from 14.03.2012 to 22.4.2012 and 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 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.
 - b. 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 15.05.2013.
 - c. That you have been found non-serious towards official duty and are absent from duty with effect from 23.10.2012 till 20.12.2012.
 - d. You were served with two notices on 20.12.2012 and 28.01.2013 at your home address in connection with your continuous absence but in-vain. Later on a notice with regard to willful absence from duty was got published in the daily news papers "Burkhab" and "Express" on 16.02.2013.
 - e. That you came to office on 18 & 19.02.2013 and then again absented. However, on 18.02.2013 when you submitted your arrival report have also produced OPD slips of Punjab Institute of Cardiology, Lahore, containing medical advices for one month and forty days bed rest which cover the period with effect from 07.12.2012 to 14.02.2013. Whereas, you were absent with effect from 23.10.2012 till 20.12.2012. Thus your total absent period comes (118) days while the said medical advice only for (70) days. The rest of (48) days of absent period is still uncovered.

*Medical
Prescription*

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Furthermore, you did not produce/submit the above said medical advices in time in a proper way nor you have intimated your position by any way, and again disappeared since 20.02.2011 to 05.03.2013.

f. That it is also found that you was not referred by the authorized medical officer/practitioner to the above mentioned medical institute at Lahore or to else where.

(15/7)

g. That Prior to this on 25.07.2011 a major penalty was imposed upon you and you was downgraded from the post of Superintendent (BPS-16) to the post of Assistant (BPS-14) and again on 30.10.2012, another minor penalty of stoppage of 2 annual increments without accumulative effect was imposed upon you but you did not mend your attitude towards official duty, you kept on the same practice.

(17/8)

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

3. You are, therefore, required to show cause as to why the afor said penalty should not be imposed upon you. Furthermore, you are directed to appear on

15/7/2017 at 12:00 AM before the undersigned for personal hearing.

4. If no reply to this notice is received within seven 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.

Secretary to Government,
Of Khyber Pakhtunkhwa
Revenue & Estate Department.

Mr. Muhammad Nazir
Ex: Assistant Board of Revenue,
Khyber Pakhtunkhwa.

(Encl: Copy of complete Inquiry Report)

(60) (71)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Ad:IV/Nazir/SA/24/2014/Ex:Asst/BOR/ 1587F
Dated 3 /08/2017


Mr. Muhammad Nazir,
Ex: Assistant Board of Revenue
Khyber Pakhtunkhwa.
R/O Village & Post Office Pakha Ghulam,
Tehsil & District Peshawar.

SUBJECT: SHOW CAUSE NOTICE / PERSONAL HEARING IN DISMISSIVE
INQUIRY IN SERVICE APPEAL NO. 24/2014.

I am directed to refer to the subject and to enclose herewith a copy of
Show Cause Notice duly signed by the Competent Authority.

I am therefore directed to inform you to appear before the Competent
Authority on 15.08.2017 at 1200 hrs, please.

Encl: As Above.


o/c (Khanzada Wazir)
Assistant Secretary (Admin)

(61) (72)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Ad:IV/Nazir/SA/24-2014/Ex:Asst/BOR/ 7755
Dated 23 /08/2017

Mr. Muhammad Nazir,
Ex: Assistant Board of Revenue
Khyber Pakhtunkhwa.

R/O Village & Post Office Pakha Ghulam,
Tehsil & District Peshawar.

SUBJECT: SHOW CAUSE NOTICE / PERSONAL HEARING IN DE-NOVO
INQUIRY IN SERVICE APPEAL NO. 24/2014.

I am directed to refer to the subject and to inform you that you were earlier directed to appear before the Competent Authority for personal hearing on 15.08.2017 as a result of De-Novo inquiry vide Show Cause Notice already been sent to you vide this Department's letter No. Ad:IV/Nazir/SA/24/2014/Ex:Asst/BOR/15877 dated 03.08.2017 along with copy of Inquiry Report but you did not appear for personal hearing before the Competent Authority. However, Competent Authority has decided to give you another opportunity for personal hearing.

You are therefore directed again to appear on 29.08.2017 at 12:00 hrs, in the office of Senior Member Board of Revenue (Competent Authority) for personal hearing. If you failed to appear before the Competent Authority, an ex-parte decision will be taken against you as per rules.

o/c
(Khanzada Nazir)
Assistant Secretary (Admin)

وضاحتی بیان

(۱)

من تم مسمیٰ کا پیران اللہ جو سنٹر فلرک لکھنؤ

بظور ڈیپٹی سیکریٹری ریونیو برائے بورڈ آف ریونیو
عسب ذیل عرض گزارا ہوں:

(1) یہ کہ محمد نذیر اسحاق اسٹٹ بورڈ آف ریونیو
نمبر ۳۴ ایب چھٹی اسٹریٹ گھر کے پتہ پر ارسال کی گئی
دوسری نمبر و تاریخ ۱۲/۸/۲۰۱۶ (۱۳۵) ۳/۸/۲۰۱۶

(2) یہ کہ محمد نذیر کو بذریعہ موبائل فون رابطہ کرتے بھی رہا
کہ ۱۵-۰۸-۲۰۱۶ کو دن ۱۲:۰۰ بجے نمبر ۳۴ ایب چھٹی SMBR
پاس پرسنل پتہ پر ہے۔

(3) یہ کہ مذکورہ بالا تاریخ کے بعد ایب دوسری چھٹی بنا
مورخہ ۲۳/۸/۲۰۱۶ کو گھر کے پتہ پر جاری ہوئی۔ جسکا دوسری
بعد تاریخ ۱۲/۸/۲۰۱۶ ہے۔ اسی طرح حسب سابق میں نے محمد نذیر کو
فون پر اطلاع دی کہ پہلی بار غیر حاضری کے بعد اب دوسری
بار نمبر ۳۴ ایب چھٹی میں مورخہ ۲۹/۸/۲۰۱۶ مقرر ہوئی ہے۔

(4) جناب والا میں مذکورہ بالا دونوں اطلاعات اور رابطے کی تصویر
یوں کہ میں نے محمد نذیر کو دونوں بار آگاہ کیا تھا۔

۲۹/۸/۱۶
کا پیران اللہ

مورخہ ۲۹/۸/۲۰۱۶

(W) (Demands)

(62)

(1)

(25)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Petition No. 203/2016 x
Appeal No. 24/2014 ✓

Muhammad Nazir, Ex: Assistant (BPS-14).....Appellant

✓ VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa,
Peshawar.

