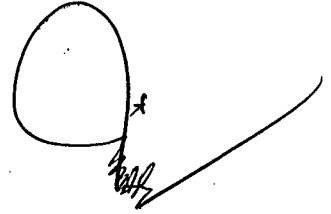


15.07.2022

Appellant in person present. Mr. Muhammad Adeel Butt,
Additional Advocate General for the respondents present.

Reply/comments on behalf of respondent No. 1 to 3 have
already been submitted through office which is placed on file.
Adjourned. To come up for preliminary hearing on 14.09.2022
before S.B.

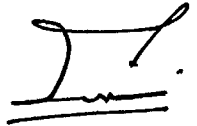


(MIAN MUHAMMAD)
MEMBER(E)

12.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Written reply on behalf of respondent No. 4 has already been submitted, while learned Additional Advocate General sought further time for submission of reply/comments on behalf of respondents No. 1 to 3. Adjourned. To come up for submission of reply/comments on behalf of respondents No. 1 to 3 on 09.03.2022 before the S.B.



(Salah-Ud-Din)
Member (J)

09.03.2022

Due to retirement of the Hon'able Chairman, the case is adjourned to 09.06.2022 for the same as before.



Reader

09.06.2022

Appellant present in person.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Ikram Ullah Superintendent for respondents present.

Reply on behalf of respondents No.1 to 4 was not submitted. Representative of respondents requested for time to submit reply/comments; granted by way of last chance. To come up for reply of respondents No.1 to 3 and preliminary hearing on 15.07.2022 before S.B.



(Rozina Rehman)
Member (J)

16.09.2021

Appellant in person present. Mr. Muhammad Adeel Butt,
Additional Advocate General for respondents present.

Appellant requested for adjournment on the ground that
his counsel is not available today. Adjourned. To come up for
preliminary hearing before the S.B on 04.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

04.11.2021

Appellant in person and Mr. Kabirullah Khattak, Addl:
AG alongwith Mr .Farman Shah, Senior Auditor for
respondent No.4 present.

Representative of respondent No.4 submitted written
reply which is placed on file. A copy of the same is also
handed over to the appellant. None present on behalf of
respondents No. 1 to 3, therefore, notices be issued to
them for submission of written reply. Adjourned. To
come up for reply/preliminary hearing on 12.01.2022
before S.B.


(Mian Muhammad)
Member(E)

25.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 15.06.2021.


Reader

15.06.2021

Petitioner in person present.

From perusal of Memorandum of appeal and record annexed therewith reveals that the appellant had exhausted all remedies against his removal from service in pursuance to disciplinary proceedings in due course. Now the appellant is here with the appeal seeking Compensatory Allowance in consequence of his removal from service with reliance on sub-section 3 of Section 19 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. The present appeal filed by the appellant may involve legal interpretation of the provisions relied upon by him. Therefore, pre-admission notice be issued to the respondents for 16.09.2021 before S.B.


Chairman

03.09.2020

Appellant present in person.

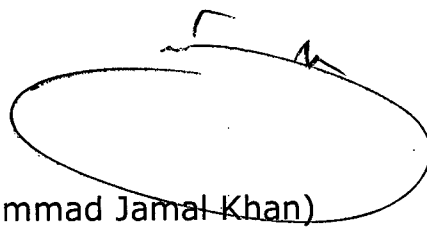
Wakalatnama in favour of Mr. Sikandar Rashid Advocate has been submitted with the request for adjournment. Adjourned to 04.11.2020 for hearing before S.B.


Chairman

04.11.2020

Appellant is present in person.

Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 20.01.2021 on which date to come up for preliminary hearing before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

20.01.2021

Junior counsel for appellant present.

He made a request for adjournment as senior counsel is not available today. Adjourned. To come up for preliminary hearing on 25.01.2021 before S.B.

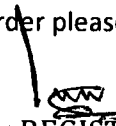




(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1178 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	25/02/2020	<p>The appeal of Mr. Abdul Haleem resubmitted today by Mr. Muhammad Yasir Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p> REGISTRAR 25/2/2020</p>
2-	02/03/20.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/04/2020</u></p> <p> MEMBER</p>
03.04.2020		<p>Due to public holiday on account of COVID-19, the case is adjourned to 29.06.2020 for the same. To come up for the same as before S.B.</p> <p> Reader</p>
	29.06.2020	<p>The Worthy Chairman is on leave, therefore, the case is adjourned. To come up on 03.09.2020 before S.B.</p> <p> Reader</p>

The appeal of Mr. Abdul Haleem son of Hamesh Gul Ex-Store Keeper Govt. Printing Press Department received today i.e. on 13.02.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memorandum of appeal may be got signed by the appellant.

No. 403 /S.T,

Dt. 14-02 /2020.


REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Muhammad Yasir Adv. Pesh.

BEFORE THE K.P.K SERVICES TRIBUNAL PESHAWAR.

Appeal No. 1178 / 2020

Abdul Haleem

VERSUS

Govt of KPK through Chief Secretary

INDEX SHEET

S/No	Description Of Documents	Annexure	Page No
1	Memo of Appeal		1-4
2	Copy of Departmental Appeal dated 29/10/2019	A	5-6
3	Copy of removal order dated 12/8/2000	B	7-8
4	Copy of Judgment of Judge Anti Corruption Court dated 19/12/2011	C	9-16
5	Copy of Departmental Appeal to Secretary Industries dated 17/1/2012	D	17
6	Copy of Peshawar High Court Judgment dated 7/1/2019	E	18-22
7	Copy of Departmental Appeal to Secretary Industries dated 4/2/19	F	23-25
8.	Copy of Service Appeal	G	26
9.	Copy of Order of Service Tribunal	H	27-28
10.	Wakalat Nama		29

APPELLANT

Abdul Haleem

Through

Muhammad Yasir
Advocate

**BEFORE THE
SERVICE TRIBUNAL KPK PESHAWAR**

Abdul Haleem S/o Hamesh Gul

Ex-Store Keeper, Govt. Printing Press Department, KPK

(Appellant)

V E R S U S

- 1) Govt. of Khyber Pakhtunkhwa through its Chief Secretary,
Civil Secretariat, Peshawar
- 2) Establishment Department through Secretary Industries, KP
Peshawar
- 3) Finance Secretary, KP Peshawar
- 4) Accountant General, A.G. Office, Peshawar

(Respondents)

APPEAL UNDER SECTION 4 OF KPK

SERVICE TRIBUNAL ACT 1974.