✓ Senior Member, Board of Revenue, Khyber Pakhtunkhwa.

REPLY TO IMPLEMENTATION PETITION.

1. Para No. 1 is correct to the extent that the Petition or preferred Service Appeal, in this Tribunal.
2. Para No. 2 is also admitted to the extent that the appeal was accepted and the respondents were allowed to conduct De-Novo Inquiry within two months till receipt aforesaid judgement. However, the copy of judgement was received by the Department on 22.01.2016.
3. Thereafter, the Competent Authority appointed Inquiry Officer to conduct De-No inquiry but the said inquiry officer was transferred on 23.08.2016. The responsibility of inquiry officer was then entrusted to the predecessor of the Director Land Record. The delay in conducting inquiry is neither intentional nor willfull, but the same was caused due to transfers of inquiry officers in the interest of public.
4. Beside it is also added that Ex: Inquiry Officer has taken up the subject matter with professor Nadeem Hayat Malik, Chief Executive, Punjab Institute of Cardiology Lahore in connection with confirmation of Heart treatment as per medical documents produced by the appellant during his absence from duty period. In response the Medical Superintendent of the above mentioned Institute forwarded an authentic verification report of the Committee which show denial of advice for bed rest and declared it fake. Similarly signature of Professor Dr. Abdul Waheed also does not match with record and declared it as fake and returned as unverified. Photo copies medical documents / official letter and report are enclosed for kind perusal.

In view of the above facts, it is requested that the implementation of the petition may kindly be dismissed with cost.

Senior Member,
Respondent No. 2

(V) (64) (14)

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

Dated, 07/08/2017.

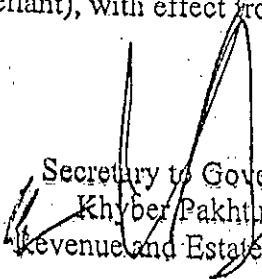
ORDER.

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.


Secretary to Government of
Khyber Pakhtunkhwa,
Revenue and Estate Department

Copy of the above is forwarded to the:

Accountant General Khyber Pakhtunkhwa.

Registrar Khyber Pakhtunkhwa Service Tribunal with reference to his letter No. 77 ST dated 13.01.2016 filed by Mr. Muhammad Nazir Ex: Assistant Board of Revenue Khyber Pakhtunkhwa.


Bill Assistant, Revenue and Estate Department, Khyber Pakhtunkhwa.

Mr. Muhammad Nazir (Appellant), Ex: Assistant Revenue and Estate Department Khyber Pakhtunkhwa.

Personal file.

Office order file.

Master file.


(Khanzada Wazir)
Assistant Secretary (Admn)

The Senior Member,
Board of Revenue,
Khyber Pakhtunkhwa.

PS/SMBR
Dy. No. 3527
Date 15/5/13
Govt. of Khyber Pakhtunkhwa

Subject:-

REVIEW 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 07.1981 and performed my duties up to the entire satisfaction of my superiors, there is no fault or flow/blunder that could be found in my whole service career. 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 Jaulted Northren 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. Due to this reason my working capacity become effected as I often remained ill. 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 collapsed mentally and psycho effects ruined my physical health and private life.

Now, I am a 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 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 from the year 2012-13 and now major penalty of removal from service has been imposed on me.

Sir, instead to recognize my performance during hard days since 8th October 2005 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 because you have a religious bet of mind I place and put my plea my circumstances before your honour to look into for sympathy on humanitarians specially for the sack of my children my family who is already in a miserable condition due to my deteriorated health, the life of my whole family rest in your merciful review of order dated 15.03.2013.

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

Yours obediently

Muhammad Nazir,
Assistant Board of Revenue

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



(67)

APPEAL NO. 24 /2013/

1688
27-11-13

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

VERSUS

R

- 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

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:

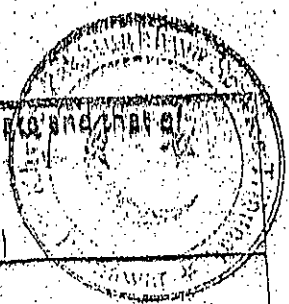
That the appellant joined the respondent Department as Junior Clerk (BPS-7) vide order dated 01-07-1981 and served the respondent Department for more than 32 years quite efficiently and up to the entire satisfaction of his superiors.

re-submitted to
and filed.

27/11/13
31/11/14

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.)

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Appellant with counsel and Mr. Mukhtiar Ali, Supdt. along with 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 a 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

11.2016

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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.


K

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 2001 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

STED

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(71) (2) 17

grounds was refused in disregard to the provisions of rule-15 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 allotment 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 records 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 Ayidi,
Chairman

Sd/- Abdul Latif, Member

ANNOUNCED
07.01.2016

Certified to be true copy

EX AMIN
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 22-01-2016
Number of Words 1600
Copying Fee 10/-
Page 18
Total 18

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Seyf

PS/SME
Dv No. 32
Date 9/5/18
Govt. of Khyber Pakhtunkhwa

The Senior Member,
Board of Revenue
Khyber Pakhtunkhwa.

SMBL
9/5/18

SUBJECT: WRITTEN STATEMENT IN CONNECTION WITH PERSONAL HEARING BEFORE THE COMPETENT AUTHORITY.

In response to Show Cause bearing No. Ad:IV/M.Nazir/Assit/SA/24/2014/BOR dated 26.04.2018, whereby I have been directed to appear for personal hearing in connection with De Novo inquiry on the directions of Khyber Pakhtunkhwa Service Tribunal and then by the Chief Secretary in Departmental appeal dated 30.03.2018.

S(Admn)
CQ
ecy-I
01/5/18
J.W.

1. As it is evident from my previous medical report that I was not physically fit and mentally well due to depression problem and I had also previously requested in response to earlier show cause to minimize or exonerate the penalty on humanitarian basis which was accepted and I was awarded minor penalty of stoppage of two increments instead of compulsory retirement.
2. Due to severe condition of depression I had almost lost my consciousness and to manage the circumstances of my personal daily life also disturbed my service career which I had managed with full of my abilities / zeal and zest throughout my service tenure.
3. My previous service record would reveal my truthfulness and dedication towards duty which I could not maintain due to my poor mental condition. I lead my family personally I tried to fall of my health, I remained on bed for a long time. My spouse is less educated and is not in connection of reading newspaper neither I too was in such a condition to respond that was published in the newspapers.
4. My attendant was fully taking care of illness period due to my weak mental condition also not able to guide her for official process / requirements. My wife being a typical wife had no experience to handle my official requirements and fully attached to my sufferings.
5. Disciplinary action taken against me remained one sided and I could not make any appeal against the charges leveled against me and finally I was awarded major penalties.
6. It is further added that due to severe health disorder, I remained under treatment at Institute of Cardiology, Lahore and have submitted the said medical record to the Department accordingly, which proves my statement on record.

In light of above, it is earnestly requested to provide me a chance and let me see what I have done at my credit before my illness period, in the past.

I shall remain thankful to you for this act of compassion.

Thanking you Sir,

Dated: 8/05/2018

[Signature]
Muhammad
Assistant
Board of Revenue
Khyber Pakhtunkhwa

72

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Ad:IV/Nazir/SA/24/2014/Ex:Asstt/BOR/2190
Dated 04/05/2018

To:

Mr. Muhammad Nazir,
Ex: Assistant Board of Revenue
Khyber Pakhtunkhwa,
R/O Village & Post Office Pakha Ghulam,
Tehsil & District Peshawar.

**SUBJECT: SHOW CAUSE NOTICE / PERSONAL HEARING IN DE-NOVO
INQUIRY IN APPEAL NO. 24/2014.**

In continuation to this Department letter No. Ad:IV/M.Nazir/Asstt/SA/
24/2014/BOR/20579 dated 26.04.2018, the Competent Authority has re-fix^{ed} date of hearing on
08.05.2018 instead of 03.05.2018.

You are therefore, informed to appear before the Competent Authority on
08.05.2018 at 1200 PM.

Encl: As Above.

g/c
Assistant Secretary (Admin)

[Signature]
4/5/2018

(Z) (79)
GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE,
REVENUE & ESTATE DEPARTMENT.

No. Ad:IV/M.Nazir/Asstt/SA/24/2014/BOR/ 203 579

Dated 26/04/2018

SHOW CAUSE NOTICE.

I, Zafar Iqbal, Senior Member, Board of Revenue, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, served upon you, Mr. Muhammad Nazir, Assistant Board of Revenue, Khyber Pakhtunkhwa. Show Cause Notice as under:

- a. That you have been found habitual late comer and remained constantly absent from office and non-serious towards official duty. You were found absent from duty with effect from 14.03.2012 to 22.4.2012 and 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.
- b. 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 15.05.2013.
- c. That you have been found non-serious towards official duty and are absent from duty with effect from 23.10.2012 till 20.12.2012.
- d. You were served with two notices on 20.12.2012 and 28.01.2013 at your home address in connection with your continuous absence but in-vain. Later on a notice with regard to willful absence from duty was got published in the daily news papers "Surkhab" and "Express" on 16.02.2013.
- e. That you came to office on 18 & 19.02.2013 and then again absented. However, on 18.02.2013 when you submitted your arrival report have also produced OPD slips of Punjab Institute of Cardiology, Lahore, containing medical advices for one month and forty days bed rest which cover the period with effect from 07.12.2012 to 14.02.2013. Whereas, you were absent with effect from 23.10.2012 till 20.12.2012. Thus your total absent period comes (118) days while the said medical advices only for (70) days. The rest of (48) days of absent period is still uncovered. Furthermore, you did not produce/submit the above said medical advices in time in a proper way nor you have intimated your position by any way, and again disappeared since 20.02.2013 to 05.03.2013.
- f. That it is also found that you were not referred by the authorized medical officer/practitioner to the above mentioned medical institute at Lahore or to else where.
- g. That Prior to this on 25.07.2011 a major penalty was imposed upon you and you was downgraded from the post of Superintendent (BPS-16) to the post of Assistant (BPS-14) and again on 30.10.2012, another minor penalty of stoppage of financial increments without accumulative effect was imposed upon you but you did not amend your attitude towards official duty, you kept on the same practice.

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2. Your this act tantamount to misconduct and liable you to be proceeded against under
Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules-2011.

3. You are therefore required to Show Cause as to why the aforesaid penalty under the
Khyber Pakhtunkhwa Government (Efficiency & Discipline) Rules-2011, should not be imposed
upon you. Furthermore, you are directed to appear on 3.5.2018 at 12.00 hrs before
the undersigned for personal hearing.

4. If no reply to this notice is received within 7 days of its delivery, it shall be presumed that
you have no defense to put in and in that case ex-parte action shall be taken against you.

Senior Member
Board of Revenue

Mr. Muhammad Nazir,
Assistant Board of Revenue
Khyber Pakhtunkhwa

Copy of Inquiry Report is enclosed.

(7) (76)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATED DEPARTMENT

No. Admn: IV/Nazir/Ex:Asstt:SA/24/2014/BOR/L 726
Dated: 9/03/2018

CHARGE SHEET

I, Zafar Iqbal, Senior Member Board of Revenue, Khyber Pakhtunkhwa, as Competent Authority, charge you, Mr. Muhammad Nazir, Ex: Assistant, as follows:

That you while posted as Assistant Board of Revenue, appear to be guilty of the following irregularities:-

1. That you were served upon a show cause notice dated 05.03.2013 under Section-9 of Government Servant (Efficiency & Discipline) Rules-2011 wherein the following allegations were leveled again you in connection with your constant absence from duty, and;
2. That on 25.07.2011 a major penalty was imposed on you and you were down graded from the post of Superintendent (BPS-16) to the post of Assistant (BPS-14) and again on 30.10.2012, another minor penalty of stoppage of 2 annual increments without accumulative effect was imposed upon you but instead you did not mend your attitude towards official duty, you kept on the same practice.
3. That you have been found non-serious towards official duty and are absent from duty with effect from 23.10.2012 till 20.12.2012.
4. You were served with two notices on 20.12.2012 and 28.01.2013 at your home address in connection with your continuous absence but in-vain. Later on a notice with regard to willful absence from duty was got published in the daily newspapers "Surkhab" and "Express" on 16.02.2013.
5. That you came to office on 18 & 19.02.2013 and then again absented. However on 18.02.2013 when you submitted your arrival report have also produced OPD slip of Punjab Institute of Cardiology, Lahore, containing medical advices for one month and the other for forty days bed rest which cover the period with effect from 07.12.2012 to 14.02.2013. Whereas, you were absent with effect from 23.10.2012 till 20.12.2012. Thus your total absent period comes (118) days while the said medical advices only for (70) days. The rest of (48) days of absent period is still uncovered. Furthermore, you did not produce/submit the above said medical advices in time in a proper way nor you have intimated your position by any way, and again disappeared since 20.02.2013 to 05.03.2013.
6. That it is also found that you were not referred by the authorized medical officer/practitioner to the above mentioned medical institute at Lahore or to elsewhere.
7. That the medical documents of your treatment at Punjab Institute of Cardiology procued by you as mentioned at Para-5 above, were sent to the said Institute by Ex: Inquiry Officer in the De-Novo inquiry in hand and in response the Chief Executive, Punjab Institute of Cardiology, Lahore on 15.08.2016 forwarded the report of medical board constituted in the subject case to probe into the facts. The said medical board found no track record of the documents you presented in support of your illness and declare that the medical documents are fake.