Prayer:

On the acceptance of this appeal, the respondents may kindly be directed to grant compensatory allowance to appellant not exceeding 2/3rd of the pension which is permissible U/s 19(3) ESTA-Code KPK Civil Servant Act 1973 and Pension Rule to the appellant.

Respected Sheweth,

2

It is very humbly submits as under:

1. That the appellant is law abiding citizen of Pakistan.
2. That the appellant was appointed as Junior Clerk on dated 08.01.1977 in Government Stationary & Printing Press Department, KPK and was promoted as Senior Clerk regularly.
3. That the appellant was removed from service on dated 12.08.2000 on account of alleged embezzlement in Government Printing Press Department and also charged in the FIR. (Copies of FIR and removal order are attached)
4. That the appellant was acquitted in the criminal case on dated 19.12.2011, so after the acquittal of the appellant in a criminal case on dated 19.12.2011, the appellant filed departmental appeal on dated 17.01.2012 for the reinstatement with all back benefits, but the respondents orally toled to the appellant that he should wait till the decision of the case of Peshawar High Court, Peshawar. (Copies are attached)
5. That after dismissal of the appeal of the complainant by the August Peshawar High Court,

Peshawar on dated 07.01.2019, the appellant filed the departmental appeal to the Secretary Industries for setting a side the removal order dated 12.08.2000 which is remained un-responded instead of lapse of three months. (Copy attached)

6. That the appellant filed appeal U/s 4 of KPK Service Tribunal Act 1973 in service tribunal against the departmental appeal seeking / setting a side removal order dated 08.01.2000 and reinstatement with all back benefits, but service tribunal dismissed the appeal of the appellant on dated 08.10.2019 which is time barred. (Copy attached)
7. That appellant filed departmental appeal on 29.10.2019 for the grant of Compensatory allowance upto 2/3rd of the Pension U/s 19(3) ESTA-Code KPK Civil Servant Act 1973 Pension Rule, but till date the respondents did not decide the same hence, the instant appeal is going to be filed. (Copy attached)
8. That the appellant was served / remained rendered long services upto 23 years without any stigma in the Printing Press Department KPK is entitled under the KPK Civil Servant Act 1973 U/s 19(3) and pension rule for the compensatory allowance 2/3rd of the pension.

9. That this hon'ble tribunal has already decided similarly nature case in favour of other citizens so the appellant may not be disseminated. 4
10. That the appellant has no other adequate remedy before any other forum except to approach to this hon'ble tribunal for the grant of compensatory allowance upto 2/3rd of the pension as per ibid mentioned law.

It is, therefore, most humbly prayed that on acceptance of this appeal, the respondents may kindly be directed to allow / grant compensatory allowance 2/3rd of pension to the appellant with all back benefits for the sake of justice. Any other relief which is not specifically asked may also be granted.

Appellant

Abdul Haleem
Ex-Store Keeper
Govt. Printing Press
Department, Peshawar

Through

Muhammad Yasir
Advocate Peshawar

Dated: 11.02.2020

AFFIDAVIT

ATTESTED, Abdul Haleem, do hereby solemnly affirm and declare Oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble tribunal.

Abdul Haleem
DEPONENT

To,

The Secretary Industries,
Peshawar

Secy/CTD 23825
Dated 29-10-19

Subject:

**DEPARTMENTAL APPEAL FOR THE COMPASSIONATE
ALLOWANCE 1/3 OF THE PENSION U/S 19(3) ESTA CODE
KPK CIVIL SERVANT ACT 1973 PENSION RULE TO
THE APPLICANT.**

(5)

Dear Sir,

It is very humbly submits as under:

1. That the applicant is law abiding citizen of Pakistan.
2. That the applicant was appointed as Junior Clerk on 08.01.1977 in Government Stationary & Printing Press Department, KPK and was promoted as Senior Clerk regularly.
3. That the applicant was removed from service on 12.08.2000 on account of embezzlement in Government Printing Press Department and also charged in the FIR. (Copies of FIR and removal order are attached)
4. That the applicant was acquitted in the criminal case in the year of 19.12.2011 after the acquittal of the applicant in a criminal case on 19.12.2011, the applicant filed departmental appeal dated 17.01.2012 for the reinstatement with all back benefits, but response to this application is that the applicant should wait the decision of Peshawar High Court, Peshawar. (Copies are attached)
5. That after dismissal the appeal of the complainant by the August Peshawar High Court, Peshawar on 07.01.2019, the applicant filed the departmental appeal to the Secretary Industries for setting a side removal order dated 12.08.2000

which is remained un-responded after the lapse of three month time. (Copy attached)

6. That the applicant filed appeal U/s 4 of KPK Service Tribunal Act 1973 in service tribunal against the departmental appeal seeking / setting a side removal order dated 08.01.2000 and reinstatement with all back benefits, but service tribunal appeal on the grounds that the applicant after removal from service till date not filed any departmental appeal against the removal order 08.01.2000 which is time barred. (Copy attached)
7. That the applicant was served / remained government servant in the Government Printing Press Department KPK has entitled under the KPK Civil Servant Act 1973 U/s 19(3) and pension rule for the compassionate allowance 1/3 of the pension.
8. That the applicant has no adequate relief available except approach to you to grant compassionate allowance 1/3 of the pension.

It is, therefore, most humbly prayed that the departmental appeal may kindly be allowed and compassionate allowance 1/3rd of pension given to applicant. Any other relief which is not specifically asked may also be granted.

Applicant
Abdul Haleem
Ex-Store Keeper
Govt. Printing Press
Department, Peshawar

Through

Muhammad Yasir
Advocate Peshawar

Dated: 28.10.2019

0346-9055714
0316-8863989

GOVERNMENT OF N.W.F.P.
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT
(REGULATION WING)

Dated Peshawar, the 12th August, 2000

ORDER

NO. SOR.V(S&AD)3-20/98. WHEREAS, the following officers/officials of the Printing and Stationary Department NWFP were proceeded against under the NWFP Govt Servants (Efficiency & Discipline) Rules, 1973 for embezzlement/mis-appropriation of stores worth Rs.5.10 million during the period from 1992 to 1996 besides irregularities in purchases and other financial/administrative matters :-

- i) Mr. Muhammad Javed Iqbal, Ex-Controller P&SD (RS-18)
- ii) Mr. Rao Abdul Aziz, Manager (RS-16).
- iii) Mr. Abdul Haleem Khan, Storekeeper (BS-7).
- iv) Mr. Saadullah Khan, Ledger Clerk (BS-5).

2. AND WHEREAS, Mr. Saleem Khan the then OSD S&AD (now Secretary to Govt of NWFP, Law Department) was appointed Enquiry Officer who conducted enquiry into the charges against above noted officers/officials under the NWFP Govt Servants (Efficiency & Discipline) Rules, 1973 and submitted his enquiry report according to which the charges were proved.

3. AND WHEREAS, Show Cause Notices dated 30-03-2000 were served upon the accused officers/officials to which they replied. The officers/officials concerned were also heard in person by the Authorized Officer on 04-07-2000 and forwarded his recommendation to the Governor N.W.F.P. (Authority).

4. NOW therefore, the Authority after having considered the charge the material on record, the explanation of officers/officials concerned and the report of the Enquiry Officer in exercise of powers conferred by Rule 5(5) of the NWFP Government Servants (Efficiency & Discipline) Rules, 1973 has been pleased to impose the following penalties upon the accused officers/officials noted against each :-

- | | |
|--|---|
| 1) Mr. Muhammad Javed Iqbal,
Ex-Controller P&SD (BS-18) | i) Removal from service
ii) Recovery of embezzled amount of Rs. 26,32,45 |
| 2) Mr. Rao Abdul Aziz,
Manager (BS-15) | i) Removal from service
ii) Recovery of embezzled amount of Rs. 27,14,65 |
| 3) Mr. Abdul Haleem Khan,
Storekeeper (BS-7) | i) Removal from service
ii) Recovery of embezzled amount of Rs. 12,28,45 |
| 4) Mr. Saadullah Khan, | i) Removal from service
ii) Recovery of embezzled amount of Rs. 6,750/- |

CHIEF SECRETARY
GOVERNMENT OF N.W.F.P.

Endst. No. SOR.V(S&AD)3-20/98 Dated Peshawar, the 12th August, 2000

Copy forwarded to the :-

1. Secretary to the Governor NWFP.
2. Secretary to Govt of NWFP, Industries, Commerce, MD, Labour & Transport Department. He is requested to please ensure the recovery of embezzled amount from the officers/officials concerned C/O Secretary to Govt of NWFP Industries, Commerce, MD, Labour & Transport Department.
3. P.S. to Chief Secretary NWFP, Peshawar.
4. Accountant General NWFP Peshawar.
- 5.

A. Ahmad
9

In the Court of Azhar Khan, Special Judge, Anti-Corruption,
(Provincial) Khyber Pakhtoonkhwa, Peshawar.

Case No. 213 of 2001.

Date of Institution. 29.08.2001.

Date of Decision. 19.12.2011.

State..... Versus:

✓ 1) Muhammad Javed Iqbal,
S/o Abdul Baqi,
Ex-Controller Government,
Printing Press Peshawar.

✓ 2) Abdul Haleem,
S/o Hameesh Gul,
Ex-storekeeper, Government
Printing Press Peshawar.

✓ 3) Ahmad Khan,
Storekeeper, Government
Printing Press Peshawar.

✓ 4) Saadullah,
S/o M. Abdullah Jan,
Ex-storekeeper, Government
Printing Press Peshawar.

Saeed binifit

Amir

Case FIR No.01 dated 23.06.1997 u/s 409/468/PPC read with section
5(2) PC Act at P.S. ACE, Peshawar.



Special Judge
Anti Corruption
Khyber Pakhtoonkhwa Peshawar

19/12/11

Judgment.

The accused in league, connivance and collaboration with each other misappropriated various items, comprising of stationary machinery and equipment amounting to Rs.1,36,12,690/- in the year 1993 to 1997 individually and collectively in abuse of their official position as public servants from the Printing Press, Peshawar.

On submission of complete challan in court on 29.08.2001, the accused were summoned. On appearance and fulfillment

ATTESTED

Special Judge
Anti Corruption
Khyber Pakhtoonkhwa Peshawar

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procedural formalities the charge was framed on 18.04.2002. The accused denied the charge and claimed trial. During trial one of the accused Rao Abdul Aziz died and the proceedings to his extent abated. During the trial prosecution produced and examined 35 PWs.

On close of prosecution evidence statement of the accused u/s 342 Cr.Pc record. The accused did not opt to record the statement on oath or to produce evidence in defence.

Thereafter arguments pro & contra of prosecution and defence heard and file perused.

The gist of prosecution evidence is as under:-

Israr-ul-Haq, Assistant Accounts Officer, AG Office (PW+) stated that in the year 1997 he was posted as Divisional Accountant in ACE. His services were requisitioned and utilized for the purpose of audit and record relating to the government printing press. He conducted the audit of the record and came to the conclusion that sum of Rs.1,36,12,690/- worth of stationary, machinery and equipment were misappropriated for which the officer/official detailed in each para of his report were held responsible for the loss caused to the government. His report is Ex.PW3/1 (13 sheets) with annexure Ex.P-1 to P-6. In cross examination stated that his report is based on record, he did not check the articles physically. This according to the stock register 100 reams were supplied with relevant entry in the column of stock ledger but it was later cut and over written with 63, therefore, he presumed that 100 reams were issued by the main store to the sub store. It is not in his knowledge that sub store keeper and ledger clerk are two different persons/officials. It is correct that the store audit is annually carried out by the department through internal audit team as well as external audit team. He has not affixed the responsibility by name on any officials of the department, however, the responsibility was fixed by designation. He was deputed by Director ACE to conduct the audit in the present case. Since he was on the strength of ACE, so no formal written order was issued by the Director. He did not physically check the store. It was the duty of the I.O. or any other gazetted officer approved by the government to see the ground realities. He