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

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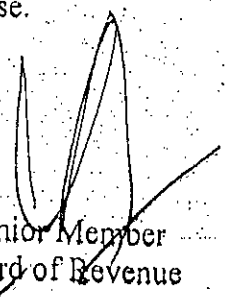
2

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

Your written defence, if any, should reach to Inquiry Officer, within the specified period, which it shall be presumed that you have no defence and in that case ex-parte action will be taken against you.

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

Statement of allegations is enclosed.



Senior Member
Board of Revenue

(78) (4)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. Admn: IV/Nazir/Ex:Asstt:SA/24/2014/BOR/ 23 177
Dated _____ 9 /03/2018

DISCIPLINARY ACTION

I, Zafar Iqbal, Senior Member / Secretary to Government of Khyber Pakhtunkhwa, Revenue & Estate Department, as Competent Authority, am of the opinion that Mr. Muhammad Nazir, Ex: Assistant Board of Revenue, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule 10 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS.

1. That he was served upon a show cause notice dated 05.03.2013 under Section 10 of Government Servant (Efficiency & Discipline) Rules-2011 wherein the following allegations were leveled again him in connection with your constant absence from duty, and;
2. That on 25.07.2011 a major penalty was imposed on him and he was downgraded from the post of Superintendent (BPS-16) to the post of Assistant (BPS-14) and on 30.10.2012, another minor penalty of stoppage of 2 annual increments with accumulative effect was imposed upon him but instead he did not mend his attitude towards official duty, he kept on the same practice.
3. That he has been found non-serious towards official duty and are absent from duty with effect from 23.10.2012 till 20.12.2012.
4. He was served with two notices on 20.12.2012 and 28.01.2013 at his home address in connection with his continuous absence but in-vain. Later on a notice with regard to willful absence from duty was got published in the daily news papers "Surkhhab" and "Express" on 16.02.2013.
5. That he came to office on 18 & 19.02.2013 and then again absented. However on 18.02.2013 when he submitted his arrival report have also produced OPD slip from Punjab Institute of Cardiology, Lahore, containing medical advices for one month and the other for forty days bed rest which cover the period with effect from 07.12.2012 to 14.02.2013. Whereas, he was absent with effect from 23.10.2012 till 20.12.2012. Thus his total absent period comes (118) days while the said medical advices only for (70) days. The rest of (48) days of absent period is still uncovered. Furthermore he did not produce/submit the above said medical advices in time in a proper way, he has intimated his position by any way, and again disappeared since 20.02.2013 to 05.03.2013.
6. That it is also found that he was not referred by the authorized medical officer/practitioner to the above mentioned medical institute at Lahore or to elsewhere.
7. That the medical documents of his treatment at Punjab Institute of Cardiology procured by him as mentioned at Para-5 above, were sent to the said Institute by Ex: Inquiry Officer in the De-Novo inquiry in hand and in response the Chief Executive, Punjab Institute of Cardiology, Lahore on 15.08.2016 forwarded the report of medical board constituted in the subject case to probe into the facts. The said medical board found no track record of the documents he presented in support of his illness and declare that the medical documents are fake.

(79)

(18)

For the purpose of inquiry against the said accused with reference to the above allegations. Mr. Khaliq Dad, Secretary-II Board of Revenue, Khyber Pakhtunkhwa 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 Rule ibid, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, 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.

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BRIEF FOR INQUIRY OFFICER (MR. KHALIQ DAD, SECRETARY-II,
KHYBER PAKHTUNKHWA)

1. It is submitted that Mr. Muhammad Nazir was posted as Assistant in Provincial Disaster Management Authority, Khyber Pakhtunkhwa, in the year 2009 (Flag-A) and repatriated to Board of Revenue and posted as Superintendent on his own pay scale (Flag-B). The official was promoted to the post of Superintendent (Flag-C).
2. The PDMA asked Board of Revenue to direct the official to provide old record of his posting as cashier in PDMA (Flag-D). This office directed the official to provide the relevant record to PDMA (Flag-E) but he failed to do so. Later on PDMA requested to take disciplinary action against him (Flag-F). In this respect he was charge sheeted and after enquiry was conducted, but no defence was noted by the accused official. The Competent Authority imposed upon him major penalty of demotion to lower post of Assistant (Flag-G, H & I).
3. The accused official was frequently remained absent from duty so again charge sheeted and an enquiry was conducted, Show cause notice was also issued and the personal hearing was held (Flag-J, K, L & M) for which he did not defend his position and the inquiry officer recommended minor penalty of stoppage of two increments (Flag-N).
4. In spite of this, the official remained absent from duty. The office also issued summons and letter to his home address (Flag-O & P) but he did not attend the office. At last his absence was advertised in Daily Newspaper. He was directed thereafter to attend office but in vain. A Show Cause Notice was issued in this regard (Flag-Q), but no response was received. Resultantly the Competent Authority under rule 9 of Efficiency & Discipline Rules, imposed major penalty of removal from service (Flag-R).
5. He submitted a Departmental appeal before the Competent Authority (Chief Secretary) against the order dated 15.05.2013 (Flag-S) but the competent authority filed his appeal. The appellant again submitted the same appeal before the Senior Member, Board of Revenue which was filed too. The accused filed service appeal in the Service Tribunal, Khyber Pakhtunkhwa. Necessary comments were filed before the Tribunal (Flag-T). Now the Tribunal ordered to intimate a Denovo Inquiry in the matter and filed the same within 2 months before the Tribunal (Flag-U). The said case was entrusted to Member-I, Board of Revenue for the purpose of Denovo inquiry ON 04.02.2016 (Flag-V) and then Member-II Board of Revenue, on 11.03.2016 (Flag-W).
6. Member-II Board of Revenue went for National Management Course training during which De-Novo inquiry was again entrusted to Member-I Board of Revenue on 10.05.2016 (Flag-X). The Member-I Board of Revenue (Inquiry Officer) verified the medical documents produced by the appellant, from the Punjab Institute of Cardiology Lahore, which founds to be fake and un-authentic (Flag-Y).
7. Thereafter Member-I Board of Revenue (Inquiry Officer) was also transferred from Board of Revenue and inquiry was entrusted to Mr. Saqib Raza Aslam, Ex: Director Lar Records Khyber Pakhtunkhwa who also transferred as Deputy Commissioner Peshawar

(51)

(17)

Finally Mr. Shahid Sohail Director Land Record was appointed as Inquiry Officer on 24.04.2017 (Flag-Z).

8. On 26.07.2017, The Inquiry Officer completed his inquiry, submitted the inquiry report and recommended major penalty of Compulsory Retirement to the accused (Flag-I).
9. The Competent Authority after completion of De-Novo Inquiry issued a Show Cause Notice to the appellant to appear for personal hearing (Flag-II), he was twice called for personal hearing but the appellant failed to appear he was also informed on his cell phone No. 0334-1515590. The Competent Authority keeping in view his overall attitude during his service career, behavior during the disciplinary proceedings and in light of findings / recommendations of the De-Novo inquiry Officer, imposed major penalty of Compulsory Retirement vide order dated 07.09.2017 (Flag-III).

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To.

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

SUBJECT: ARRIVAL REPORT

In compliance with order No. Ad:IV/Nazir/SA/24/2014/BOR/1140-47 dated 15.03.2018, I Muhammad Nazir, Assistant Board of Revenue, hereby submit my arrival report as Assistant (BS-16) today on 27.03.2018 F.N.

As (Adm)
Secy-I
27/3/18

Dated: 27 /03/2018

Yours Obediently.

M. Nazir
Muhammad Nazir
Assistant Board of Revenue
kpk
27/3/2018

SA
AD-IV
27/3/18

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

Dated 15 /03/2016

NOTIFICATION.

No. Ad:IV/Nazir/SA/24/2014/BOR/1440-47 Consequent upon orders of Chief Secretary in Departmental appeal filed by Mr. Muhammad Nazir, Ex: Assistant Board of Revenue, Khyber Pakhtunkhwa, against compulsory retirement from Government Service, the Competent Authority is pleased to re-instate the appellant in service with immediate effect, for the purpose of conducting 2nd De-Novo Inquiry as per judgment of Khyber Pakhtunkhwa Service Tribunal, dated, 07.01.2016, in Service Appeal No. 24/2014.

With the Approval of
Competent Authority

Ends: No. & date even.

Copy is forwarded to:

1. Accountant General, Khyber Pakhtunkhwa.
2. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
3. Registrar Khyber Pakhtunkhwa Service Tribunal.
4. Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
5. PA to Secretary-I Board of Revenue, Khyber Pakhtunkhwa..
6. Bill Assistant Board of Revenue, Khyber Pakhtunkhwa.
- ✓ 7. Official concerned.
8. Personal file.
9. Office order file.

Assistant Secretary

[Signature]
A. Imtiaz



REVD-1189

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

84
DSR
Date:
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NOTE FOR CHIEF SECRETARY

SUBJECT: REVIEW APPEAL AGAINST ORDER DATED 07.09.2017 WHEREBY THE APPELLANT WAS COMPULSORY RETIRED FROM SERVICE.

1. A review appeal dated 05.10.2017 submitted before the Chief Secretary Khyber Pakhtunkhwa, by Mr. Muhammad Nazir, Ex: Assistant of this Department and placed at (Annex-I). The detailed background of the case is as under:

2. The subject review appeal examined and found that the instant appeal has been filed by the appellant on 05.10.2017 against the impugned order of removal from service dated 07.09.2017 (Annex-II). Whereas the contents are not relevant and are the same as of the previous review appeal dated 16.05.2013 which has already been filed by the appellate authority i.e. Chief Secretary on 27.11.2013 (Annex-III). The appellant then went into Service Appeal No. 24/2014 in the Service Tribunal (Annex-IV). Joint Para-wise comments were submitted before the Khyber Pakhtunkhwa Service Tribunal on 24.06.2014 (Annex-V). The Service Tribunal accepted the appeal keeping in view the plea of appellant supported by medical record and directed the Competent Authority to conduct a De-Novo inquiry in the said Service Appeal vide order sheet dated 07.01.2016 (Annex-VI). The Competent Authority appointed the Director Land Records Khyber Pakhtunkhwa as Inquiry Officer who got verified the medical / treatment document of the appellant through quarter concerned i.e. Punjab Institute of Cardiology, Lahore (Annex-VII). The medical Superintendent of the said institute reported through letter 15.08.2016 along with report of the Committee which confirms as under:

1. After reviewing the photo copies of patient record, these were presented to concerned Doctor, Dr. Muhammad Asif Rao on 11.01.2013 he has give in written that he has not advised rest to the said patient on OPD screening slip No. 127/2013.
2. It was further confirmed from Admin Officer that no such Dr. Humayn was on the pay roll of Punjab Institute of Cardiology Lahore during the period as the name is mentioned on the slip.
3. In view of the above advice of rest is not verified and is false (Annex-VIII).

3. On receipt of the above verification from Punjab Institute of Cardiology Lahore, the entire stance of the appellant become unjustified / bogus, based on false documents which he availed leave in the Department and then he also produced the same to prove in support of his appeal to get further remedy in a mala fide manner from the Service Tribunal.

RECORDED

hearing. He was also informed on his cell Phone No. 0334-1515590 but the appellant failed to appear (Annex-IX). The Competent Authority keeping in view his overall attitude during his service career, behaviour during the disciplinary proceedings and in light of findings / recommendations of the inquiry Officer, awarded major penalty of Compulsory Retirement vide order dated 07.09.2017 (Annex-X).

5. This Department has also submitted the implementation report before the Service Tribunal (Annex-XI).

6. The Service Tribunal has not yet issued the final judgment in the subject Service Appeal No. 24/2014. The order sheet of Service Tribunal dated 07.01.2016 contains no such further consequential action on the part of this Department.