Special Judge
Anti Corruption
Khyber Pakhtunkhwa Peshawar

19/12/11

ATTESTED

Accounts of Special Judge
Anti Corruption
Khyber Pakhtunkhwa Peshawar

06/01/2012

did not check the duty list of the officials of the department because it was not his job. He does not know anything about the job description of the officials of the department concerned as it was not his duty. He has fixed the responsibilities on the officials by designation. During audit, they fixed responsibility by virtue of post held by the official concerned. They do not go after names, particulars and period etc of the delinquent officials. All these things are left to the I.O. He did not go through the duty chart of printing press, therefore, he do not know the number of works managers in the printing press. Similarly he does not know whether works manager and manager are two different posts. It is correct that out of the subjects of main paras he has shown responsibilities of controller in four paras but that too in supervisory nature u/s 13 GFR. In para-42 of his report which relates to the purchase of computers and word processer he did not notice any illegality or irregularity in the purchase of items but his observation was that these items were purchased without any need. He does not know whether the computers were used in the office for how long. The computers were purchased after proper sanction and after observing the codal formalities. As such the purchase was held to be, in misuse of government money. He had conducted audit up to 1996 and cannot give the period from which it started. Again stated that the audit was conducted from 1993 to 1995. It is not in his knowledge whether the internal audit of the store was carried out on yearly basis. He did not associate in his audit the concerned officials of the printing press. According to the record of printing press the stationary was supplied to various departments such as D.C. Office Mardan, SSP Office Peshawar, Hayat Shaheed Teaching Hospital, Peshawar etc. He had recorded note against various items, particularly stationary, indicating that the supply was illegal because it was over and above the sanctioned budget.



Special Judge
Anti Corruption
Khyber Pakhtunkhwa Peshawar

19/12/11

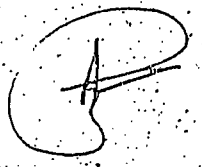
ATTESTED

Special Judge
Anti Corruption
Khyber Pakhtunkhwa Peshawar

06/01/2012

Muhammad Saleem Rtd. S.I. (PW-4) stated that during the days of occurrence he was posted as S.I. ACE, Peshawar. There were numerous applications/complaints by anonymous person addressed to the Director ACE regarding misappropriation and embezzlement in the Government Printing Press Peshawar by

own officials. On the order of Director an inquiry was initiated which was marked to Nazir Khan S.I. ACE, Peshawar. On transfer of Nazir Khan it was entrusted to late Inayatullah Rehman S.I. who got permission vide Ex.PW4/1. Subsequently the inquiry was marked to him. After the receipt of audit report, he took into possession the entire record vide recovery memo Ex.PW4/2 to Ex.PW4/15 consisting of Ex.P-7 to P-550. He took the specimen signatures of accused and sent it to the expert after observing the laid down procedure. But it was returned with objection for re-taking the signatures. In the meanwhile he was transferred and he does not know who succeeded him in the office. He also recorded the statement of accused and the PWs. After his transfer the remaining investigation was conducted by his successor. That all the documents were taken into possession in the presence of marginal witnesses. In cross examination stated he was authorized by the C.O. to conduct the inquiry in the instant case through written order dated 12.08.1997. He had obtained the incumbency report in respect of each accused from the department vide his application Ex. PX and the duty list of each accused is narrated in the letter Ex. PX/1. It is correct that during investigation in the light of audit report he weighed metal lying in the press which was found less by 10499 KG. He also weighed the dust and had given the shortage after deducting the dust weight which was 4303 KG as mentioned in Ex.PW4/13. He did not physically check the store. It is correct that he was transferred to special branch before completion of his inquiry. He has not fixed individual responsibility on the officials of the department when he was transferred from ACE to Special branch. The complaint was anonymous which was addressed to Chief Accountability commissioner which was marked to them. He held responsible those who were held responsible by the auditor in his report. It is correct that ledger clerk has no concern with actual delivery and receipt of the material. He simply enters the vouchers in the register given to him by the storekeeper. He in his inquiry declared the accused Saadullah as innocent.



Special Judge
Asst. Commissioner
Khyber Pakhtunkhwa Peshawar

19/12/11

ATTESTED

Abdur Rashid, DSP NAB, stated that during the relevant days he was C.O. ACE Peshawar. He partially investigated the case. Pr

Special Judge
Khyber Pakhtunkhwa Peshawar

the basis of final report of Muhammad Saleem I.O. he registered the case vide FIR Ex.PA.

The remaining PWs are either witnesses of recovery memos or officials of the Printing Press.

On bare reading of the charge framed against the accused, it is evident that no specific allegation and mode of misappropriation in respect of amount, articles and time was given, which is violative of section 222 of the Criminal Procedure Code.

Under section 234 Cr.Pc three offences of same kind within one year may be charged together and not beyond that whereas in the present charge time period of alleged mis-appropriation is spread over four years from 1993 to 1997, therefore on face of it charge was against the provisions of section 234 Cr.Pc.

The case was initiated on numerous applications/complaints addressed to the Director ACE, regarding embezzlement in the Government Printing Press, Peshawar by its own employees. The inquiry was initiated on the order of the Director ACE Ex.PW4/1. The inquiries were conducted through S.I's by the Circle Officer. Initially Nazir Khan S.I ACE, was the inquiry officer. On his transfer it was entrusted to Inayatullah Rehman S.I. Subsequently, it was conducted by Muhammad Saleem S.I. He collected the relevant record through Ex.PW4/2 to Ex.PW4/15 consisting of Ex.P-7, to P-550. He also took the signatures of the accused and sent them to the FSL for expert opinion. He also recorded the statement of the accused and the PWs. In the meanwhile he was transferred and the remaining investigation was conducted by his successor. For reasons best known, the record does not have the final report on the basis whereof the case was registered. As such the prosecution missed out on a very vital document essential for establishing its case.

During the inquiry proceedings the services of the auditor Israrul Haq, posted as Divisional Accountant in ACE were requisitioned for the purposes of audit of record relating to the Government Printing Press. The audit was conducted and the report is Ex.PW3/1 (13 sheets) along with annexure Ex.P-1 to P-6. As per

[Handwritten Signature]

Special Judge
Anti Corruption
Khyber Pakhtunkhwa Peshawar

19/12/11


ATTESTED

Special J...
Anti Corruption
Khyber Pakhtunkhwa Peshawar

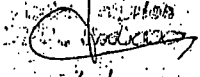
06/01/2012

the report a sum of Rs.1,36,12,690/- was misappropriated in shape of stationary, machinery and equipment. The report has been bifurcated into sub heads. The auditor report covers a period extending from year-1981 to 1997 but as PW the auditor stated to have focused on the period 1993 to 1996. The auditor gave a loose ended report by not fixing individual liability rather the liability was fixed on designation for each reported segment of misappropriation/illegality committed in the Government Printing Press. Regarding misappropriation of stationary he stated that the stationary items were provided to the departments on the basis of book adjustment. The officials of the printing press committed misappropriation by showing excessive demands against the actual budget of the departments, which included Hayat Shaheed Teaching Hospital, Commissioner Office and SSP office etc. Besides excess supply they also tampered with their own record by showing multiple supply on single indents without endorsing the issue in the stock register. The auditor had categorically mentioned in his report for I.O. to further verify the facts from the record of the respective departments.

The I.O. in his statement stated that he neither physically checked the store nor he fixed individual responsibility. However in cross examination by taking a summer-sault stated to have held responsible those who were held responsible by the auditor in his report. There is no inquiry report to establish that assertion. He also admitted that ledger clerk had no concern with the actual delivery and receipt of the material. He simply entered the voucher in the register given to him by the storekeeper. He in his inquiry had declared accused Saadullah as innocent. From the narrative of the I.O. it is obvious that he did not make any investigation in line with the directions of the auditor to verify excess supply of stationary to the departments from their record. The I.O. had asked for the incumbency report of the accused from the department vide his application Ex.PX and the duty description of each official was provided vide letter Ex.PX/1. The perusal of the said letter would show that there is no description whatsoever of the functions of the officials during the period of offence. The letter is not a detail.


 Special Judge
 Anti Corruption
 Faisalabad
 19/12/11

TESTED


 06/01/2012

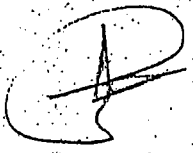
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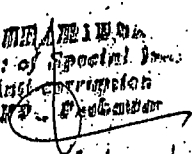
document to highlight the job description of each accused, during the period concern. This was very much pertinent in view of the auditor's report where he spoke of different kind of stores in the printing press. The stores were described as morning shift and evening shift stores. A main store, sub stores and printing press. The detail given in Ex.PX/1 is insufficient to shed light on the respective responsibilities during the disputed period.

The auditor had an open mandate for detection of misappropriation. He did not confine himself to the mode of embezzlement specific to each individual in terms of time, money and material so embezzled. His report regarding misappropriation of machinery and equipment is highly speculative and imaginary. He wrote about computers to have been purchased unnecessarily. Similarly, he mentioned irregularities in the purchase of mono-lead. His findings regarding computers and mono-lead was beyond the given scopes of audit. Similarly the I.O. stated to have implicated accused Muhammad Javed Iqbal, controller on account of being the supervisor/over all incharge. He did not establish his personal criminal liability in this case. The delinquents were accordingly dealt with in an exhaustive departmental inquiry conducted by the Secretary Law and in the light whereof punishment under the E. rules were given. The I.O. did not bother to include that inquiry report in this case, though it was very much relevant for the purpose of fixation of individual responsibilities.

In nut-shell not only illegality was committed while from the charge in terms of section 222 and 234 Cr.Pc. The prosecution could not establish the individual responsibility in terms of money and material embezzled by each accused. Accused Javed has not been enropped for his hand in misappropriation but on supposition that being over all responsible, he erred in discharge his responsibilities, as such impliedly held responsible for and commission of his subordinates. Likewise the I.O. also that Saadullah was declared as innocent in his inquiry plausible explanation is given as to why he was kept entrapped till the end.


Special Judge
Anti Corruption
Khyber Pakhtunkhwa, Peshawar
19/12/11

ATTESTED


Special Judge
Anti Corruption
Khyber Pakhtunkhwa, Peshawar
21/12/11

19

16

In view of the above the involvement of the accused is highly doubtful, therefore, by being given the benefit of doubt, they all are acquitted from the charges leveled against them. Sureties are discharged from the liabilities of the bails bonds.

The case property, be kept intact till the arrest and trial of the absconding accused.

File of the case be consigned to the record room after its necessary completion.

Announced.
Peshawar.
19.12.2011.

Special Judge,
Anti-Corruption KPK,
(Provincial) Peshawar.

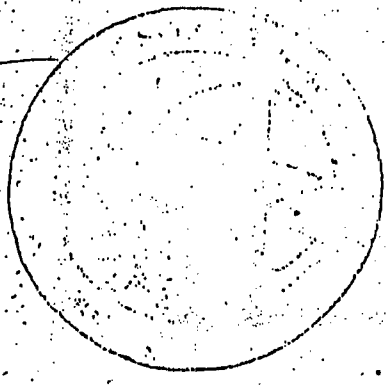
Certificate.

ATTESTED

Certified that this judgment consists of eight pages, each page has been corrected and signed by me wherever necessary.

SEAL OF COURT OF SPECIAL JUDGE
ANTI-CORRUPTION
PESHAWAR

06/01/2012



Special Judge,
Anti-Corruption KPK,
(Provincial) Peshawar.

To

The Secretary Industries, Commerce and Mineral
Labour and Transport Department.
Govt. of Khyber Pakhtunkhwa, Peshawar.

17

Appeal against order No.SOR.V(S&GAD) 3-
20/98 dated 12.08.2000 passed by Chief
Secretary Govt. of KPK whereby the service
of appellant was removed/ dismissed.

Respectfully Sheweth;

That the appellant humbly submits as under:-

- 1) That the appellant was employee of govt. of KPK Stationary and Printing Department Peshawar as senior clerk/ Store Keeper.
- 2) That the service of appellant was removed/ dismissed vide order dated 12.08.2000. (Copy enclosed).
- 3) That the appellant faced trial criminal case which was instituted on 29.08.2001 before the Special Judge Anti Corruption (Provincial) KPK Peshawar which ultimately decided on 19.12.2011 and the appellant was declared innocent and acquitted from the charge. (Copy enclosed).
- 4) That the appellant is an innocent person and suffered alot due to criminal case. The appellant never acted misappropriation or embezzlement but dragged into criminal case and his service was removed/ dismissed.
- 5) That the impugned orders of dismissal is against the law and facts hence liable to be set aside.

It is, therefore, requested that on acceptance of this appeal, the impugned orders of dismissal/ removal from service may please be set aside and the service of appellant be restored with all back benefit.

Appellant

Abdul Haleem
Ex-Storekeeper/ Senior Clerk
Senior Clerk Govt. Printing Press
Peshawar.

Arshad
D. 18

JUDGMENT SHEET

IN THE PESHAWAR HIGH COURT
JUDICIAL DEPARTMENT.