7. The appellant was required to file review against order of his compulsory retirement from Service dated 07.09.2017, but he has submitted the appeal and prayed for review of his previously removal from service order dated 16.05.2013 (Annex-XII) which has already been filed by the appellate authority i.e. Chief Secretary on 27.11.2013 (Annex-III).

8. Keeping in view the above, the subject appeal has no merit, besides the appellant has intentionally committed with an unlawful act and submitted bogus / fake medical documents before the Competent Authority / Service Tribunal which has been declared fake by the Punjab Institute of Cardiology Lahore. Hence, it is requested that the subject review appeal may be dismissed.

693
G.O. Rev. IV
Sd/CAD, Diary No. 693
Dated 21/11/17

~~Secretary Establishment~~


Senior Member


Senior Member
Board of Revenue
Khyber Pakhtunkhwa

PS/SMBR 351
Dy No FTS/REVD - 1189
Date 30-10-2017
Govt. of Khyber Pakhtunkhwa

15 / Secy (E) & AD
No. 3438
Dated 01-11-17

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III

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9. The appellant was awarded major penalty of "Removal from Service" which was set aside by the Khyber Pakhtunkhwa Service Tribunal vide Order dated 7.1.2016 with the direction to conduct de novo inquiry taking account of his medical report. The Administrative Department was as such required to reinstate the appellant as per Service Tribunal Judgment and then conduct de novo inquiry. There is nothing in the file to show his reinstatement. However, another Order dated 7.9.2017, prima facie issued after de novo inquiry imposed the penalty of compulsory retirement retrospectively w.e.f. 16.5.2013.

10. The note is returned to the Department for clarification.



(Arshad Majeed)
Secretary Establishment
13 November, 2017

~~Senior Member Board of Revenue~~

Ps / Secy (E) & AD
Distt. No. 3/58
Dated 13/11/17

N.P.P

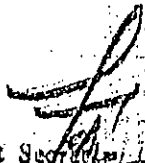
11. The appellant while posted as Superintendent (BS-16) remained absent for ~~times~~ and was proceeded with under disciplinary action, consequently the Competent Authority ~~demoted~~ demoted the appellant to the lower post of Assistant (Annex-XIV).

12. The appellant continuously remained absent and he was again proceeded with disciplinary action under Khyber Pakhtunkhwa Government (E&D) Rules-2011 and imposed a penalty of stoppage of two increments without accumulative effect for the 2012 & 2013 up to 30.10.2012 (Annex-XV).

13. As a result of constant absence the appellant was once again proceeded under the rules, ibid, and major penalty of removal from service was imposed upon the appellant on 16.03.2013 (Annex-XII). The appellant filed Service Appeal in the Khyber Pakhtunkhwa Service Tribunal against his removal order. The Khyber Pakhtunkhwa Service Tribunal ordered De-Novo inquiry on the judgment dated 07.01.2016. De-Novo inquiry was conducted, and thereafter in light of facts established in the Inquiry Report, the Competent Authority imposed major penalty of compulsory retirement on 07.09.2017 (Annex-III).

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Absent Period	Attendance / Medical Certificate
05.08.2010 to 19.07.2011	MC: 16.05.2011 to 15.06.2011 (30 days)
21.07.2011 to 25.07.2011	MC: 25.06.2011 to 22.07.2011 (28 days) Arrival: 20.07.2011
14.03.2012 to 22.04.2012	MC: 24.03.2012 to 06.04.2012 (14 days)
02.03.2012 to 21.05.2012	Attended Office: 23.04.2012 to 01.05.2012
26.06.2012 and onward	Attended for Personal Hearing: 28.09.2012
25.10.2012 to 16.05.2013	Arrival: 17.09.2012 Attended Office on 10.10.2012
Total Absentee:	Total Medical Leave:
02 years 06 months 20 days	72 days


Assistant Secretary (Adm.),
Revenue & Estate Dept.,
Khyber Pakhtunkhwa.

(IV)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

No. P.A/Secy-II/ 18148
Peshawar dated the 13 /04/2018.

To

The Assistant Secretary (Admn),
Board of Revenue.

SUBJECT:- DE-NOVO INQUIRY (APPEAL NO. 24/2014).

I am directed to refer your letter No. Admn:IV/Nazacr/SA24/2014/14139 dated 15.03.2018 on the subject cited above and to enclose the enquiry report alongwith enclosures conducted by Secretary-II Board of Revenue for further necessary action at your end please.

P.A to Secretary II

18/7/18

S/A
Admn. IV

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INQUIRY REPORT

BACKGROUND:

The undersigned was appointed inquiry officer vide letter No. Admn:IV/Nazeer/SA 4/2014/14139 dated 15.03.2018 to conduct De-Novo Enquiry as per charge sheet and statement of allegations to Mr. Muhammad Nazeer Ex-Assistant Board of Revenue, Khyber Pakhtunkhwa.

PROCEEDINGS/FINDINGS:

The undersigned thoroughly perused the record provided in the subject case. The undersigned also vide letter No. P.A/Secy-II/14559-61 dated 20.03.2018 directed the accused official for written statement to the charge sheet and personal hearing.

1. Perusal of Record: Perusal of the record reveals that:

- a. The accused official was posted as Assistant in PDMA, Khyber Pakhtunkhwa in 2009 on deputation basis (Annex-I). On repatriation he was posted as Superintendent in own pay scale followed by regular promotion as Superintendent (Annex-II). The PDMA asked Board of Revenue to direct the official to provide old record of accounts etc; while he was posted there as Cashier. Despite of several directions the accused official could not provide the old record to PDMA. He was charge sheeted and Inquiry was conducted by Mr. Ghulam Jeelani Assistant Secretary (Receipt) Board of Revenue. Resultantly, the Competent Authority awarded him major penalty of degradation from the post of Superintendent (BS-16) to the post of Assistant (BS-14) (Annex-III).
- b. The accused official was absent from duty and thus once again charge sheeted. Inquiry was conducted against the accused official by Mr. Ghulam Jeelani Assistant Secretary (Receipt) Board of Revenue. The Competent Authority awarded minor penalty of stoppage of two increments to the accused official (Annex-IV). However, the official remained absent from duty as usual. He was summoned through his home address on 28.01.2013 but he did not respond. Notice of his absence was floated in Daily Newspapers namely "Surkhab" and "Express" dated 16.02.2013. The official joined the office on 18&19.02.2013 and submitted OPD slips of Punjab Institute of Cardiology Lahore with arrival report. The accused official then again remained absent from the duty. Therefore, a show cause notice (Annex-V) was issued but no response was received from him. Resultantly, the Competent Authority imposed major penalty of "Removal from Service" on the accused official (Annex-VI).
- c. After removal from service, the accused official submitted departmental appeal to the Chief Secretary and Senior Member Board of Revenue which were regretted and filed. Then the accused official submitted service appeal to the Khyber Pakhtunkhwa Service Tribunal. In compliance of order of Service Tribunal De-Novo Inquiry was ordered and conducted by the then Director Land Records Mr. Shahid Sohail (Annex-VII). During the enquiry the Medical Reports of Punjab Institute of Cardiology Lahore submitted by the accused official were found fake.

13/04/18

Show Cause notice (Annex-VIII) was served upon the accused official but he did not respond. Thereafter the Competent Authority imposed major penalty of "Compulsory Retirement" upon the accused official (Annex-IX).

- d. After the compulsory retirement the accused official appealed to the Chief Secretary Khyber Pakhtunkhwa. On the direction of the Chief Secretary Khyber Pakhtunkhwa this De-Novo enquiry is being conducted.

2. Statement of Mr. Muhammad Nazeer Ex-Assistant Board of Revenue:

Muhammad Nazeer was directed vide letter No. P.A/Secy-II/14559-61 dated 20.03.2018 to attend the office of the Inquiry Officer for written statement and personal hearing. In compliance he submitted his written statement on 30.03.2018 (Annex-X). The accused submitted that he was not physically & mentally fit due to depression. He submitted that his spouse is less educated and he was also not in good condition due to which he had not seen the notices published in Daily Newspapers and hence not responded in time. He further submitted that the disciplinary action against him is one sided.


CONCLUSION:

From the perusal of the above record and the statement of the accused official it is concluded that:

- (i) The accused official was non-serious towards his service and was habitual to absenteeism.
- (ii) The medical report submitted by the accused official has been found fake as reported by Inquiry Officer and has no stack in eyes of law.
- (iii) He has not submitted any cogent reason for his absence and of no response to the notices of Department.
- (iv) The allegations against the accused official stand proved.

RECOMMENDATION:

The undersigned recommends major penalty of "Compulsory Retirement" to the accused official.


Secretary-II,
Board of Revenue
(Inquiry Officer)

104/18

(92)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT
No. Admn:IV/Nazeer/SA/24/2014/ 14131
Dated 15 /03/2018

fo.

Mr. Khaliq Dad,
Secretary-II Board of Revenue,
Khyber Pakhtunkhwa.

SUBJECT: - DE-NOVO ENQUIRY. (APPEAL NO. 24/2014)

I am directed to refer to the subject and to state that the Competent Authority is pleased to appoint you as an Inquiry Officer to conduct a fresh De-Novo Inquiry under Government Servant, Efficiency & Discipline Rules-2011 in light of directions of Khyber Pakhtunkhwa Service Tribunal's directions vide judgment dated 07.01.2016 in Service Appeal No. 24/2014 filed by Mr. Muhammad Nazir, Ex: Assistant, Board of Revenue, Khyber Pakhtunkhwa.

The Chief Secretary being Competent Authority in departmental appeal against compulsory retirement order dated 07.09.2017 after previously held De-Novo inquiry, has ordered a fresh De-Novo inquiry in the case, along-with issuance of re-instatement order of the appellant which was previously not issued as there were no such order of the Service Tribunal in the judgment dated 07.01.2016. A brief history of the case is attached.

It is therefore requested to conduct formal Inquiry and submit your findings along-with recommendations to the Competent Authority in due period for further necessary action, please.

Charge Sheet / Statement of Allegations are attached.

Assistant Secretary (Admn)

g/c

Standing Hospital

Department

Department

Date: 17-08-12

OP/SAR/12/11

→ On treatment for CAD

No objective evidence of CAD on Echo

Not stable

fulb 8/17

MP 13/7/2012

MP

chest clear

no S2, S4

ECC

ETT

-ETT. ~~As conclusion~~

7th cancer sup,
 rib. n. he, 2/1
 7th Acand 75-
 n. he, 2/1

was hospitalized

RTO

Due to serious heart attack. ~~in hospital~~

ATTESTED

[Signature]

95

7

FUNJAB INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

Dr. Waheed
50-11

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

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-tubercles present

Management Decision

Issue MR No for

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

Provisional Diagnosis

- Angiogram positive
- LAD

Treatment Advised

Tab. Liprin 75mg
آب گرمی ناشتہ سے بعد روزانہ

Tab. Cardolite
1 + 1 (300)

Tab. Angisec
ہر دو گھنٹے سے دو گھنٹے میں آدھی گولی

Tab. Lipicor
1 + 1 (300)

Initial Fee Rs. 1/-

Recd
7-Dec-12
10:30:52 am

- Adv. Rest For 1 Month
- Avoid Smoking
- Avoid exercise

ATTESTED

Doctors's Name, Signature & Stamp

Prof. Abdul Waheed
Punjab Institute of Cardiology
Lahore

ATTESTED

Prof. Abdul Waheed
Punjab Institute of Cardiology
Lahore

آب گرمی ناشتہ سے بعد روزانہ (1+1) (300)

PUIAB INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

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

Name: M. Zafar
Age/Sex: 50 M

- 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 _____

History

1/1 A H/O

1/2 of LHY

Physical Examination

Normal
ECG Findings: Normal available

B/D

Provisional Diagnosis

1 HTN

Treatment Advised

B Diltiazem 300 mg
q.d
B Cozamil Plus
1/1

B Diltiazem 300 mg
q.d
B Cozamil Plus
1/1

Purchi Fee/Rs.1/-

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

Adv: complete
Food R.S. for
Family days.

11/1/2013

ATTESTED

13

Doctors Name, Signature & Stamp
B. Saifullah

ATTESTED

13

PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

NAZEER

50 M

OPD No: 35130 / 2012

Date: December 7, 2012

Handwritten notes in Urdu:
... chest pain ...
...
...

Risk Factor

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

Allergies

None

Physical Examination

Handwritten notes: ...

ECG Findings

Handwritten ECG findings:
...
Left Axis deviation
...
...

Management Decision

Issue MR No for

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

Provisional Diagnosis

Handwritten diagnosis:
Angina pectoris
IHD

Treatment Advised

Handwritten treatment:
Tab. Aspirin 75mg
...

Handwritten treatment:
Tab. Angiotensin
...

Handwritten treatment:
Tab. ...
...

Handwritten treatment:
Tab. Lipitor
...

Handwritten treatment:
Tab. Nurolet
...

Archi Fee Rs. 1/-

Doctors's Name, Signature & Stamp

06-11-12
11:52 am

Handwritten signature and stamp:
Punjab Institute of Cardiology

ATTESTED

ATTESTED

Handwritten signature

Handwritten signature

40
98

INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

OPD No: 557 / 2013
Date: January 11, 2013

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 _____

Examination

Findings

Final Diagnosis

Treatment Advised

Rs. 1/-

Doctors' Name, Signature & Stamp

TS [Signature]
 [Signature]

ATTESTED

[Signature]

ATTESTED

[Signature]

(99) 11

GOVERNMENT MEDICAL INSTITUTE,
READING HOSPITAL, PESHAWAR
DISCHARGE SLIP

22-07-12 Bed No. 1
M. M. M. Vazir Father's Name: M. M. Khan
50 y. old Sex: Male
M. M. Street Gullbazar Ye 4 Peshawar
22-07-12 Time of Admission: 21:33:17
22-07-12 Time of Discharge: 10:30:00
ECG M. M. Central Infirmary Condition of Disc: Stable

TREATMENT IN HOSPITAL

Asclard 75 mg - OD
Oxyel 75 mg - OD
Xylozid 10 mg - OD
M. M. Central Infirmary 13D
Kam. 2.5 mg 1/2 - OD
Referral -
Complete bed rest
For 4 days
29-07-12

TREATMENT AT HOME

Asclard 75 mg
Oxyel 75 mg
Keto 10 mg
Kam. 2.5 mg 1/2
Kam. 1.25 mg 1/2

22-07-12
29-07-12

ATTESTED

103

ATTESTED

Handwritten signature

PUNJAB INSTITUTE OF CARDIOLOGY

Ghaus-ul-Azam (Jail) Road, Lahore Ph: 99205051-65

www.pic.com.pk

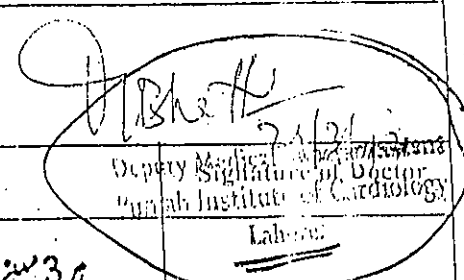
(100)
12

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
N.C. Card No.	17301-7559800-4	Religion:	MUSLIM		
Purchase Fee: 1/- 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		
FLEED category shall be declared only on the production of following documents: 1. Original Medical Dossier addressed to MS PIC with rubber stamp 2. Copy of Governmental ID Card / pension book in case of retirement 3. Copy of National ID Card of Govt Servant 4. Copy of latest pay slip of the govt servant 5. Copy of National ID Card of the patient	CATEGORY FOR Angioplasty Cardiac Surgery PPM EPS		Paying		
	Sign & Stamp for Categorization Officer				
	Categorization DR. SHAHID AMIN		Deputy Medical Superintendent Punjab Institute of Cardiology Lahore		

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

ہر 3 مہینے کے بعد مرٹن کا چیک اپ کرانا لازمی ہے
لاہور وائس ملے گی۔

ATTESTED

ATTESTED

[Handwritten Signature]

(10)

(13)

PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

Name: M NAZIR

OPD No: 20625 / 2013

Age/Sex: 50 M

Date: March 29, 2013 10:06 am

History

Chest pain

Exert chest pain on climbing stairs 3 months

Risk Factor

- DM
- HTN + 14/11
- Smoking 0
- Hyperlipidemia 0
- Family History 0
- Others 0

Physical Examination

120/80, 70/min

2/1 S2 A2 chest clear

Allergies NA

ECG Findings

LAD

Management Decision

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

Provisional Diagnosis

HTN

Treatment Advised

- Tab Cmaxin 500

_____ 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

E. M. D. S. I.
29/3/13

ATTESTE

29/3/13

95

7

FUNJAB INSTITUTE OF CARDIOLOGY, LAHORE

OPD SLIP

NAME: MAZEER

AGE: 50-21

OPD No: 36130 / 2012

Date: December 7, 2012 10:00

Sided chest pain - 5 months
radiating to Neck and Left
arm, Heaviness type.

Risk Factor

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

Physical Examination

BP: 140/90

S₁ + S₂ + 0

Allergies

None

ECG Findings

- HR = 75
- Sinus Regular Rhythm
- Left Axis Deviation
- Loss of R-wave in II, AVF
- U-curve 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. Liprin 75mg
کے گری ناشتے کے بعد روزانہ

Tab. Cardit
1+1

Tab. Angisal
کے گری ناشتے کے بعد روزانہ

Tab. Liprin
کے گری ناشتے کے بعد روزانہ

Tab. Nitrogl
کے گری ناشتے کے بعد روزانہ

rchl Fee Rs. 1/-

Recd
7-Dec-12
7:38:52 am

- Adv. Rest For 1 Month
- Avoid Smoking
- Avoid exercise

ATTESTED

Prof. Abdul Waheed
Punjab Institute of Cardiology
Lahore

ATTESTED

Prof. Abdul Waheed
Punjab Institute of Cardiology
Lahore

کے گری ناشتے کے بعد روزانہ

96

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PUNJAB INSTITUTE OF CARDIOLOGY, LAHORE
OPD SLIP

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

Name: M. S. FAR
Age/Sex: 50 M
History:

Risk Factor

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

Allergies.

1/1 A H/O
1/1 of HTN
1/1 of arterial

Physical Examination

84/120
ECC Findings: Normal available

Management Decision

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

Provisional Diagnosis

HTN (1 HTN)

Treatment Advised

B Disprin 75mg
at 12, 3, 7
B Corinal Plus
A.C

B Disprin 75mg
B Corinal Plus
A.C

Purchi Fee/Rs.1/-

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

Adv: Complete
Prod. R/S for
Family days.

11/11/2013

Doctors' Name, Signature & Stamp
B. S. Faridi

ATTESTED

ATTESTED