Criminal Appeal.....No.....259-P.....of.....2012

J U D G M E N T

Date of hearing: 7th January, 2019

Appellant (s): (State) by Mr. Arshad Ahmad Khan, Additional Advocate General

Respondent(s): (Muhammad Javed Iqbal etc.) by M/s Mian Hikmatullah Jan, Noor Rahim and Muhammad Farqan Yousafzai, Advocates

SYED AFSAR SHAH, J.-Accused-respondents

namely, Muhammad Javed Iqbal, Abdul Haleem, Ahmad Khan and Saadullah (now dead) were charged in a case registered against them under Sections 409 / 468, PPC read with Section 5(2) of the Prevention of Corruption Act, vide FIR No.01, dated 23.06.1997 in Police Station, Anti-Corruption Establishment (Peshawar). They were forwarded to the learned Special Judge, Anti-Corruption (Provincial), Peshawar, for trial, who, on its conclusion, acquitted them by giving them benefit of doubt, vide impugned judgment dated 19.12.2011. Being aggrieved, the State has filed the instant appeal.

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1

2. The learned Additional Advocate General appearing on behalf of the State-appellant submitted that when

ATTESTED

EXAMINER
Peshawar High Court

10 JAN 2019

(28)

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sufficient evidence was available on the record for the conviction of the accused-respondents as the prosecution has succeeded to prove its case beyond reasonable doubt and the ocular as well as documentary evidence supported the prosecution version coupled with the fact that the witnesses were consistent in their version, they should not have been acquitted by the learned Trial Court on the basis of flimsy and unbelievable grounds. While acquitting the accused-respondents, he added, the learned Trial Court has acted against the well recognized principles, laid down by the superior Courts of the country in this behalf. He by concluding his arguments contended that since the impugned judgment of the learned Trial Court regarding acquittal being based on illogical, artificial and arbitrary reasons, therefore, is liable to be set aside.

3.

As against that the learned counsel appearing on behalf of the accused-respondents by defending the impugned judgment vehemently argued that not only the charge against the accused-respondents was framed in derogation with Sections 222 and 234 Cr.PC but the prosecution has badly failed to establish individual responsibly / liability upon each and every accused, therefore, the learned Trial Court while correctly applying its judicial mind has acquitted them from the charges, levelled against them and, in this regard, the

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~~ATTORNEY~~

EXAMINER
Peshawar High Court

10 JAN 2019

findings of the learned Trial Court being based on proper appraisal of evidence, merit no interference.

4. I have gone through the available record carefully and considered the submissions made by the learned counsel for the parties.

5. No doubt, the allegation against accused-respondents was that they, in league, connivance and collaboration with each other misappropriated various items, comprising of stationary, machinery and equipment amounting to Rs.1,36,12,690/- during the year, 1993 to 1997, but, as per available record / evidence coupled with statement of Israr-ul-Haq, Assistant Accounts Officer / Audit Officer (PW-3), responsibility for the alleged commission of the offence, was not affixed by name upon anyone rather it was by designation, that too, when the said witness was, admittedly, alien to the job description of the officials. He, rashly, fixed the responsibility by post without bothering to search the names, details / particulars of the culprits / delinquent officials by also ignoring the exact period, they served there-against, and except paper work, he did nothing else rather his report was based on mere assumptions and presumptions and instead of performing his duty, so assigned to him, the said Audit Officer, we mean PW-3, shifted his responsibility upon the shoulder of investigating officer but, strange enough, that

TESTED
JAN 19 2019
Punjab High Court

19 JAN 2019

24

Muhammad Saleem / Inquiry-Investigating Officer / (PW-4)

also didn't affix individual responsibility upon the officials of the department rather instead of digging out the hidden truth,

he by relying the Auditor's report, had held responsible to those, who were held responsible by the Auditor, and hasn't properly investigated the case, as was required to do so.

Meaning thereby, that the aforesaid star witnesses of the prosecution tried to shift their burden to each other, that too,

when the record is still silent / blank with regard to final report, on the basis whereof, the instant case was registered against the accused-respondents.

Again, I have minutely gone through the entire record from cover to cover but was unable to find out a single piece of evidence, so produced by the prosecution, to establish that those were the accused-respondents, who have committed the alleged offence and, in this respect, the learned Trial Judge while attending to all the conceivable aspects of the case and taking stock of the entire material on the record, arrived at correct conclusion that the prosecution has not been able to establish its case against the accused beyond any reasonable shadow of doubt and, accordingly, has rightly acquitted them from the charges, levelled against them. When seen in this backdrop, I have no confusion in my mind that the prosecution has badly failed to bring home charge against the accused-

10 JUL 2019

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respondents to connect them with the commission of offence. Needless to say that even a single doubt if found reasonable is sufficient to warrant the acquittal of the accused as, in the instant case, where the entire evidence is pregnant with doubts and material discrepancies.

6. For the reasons discussed above, this appeal being without any substance is dismissed.

Announced.
07.01.2019

M
JUDGE

[Signature]
CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8.7 of
The Genun-e-Shariat Order 1984
10 JAN 2019

No. *684*
Date of Presentation of Appeal *09/1/19*
No of Pages
Copying Fee
Urgent Fee
Total *200*
Date of Preparation *10/1/19*
Date of Delivery of Court *10/2/19*
Received By *[Signature]*

[Signature] (Clerk) (S.B. of Hon'ble Mr. Justice Syed Afsar Shah)

To,

The Secretary, Industries
Government of K.P.K, Peshawar.

[Signature]
04/02/2019

Departmental Appeal against the impugned order No.
SOR.V (S&GAD)3- 20/98 dated 12/08/2000 whereby
the service of Appellant Was removed /Dismissed.

Respectfully Sheweth”.

That the appellant humbly submits as under,

1. That the appellant was appointed as junior clerk on
8/1/1977 in Government Stationery and printing
Press Department KPk Peshawar and was promoted as
Senior clerk regularly.
2. That in 1997 an inquiry was held about embezzlement in
the office and was conducted and completed in the year
of 2000 wherein the allegation of suggested embezzlement
was leveled against appellant with 3-others and whereby
the inquiry officer recommended the major penalty of
removal from service and appellant with 3 others were
removed from their services and also penalty for recovery
so- called suggested embezzled amount had been imposed
upon appellant with 3- others on 12 /08/ 2000. ✓ (Copy)
(Copy of removal from service dated 12/08/2000 is
attached as annexure ; A); ✓
3. That just one day before passing of order of removal from
service of appellant, a criminal case on 11/08/2000 an
FIR No ,1 , U/S 409-468-471ppc/5(2) I C Act has also
been lodged /registered against appellant with 3-others
against the same facts into the matter by the Anti
Corruption Establishment and I was arraved as accused

24 ✓

with 3- others. (Copy of FIR No, 4 is attached as Annexure B;).

✓ 4. That after registration of FIR ,the appellant with 3-others Surrender before the court of law and were bailed out by the court of law.

Trial 6

✓ 5. That after commencement/ of the criminal case No, 213 of 2001 instituted dated 29/08/2001 ,the appellant with 3-others were regularly appeared in the criminal case and after recording of full prosecution evidence, the learned special trial court(Anti-Corruption (Provincial), Peshawar has acquitted all the accused from all the suggested charges leveled against them on 19/12/2011 and declared innocent.

(3)

(Copy of judgment is attached as Annexure ;C;).

✓ 6. That State through Advocate General filed an criminal appeal No. 295-P/2012 Titled State Vs Muhammad Javeed Iqbal and others on 30.4.2012 against the impugned judgment of Special court dated 19/12/2011 in Hon,able High court ,Peshawar, which was dismissed by the learned Division Bench of Peshawar High court on 07/01/2019.

(Copy of the judgment is attached as Annexure ;D;).

7. That after acquittal of all accused by trial court dated 19/12/2011, one of the acquitted accused namely Saadullah has filed an appeal No. 464/2012 before the KPk Service Tribunal ,Peshawar and during proceeding of appeal, the appellant was died and an amended appeal was Filed by the LRS of the deceased appellant Saadullah which was accepted/ allowed by the service Tribunal on 11/10/2013 and his removal order/dismissal order from service is converted into compulsory retirement and all

25 34

back benefits has been given to LRS And the LRS of deceased Saadullah are enjoying the benefits regularly till now.

(Copy of appeal with judgment is attached as annexure ;E;)

8. That appellant is an innocent person and that all the suggested charges leveled against the appellant are no more in the filed and ^{has} suffered a lot due to criminal case and appellant has never acted misappropriation or embezzlement any amounts in his service but has been falsely dragged into a criminal case and his service was removed/ dismissed.

9. That the impugned order of dismissal from service is against law and facts hence liable to be set aside.

10. That after acceptance of Saadullah appeal No.464/2012, the appellant is entitled of the same treatment as a matter of legal right U/A 25 Of the Constitution, Islamic Republic of Pakistan, 1973.

It is therefore, humbly requested that on acceptance of this appeal, the impugned order dated 12/08/2000 dismissal from service may please be set aside and service of the appellant be restored with all back benefits.

Appellant,

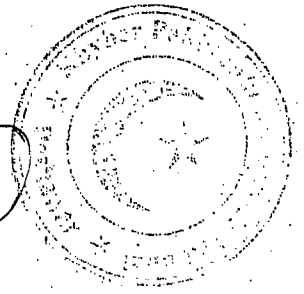

Abdul Haleem

EX- Store Keeper
/senior Clerk Govt
Stationery and printing
press KPK, Peshawar.

332-9092451

BEFORE THE HONOURABLE
SERVICE TRIBUNAL, KP PESHAWAR

Service Appeal No. 702 /2019



Mr. Abdul Haleem S/o Hamish Gul
Ex. Senior Clerk, Govt. Printing Press Department,
Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 809

Dated 27/5/2019

(Appellant)

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar
- 2) Secretary Industries Department, Khyber Pakhtunkhwa,
Peshawar
- 3) Controller Printing Stationary Department, Khyber
Pakhtunkhwa Peshawar

(Respondents)

Appeal Under Section 4 read with other
enabling provisions of the Khyber
Pakhtunkhwa Service Tribunal Act 1974,
against the removal order dated 12.08.2000,
whereby the appellant was removed from the
service and the departmental appeal dated
04.02.2019 remained un-responded within the
statutory period of 90 days.

Filed to-day

Registrar

27/5/19

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

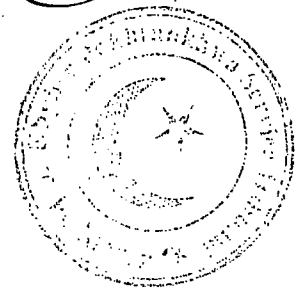
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 702/2019

Date of Institution ... 27.05.2019

Date of Decision ... 08.10.2019

27



Mr. Abdul Haleem son of Hamish Gul Ex-Senior Clerk, Government Printing Press Department, Peshawar. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and two others. ... (Respondents)

Mr. M. Yasir Hamid Ali,
Advocate.

For appellant

MR. HAMID FAROOQ DURRANI,

CHAIRMAN

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

ATTESTED

HAMID FAROOQ DURRANI
Chairman
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

1. The appellant is aggrieved of order dated 12.08.2000, whereby, he was removed from service. His departmental appeal dated 04.02.2019 also remained un-responded.
2. Learned counsel for the appellant and learned AAG on pre-admission notice heard and available record gone through.
3. The facts, as gatherable from memorandum of appeal, are that the appellant was appointed as Junior Clerk on 08.01.1977 in Government Stationery & Printing Press Department Peshawar. In the year 1997 an enquiry was conducted against him and three others regarding embezzlement in the office. Upon conclusion the penalty of removal from service as well as recovery of embezzled amount was imposed upon the appellant on 12.08.2000. A criminal case under Section 409, 468,471 PPC, 5(2) P.C Act was registered against the appellant and others on 11.08.2000. The trial of appellant was concluded on 09.12.2011 by the Special Judge, Anti-Corruption (Provincial) Peshawar, wherein, the appellant was acquitted

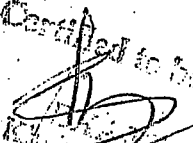
from the charge. An appeal against the acquittal was also dismissed by the Honourable Peshawar High Court Peshawar on 07.01.2019.

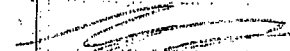
4. The learned counsel could not satisfactorily explain the delay of more than 18 years in submission of departmental appeal which was preferred on 04.02.2019 against the order dated 12.08.2000. He attempted to argue that the appellant, after his acquittal, waited for the outcome of appeal which was decided on 07.01.2019. The argument of learned counsel is not appealing enough to influence a prudent mind. It is also worth-mentioning that the appellant was on bail during the whole trial and could have conveniently submitted the requisite departmental appeal in time. In view of judgment reported as 2006-SCMR-453 and 2012-SCMR-195 the appeal in hand is not competent owing to such enormous delay in submission of departmental appeal.

5. Resultantly, the appeal in hand is dismissed in limine. File be consigned to the record room.


(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
08.10.2019

Certified to be true copy

Peshawar

Date of Receipt: 10-10-19
Number of Pgs: 1200
Copying Fee: 14-00
Stamp: 6-00
Total: 18-00
Name of Clerk: 
Date of Start: 10-10-19
Date of Delivery: 10-10-19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO .1178 /2020

Abdul Haleem.....Appellant.

V/S

Government of Khyber Pakhtunkhwa, Chief Secretary,
Peshawar & others.....Respondents.

(Reply on behalf of respondent No. 4)

Respectfully Sheweth:-

Para :- 1 to 10:-

Being an administrative matter, the issue relates to other Respondents. And they are in a better position to redress the grievances of the Appellant. Besides the Appellant has raised no grievances against Respondent No.04.

Keeping in view the above mentioned facts it is, humbly prayed that the name of the Respondent No.4 may be deleted from the list of Respondents.



**ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA**

قیمت 50 روپے	57208	  
ایڈویکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ
بار کونسل/ ایسوسی ایشن نمبر: Be 10-7422		
رابطہ نمبر:		بعدالت جناب:

سرور کٹر سٹیوٹ

مخانب: Appellant	دعویٰ نمبر: Appeal 1182/20
عبدالحلیم	علت نمبر:
بنام	مورخہ:
حکومت خیبر پختونخواہ	جرم:
	تھانہ:

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

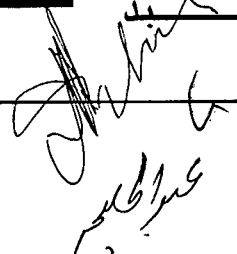
آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 03-09-2020



گواہ شد الع

03329092451 کے لیے منظور ہے۔ 1777124



03329092451

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

"B"

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

No.

Appeal No. 1178 of 20 20
Abdul Halim Appellant/Petitioner

Govt. CP KPK through Chief Secy Peshawar. Respondent

Respondent No.

Establishment Dept through Secretary
Industries KPK Peshawar.

Notice to: —

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

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

Pre-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

22/6

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

Day of.....20 ..

[Handwritten Signature]

Private Secretary to
Tribunal

[Handwritten Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. *1178* of 20 *20*

Abdul Halim Appellant/Petitioner

Court of KPK through Secy Peshawar Respondent

Respondent No. *3*

Notice to: —

Finance Secretary KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on *16/9/2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Pre-Admission Notice

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

Given under my hand and the seal of this Court, at Peshawar this *22/9/21*

Day of *June* 20 *21*

Secy: Finance KPK
Date No.....
Date.....

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

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

"B"

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

No.

Appeal No. 1178 of 2020

Abdul Hakeem Appellant/Petitioner

Versus

Court: CF KPK through Chief Secy Peshawar. Respondent

Respondent No.

Notice to: —

Court: CF KPK through its chief Secretary Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 16/9/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Pre-Admission Notice of 16/9/21

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

Given under my hand and the seal of this Court, at Peshawar this 24/11/20

of June 20 21

Note:

1. THE QUE BRANCH
 2. SECRETARY
- Pakhtunkhwa
Always quote Case No. 1178/20

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"B"

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

No.

12779

Appeal No. of 20

Rahmat Zameer

Appellant/Petitioner

P.P.O. K.P.K. Peshawar

Respondent

Respondent No.

Court of K.P.K. through Chief Secretary
Peshawar.

Notice to: —

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

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated..... 17th

Given under my hand and the seal of this Court, at Peshawar this.....
Day of.....20 21

ISSUE BRANCH
CHIEF SECRETARY
Govt. of Khyber Pakhtunkhwa
Peshawar

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. *1178* of 20 *20*

Abdul Halim Appellant/Petitioner

Versus

Court KP through Chief Secy Peshawar Respondent
Respondent No. *4*

Notice to: —

Accountant General AG Office Peshawar.

2/29/16

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on *16/9/2021* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Pre-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this *2.2.16*

Day of *June* 20 *21*

Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. 1178 of 20 20

Abdul Halim Appellant/Petitioner

Versus

Govt. of KPK Chief Secy Respondent

Respondent No. 2

Notice to: —

Establishment Deptt. through
Secretary Industries KPK
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... 12/1/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner afor ementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this..... 23/12

Day of..... Dec 20 21

(for Reply)

PS/Secy E&AD KP
Diary No. _____
FTS No. _____
Date _____
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

(for K sign)

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

No. -

Appeal No. 1178 of 20 20
Abdul Haloem Appellant/Petitioner

Court of KPK Chief Secy: Respondent

Respondent No. 3
Finance Secretary KPK Peshawar

Notice to: -

Office: Finance KPK
Copy No. 23/12/22
Date: 23/12/22

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 12/1/22 at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

23/12

Given under my hand and the seal of this Court, at Peshawar this.....
Day of..... Dec 20 2021

(for Reply)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

"B"

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

No.

Appeal No. 1178 of 20 20
Abdul Halim Appellant/Petitioner
Versus
Govt. of KP through Chief Secretary Respondent
Respondent No. 1

Notice to: — Govt. of KP through Chief Secretary
Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 12/11/21 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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

Given under my hand and the seal of this Court, at Peshawar this 23/11

Day of Dec 20 21

(for Reply)

REGISTRAR
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.
23-11-21

Registrar,

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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO .1178 /2020

Abdul Haleem.....Appellant.

V/S

Government of Khyber Pakhtunkhwa, Chief Secretary,
Peshawar & others.....Respondents.

(Reply on behalf of respondent No. 4)

Respectfully Sheweth:-

- Para :- 1 to 10:-

Being an administrative matter, the issue relates to other Respondents. And they are in a better position to redress the grievances of the Appellant. Besides the Appellant has raised no grievances against Respondent No.04.

Keeping in view the above mentioned facts it is, humbly prayed that the name of the Respondent No.4 may be deleted from the list of Respondents.


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA